

MORGAN v. THAMES VALLEY GARDEN LAND CO.—MASTER IN CHAMBERS—MARCH 1.

Pleading—Statement of Claim—Misrepresentations—Particulars.]—This action was similar in its facts to that of Murray against the same defendants, supra. The defendants moved to strike out paragraphs 2 and 3, or parts thereof, of the statement of claim, as embarrassing, and for further and better particulars of paragraphs 3, 5, 7, 8, 9, 11, and 12, and of the claim for \$5,000 damages. The Master said that there did not seem to be anything embarrassing in paragraphs 2 and 3 of the statement of claim. They stated shortly the facts which led up to the plaintiff's connection with the defendants' enterprise, as set out in the subsequent paragraphs. It was conceded on the argument that some particulars should be given; and there should be an order similar to that made in the Murray case (so far as applicable) on the 8th February last, ante 773. The defendants to have ten days from the delivery of particulars to plead. Costs of this motion to the defendants in the cause. The Master referred in this case to what he said in his judgment in the Murray case, supra. W. J. Elliott, for the defendants. Gordon Waldron, for the plaintiff.

UNION BANK OF CANADA v. TORONTO PRESSED STEEL CO.—MASTER IN CHAMBERS—MARCH 1.

Judgment—Default of Appearance—Leave to Defend—Defence—Terms—Amendment—Assignment pendente Lite.]—Motion by the defendants the Toronto Pressed Steel Company to set aside a judgment for the plaintiff entered upon default of an appearance in due time, by reason of a solicitor's oversight. The amount involved was over \$3,000. Three different defences were suggested, the principal one being that the fact was, as was well understood by the plaintiffs, through their officers, that the cheques sued on were given for the accommodation of one of the co-defendants, and that the defendants the Toronto Pressed Steel Company received no benefit from them. The Master said that the decision on this point might largely depend upon the impression made at the trial by the witnesses on the presiding Judge. It was clear, from the cross-examination upon the affidavits made in answer to the motion, that there were serious difficulties to be overcome by the defence; yet it was the usual practice under Con. Rule 312, in conjunction with Con.