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No. 16

FALCONBRIDGE, C.J.

APRIL 17TH, 1905.

CHAMBERS.

MOLSONS BANK v. HALL.

Particulars—Defence—Action on Foreign Judgment—Exclusion of Counterclaim.

Appeal by defendant from order of Master in Chambers in an action upon a foreign judgment striking out the part of the counterclaim relating to a libel, and ordering full particulars of the remainder of the defence and counterclaim.

R. McKay, for defendant.

C. S. MacInnes, for plaintiff.

FALCONBRIDGE, C.J.:—I dismissed the appeal as regards the counterclaim for libel, at the argument.

As regards the particulars, the case is exceptional. The judgment sued on is now nearly 4 years old, and plaintiffs are entitled to the fullest particulars of the grounds on which it is sought to be attacked.

The other matters set up by way of counterclaim go back to the year 1900. Officers of banks die, leave the service, or are shifted about from one branch to another, and as to these matters, too, defendant ought to make the fullest disclosure.

The particulars required are more exhaustive and specific than any that I have hitherto had the privilege of perusing. But the decision in *Briton Medical Life Assn. v. Rutania & Assn.*, 59 L. T. R. 888, seems to go as near the line of demarcation between particulars and statement of evidence relied on, as this order does.

And *Anderson Produce Co. v. Nesbitt*, 1 O. W. R. 818, 2 O. W. R. 430, is authority for this order, which will be affirmed, with costs to plaintiffs in any event.