

tinued as follows: "Acts of adultery were committed on each of the days during January and February, 1903. During the months of April, May, June, and July, 1904, acts of adultery were committed almost every day, the said acts starting on the 1st day of April, 1904, and continuing up to the 16th day of July, 1904, adultery being committed on that date. All said acts were committed at the house of the defendant on his farm in Manitoba."

For the motion counsel cited and relied on *Odgers on Pleading*, 6th ed., p. 174, and the cases cited.

On examination there does not seem to be anything in those decisions which shews these particulars to be insufficient. In *Coates v. Croyle*, 4 Times L. R. 735, the allegation that the plaintiff had committed adultery with the defendant's deceased husband was founded entirely on suspicion, as plaintiff was seeking to recover some \$25,000 on an I. O. U. written on a telegraph form and given by the deceased publican to the plaintiff, who had been a barmaid in his service. Even then the order only directed the plaintiff to give such particulars as she could of the alleged misconduct which she intended to rely upon. Both Lord Coleridge and Bowen, L.J., used language which would far more than cover what has been given here. The plaintiff is told with much greater amplitude of detail than is usually possible in these cases what the accusations are that she will have to meet at the trial. In *Bishop v. Bishop*, [1901] P. 325, only one date was given, "the autumn of the year 1897," and no names were mentioned. In that case there was no order for any specific times or dates, but only the names were directed to be furnished of the servants and guests before whom the defendant had used insulting language about his wife, as she alleged; as it was a material fact that the mistress had been humiliated before her servants and guests, and the defendant was entitled to know who they were. At p. 327 it is said that the principle is "that each side should be fully informed of the particular case intended to be put forward." This seems to have been very clearly done by the defendant in his second particulars, and the motion should be dismissed with costs to defendant in the cause.

The defendant, by leave, has filed an affidavit stating that these are the best particulars he can give, and that he intends to give evidence in support of them all.