

Does the submission of the defendants make any difference? I think not. Neither member nor "Order" can, I think, be permitted to make a court of justice a convenience for determining questions which ought to be disposed of in the domestic forum. And the maxim "Boni judicis est ampliare jurisdictionem" no more justifies the Court in reaching out for cases for decision than the other maxim "Interest reipublicæ ut sit finis litium" would justify the Court in preventing actions being brought, or in refusing to decide them when properly brought.

The action, therefore, will be dismissed, but without prejudice to any other action being brought after the remedies provided by the constitution of the Order are exhausted. It is not a case for costs.

No doubt a *modus vivendi* can be arrived at in the meantime, either by plaintiff discontinuing the practices objected to, or by defendants accepting the premiums without prejudice. It is eminently a case for an amicable arrangement.

I should add that in case it be considered that the merits of the dispute should be gone into, the Divisional Court will be in as good a position as the trial Judge for determining these. The facts of the plaintiff's employment as stated by himself are admitted by the defendants, and no question of credibility of witnesses can arise.

---

CARTWRIGHT, MASTER.

NOVEMBER 19TH, 1906.

CHAMBERS.

COLLIER v. HEINTZ.

*Pleading — Statement of Claim — Action for Damages for Breach of Contract by Brokers to Purchase and Deliver Shares—No Allegation of Tender or Payment of Price —Amendment.*

Motion by defendants to strike out paragraph 3 of the statement of claim as embarrassing.

The facts appear in a previous report, ante 340.

Grayson Smith, for defendants.

S. T. Medd, Peterborough, for plaintiff.