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CARTWRIGHT, MASTER.

OCTOBER 21ST, 1907.

CHAMBERS.

LEROUX v. SCHNUPP.

*Seduction — Examination of Defendant for Discovery —  
Refusal to Answer as to Promise of Marriage — Irrelevant  
Question — Damages.*

Motion by plaintiff for order striking out statement of defence, on the ground of the refusal by defendant to answer proper questions on his examination for discovery.

D. Henderson, for plaintiff.

H. M. Mowat, K.C., for defendant.

THE MASTER:—Defendant is a minor who is sued by plaintiff for seduction of his daughter.

On his examination for discovery defendant admitted the seduction.

He was then asked:—

“Q. I believe you asked her to marry you? A. I refuse to answer on the advice of counsel.”

“Q. Did you ask her to marry you before you had connection with her? A. We refuse to answer the question.”

If the action had been for breach of promise, such a question would have been relevant under *Millington v. Loring*, 6 Q. B. D. 190. Here, however, it does not seem admissible. . . .

[Reference to *Tullidge v. Wade*, 3 Wils, 18.]

Seduction under promise of marriage may increase the damages in an action for breach of promise; but the con-