

THE
ONTARIO WEEKLY REPORTER

VOL. XIII.

TORONTO, MARCH 25, 1909.

NO. 12

CARTWRIGHT, MASTER.

MARCH 12TH, 1909.

CHAMBERS.

FOSTER v. MACDONALD.

*Pleading — Statement of Defence — Action for Slander—
Amendment of Statement of Claim—Limiting Complaint
to a Part of the Words Spoken by Defendant—Innuendo.*

Motion by plaintiff in, an action for slander to strike out a large part of the statement of defence as being irrelevant and embarrassing.

I. F. Hellmuth, K.C., for plaintiff.

N. W. Rowell, K.C., for defendant.

THE MASTER:—The argument made it plain that defendant's counsel had supposed that the plaintiff was complaining of the whole and every part of what was said by defendant as set out in the statement of claim, and especially where at the end of the second paragraph the plaintiff was spoken of as a man "against whom there stand allegations of mismanagement of trust funds and of infidelity to the most sacred commercial and moral obligations."

Acting on that theory, a great deal was set up which would perhaps be relevant in that view. But the plaintiff's counsel is prepared to obviate this difficulty and confine the trial to the two specific acts of wrongdoing charged in the first, third, and last paragraphs of the defendant's speech as given in the statement of claim.

All that is necessary, therefore, at present is to allow plaintiff to amend his statement of claim accordingly. The