

On 24th June particulars were demanded, which have been furnished. But, as to those asked for in explanation of paragraphs 9 and 14, the defendant has now moved for further particulars.

It was stated by Mr. Davidson that what was required were the names, &c., of the persons to whom the first and second series of the treasury bills were sold. He argued that, as the claim was based on the memorandum of 10th October, 1904, it was necessary for plaintiffs to allege, as they have done, that they, as agents for the provincial government, sold the treasury bills; and that they must prove this. He contended that it might be that plaintiffs had themselves been the purchasers, and that, in such case, they could not claim to have been acting as agents, and so their right to have the sale of the bonds would be gone, as well as the right to any charges in respect of the sale of the treasury bills.

Assuming that such a defence is in contemplation, it would be necessary to know how the fact is. Even if the motion was now refused, yet such a defence could be pleaded, and on discovery the evidence could be obtained, though this might require a commission to Great Britain.

The motion is supported by the affidavit of the Provincial Treasurer that it is necessary for the proper defence of the action that particulars should be furnished, shewing the dates of the sales to the various purchasers, with the name of each purchaser and the price paid.

In *Arnoldi v. Cockburn*, 9 O. W. R. 883, affirmed 10 O. W. R. 373, particulars were ordered before delivery of statement of defence, where it seemed that such particulars would be material to the defence.

For the same reason I think the order should be made in this case.

In opposition to the motion it was argued that delay would result from this order. But it will not cost much to send a cable, and a reply can be received in 10 days thereafter.

The time for defence will be extended until a week after particulars have been delivered, and the costs of the motion will be in the cause.