

HIGH COURT OF JUSTICE.

Street, J.]

TOWNSEND v. O'KEEFE.

[April 1.

Pleading—Slander—Particulars—Names of persons—Times and places—Striking out—Amendment.

In an action of slander the statement of claim, after alleging that the slanders had been spoken and published to certain named persons, added "and to others at present unknown to the plaintiff."

Held, sufficient.

It also alleged that during a period of five months the defendant spoke and published various slanders to certain named persons and to others not known to the plaintiff.

Held, bad, and struck out; for it did not show which of the persons mentioned were present when the different statements were made, nor at what times and places they were made.

Leave to the plaintiff to amend by adding further charges within reasonable limits.

Thurston, for the plaintiff. *W. H. Lockhart Gordon*, for the defendant.

Rose, J.]

SINCLAIR v. BROWN.

[April 1.

58 Vict., c. 21 (O.)—R.S.O. (1897), c. 127, s. 12—Construction of—Widow's charge—Quantum of—Foreign estate.

Under 58 Vict., c. 21 (O.), now s. 12 of R.S.O. (1897), c. 127, the widow of an intestate who left no issue, is entitled to \$1,000 out of his estate in Ontario, notwithstanding that she may have received other benefits under the laws of another country out of his estate in that country.

A. F. Lobb, for the plaintiff. *Geo. W. Lount*, for the defendants.

Armour, C.J., Falconbridge, J.,
Street, J. }

[April 7.

ALDRIGH v. HUMPHREY AND YOUNG.

Justice of the peace—Warrant of commitment—Constable executing in adjoining county—Arrest—24 Geo. II., c. 44, s. 6—R.S.O. (1887), c. 73—Notice of action—Insufficiency of—Direction to juror—Not guilty by statute.

Plaintiff having been convicted of an assault and fined by a magistrate in the county of H., the magistrate issued a warrant for his arrest for the non-payment of the fine, directed to a constable, who went after the plaintiff and found him in an adjoining county, when he told him he had a warrant of commitment for him for his arrest, at his request allowing him to read it, when the plaintiff said he would go with him, which he did; the constable taking him before the magistrate in the county where he was convicted, where he paid the fine, costs and constable's fees.

Held, that what took place constituted an arrest.