

The
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No. 42

HIGH COURT OF JUSTICE.

MASTER IN CHAMBERS.

JUNE 20TH, 1912.

TRUBEL v. ONTARIO JOCKEY CLUB AND FRASER.

*Pleading—Statement of Claim—Motion to Strike out Portions—
Embarrassment — Irrelevancy — Prejudice — Historical
Statement—Damages.*

The plaintiff was a professional jockey. He asked \$10,000 damages for the refusal by the defendants of the necessary license to enable him "to exercise his profession." This refusal, he said, was without giving him a hearing and without assigning any cause for such refusal, after receipt and retention by the defendants of the usual fee of \$25 for such license, duly paid by the plaintiff.

Before pleading, the defendants moved for an order striking out parts of paragraphs 2 and 4 and the whole of paragraph 5 of the statement of claim, under Con. Rule 298.

C. F. Ritchie, for the defendants.

J. T. White, for the plaintiff.

THE MASTER:—The statement of claim is in some parts decidedly rhetorical. Language less ornate would have been more appropriate. This is especially true of the expression objected to in the 4th paragraph, where it is said that the defendant Fraser "officiously and maliciously volunteered . . . to be a defendant." It was conceded on the argument that the words "officiously and maliciously" might properly be struck out; and the order will so direct.