

It may be a question whether in the present condition of the statement of defence paragraphs 3 to 29 inclusive are relevant.

But there is nothing to prevent the defendant from counterclaiming for the relief asked for in clause (b) of the prayer for relief.

This statement of defence is 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 fullness) and accounting therein for the delay in moving on her part to obtain the relief asked for. The defendant should amend by making the necessary allegation of counterclaim and the motion will be otherwise dismissed with costs in the cause.

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MASTER IN CHAMBERS.

APRIL 19TH, 1913.

NORTH AMERICAN EXPLORATION CO. v. GREEN.

4 O. W. N. 1142.

*Discovery—Further Examination of Officer of Company—Further Affidavit on Production—Motion Premature.*

MASTER IN CHAMBERS refused to make an order for a better affidavit on production by the plaintiff where the motion was premature, but ordered further examination for discovery of another officer of plaintiff corporation where a previous examination of another officer had elicited little information.

Motion by defendant for better affidavit on production and for examination of another officer of the plaintiff company for discovery. The action is to have it declared that certain land bought by defendant was acquired by him only as a trustee for the plaintiff company of which he was an officer, and for an account, etc.

J. M. Ferguson, for the defendant.

Tuckett (H. J. Macdonald), for the plaintiff.

CARTWRIGHT, K.C., MASTER:—The motion for better affidavit is premature. No ground has yet been laid for that. See *Ramsay v. Toronto R. Co.*, 23 O. W. R. 513. As to