

Bailhache, J., who tried the action, considered that by the use of the word "remitting" the defendants had impliedly authorised the plaintiff to send the money by post in the ordinary way in which money is remitted by post, but that it is not the ordinary way to send so large a sum as £48 in treasury notes by post and that therefore the plaintiff would have to bear the loss.

COUNTY COURT—PROHIBITION—CAUSE OF ACTION—JURISDICTION.

Clarke v. Knowles (1918) 1 K.B. 128. This was an application for prohibition to a County Court, on the ground of want of jurisdiction to hear the plaint. By the County Courts Act, "an action may be commenced . . . in the Court in the district of which the cause of action or claim wholly or in part arose." The claim in question was a contract made by offer and acceptance sent through the post office. The action was brought in the district from which the offer was sent. A Judge in Chambers dismissed the application, but a Divisional Court (Lawrence and Lush, JJ.) reversed his decision, holding that the sending of the offer was no part of the cause of action—and that the cause of action really arose at the place where the offer was accepted.

DISCOVERY—PARTICULARS—TRAVERSE OF NEGATIVE ALLEGATION
IN STATEMENT OF CLAIM—ONUS ON PLAINTIFF—PARTICULARS
OF TRAVERSE—RULE 203—(ONT. RULE 138).

Weinberger v. Inglis (1918) 1 K.B. 133. In this case the plaintiff was complaining of the action of a committee of the Stock Exchange for refusing to re-elect him a member of that body. In his statement of claim he alleged that nothing had occurred since his election in 1895, or now existed, to render him ineligible for re-election. The statement of defence traversed this allegation. The plaintiff applied for particulars of any facts or circumstances which had occurred since 1895 to render him ineligible. Astbury, J., before whom the application was made, refused it on the ground that the traverse was not a matter stated in a pleading within the meaning of Rule 203 (Ont. Rule 138), and because in order to succeed the plaintiff would have to prove the negative statement, and the object of the Rules is not to force a defendant on a traverse to undertake the burden of proving anything himself, and still less to relieve a plaintiff from the onus of proof resting solely on him.