Then as to particulars, I am quite satisfied that the Master is right. The plaintiffs, as I have said, allege misrepresentation. The defendants, among other things, plead laches and acquiescence. The plaintiffs seek to avoid this by stating in their reply that the delay in the bringing of the action was caused by "further misrepresentation," which must mean misrepresentations other than those set up as the foundation of the original claim.

Upon particulars being demanded, an answer was served which is entirely unsatisfactory, as it states that the particulars "are sufficiently set out in the said reply and joinder in the statement of claim and in the particulars furnished"—i.e., particulars of the allegations in the statement of claim—"and the plaintiffs before examination are not able to furnish any further or better particulars than those indicated."

If the reply is founded upon fact, and is not a work of the imagination only, the plaintiffs must know what statements were made to them which induced them to delay bringing the action, and they ought to give this information before calling upon their opponents to answer.

Complaint was made as to the way in which costs were dealt with by the Master. I am not sure that I would have made the same order; but I certainly cannot interfere with the Master's discretion.

Upon the argument, I was asked to direct that the plaintiffs might give further particulars after examination. In some cases, where the facts are in the defendant's knowledge, such a provision would be entirely proper; but I do not think that the provision would be proper where the facts must be within the knowledge of the party pleading. If at a later stage the plaintiffs desire to give further particulars, and can make a proper case, they will secure relief, upon proper terms; but the case to be presented ought to be developed upon the pleadings and ancillary particulars before discovery is had. And it ought to be borne in mind that discovery is in aid of the case as pleaded, and that the examining party has no right to interrogate for the purpose of finding out something of which he knows nothing now, and which may enable him to present a case that he has no knowledge of and which he has not set up in his pleadings. See Hennessey v. Wright, 24 Q.B.D. 445(n); Yorkshire v. Gilbert, [1895] 2 Q.B. 148.

Both appeals are, therefore, dismissed, with costs to the defendants in any event of the cause.