

Province of Nova Scotia.

SUPREME COURT.

Ritchie, E. J., in Chambers.]

[Sept. 21.

BALCOM V. CROFT.

Change of venue.

Motion to change the venue. The statement of claim had been delivered and the defence put in, but no reply had been delivered.

Held, on the authority of *Read v. Henderson*, 20 N.S.R., which held that the application there was premature, that an application of this nature should not be made until after issue joined, or until it was clearly ascertained what the issues would be, that the reply not having been delivered, and that new issues might be raised by the same when delivered, the application was premature, and the motion should be dismissed with leave to move again when the cause was at issue.

J. A. McLean, Q.C., for applicant. *F. B. Wade*, Q.C., contra.

Ritchie, E. J., in Chambers.]

[Sept. 21.

FORBES V. PEARSON.

Particulars—Partnership.

Application for further particulars of plaintiff's claim as regards the partnership agreement in question.

Held, that any terms and conditions of the partnership agreement other than those set out in the statement of claim were not particulars of such claim, and therefore could not be obtained by the defendant in this way if he wished to make them available as a defence.

Held, further, that defendant could not obtain particulars of transactions by which plaintiff alleged defendant became possessed of partnership funds. *Augustinus v. Nerinck*, L.R. 16 Ch. D. 13 followed.

R. E. Harris, Q.C., for applicant. *F. B. Wade*, Q.C., and *F. T. Congdon*, contra.