

the defendants should make their election not to renew before the expiration of the term.

Wallace Nesbitt, for plaintiff. *Fullerton*, Q.C., for defendants.

DIVISION COURT.

COUNTY OF OXFORD.

Finkle, Co. J.]

MASTERS V. ADAMS.

[Oct. 22.

Master and Servant Act—Set off—Jurisdiction of Police Magistrate outside of cities.

This was a summary proceeding under the Master and Servant Act, in which the Police Magistrate of the town of Woodstock found forty dollars wages due to the servant, but allowed a set off of three dollars to the master. On appeal to the Division Court from this judgment.

Held, that a Police Magistrate outside of cities has no jurisdiction under the Master and Servant Act to allow counter claim or set off against the servant.

J. G. Wallace, for appellant. *S. G. McKay*, for respondent.

Province of New Brunswick.

SUPREME COURT.

Vanwart, J.]

GUNTER v. EDGECOMBE

[Sept. 24.

Slander—Particulars—Order for, when made.

Action of slander. The declaration alleged that the defendant had falsely and maliciously spoken certain words of the plaintiff, setting them out, with an innuendo for larceny. After appearance the defendant applied for an order for particulars on his own affidavit, which stated he had no recollection whatever of ever using or speaking to the plaintiff or to any other person or persons the words alleged in the declaration, or of the time, place or to whom or of the circumstances under which such words were spoken.

Ordered that the plaintiff deliver to the defendant or his attorney an account in writing of the particulars showing where, and the persons to whom, the alleged slander in the declaration was spoken and published, but need not state the names of persons within hearing or passing at the time to whom the words were not addressed. The following cases were cited: *Wicks v. MacNamara*, 3 H. & N. 568; *Early v. Smith*, 12 Ir. Com. Law Rep. 35 Q.B.; *Bradbury v. Cooper* (1883) 12 Q.B.D. 94; *Roselle v. Buchanan* (1886), 16 Q.B.D. 656; *Gourand v. Fitzgerald* (1889) 37 W.R. 55; *Stern v. Sevastopulo* (1869) 14 C.B. N.S. 738.

Vanwart Q.C., for plaintiff. *W. McCready*, for defendant.