

THE
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CARTWRIGHT, MASTER.

DECEMBER 2ND, 1907.

CHAMBERS.

SWITZER v. SWITZER.

*Particulars—Statement of Defence—Action for Alimony—
Defence Alleging Adultery of Wife—Times and Places.*

Motion by plaintiff in an action for alimony to set aside the particulars given by defendant of the times and places of the acts alleged in paragraph 3 (a) of the amended statement of defence, or for further and better particulars, etc., because the particulars delivered were too vague, general, and indefinite.

G. H. Kilmer, for the plaintiff.

W. E. Middleton, for defendant.

THE MASTER:—The paragraph 3 (a) alleges that “the plaintiff had, at the defendant’s home in the province of Manitoba, on different occasions, the exact dates of which the defendant is at present unable to give, committed adultery with one Arthur Bull, who was then working for defendant on his farm.” Under this particulars were first given stating merely that such acts were “committed at the home of the defendant from January, 1903, to July, 1904, at different times in that period.” Thereupon an order was made for further and better particulars. It is the particulars delivered in obedience to that order that are now attacked as still too vague and indefinite. These allege that defendant was absent from his home during January and February of 1903, and that during that time “plaintiff and Bull cohabited together practically as man and wife.” They then con-