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No. 4

CARTWRIGHT, MASTER.

MAY 31ST, 1907.

CHAMBERS.

CONSUMERS GAS CO. v. TORONTO R. W. CO.

*Particulars—Statement of Claim—Injury to Plaintiffs' Pipes  
by Escape of Electricity from Defendants' Works—Defences  
—Damages.*

Motion by defendants for particulars of statement of claim before delivery of defence.

D. L. McCarthy, for defendants.

E. D. Armour, K.C., for plaintiffs.

THE MASTER:—The statement of claim covers 5 typewritten pages. In view of the terms of Rule 268, it would not be thought that it was too "concise," at least until shewn to be so. It alleges in substance that the pipes of plaintiffs have been injured by electricity escaping from the railway system of defendants, because the latter have "failed to adopt and use necessary, reasonable, and proper precautions to safely confine the same to their own wires and apparatus," but have negligently allowed the same to escape through the ground, and, "in consequence, enter into, pass through, and leave at different points the mains and pipes of the plaintiffs, to the serious injury and detriment of the pipes, mains, and property of the plaintiffs." The plaintiffs further charge that defendants have increased the amount of electricity passing through the pipes of the plaintiffs, by connecting them with the rails by means of bonding wires,