

documents and books of the company. The company being a limited one, the examinations were for discovery only, and that should be freely given. Costs of the motion to be costs in the cause. J. M. Ferguson, for the defendant. Tuckett (H. J. Macdonald), for the plaintiff.

RE McLAULIN—McDONALD V. McLAULIN—MASTER IN CHAMBERS
—APRIL 19.

Pleading—Statement of Defence—Action to Establish Will—Claim to Property Standing in Name of Testator—Counterclaim—Amendment.]—This action was originally brought in a Surrogate Court to establish the will of a testator in solemn form. On the application of the parties, the cause was transferred to the High Court Division. The statement of defence was unusually long, and the plaintiff moved to strike out paragraphs 3 to 29, inclusive, as embarrassing and improper. By these paragraphs the defendant alleged that the testator had from the very beginning of their married life acquired complete control over his wife, the defendant, and induced her to transfer to him all her very valuable property; and that, not only was he at his decease of unsound mind and without testamentary capacity, but also all that he assumed to deal with was the defendant's property, and not his own; and a declaration to this effect was asked. The Master said that it might be a question whether, in the present condition of the statement of defence, paragraphs 3 to 29, inclusive, were relevant. But there was nothing to prevent the defendant from counterclaiming for the relief asked for. The statement of defence was really, and would then formally be, a statement of claim, and the paragraphs in question could not be struck out, as they set up facts which might well support and establish the claim asserted by the defendant that all the property over which, at his death, her husband, the testator, had any control or power, was her property, for the reasons stated in the paragraphs in question (perhaps with unnecessary fulness). The defendant should also account for the delay on her part in taking steps to obtain the relief asked for. She should amend by making the necessary allegations of a counterclaim. In other respects motion dismissed; costs in the cause. H. S. White, for the plaintiff. John Jennings, for the defendant.