

In the first place, as was said in *Smith v. Boyd*, 17 P. R. 463, a motion for particulars, at this stage, should be based on the defendants' inability to plead. To say that they are necessary for the trial is premature; all such particulars can be obtained on discovery.

In the next place, I repeat what I said in the analogous case of *Todd v. Labrosse*, 10 O. W. R. 772, that such an affidavit should be made by one of the defendants' officers in the present case, or by a defendant in an ordinary action, and not by a clerk of his solicitors, who can know nothing except what he has been told.

Had these objections been pressed on the argument they would probably, if not necessarily, have resulted in its being refused. The plaintiff is anxious to have a speedy trial and, no doubt, for this reason, did not wish to cause any avoidable delay. I, therefore, proceed to deal with the motion on its merits.

The substance of plaintiff's claim is, that two years ago he was induced to continue in the service of the defendant company at their request and that of the individual defendants who are, and were at that time, two of its directors. As a consideration for so doing "it was arranged between the plaintiff and all three defendants that he should be granted 100 shares of the common stock of the defendant company," paragraph 4. "But the defendants, although they have several times promised to grant the stock, have refused to do so." (Paragraph 7.)

The defendant company now asks for particulars of when and where such arrangement was made, and whether it was verbal or in writing. Considering the lapse of time and the fact of the defendant being a corporation, I think these facts should be given—and also by whom these shares were to be granted—and at what date.

Particulars shewing "who were present at the time such arrangement was made," should not be given unless they were officers or agents of the company, as they would then be material facts on which plaintiff could rely. The notice of motion asks to have paragraphs 5, 6 and 7 of the statement of claim also struck out as embarrassing.

This was, probably by inadvertence, expressed too broadly, as, on the argument, this was limited to certain portions of those paragraphs. Even as so limited I do not think the motion should prevail.