CURRY v. CLARKSON—MASTER IN CHAMBERS—NOV. 7.

Pleading—Statement of Claim—Motion to Strike out—Historical Recital — Res Judicata.]—Motion by the defendant to strike out nearly the whole of the statement of claim as embarrassing. The Master said that the parts complained of consisted of a recital of the previous history of the plaintiff's claim (Curry v. MacLaren, 12 O. W. R. 1108—Re Solicitor, 14 O. W. R. 2, 80, 707, 1 O. W. N. 51); these were, perhaps, unnecessary in one view, but, on the other hand, they shewed why the present action was brought, and why the exact sum of $22,400 was said to be a fair and proper sum to be allowed for the plaintiff's services. Reference to Con. Rule 268; Stratford Gas Co. v. Gordon, 14 P. R. 407; Knowles v. Roberts, 38 Ch. D. at p. 270. Here the paragraphs attacked, even if unnecessary in whole or in part, could not be embarrassing, being historical merely, and explaining the form of the present action. It was contended that the plaintiff was reasserting the claim disallowed in Curry v. MacLaren, 12 O. W. R. 1108, and that this was res judicata. This objection cannot be dealt with at this stage. Motion dismissed; costs in the cause. R. S. Robertson, for the defendant. Harcourt Ferguson, for the plaintiff.

STRATI v. TORONTO CONSTRUCTION CO.—MASTER IN CHAMBERS —NOV. 8.

Security for Costs—Increased Security—Application on Eve of Trial.]—Motion by the defendants for further security for costs. Notice of trial had been given for the sittings at Brockville on the 14th November. The Master said that the plaintiff had given every possible evidence of good faith by first depositing in Court $200 and afterwards paying $301.66, the price of the adjournment of the trial in May (see 1 O. W. N. 877, 1000, and ante 172); and, in these circumstances, he did not think the motion should succeed. It was difficult to see any greater reason now for further security than existed in May, when the application should have been made, if founded in justice: Standard Trading Co. v. Seybold, 6 O. L. R. at p. 380, per Osler, J.A. The costs of the interlocutory appeal to the Divisional Court (1 O. W. N. 1000) being made costs in the cause was not sufficient to warrant an order, on the eve of the trial, which would in all