

He was of opinion that particulars should be given of the facts upon which the defendant relied to support the defence above quoted; and that the defendant would not be entitled to examine the plaintiff for discovery until after such particulars had been given.

Appeal allowed, and order for particulars granted; costs of the motion and appeal to the plaintiff in any event.

---

TORONTO GENERAL TRUSTS CORPORATION v. WEAVER—  
MASTEN, J.—DEC. 10.

*Judgment—Defendant not Appearing at Trial—Judgment for Plaintiffs by Default—Judgment Set aside on Terms.*]—Motion by the defendant to set aside the judgment for the plaintiffs entered by MASTEN, J., at the Sandwich sittings, the defendant not appearing, and for a new trial. The motion was heard in the Weekly Court at Toronto. MASTEN, J., in a short memorandum in writing, said that the judgment should be opened up and set aside, on the terms following. The defendant to pay to the plaintiffs the costs of the trial at Sandwich on the 22nd October, 1917, together with the costs of the present motion; such payment to be made within 10 days after the amount of costs has been ascertained by taxation; and on the further condition that the action be forthwith set down for trial at the Toronto non-jury sittings. In default of compliance with all the above terms within one month, the application will be dismissed. J. M. Bullen, for the defendant. Frank Arnoldi, K.C., for the plaintiffs.