

CARTWRIGHT, MASTER.

MAY 28TH, 1907.

CHAMBERS.

PHERRILL v. SEWELL.

Particulars — Statement of Claim — Conspiracy — Libel and Slander — Affidavit — Amendment — Rule 268 — Disclosing Evidence.

Motion by defendants for particulars of statement of claim before delivery of statement of defence.

J. W. McCullough, for defendants.

T. N. Phelan, for plaintiff.

THE MASTER:—The motion is supported only by an affidavit of the agent of defendants' solicitor. This does not state that particulars are necessary for formulating the defence.

The statement of claim alleges that defendants unlawfully conspired together and with 32 persons whose names are given "and with other persons at present unknown to plaintiff," to publish a libel in the form of a petition to the council of the township of Markham asking that plaintiff be removed from certain premises occupied by her in said township. It then sets out the petition and charges publication to the members of the township council and others in attendance thereat, as also to those whose names are set out in the preceding paragraph, with a sufficient innuendo.

In the succeeding paragraph defendants are charged with slander also uttered at the same time to the persons already mentioned, and charging plaintiff with a want of chastity.

Plaintiff then alleges that she has been greatly injured in her character and reputation, and claims \$10,000 damages.

Apart from the absence of any sufficient affidavit of the necessity of particulars at this stage, there does not seem any reason for the order asked. The main grounds of the action are libel and slander. As to these only 3 defences are possible, and none of them would derive any assistance from the particulars demanded.

The 4th paragraph should be amended by inserting the words "spoke and" before the word "published" in the