

HOLLAND v. HALL—MASTER IN CHAMBERS—OCT. 9.

Slander—Pleading—Statement of Claim—Motion to Strike out Paragraphs—Special Damage.]—Motion by the defendant to strike out the 5th, 6th, 7th, and 8th paragraphs of the statement of claim in an action for damages for alleged defamatory statements made by the defendant on three different occasions. It appeared from the paragraphs not attacked that the plaintiff was a councillor of Walkerville for 1910, and was nominated for mayor on the 26th December in that year. After the formal nominations, a public meeting was held at which the defendant was said to have made serious charges against the plaintiff, which, it was conceded on the argument, implied criminal charges. The 5th paragraph alleged a statement by the defendant, at the same meeting, of the plaintiff having sought to use his position as councillor to benefit himself by getting the assessments of some houses he owned reduced below their real value. The 6th paragraph set out a charge of the plaintiff, while a councillor, having used his position to overcharge the municipality for goods supplied for certain purposes, one of them being mourning drapery at the death of His late Majesty. The 7th paragraph alleged certain statements made in March and April, 1911, of a similar character to the foregoing, and charging that he had been “robbed the town,” and charging that he had been “dishonest in his dealings with the town and had received money he was not entitled to.” The 8th paragraph alleged general loss of business by reason of the premises; that he had been greatly injured in his credit and reputation; and he claimed special damages for such loss and injury. It was argued that there were not sufficient allegations in the 5th, 6th, and 7th paragraphs to support a claim for special damages. The Master said that, as at present advised, he was not of that opinion. In any case that would seem to be matter of defence: *Odgers on Pleading*, 3rd Eng. ed., precedent No. 100, p. 434. In *Glass v. Grant*, 12 P.R. 480, the rule was laid down that pleadings should seldom be interfered with on summary application, and this had been approved and followed in subsequent cases. See *Stratford Gas Co. v. Gordon*, 14 P.R. 407. The allegations made by the defendant against the plaintiff, if shewn to be false, might affect the plaintiff injuriously in his business. He might be able to shew damage resulting from these accusations of wrongdoing, within the principle of *Rateliffe v. Evans*, [1892] 2 Q.B. 524. Motion dismissed. Costs to the plaintiff in the cause. R. C. H. Cassels, for the defendant. Frank McCarthy, for the plaintiff.