

defence—and it is apparently not so considered in *Fulford v. Wallace*, 1 O. L. R. 278, see pp. 282, 283—the defendants are not advantaged.

It may be that the defendants are entitled at the trial to have the whole of the publication read, as is said in *Cooke v. Hughes*, 1 R. & M. 112; see also *Thornton v. Stephen*, 2 M. & R. 45; *Hedley v. Barlow*, 4 F. & F. 227. If so, they do not need this pleading.

I do not need to pass upon the somewhat perplexing question whether general evidence of the plaintiff's bad character, or rather reputation, could be given in evidence in mitigation: *Jones v. Stevens*, 11 Price 235; *Scott v. Sampson*, 8 Q. B. D. 491; *Wood v. Durham*, 21 Q. B. D. 507; *Earl Leicester v. Walter*, 2 Camp. 251; and like cases are not few in number, and deal more or less with the question.

Nor need I inquire whether, in order to mitigate damages, particular facts may be given in evidence tending to shew the character and disposition of the plaintiff—apparently such evidence cannot be given: *Jones v. Stevens*, 11 Price 235.

That is not what is peladed here. The plea is that a number of other statements were made by the defendants, and that such statements are true. No facts are specifically alleged. It is not said "the plaintiff did at such a time and at such a place do so and so." Such an allegation, if allowable at all—and as to that I do not decide—would be traversable, and the plaintiff would be prepared to meet it. As it stands, the plaintiff is left to fish out the facts which the defendants desire to prove as detrimental to his reputation. The pleading is bad, and the order appealed from is right.

The appeal will be dismissed, with costs to the plaintiff in any event.

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RIDDELL, J.

NOVEMBER 6TH, 1909

### WILSON v. SONS OF ENGLAND BENEFIT SOCIETY.

*Life Insurance—Beneficiary Certificate—Condition—Compliance with Rules of Society—Change of Occupation from Ordinary to Hazardous—Failure to Notify Society — Amendment of Rules—Forfeiture of Benefits.*

Case stated under Con. Rule 372 for the opinion of the Court. One Wilson became in 1905 a member of the defendant society, beneficiary department, and received a beneficiary certificate,