

MURRAY V. THAMES VALLEY GARDEN LAND CO.—MASTER IN
CHAMBERS—MARCH 1.

Pleading—Statement of Claim—Misrepresentations—Particulars.—After the order made in this case, ante 773, further particulars were delivered. The defendants now moved to strike out paragraphs 4, 5, 6, and 15 of the statement of claim as embarrassing, as well as paragraph 8 or part thereof, and to strike out paragraph 1 of the particulars relating to paragraph 8, and for proper particulars in respect of that paragraph and paragraph 11 of the statement of claim. The Master said that there did not seem to be anything objectionable in the paragraphs of the statement of claim now attacked for the first time, which were mainly historical, but set out facts which the plaintiff relied on. This would, therefore, seem to be an afterthought, and to be put forward rather as a ground for the extension for five weeks of the time for pleading, which was refused on the previous motion, and was now renewed, being supported by an affidavit that this was necessary in order to communicate with the defendant Macdonald, who was absent in England. It was also objected that the particulars in some respects varied from the allegations in the statement of claim. The Master said that, if that were so, the plaintiff would be necessarily confined to the latest statement of his case. At this stage, particulars were really amendments of the statement of claim. The two typewritten pages of details of the misrepresentations relied on, as given in the statement of claim, were now supplemented by further details covering four more typewritten pages. It seemed almost self-evident that the defendenants had all that they required to enable them to plead. If, at a later stage, they should require further particulars for the trial, these could be obtained on discovery, as pointed out in *Smith v. Boyd*, 17 P.R. 463. Here it was scarcely possible to believe that the defendants could not plead in the way that our practice allows. The full information given was almost equivalent to "seeing the plaintiff's brief." Justice would be done by directing the statements of defence to be delivered in ten days; the plaintiff to be confined to the particulars now delivered unless further or other particulars were delivered not less than three weeks before the trial. The defendants should be at liberty to amend, if they wished to set up anything more than they intended to rely on at present. Costs of this motion to be to the plaintiff in the cause. W. J. Elliott, for the defendants. N. F. Davidson, K. C., for the plaintiff.