

out as irrelevant and embarrassing paragraph 5 of the statement of defence in an action for libel whereby, as alleged, the plaintiff was dismissed from an office which he held. See ante pp. 237 and 288. After a careful perusal of the pleadings, the Registrar was of opinion that the objections were well taken. One way of testing the matter would be to assume that all the allegations in paragraph 5 were admitted to be true—would they constitute any defence or justification of the libel? And, applying that test to this paragraph, could it be said that the facts alleged offered any defence or justification? Clearly not: for, admitting that the plaintiff's method of conducting his office was a matter of comment, that furnished no defence. The comment may have been mere idle gossip, without a pretence of justification; and, even if it were well-founded, his method of conducting his office, though bad, would not justify the particular charge complained of by the plaintiff. Then, would the fact that the matter of his employment of experts, without providing for their pay, was discussed by newspapers, be any justification? For aught that was alleged, all such comments may not have had a particle of foundation in fact. The plaintiff may never have had anything to do with experts or their remuneration; but the fact might be true, as alleged in paragraph 5, that the matter had been discussed in the newspapers on the assumption that it was true. Paragraph 5, therefore, seemed to present a wholly immaterial issue. The gravamen of the plaintiff's claim was, that the alleged libel charged him with malfeasance in his office as City Solicitor. How did the fact that other newspapers had discussed the matter, and that public interest had been aroused in the charge, in any possible way justify, excuse, or extenuate the publication of the libel complained of, even if such comments had any foundation in fact, and still less if founded on fiction? Order made striking out paragraph 5, with costs to the plaintiff in any event. J. T. White, for the plaintiff. R. C. H. Cassels, for the defendants.

TORONTO DEVELOPMENTS LIMITED V. KENNEDY—LENNOX, J.—
DEC. 10.

*Contempt of Court—Disobedience of Injunction Order—
Motion to Commit — Adjournment for Personal Service of
Order.*]—Motion by the plaintiffs to commit the defendant for