

practice as to the time ought to be followed, at all events more nearly than by limiting the party to fourteen days on which to deliver the particulars. The settled English practice is seven clear days, and eight clear days seems to me, making every allowance for distance, means of communication, etc., to be ample; in some case it may be needlessly long, but as a general rule I should say it was sufficient. I refer to the *Hereford case*, *Lenham v. Patterson*, 10 Q. B. 293; *Maude v. Lowley*, 9 C. P. 165; *Beale v. Smith*, L. R. 4 C. P. 145."

The order as finally settled by the learned judge was as follows:—

"It is ordered that the petitioner do, eight clear days before the day appointed for the trial of the petition herein, deliver to the respondent or his agent full particulars in writing, containing, as far as known to the petitioner,

1. The names, places of abode, and occupations of all persons upon whom or with whom the respondent practiced or committed any of the corrupt or illegal acts or practices charged in the petition, together with the nature of such acts or practices, and the times when, or approximate times when, if the exact time be not known, and places where such acts or practices were done or committed.

2. The names, places of abode, and occupations of all persons claimed to be agents of the respondent, who were guilty of any of the corrupt or illegal acts or practices alleged in the petition, together with the nature of each of the said acts or practices, and the times when, or approximate times when, if the exact time be not known, and places where such acts or practices were done or committed.

3. The names, places of abode, and occupations of all other persons who, on behalf of the respondent, are alleged to have been guilty of any of the corrupt or illegal acts or practices charged in the petition, and the nature of each of such acts or practices, together with the times when, or approximate times when, if the exact times be not known, and places where such acts or practices were done or committed.

4. The names, places of abode, and occupations of all persons upon whom, with whom, or between whom such corrupt or illegal acts or practices were done or committed, and the nature of each of such acts or practices, together with the times when, or approximate

times when, if the exact times be not known, and places where such acts or practices were done or committed.

5. And it is further ordered that unless an order be made to the contrary, no evidence shall be received at the trial except as to matters within the said particulars and tending to support the same without the leave of the court or a judge, and upon such conditions as to the postponement of the trial, payment of costs or otherwise as may be ordered.

6. And it is further ordered that the costs of and incidental to this application and order, and consequent thereupon, shall be costs in the cause to the successful party.

Cameron, J.]

[June 6.]

MORRISON V. TAYLOR.

Sheriff—Fees—Poundage—Rule 447 O. J. A.—
R. S. O. ch. 66.

An execution, and the judgment under which it issued, were set aside on the ground of irregularity in obtaining the judgment.

Held, that the plaintiff was not entitled to have the sheriff's bill against him taxed under sect. 48 R. S. O. ch. 65, as the setting aside of the execution was not a "settlement by payment, levy, or otherwise," within the meaning of the Act or under sect. 47, as the plaintiff was not a person liable on any execution.

Held, however, that a sheriff, as an officer of the Court, claiming fees by virtue of the process, is so far within its jurisdiction that his bill may be taxed under Rule 447, but the appeal as to certain items was dismissed because notice in writing of the items disputed was not given under Rule 449.

Held also, that this case came within the provisions of sect. 45, R. S. O. ch. 66, and that therefore the sheriff was entitled to poundage.

Caswell, for the motion.

Holman, contra.