

work was done between March, 1907, and July, 1911. The plaintiffs made four claims in paragraphs 12, 13, 14, and 15 of their statement of claim, as follows: (1) for an unascertained sum for extras done after November, 1909, as to which an account was asked and payment when the proper sum should be ascertained; (2) for \$142,735, with interest from the 31st July, 1911, the balance due of a hold-back of ten per cent. on the whole work; (3) overcharges on beef bought by the defendants and turned over to the plaintiffs at a cent and a half a pound more than agreed on, and for alleged injury by fire not chargeable to the plaintiffs; (4) payment of \$118,963.92, with interest at five per cent. from the 30th September, 1909, the balance alleged to be due to the plaintiffs up to that date on progress estimates under the contract. Before pleading, the defendants moved for particulars of claims 1, 2, and 3, and as to the agreement under claim 3. The Master said that there did not seem to be any reason why these particulars could not be given. No affidavit was put in in answer to the motion. Although no details were given of claim 1, these must surely be in the possession or knowledge of the plaintiffs, who did the work for which they asked to be paid. There should be no difficulty in shewing the defendants how the exact amount of \$142,735, which was the second claim, was arrived at. The figures on which it was based must be in the plaintiffs' possession, as also the details of the third claim. Particulars should be given within two weeks from service of the order, as far as possible. If, for any reason, they could not be given in full at once, they could be supplemented later. The defendants to have ten days thereafter to plead; and the costs of the motion to be to the defendants in the cause. A. M. Stewart, for the defendants. Featherston Aylesworth, for the plaintiffs.

SHAW v. TACKABERRY—FALCONBRIDGE, C.J.K.B.—MAY 26.

Executors—Sale of Land—Attack on, by Widow of Testator—Release—Claim against Estate—Adjudication by Surrogate Court Judge—Status of Widow as Plaintiff—Interest in Estate—Costs.]—Action to have the defendant Martha A. Russell declared a trustee for the defendant J. W. Tackaberry in respect of certain lands conveyed to her, and both declared liable to account to the plaintiff for mesne profits; and for an account. The action was tried, without a jury, at Chatham.—The learned Chief Justice said that, as to the attack which the plaintiff made on the sale of the real estate in the village of Merlin, she was out of