

be struck out as embarrassing: Fleming v. Dollar (1889), 23 Q.B.D. 388; Halsbury's Laws of England, vol. 18, para. 1245, p. 674. The plaintiff company complained that it was not sufficient to state, as the defendant company did in paragraph 1 (c) of the particulars, that the financial editor of the defendant company's newspaper was informed of certain things by one Simons, but should state whether he averred that the statements made were true in substance and in fact; and so of clauses (d), (e), and (f). It was incumbent upon the defendant company in its particulars to point out with clearness the facts upon which it intended that to point out with clearness the facts upon which it intended to rely as the facts upon which it pleaded that it made fair comment.

The particulars were insufficient and embarrassing. The plaintiff company was entitled to know what the defendant company alleged to be the facts upon which fair comment was said to have been made and which were said to be in the public interest and for the public benefit.

Clauses (c), (d), (e), and (f) of paragraph 1 of the particulars should be struck out, with liberty to the defendant company to amend by stating the allegations of facts which it alleged to be true in substance and in fact.

Under paragraph 2 (a), (b), and (c) of the particulars, the defendant company should state what the allegations were which were said to be fair and bonâ fide, or mark the same in his particulars with red ink.

To this extent the appeal should be allowed; costs of the appeal to the plaintiff company in any event of the cause.

LENNOX, J.

JUNE 16TH, 1915.

\*RE STEWART AND TOWN OF ST. MARY'S.

*Municipal Corporations—By-law Limiting Pool-room Licenses in Town to one—Monopoly—Municipal Act, R.S.O. 1914 ch. 192, sec. 254—Effect of secs. 249, 250—Motion to Quash By-law.*

Motion by Stewart to quash by-law No. 297 passed by the Council of the Town of St. Mary's, providing that the billiard and pool-room licenses to be issued in the town for the license