recent years and how necessary it is that they should not be restricted unduly.

I have compared the pleadings in their amended form as now on the record with those in Dryden v. Smith, 17 P. R. 505, which is a similar case. Equally strong statements of alleged facts are to be found there set out in the 5th paragraph of the statement of defence, but it was never objected there that the defendant must justify these facts before he could be allowed to plead fair comment.

I may be wrong in the view I have taken of these pleas in the limited time at my disposal, but I am of opinion that the defences here are really similar to those in Dryden v. Smith. To the judgments in that case I would refer for my reasons in holding that this motion should be dismissed as far as striking out or directing further amendments of the pleadings is concerned. As to the particulars asked for, I don't think they are necessary. The statements of the charges and counter-charges are nothing more than allegations in mitigation of damage, as shewing that no one would be likely to pay any great attention to them. . . .

I now therefore adopt what I said (p. 510) in Dryden v. Smith, and direct the motion to be dismissed. I think the pleadings might have been made clearer, so that the costs may be in the cause. . . .

After further consideration, I still think that the defendants are entitled to plead as they have done the defences on which they rely. Whether these defences will be considered sufficient by the Court and jury at the trial is not a matter which can be inquired into in Chambers.

JUNE 10TH, 1903.

DIVISIONAL COURT.

CORNELL v. HOURIGAN.

Mortgage—Covenant—Sale of Equity of Redemption—Agreement to Look to Purchaser—Novation—Neglect of Assignee of Mortgage to Insure—Trusts—Parol Evidence.

Appeal by defendants from judgment of BRITTON, J., ante 4, in favour of plaintiff in an action on the covenant contained in a mortgage deed.

G. Lynch-Staunton, K.C., for defendants.

D. O. Cameron, for plaintiff.

THE COURT (BOYD, C., FERGUSON, J., MACMAHON, J.) held that in equity the evidence was ample to sustain the con-