

Motion by the plaintiff for particulars of paragraph 15 of the statement of defence, and to strike out paragraphs 16, 17 and 18 of statement of defence as embarrassing and irrelevant.

J. M. McEvoy, for the plaintiff.

H. J. Martin, for the defendant.

CARTWRIGHT, K.C., MASTER:—It was agreed on the argument that particulars of paragraph 15 would be given. Paragraph 16, together with paragraphs 10, 12, 13 and 14, are set up by way of counterclaim, which would render it difficult or perhaps impossible to strike it out. As pointed out in *Bristol v. Kennedy*, 23 O. W. R. 685. "Under our present system of pleading it is difficult to maintain an order striking out a part of a pleading," per Middleton, J. After reading the pleadings, I cannot say that these paragraphs may not, as against paragraphs 5, 6, and 7, of the statement of claim, be available as matter of defence. On their face they seem to be allegations of facts, which may assist the defendant if proved, and allowed by the trial Judge, or on a reference if one is hereafter directed.

The motion (having been partly successful) is dismissed with costs in the cause.

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MASTER IN CHAMBERS.

FEBRUARY 26TH, 1913.

BADIE v. ASTOR.

4 O. W. N.

*Costs—Security for—Motion for Further—Security Ample to Date—Dismissal of Motion.*

MASTER IN CHAMBERS refused to order further security for costs in an action where the costs incurred up to the date of the motion were amply secured by the original bond given for security. *Stow v. Currie*, 13 O. W. R. 997, followed.

Motion by the defendant for an order for further security for costs.

Beatty (Kilmer & Co.) for the motion.

R. McKay, K.C., contra.