

McVEITY v. OTTAWA CITIZEN CO.—HOLMESTED, SENIOR REGISTRAR, IN CHAMBERS—NOV. 4.

*Particulars—Statement of Claim—Immaterial Allegation — Libel.*]—This was an action to recover damages for libel, which occasioned, as was alleged, the dismissal of the plaintiff from an office held by him. Paragraph 3 of the statement of claim was as follows: "3. With the intent to procure the dismissal of the plaintiff from his said office . . . the defendants for several years carried on against the plaintiff, through the columns of their said newspapers, a campaign of falsehood and slander." The statement then set out, in a subsequent paragraph, the alleged libel which occasioned the plaintiff's dismissal. Nothing was claimed in the way of damages in respect of the allegations in paragraph 3; which appeared to the learned Registrar to be immaterial. The defendants applied for particulars of paragraph 3, but did not ask to have the paragraph struck out. The Registrar said that, according to the decision of the Court of Appeal in *Cave v. Torre*, 54 L.T.R. 515, particulars ought not to be ordered of immaterial allegations in pleadings. The motion must, therefore, be refused, with costs to the plaintiff in any event. Stanley Mills, for the defendants. J. T. White, for the plaintiff.

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RE KNOX AND CITY OF BELLEVILLE—FALCONBRIDGE, C.J.K.B.—NOV. 5.

*Municipal Corporation—Sanitary By-law—Collection of Garbage—Delegation of Authority—Ministerial Matters.*]—Motion to quash a city by-law. The learned Chief Justice said that the point on which *Re Jones and City of Ottawa* (1907), 9 O.W.R. 323, 660, turned, was felt by the Divisional Court to be a very narrow and technical one; no costs were awarded and only the objectionable sections of the by-law were quashed. The present by-law was intended to be and would be of great benefit to the citizens from a sanitary point of view, and it ought to be upheld, unless it was contrary to the general law of the land. The Ottawa by-law assumed to prohibit householders from disposing of their productive refuse to dealers. The present by-law seemed only to contain a direction to the garbage collector as to his duties. The alleged delegation of authority to the Sanitary Inspector and the Board of Health was as to matters purely ministerial. Motion dismissed with costs. E. G. Porter, K.C., for the applicant. S. Masson, K.C., for the city corporation.