

MASTER-IN-CHAMBERS.

MAY 26TH, 1913.

EASTERN CONSTRUCTION CO. v. J. D. Mc-  
ARTHUR CO.

4 O. W. N.

*Pleading—Statement of Claim—Order for Particulars.*

MASTER-IN-CHAMBERS ordered particulars of certain claims made by plaintiffs in an action for amounts alleged due plaintiffs as railway contractors.

Motion by defendant company for particulars of certain portions of the statement of claim.

A. M. Stewart, for defendant company.

F. Aylesworth, for plaintiff.

CARTWRIGHT, K.C., MASTER-IN-CHAMBERS:—The plaintiff company was a sub-contractor of the defendant company in respect of work on the Transcontinental Railway Co.

The work was done between March, 1907, and July, 1911. The plaintiff company makes 4 claims in paragraphs 12, 13, 14, and 15, of their statement of claim, as follows:—

1. For an unascertained sum for extras done after November, 1909, as to which an account is asked and payment of same when it has been ascertained.

2. For \$142,735, with interest from 31st July, 1911, the balance due of a hold-back of 10 per cent. on the whole work.

3. Overcharges on beef bought by defendant company and turned over to plaintiff company at 1½c a lb. more than agreed on, and for alleged injury by fire not chargeable to plaintiff company.

4. Payment of \$118,963.92, with interest at 5 per cent., from 30th September, 1909. Alleged balance due to plaintiff company up to that on progress estimates under the contract.

Before pleading, the defendant company has moved for particulars of claims 1, 2, and 3, and as to agreement under claim 3.

There does not seem to be any reason why these particulars cannot be given. No affidavit is put in in answer to the motion.