

have a judgment signed against him summarily, is entitled to have sufficient particulars to enable him to satisfy his mind whether he ought to pay or resist . . . to know specifically what is the claim against him." Mellor, J.; who was of the same opinion, added, in part, as follows: "Before the plaintiff can ask for final judgment, the defendant ought to have afforded to him by the indorsement of reasonably specific particulars of claim *on the writ*, an opportunity of seeing whether the claim is one to which he has any defence or not." Pollock, B., said (p): "What is sufficient must always be a question of degree. The true test is given by Cockburn, C.J., and Mellor, J., in (above cited) case of *Walker v. Hicks*. The sufficiency of the particulars to enable the defendant to satisfy his mind whether he ought to pay or resist must depend on the course of dealing between the parties." According to Coleridge, C.J., (q) "if sufficient particulars are stated to bring to the mind of the defendant knowledge as to what the plaintiff's claim is, there is a good special indorsement."

The practical application of the principles just stated is well illustrated by the decisions in the two last-cited cases of *Smith v. Wilson*, and *Bickers v. Speight*. The writ in the former was indorsed as follows: "The plaintiff's claim is £49, 5s., 8d. The following are the particulars." It then went on, "To goods," with dates and amounts; and, after giving credit for certain payments, it stated the balance due to be £49, 5s., 8d. A Master's order allowing the plaintiff to sign judgment having been affirmed by Field, J., a motion was made before the Divisional Court to set that order aside, on the ground that the writ was not a specially indorsed writ within the meaning of Order III, Rule 6. "This indorsement," urged defendant's counsel, "does not comply with the directions contained in Appendix A, s. 7, and, therefore, does not disclose a cause of action so as to entitle the plaintiff to sign judgment under Order XIV, Rule 1. It does not show that he claim is for goods sold, or for goods illegally detained, or follow any of the examples given in the appendix, by describing their kind or quality." The Divisional Court (Denman, J., and Pollock, B.) saw "no sufficient ground for overruling the decision of the Master and the Judge." "It is impossible to doubt," says Denman,

(p) *Smith v. Wilson* L.R. 4 C.P.D. at p. 395.

(q) *Bickers v. Speight*, 22 Q.B.D. 1.