

CARTWRIGHT, MASTER.

JANUARY 11TH, 1906.

CHAMBERS.

. ONTARIO LUMBER CO. v. COOK.

*Particulars—Statement of Claim—Settlement of Accounts—
Allegations of Error—Specifications of Error.*

Motion by defendants for particulars of the 8th paragraph of the statement of claim.

Action for an account of dealings between plaintiffs and one G. J. Cook, who died on 19th August, 1902, defendants being his executors.

Certain financial dealings took place beginning in 1889, and, as set out in the statement of claim, the accounts were settled on 16th February, 1905, and plaintiffs paid to defendants the balance claimed.

The 8th paragraph of the statement of claim alleged that plaintiffs had since discovered errors such as, if proved, would entitle them to some relief. But no specific errors were alleged.

A. H. Marsh, K.C., for defendants.

A G. F. Lawrence, for plaintiffs.

THE MASTER:—For the motion reliance was placed on *Chambers v. Goldwin*, 9 Ves. 254 . . . and *Blagrove v. Routh*, 2 K. & J. 509.

From these authorities it seems clear that the motion must prevail. It would appear that the accounts may be divided into 3 periods, the first being during the life of G. J. Cook, the second from death of Cook to 8th July, 1904, and the last when the affairs of plaintiffs were in the hands of receivers, through whom defendants advanced moneys until the account was closed.

It seems, therefore, that plaintiffs should give specific items of what they propose to surcharge and falsify in the accounts of each of these periods so as to comply in substance with the terms of the notice of motion. Such facts must be stated as, if proved, will entitle plaintiffs to a judgment such as they ask. General allegations are not sufficient. "Pleadings must be precise as well as concise," as said by Kay, J., in *Townsend v. Parton*, 30 W. R. 289, 45 L. T. 750.

Costs of motion to defendants in any event.