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MASTER-IN-CHAMBERS.

MAY 22ND, 1913.

DAVISON v. THOMPSON.

4 O. W. N. 1337.

*Pleading—Statement of Defence—Motion to Strike out Paragraphs
—Enforcement of Rights of Stranger to Action Sought.*

MASTER-IN-CHAMBERS struck out certain paragraphs of a statement of defence which sought to enforce a right claimed on behalf of a stranger to the action.

Motion by plaintiff to strike out paragraphs 7, 11, and 12, of the statement of defence as filed, as embarrassing.

J. T. White, for plaintiff.

W. Middleton Hall, for defendant.

CARTWRIGHT, K.C., MASTER-IN-CHAMBERS:—In this action plaintiff asks for the return of certain bonds deposited with the defendant as security for a payment by him of \$10,000 for a half share in a contemplated venture, which bonds were to be returned on a division of profits of such joint venture, which plaintiff alleges has been made. This division apparently is not denied.

The statement of defence alleges that this \$10,000 was only a loan to plaintiff and that the bonds were deposited as security for same. This loan, it is said, was made by one Charlton, who thereupon became entitled to the bonds, and defendant disclaims any interest in them—paragraph 7. In paragraph 11, defendant submits that the bonds should be delivered to him as agent for Charlton, and in paragraph 12 defendant counterclaims for payment of \$6,000 and interest to Charlton or to himself as Charlton's agent. It is not shewn how this \$6,000 is arrived at.