

against the wish of the plaintiffs; that defendants have at various times deposited salt upon or near the rails, whereby greater currents of electricity escape, and aggravate the damages complained of; and that, as the result of the preceding alleged wrongful acts of defendants, the plaintiffs' pipes have been injured, causing the loss of large quantities of gas and the expenditure of large sums for repairs. The particulars asked for cover nearly two typewritten pages and are divided into 16 different heads. A specimen of one of the shortest demands is as follows: it shews the character of what is demanded as to the others even more extensively. Under par. 10 of the statement of claim, which charges the deposit of salt, these particulars are asked: (a) At what times and the exact places where the defendants deposited salt upon and in the neighbourhood of their rails. (b) At what places the mains and pipes of plaintiffs have been damaged in consequence of the deposit of salt by defendants. If the plaintiffs know of any places where salt has been so sprinkled, or of any places where the bonding complained of has taken place, they may not object so say so, but I cannot order this to be done. The only particulars that should be given are of the "neighbouring municipalities" mentioned in par. 8, and of the amount already expended for repairs as mentioned in par. 12.

The only defences, as it seems to me, that can be raised, or that are necessary to defeat the plaintiffs' claims, are these: (1) denial of any wrongful escape of electricity; (2) denial of any damage to plaintiffs' pipes having been caused by such escape, if any there was; (3) denial of bonding of defendants' rails to plaintiffs' pipes; (4) leave and license to do so, if it was done; (5) denial of injury resulting therefrom in any event; (6) denial of sprinkling of salt; (7) denial of any resulting injury; and (8) denial of any liability for such injury, if proved to have been caused thereby.

After consideration, I am unable to see how any other of the particulars asked for can be necessary to enable defendants to plead. It surely is plain enough what plaintiffs are asking, and on what grounds the claim is based. The case cited on the argument of East and South African Telegraph Co. v. Cape Town Tramway Co., [1902] A. C. 381, is very similar in its facts, assuming that the plaintiffs' allegations can be proved. In the judgment, at p. 392, it was