

latter head, *Re Solicitor*, 14 O. L. R. 464, and *Re Mowat*, 17 P. R. 182, may also be referred to.

It is, perhaps, right to add that my reference to the duty of a solicitor is not to be taken as an indirect reflection upon the conduct of Mr. Gundy, but merely for the purpose of defining how I should approach the interpretation of the private Act in question. On the contrary, I formed the opinion that Mr. Gundy acted throughout the legislative proceedings with the utmost good faith, and with skill and judgment.

In my opinion the action cannot be maintained. I have not referred to the other items of the bill, but, with the exception of "costs re Hickey" \$5, all the charges relate to this drainage matter and are all included in the same bill. In any event they constitute one cause of action, and the plaintiffs could only have judgment upon them separately if they were prepared to abandon their other claim. I may say, too, in view of the possibility of an appeal, that if I were giving judgment upon these items alone, it would be without costs, as the litigation arose in reference to the \$1,800 item alone.

The action, then, will be dismissed; and, the parties each standing upon what they assumed to be their legal rights, it will be dismissed with costs. The plaintiffs will have the right reserved to them of suing again. I trust, however, that further litigation may be avoided.

MASTER IN CHAMBERS.

OCTOBER 16TH, 1912.

ALSOP PROCESS CO. v. CULLEN.

4 O. W. N. 135.

Pleading — Statement of Defence — Action for Infringement of Patent Rights — Attack on Patent Process — Offers of Settlement — Venue.

MASTER-IN-CHAMBERS in an action for infringement of a patented process struck out paragraphs of the statement of defence alleging that the process had been condemned by various foreign health boards, etc., that certain offers of settlement had been made before trial and that the venue of the action should be changed, which latter had already been done *supra*.

Costs to plaintiff in cause.

This was an action for alleged infringement by defendant of plaintiffs' patent process of bleaching and ageing flour.