

the plaintiff being administratrix with the will annexed. By paragraph 1 of the defence, the defendants formally denied the transfer; and by paragraph 2 said that, if they permitted the transfer without authority, they did so in good faith and under the belief that they had authority to do so, and they submitted their rights to the Court. The third paragraph set up a claim against third parties for indemnity. Paragraph 4 was this: "The defendants believe that the plaintiffs may be estopped from denying the authority of the third party J. S. to authorise the defendants to make the transfer complained of . . . if the said transfer was in fact made without authority, and submit their rights to the Court." The Master said that the usefulness of paragraph 2 to the defendants was not very apparent. It did not state any "facts on which the party pleading relies," as required by Con. Rule 268. It is, no doubt, an anticipation of what is set up in paragraph 4, alleging an estoppel, which, if proved, would be a good defence. Paragraph 4 in its present form is admittedly defective, as it does not state any facts giving rise to the estoppel, and should make the assertion positively and not as a matter of suspicion on belief merely. If paragraph 2 is amended by stating that the defendants relied on the representations of the third parties and the acts of the plaintiff as authority for the transfer, or whatever else they rely on, and amend paragraph 4 as above indicated, the order will go on to provide for delivery of particulars of the acts relied on, after discovery has been had: *Townsend v. Northern Crown Bank*, 1 O. W. N. 69, 19 O. L. R. 489. Costs to the plaintiff in the cause. W. J. Elliott, for the plaintiff. C. A. Moss, for the defendants.

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JONCAS v. CITY OF OTTAWA—DIVISIONAL COURT—OCT. 27.

*Highway — Nonrepair — Accumulation of Ice and Snow on Sidewalk — Injury to Pedestrian — Municipal Corporation — Gross Negligence.*—Appeal by the defendants from the judgment of BRITTON, J., 1 O. W. N. 737. THE COURT (MEREDITH, C.J.C.P., TEETZEL, and MIDDLETON, JJ.) dismissed the appeal with costs. W. N. Ferguson, K.C., for the defendants. F. Denton, K.C., and A. Lemieux, for the plaintiff.