

with action and counterclaim notwithstanding winding-up order.

George Bell, for applicant,  
S. B. Woods, for liquidator.

BRITTON, J., held that no harm could happen to applicant by proceeding in accordance with order already made, while greater delay and more expense would necessarily result from an appeal. The action should not be allowed to proceed unless that is the only way open to applicant to get in his defence as set out in the statement of defence and counterclaim. Leave to appeal refused. No costs.

CARTWRIGHT, MASTER.

NOVEMBER 16TH, 1903.

CHAMBERS.

STONE v. OTTAWA ELECTRIC CO.

*Particulars—Statement of Claim—Action for Negligence—Defects in Electrical Appliances—Postponement till after Examinations for Discovery.*

In August, 1903, the plaintiff's husband was instantly killed (as alleged in the statement of claim) by taking hold of an electric lamp, part of the service of the defendants.

It was further charged that the wires, conductors, and appliances were out of repair and without proper and sufficient insulation, and that the transformers and their appliances were also defective and out of repair and without proper insulation; by reason whereof an electric current of 2,000 volts was conducted to the aforesaid lamp.

The defendants demanded particulars of these alleged defects. None being given, a motion was made.

J. E. Jones, for defendants.

H. M. Mowat, K.C., for plaintiff, relied on the cases cited in *Holmsted & Langton*, at p. 483, under heading of "Particulars not Ordered."

THE MASTER.—An examination of the authorities satisfies me that the defendants can safely plead to the statement of claim. They have only to traverse generally the allegation of the plaintiff and put her to proof thereof.

If at a later stage they are really in doubt as to what is going to be set up at the trial, and if, after the examinations for discovery, the matter is still left in doubt, they can renew