particulars of their plea, the issue to be tried is limited to the matters referred to in the particulars. The defendants' right to have discovery was limited to the facts set out in the particulars: see Yorkshire Provident Life Assurance Co. v. Gilbert & Rivington, [1895] 2 Q.B. 148. The defendants were not entitled to any further discovery, and the motion should be dismissed with costs. G. M. Clark, for the defendants. W. J. Elliott, for the plaintiffs.

POULIN v. CITY OF OTTAWA—SUTHERLAND, J.—FEB. 11.

Highway—Object Likely to Frighten Horses Left at Side of City Street—Injury to Person in Vehicle Drawn by Horse—Nuisance—Liability of City Corporation—Findings of Jury—Evidence—Damages—Costs.]—Action for damages for injuries sustained by the plaintiff by being thrown from his "rig," when travelling upon one of the highways of the defendants, a city corporation, by reason, as the plaintiff alleged, of his horse taking fright at a road-roller placed by the defendants upon the highway, close to the travelled portion thereof. The roller was covered with white canvas, and it was said that the canvas, when inflated by the wind, presented a startling appearance, and caused a loud flapping likely to frighten horses. The plaintiff, not having given the notice required by the Municipal Act, admitted that he could not succeed on the ground of nonrepair; but he alleged that the placing of the roller on the highway was a nuisance for which the defendants were responsible. The action was tried with a jury at Ottawa. The jury found, in answer to questions: (1) that the roller was calculated to frighten horses; (2) that the plaintiff's injuries were caused by the horse taking fright; (3) that the sight and sound of the flapping of the canvas on the roller caused the horse to take fright; (4) that the injuries of the plaintiff were not caused by the slippery condition of the street; (5) nor by the drop or slope of the road; (6) nor by any negligence on the plaintiff's part; and they assessed the damages at $250. SUTHERLAND, J., said that evidence was given at the trial to shew that the horse drove well and quietly, and was not apt to take fright unnecessarily. In the light of the evidence, the effect of the jury's finding was, that the roller as covered was an object calculated to frighten horses of ordinary gentleness: Roe v. Village of Lucknow (1893), 23 A.R. 1, 7; McIntyre v. Coote (1909), 19 O.L.R. 9, 16; Knight v. Goodyear's India Rubber Co. (1871), 38 Conn. 438. There was evidence upon which the jury could properly