

The president admitted that the plaintiff's share of the profits to which he was prima facie entitled was "approximately \$2,500, according to the agreement;" but also said that the defendants had a counterclaim to the amount of \$3,508. The Master said that the counterclaim could not be considered to offset the \$2,500 admittedly due; as to the defendants' counterclaim or set-off, they were really quasi-plaintiffs. Motion dismissed; costs in the cause. H. S. White, for the defendants. J. F. Boland, for the plaintiff.

ST. CLAIR V. STAIR—MASTER IN CHAMBERS—APRIL 18.

Pleading—Statement of Claim—Libel and Conspiracy—Irrelevant Allegations—Striking out—Costs.]—The facts of this case appear in notes of previous decisions, ante 645, 731. The action was for libel and conspiracy to destroy the moral character and reputation of the plaintiff. In the 3rd paragraph of the statement of claim the plaintiff alleged: "For a number of years the defendant Stair has permitted indecent and immoral performances to be given at his theatre, and by reason of the public and evil reputation which the said theatre has acquired, and in pursuance of the objects of the committee"—that is, a vigilance committee of citizens, of which the plaintiff was a member—"the plaintiff visited the said theatre;" and in paragraph 4 it was alleged that on that occasion the plaintiff witnessed an indecent, immoral, and obscene performance. The defendant Stair moved to strike out the first part of paragraph 3, down to and including the words "acquired and" as being scandalous, embarrassing, and irrelevant. The Master said that the motion was entitled to prevail, as it could not be seriously contended that the matters alleged in the part of the paragraph complained of could be given in evidence at the trial. Any justification of the report of the plaintiff as to what actually occurred at the defendant Stair's theatre could be given under the allegation in the 4th paragraph of what the plaintiff himself witnessed. What occurred on other occasions did not come in question. The general character of the theatre or of any other performance than the one at which the plaintiff was present could not be inquired into in this action. The 4th and subsequent paragraphs of the statement of claim sufficiently alleged and explained the wrongful acts of the defendants for which the plaintiff sought redress, and offered a sufficiently wide field for