the opinion that the defendant is entitled to the particulars which he asks, and that the answer which has been given is insufficient.

It has been urged that the defendant might get the information he seeks by an examination for discovery, but I do not think that is any answer to the application. The plaintiff makes certain accusations against the defendant on which she bases her claim to alimony. The defendant is entitled to have these accusations stated so specifically that he may know what he has to meet at the trial: see *Rodman* v. *Rodman*, 20 Gr. 428. It is needless to say that an examination for discovery can be an efficient substitute for particulars. A party is no way bound to confine his case at the trial to the matters to which he has testified on his examination for discovery, whereas the object of ordering particulars is that the party may be confined at the trial to those matters of which he has given particulars. The statement of claim is in too general terms and probably under the old system of pleading would have been demurrable.

The particulars demanded should therefore be given. In an ordinary case the plaintiff should pay the costs in any event, but as it is an alimony action, I direct that the costs be to the defendant in the cause, to be set off *pro tanto* against costs, if any, which he may be ultimately ordered to pay.

HON. MR. JUSTICE LATCHFORD. NOVEMBER 14TH, 1913.

REX v. McELROY.

5 O. W. N. 284.

Intoxicating Liquors—Liquor License Act—Conviction for Selling without License—Evidence that Defendant a mere Messenger—Motion to Quash—Existence of Evidence to Support Conviction—Dismissal of Motion.

LATCHFORD, J., *held*, that in order to quash a conviction there must be no legal evidence of an offence, it is not sufficient that the weight of evidence is against the conviction.

Motion to quash a conviction, made by the Police Magistrate of Collingwood, for unlawfully selling liquor without a license.

A. E. H. Creswicke, K.C., for prisoner.

J. R. Cartwright, K.C., for Crown.