

present. It was only an intimation of what the defendants would ask if successful at the trial. He cited Kerr on Injunctions, 4th ed., pp. 591, 592, as shewing that it could not be determined until after the trial whether an inquiry as to damages would be granted. Even if the action was dismissed, the defendants would not necessarily recover damages. The Master agreed with this, and said that no particulars should be ordered, especially as the case was at issue and had been ordered to be tried on the 19th May. The motion was, therefore, dismissed; costs in the cause. The plaintiff was justified in finding out exactly what course the defendants intended to take, just as the defendants were justified in making every reasonable effort to have evidence as to the mental condition of the plaintiff in 1910 and at the present time. A. O'Heir and F. Morison, for the plaintiff. H. A. Burbidge, for the defendants.

PAGLIAI v. CANADIAN PACIFIC R.W. Co.—BRITTON, J.—MAY 7.

Damages—Carriage of Goods—Loss in Transit—Liability of Carriers—Assessment of Damages—Value of Goods.]—The plaintiff, on the 18th December, 1911, delivered to the agents of the defendants at Minneapolis a cask of moulds and a cask of models to be carried to Toronto. The moulds arrived safely, but the models did not, having been apparently lost in transit. The plaintiff sued for \$2,000 damages for the loss of the models. BRITTON, J., found, upon the evidence, that the defendants were liable for the loss of the models; in fact, he said, liability was conceded at the trial; but the defendants contended that the amount claimed by the plaintiff was exorbitant. The learned Judge reviewed the evidence, in a written opinion, and stated his conclusion that the plaintiff's damages were not so large as the amount which he said was paid for the models. Damages assessed at \$850, and judgment directed to be entered for the plaintiff for that amount with costs. W. A. Proudfoot, for the plaintiff. Angus MacMurchy, K.C., for the defendants.

FRITZ v. JELFS—MASTER IN CHAMBERS—MAY 8.

Security for Costs—Public Authorities Protection Act, 1 Geo. V. ch. 22, sec. 16—Police Magistrate—Action against, for Tort—Unofficial Act—Cause of Action—Motion to Strike out Statement of Claim—Con. Rule 261—Forum.]—Motion by the defendant Jelfs to set aside the statement of claim as disclosing no cause of action, or for an order for security for costs, under