

MASTER IN CHAMBERS.

NOVEMBER 26TH, 1912.

DELAP v. CANADIAN PACIFIC R.W. CO.

4 O. W. N. 416.

Pleading—Particulars—Statement of Claim—Delay—Con. Rule 268.

MASTER-IN-CHAMBERS refused to order particulars of a statement of claim which was already full and voluminous, where plaintiff had not shewn any special need of such particulars and where plaintiff had been guilty of delay in moving.

Motion by defendants for particulars of the statement of claim.

Angus McMurchy, K.C., for the defendants.

F. Arnoldi, K.C., for the plaintiff.

CARTWRIGHT, K.C., MASTER:—The facts of this case are to be found in the previous report in 23 O. W. R. 177, 4 O. W. N. 213.

Two days before the expiration of the time for delivery of statement of defence the defendants moved for particulars of the statement of claim under 27 different heads, covering three typewritten pages. The motion was supported by an affidavit of Mr. MacMurchy, of the necessity of such particulars before pleading.

The motion was argued on the 23rd inst., when the same counsel appeared as on the previous motion for extension of time for pleading.

It is not necessary to add anything to what was said in the previous report as to the facts, except only that was a draft statement of claim substantially identical with that now on file submitted to defendant by plaintiff nearly ten months ago.

After reconsidering the matter in view of the strenuous argument of defendants' counsel, I do not see any reason for the order asked for. Many of the 27 heads of particulars were not pressed on the argument. As to those which were insisted on, I think that all the material facts on which the plaintiff relies are fully set out in the voluminous correspondence extending over a period of more than two years and are also set out in the statement of claim certainly without undue brevity. As was said long ago in *Smith v. Boyd*,