of. The new pleading also introduced entirely new causes of action, some of which arose prior to the bringing of this action, and would therefore be barred by the Limitations Acts, and other causes of action which arose subsequent to the bringing of this action, and therefore could not be set up in this action, although some of the facts alleged might be given in evidence for the purpose of shewing malice. All of this was set out in language not appropriate to pleading.

The learned Judge found it difficult to ascertain exactly what was meant by the order of the Divisional Court directing the new trial; but he could not believe that it was intended that the matter should be re-opened in any way that would justify this pleading. It is important not merely for the plaintiffs but for the defendants to know what is to be open for determination at the new trial. The best opinion that the learned Judge can form is that the liability based upon the second clause of the letter of the defendants and the innuendo alleged in the pleading are the only matters to be dealt with at the new trial. The main difficulty is that this alleged libel is upon its face defamatory only of the plaintiff Leonard and not of the plaintiff company.

The better course to adopt is to set aside the order of the Master in its entirety, leaving the action to proceed upon one count on the old record. If the parties could agree to eliminate all else from the statement of claim and all of the defence not appropriate to this count, it would simplify matters upon the new trial; but the learned Judge had, he said, no power to give any such direction.

There was nothing in the material to justify the order made by the Master for a speedy hearing.

The appeal should be allowed and the motion before the Master should stand dismissed—costs here and below to be paid by the plaintiffs to the defendants in any event.