

I am not sure if the defendants complained of the statement of claim being unduly enlarged. But if so, I do not think it was, following *Smythe v. Martin*, 18 P. R. 227. In any case such amendments would be allowed, as is shewn by *Hogaboom v. McCulloch*, 17 P. R. 377, and *Patterson v. Central Canada L. and S. Co.*, 17 P. R. 470. In *Sugarman v. Robinson*, 17 P. R. 419, at p. 425, Sir W. R. Meredith, C.J., said (in a case not similar, though analogous) that, the plaintiff having stated that he could not at present give any particulars of certain injurious statements, he was entitled to leave to examine the defendant to enable him to furnish them.

In case I am wrong in the view I have taken of the 2nd paragraph, and if the plaintiff intends to make any claim in respect of the representations made to him before the incorporation of the defendant company, or in respect of the purchase of the \$5,200 stock, as having been induced by such representations, then full particulars should be given so as to enable the defendants to know what is being set up by this paragraph and to make such defence as they may be advised.

The costs of this motion should be to the defendants in the cause.

Moss, C.J.O.

MAY 26TH, 1903.

WEEKLY COURT.

MACDONELL v. WEST.

*Partition—Petition under Partition Act—Parties—Execution Creditor of Co-parcener—Preservation of Lien—Registration of Certificate of Allowance of Petition—Failure to Renew Execution—Conveyance by Co-parcener to Bona Fide Purchaser—Priorities.*

At the date of the filing of the petition for partition herein, the Michigan Clothing Company were entitled to a general lien upon the undivided estate or interest of the defendant Charles A. Loughin in the lands described in the petition, by virtue of a writ of execution against goods and lands in the hands of the sheriff. And the petitioner made them parties defendants to the petition in respect of such lien.

The lien was still subsisting at the date of the allowance of the petition on the 14th June, 1899. Pursuant to sec. 29 of the Partition Act, a certificate of the allowance of the petition was registered in the registry office on the 16th June, 1899.