

out stating grounds of such belief that defendant has a record of all cheques in question, shewing all the particulars of same—and that this must be produced to enable plaintiff to give the particulars asked. This part of the affidavit must be disregarded following the authorities give in H. & L. 3rd ed., at p. 729.”

“In any case it is met by the affidavits of defendants’ superintendent (and of their solicitor) stating in the first of these that there was no such record in existence—and in the second that defendant has demanded inspection of the cheques, etc., spoken of in statement of claim, but that this has been refused.

The motion was supported on the argument by the judgment in *Townsend v. Northern Crown Bank*, 14 O. W. R. 727.

That, however, was very different in its main factor from the present. There the plaintiff being merely an assignee for benefit of creditors could have no knowledge of the transaction between his assignor and the defendant which he was impeaching. Here the plaintiffs must be supposed to know their own loss when they put it at a precise sum of \$3,000 on their present information.

The plaintiffs should give now such particulars as they are able to furnish, with leave to serve further particulars as they may come to their knowledge, and defendants should be allowed inspection of such of the cheques, etc., as are in plaintiffs’ possession. Time for delivery of statement of defence to run from such inspection. Costs of this motion to defendants in the cause.