

analogous case of *Hamilton v. Hodge*, 8 O.W.R. 351—an action to set aside a tax sale—the plaintiff alleged 22 distinct irregularities in the proceedings of the officials. But it was contended that here the onus was on the plaintiffs to shew that all necessary conditions had been complied with. With this the Master is unable to agree. If the plaintiffs produce enough evidence to make out a *prima facie* case, the application of the presumption of regularity will throw the onus on the other side; and it, therefore, seems that the motion should be granted, in view of the language of the paragraph in question. Not that this is the only or the main ground. For, even if the defendants had put in a bare denial of the plaintiffs' claim, they could have been required to disclose on examination for discovery (if not earlier) what their real grounds of defence were. Here is no question of pleading a statute. What the defendants allege and must prove is the failure of the plaintiffs to comply with the statutory requirements in certain essentials, and these are facts on which they intend to rely, and which, therefore, under the Rule, must be stated in the pleading—or, if not, particulars should be given. Costs of the motion to the plaintiffs in any event.

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#### CORRECTION.

In *Re Broom*, ante 102, the Divisional Court was composed of MEREDITH, C.J.C.P., TEETZEL and RIDDELL, JJ.