

THE MASTER.—If I rightly understand the facts, this is an action which has already been practically tried out, or at least thoroughly investigated, in an arbitration which became abortive through the death of one of the arbitrators before the making of an award, but after all the evidence had been given and argument heard. The general principle, as is well known, is, that particulars are ordered to prevent the parties from being taken by surprise and to save unnecessary expense (see *Holmsted & Langton*, p. 482). I have read Mr. Webster's affidavit on which the demand for particulars is based. If the particulars therein set out as necessary were given, the whole frame work of the plaintiff's case would have to be set out, leaving nothing to be done at the trial but to fill in the details by the evidence. According to the affidavit of Mr. Rathbun, the president of the plaintiff company, this action in its present form is simply a second trial.

The only new matter now brought forward by the plaintiffs is in respect to the wrongful use of steam by the defendants. Such particulars as are possible are given in par. 4 of Mr. Rathbun's affidavit. Mr. Armour agreed to amend the statement of claim accordingly, if defendants really insist on it.

The motion, in my opinion, should be dismissed. The costs will be to the plaintiffs in the cause.

CARTWRIGHT, MASTER.

APRIL 21ST, 1903.

CHAMBERS.

DENISON v. TAYLOR.

Discovery—Production of Documents—Breach of Contract—Correspondence Relating to Similar Contracts.

Motion by plaintiff for a better affidavit in production from defendants.

Shirley Denison, for plaintiff.

W. H. Blake, K.C., for defendants.

THE MASTER.—The action is for "damages for misrepresentation, breach of contract, and breach of warranty," arising out of a purchase by plaintiff from defendants of a vault door known as No. 67 for \$250.

Examination for discovery has been had by plaintiff, at which defendants produced all the information to which, in my opinion, plaintiff was entitled, or by which he could be in any way assisted.