

BOYD, C.

MARCH 17TH, 1906.

CHAMBERS.

MOON v. MATHERS.

Particulars—Statement of Claim—Slander—Names of Persons to whom Uttered—Exclusion of Evidence at Trial—Disclosing Names of Witnesses.

Appeal by defendant from order of Master in Chambers in an action for slander dismissing defendant's motion for particulars of the statement of claim.

J. H. Spence, for defendant.

A. G. Slaght, for plaintiff.

BOYD, C.:—It is a proper term in an order for better particulars to direct that wherein there is a want of particularity (as, e.g., in stating the names of persons who heard the slander or to whom it was uttered, because of the plaintiff's lack of precise information on the point) in the details furnished, that plaintiff should be precluded from giving evidence as to such unnamed or unknown persons at the trial, unless information of the names be given a reasonable time before the trial. . . .

[Reference to *Noxon v. Patterson*, 16 P. R. 42, and *Young v. Erie and Huron R. W. Co.*, 17 P. R. 4.]

This is, perhaps, anticipating what might be done by the Judge at the trial, as said in *Citizens Ins. Co. v. Campbell*, 10 P. R. 129, but it is better to have the point clearly defined, so that the parties may both know what can and cannot be given in evidence, and so prepare themselves accordingly before the trial comes on.

In cases of slander the practice as to furnishing names of persons who have heard the words complained of has gone very far in modern times, and it is no excuse that names of possible witnesses may be thus disclosed. See *Bishop v. Bishop*, [1901] P. at p. 328.

The Master's order will be varied as above indicated, and costs below and of the appeal in the cause.