

the usual authorities on these motions, *Stratford Gas Co. v. Gordon*, 14 P. R. 407, and *Glass v. Grant*, 12 P. R. 480. . . .

Now, I consider myself bound to exercise my judgment in such a case as the present; and, doing so, I cannot see any way in which the fact of the acquittal would constitute any defence to the action, nor can I truthfully say that there is either obscurity or difficulty on this point. If there was a section of the Criminal Code directly applicable, it is doubtful whether it would not be *ultra vires* as an interference on the part of the Federal Parliament with property and civil rights. But that may be left for consideration when any such Act has been passed.

The motion will be granted. Costs to plaintiffs in any event.

CARTWRIGHT, MASTER.

APRIL 21ST, 1903.

CHAMBERS.

PREET v. MALANEY.

Pleading—Statement of Defence—Application to Strike out Irrelevant Matter.

Motion by plaintiff to strike out the 6th and all following paragraphs of the statement of defence of defendant Annie Malaney.

F. A. Anglin, K.C., for plaintiff.

W. J. Clark, for defendant Annie Malaney.

THE MASTER.—I have carefully perused the pleadings, and I am of opinion that the motion must be granted. The plaintiff's claim is to have a contract cancelled on the ground of misrepresentation and undue influence. This is denied, in the first paragraph of the statement of defence, by the defendant, who gives her account of the matter in the next four paragraphs, which are not objected to. Those which follow are clearly irrelevant and embarrassing. They consist of allegations of the attempts made since the commencement of the action by defendants' solicitors to reach some settlement. For this attempt they are much to be commended, but I fail to see how it can form any ground of defence to plaintiff's claim. *Stratford Gas Co. v. Gordon*, 14 P. R. 407, only decides that nothing should be struck out that may possibly be useful to defendant. But it does not decide that defendant can plead anything that he thinks may assist his defence. The statement of defence should be struck out, either in whole or as asked by plaintiff, with leave to defendant to amend or file new defence in 10 days. Costs of motion to plaintiff in any event.