

were used upon another lot, also patented. That is against the fair meaning of the language used in the statute; the leave to cut is for the purpose of building, etc., on the lands so patented as mining lands, and also for any other purpose essential to the working of the mine on the lands so patented. If it had meant that the timber from one lot under patent could be transferred to and used upon another lot under patent, that would have been provided for, as we find done in the case of free grant land—the legislation as to which is in *pari materia* with this mines legislation . . . R.S.O. 1897 ch. 29, sec. 13, sub-sec. 2 . . . In the absence of such a provision, the cutting of the patentee is restricted to the particular lot patented. . . .

[Reference to *Parker v. Maxwell*, 14 O.R. 239, 244.]

The ascertainment of the amount of damages done by cutting should be referred to the Master at Sudbury; further directions and costs reserved till after report.

DURYEA V. KAUFMAN—MASTER IN CHAMBERS.—DEC. 2.

Particulars—Statement of Defence—Patent for Invention—Infringement—Invalidity.]—Motion by the plaintiff for an order for delivery by the defendant company of particulars of the facts upon which they intended to rely and give evidence at the trial in support of their denial in their statement of defence of the validity of the plaintiff's patents, and further and better particulars of certain matters of which particulars had already been delivered. See judgment of RIDDELL, J., 21 O.L.R. 166. There had been some amendments to the statement of claim since that judgment. The Master said that the validity of the modified starch and maltose patents was no longer in question, and the statement of defence should be amended by striking out the allegation of invalidity of these patents. All that is left to be determined on the present motion is what particulars the plaintiff is entitled to in respect of the allegation of want of novelty in the glucose patent, and what further particulars should be given. "It is clear," the Master says, "that where want of novelty is set up as a defence to a claim for infringement, full and precise particulars should be given, so that the plaintiff may know what case he has to meet." Order made for particulars of paragraph 9 of the defendant company's statement of defence and of paragraph 3 of their counterclaim, stating the names and addresses of those to whom the invention