

THE  
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No. 3

CARTWRIGHT, MASTER.

MAY 27TH, 1907.

CHAMBERS.

CLARKSON v. JACOBS.

*Pleading—Statement of Claim—Specific Performance—  
Indefiniteness—Documents—Rules 275, 469—Amendment.*

Motion by defendant Woodworth, one of eight defendants, for an order striking out the statement of claim as embarrassing or requiring plaintiffs to amend.

Featherston Aylesworth, for applicant.

R. F. Segsworth, for plaintiffs.

THE MASTER:—This is one of the many actions arising out of dealings with mining lands. Woodworth was the agent of the owners, who gave him authority to sell for \$150,000, as set out in a letter of 22nd March, 1906. On that day plaintiffs agreed with Woodworth to buy at that figure, as appears by a letter of that date from plaintiffs to defendant. At that time it was agreed that the owners should give an option to Woodworth to hold as trustee for defendants, and that when a further sale was made plaintiffs should have for their profit the excess over \$150,000. At the same time plaintiffs offered the property to three of the other defendants for \$200,000, and on 2nd April an agreement of sale was executed. Plaintiffs ask specific performance of this last agreement and payment to them by Woodworth of \$25,000, as set out in a letter from him to them of 3rd April, 1906. The statement of claim then sets out a certain agreement of 7th April made between the