

which he is known to belong, if those who look on, know well who is aimed at, the very same injury is inflicted, the very same thing is in fact done as would be done if his name and Christian name were ten times repeated." *Albrecht v. Burkholder, supra*, is to the same effect.

Defendants' second ground is that there is misjoinder of parties. Holding as I have held above, and it not appearing that the joinder of the plaintiffs will embarrass or delay the trial of the action, I am of opinion that under Rule 66 plaintiffs are not improperly joined.

Defendants ask, in the alternative, that portions of paragraph 3 of the statement of claim be struck out as irrelevant and embarrassing. The portions objected to are sufficiently connected with the other published statements in respect of which the action is brought, and they should remain as part of the record. It is difficult to see how they can cause embarrassment or interfere with the proper trial of the action.

The application for particulars of the name of the Controller referred to in paragraph 3 of the statement of claim is also refused. Disclosure of the name of the person whom the author and publisher of the article complained of, or one or other of them, had in mind, is, or should be, within the power of defendants or some one of them. Defendants are not therefore in that respect prejudicially affected in making their defence.

The motion is dismissed with costs.

Defendants will have eight days from this date within which to deliver their statement of defence.

G. S. HOLMESTED, K.C.

SEPTEMBER 24TH, 1913.

OWEN SOUND LUMBER CO. v. SEAMAN KENT. CO.

5 O. W. N. 55.

*Pleading—Statement of Claim—Motion for Particulars—Contract—
Order Granted.*

Coyne, for the defendants.

H. S. White, for the plaintiff.