

allegations in paragraph 3, which appear to me to be immaterial.

The defendants apply for particulars of paragraph 3; they do not apply to strike out the paragraph.

According to the decision of the Court of Appeal in *Cave v. Torre*, 54 L. T. 515, particulars ought not to be ordered of immaterial allegations in pleadings.

The motion must therefore be refused with costs to the plaintiff in any event.

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HON. SIR G. FALCONBRIDGE, C.J.K.B.

Nov. 5TH, 1913.

RE KNOX & BELLEVILLE.

5 O. W. N. 237.

*Municipal Corporation — By-law — Motion to Quash—Collection of Garbage—Delegation of Authority—Ministerial Matters.*

FALCONBRIDGE, C.J.K.B., refused to quash a municipal by-law dealing with the collection of garbage.

*Re Jones v. Ottawa*, 9 O. W. R. 323, 660, distinguished.

E. Gus Porter, K.C., for applicant.

S. Masson, K.C., for city.

Motion to quash a by-law of defendant corporation.

HON. SIR GLENHOLME FALCONBRIDGE, C.J.K.B.:—The point on which *Re Jones & Ottawa* (1907), 9 O. W. R. 323, 606, turned, was felt by the Divisional Court to be a very narrow and technical one; no costs were awarded and only the objectionable sections of the by-law were quashed.

The present by-law is intended to be, and will be, of great benefit to the citizens from a sanitary point of view, and it ought to be upheld, unless it is contrary to the general law of the land.

The Ottawa by-law assumed to prohibit householders from disposing of their productive refuse to dealers.

The present by-law seems only to contain a direction to the garbage collector as to his duties.

The alleged delegation of authority to the sanitary inspector and the board of health is as to matters which are purely ministerial.

The motion will be dismissed with costs.