

CAULFEILD V. NATIONAL SANITARIUM ASSOCIATION—BRITTON, J.,
IN CHAMBERS—JAN. 30.

Pleading—Statement of Claim—Wrongful Dismissal—Other Causes of Action—Prolixity—Irrelevancy—Embarrassment.]—Appeal by the defendants from an order of the Master in Chambers, ante 592, refusing to strike out certain paragraphs of the statement of claim, objected to as tending to embarrass the defendant and to prejudice him in a fair trial of the action. BRITTON, J., said that, in view of *Millington v. Loring*, 6 Q.B.D. 190, this case presented some difficulty. He was restricted to the consideration of the paragraphs objected to being embarrassing or prejudicial to the defendants. It might well be that some of these statements, instead of being embarrassing, were in the defendants' favour as shewing all that the plaintiff could hope to bring forward in support of his action. The action was for the alleged breach by the defendants of a definite contract. The plaintiff sought to bring before the Court the matters introduced into the statement of claim, for a double purpose: first, to assist the Court in interpreting the contract; and, second, as the basis of a claim for special damages if he was entitled to recover at all. The action was peculiar in this, that, although the defendants had the right to dismiss, and the plaintiff had the right to leave after the expiration of six months, there was no right, even by payment of six months' salary, to compel him to leave before. Having regard to that, many of the statements were not embarrassing or prejudicial. With great respect for the Master's opinion, the learned Judge thought that paragraphs 5, 6, 9, 14, and 15 should be struck out. The appeal should be allowed as to these. Even if there might be something immaterial or irrelevant in paragraphs 3, 7, 8, 10, 11, 13, 16, 17, and 19, they were not embarrassing or prejudicial to the defendants. Paragraphs 4, 12, and 18 were not objected to. Subject to the above, the plaintiff might amend the statement of claim, if he desired to do so, within five days. Costs to be costs in the cause. R. McKay, K.C., for the defendants. D. L. McCarthy, K.C., for the plaintiff.

McDONALD THRESHER CO. V. STEVENSON—BRITTON, J., IN CHAMBERS—JAN. 30.

Division Courts—Territorial Jurisdiction—Action for Sum in Excess of \$100—Place of Payment—Division Courts Act, 10 Edw. VII. ch. 32, sec. 77(1)—New Trial—Inspection of Document—Motion for Prohibition—Costs.]—Motion by the defend-