

MIDDLETON, J., IN CHAMBERS.

JANUARY 28TH, 1918.

## \*HENNEFORTH v. MALOOF.

*Slander—Defence—Justification—Particulars Delivered not Complying with Former Order—Particulars Set aside with Liberty to Deliver New ones Verified by Affidavit—Postponement of Trial.*

An appeal by the defendant from an order of the Master in Chambers requiring the defendant to give further and better particulars under a defence of justification in an action for slander.

The defamatory words complained of were, that the plaintiff "is a common whore and prostitute."

The particulars were ordered by CLUTE, J.: see ante 292.

The defendant also moved to postpone the trial.

The appeal and motion were heard in Chambers.

R. McKay, K.C., for the defendant.

J. M. Ferguson, for the plaintiff.

MIDDLETON, J., in a written judgment, said that the particulars given were not, as they stood, a compliance with the order made; and the better course was to set them aside, with liberty to the defendant to give new particulars within a week.

If the defendant intended to shew that the plaintiff acted as a common whore and a prostitute, giving access to all comers, it might well be that this was given with sufficient particularity, when the places and times were given; but the allegation should then be in such form as to cast the onus on the defendant of proving this misconduct during the whole of the period charged.

If the immorality relied upon was misconduct with individual men, the dates, places, and names should be given; and where, in any case, these exact particulars could not be given, the defendant should state under oath that the particulars given were the best that he was able to give upon the information he now had.

The plaintiff was entitled to know enough to enable her to defend herself against the charges made.

For the order of the Master should be substituted a general order setting aside the particulars delivered, with liberty to the defendant to deliver new particulars within a week; such particulars to be verified by the oath of the defendant that these are, to the best of his belief, true, and as full and accurate as he can make them, in view of the knowledge he now has.