

The action is to recover \$2,500 amount of a policy of insurance issued by appellant against loss, damage and theft of an automobile alleged to belong to the respondent.

The plea as originally filed, denied responsibility and specially denied that the respondent was the owner of the alleged automobile.

Subsequently, the respondent amended its plea by adding thereto paragraphs 8 and 9, as follows:—

“8th. That since the year 1913, the plaintiff has conspired in collusion with one Romeo Desmarais and one Delphis Biscornais also known as Fred Biscornais, and other persons whose names are unknown to defendant, by false representations and other fraudulent means, to defraud insurance companies in general, and defendant in particular.

“9th. That since the said year 1913, the said plaintiff, the said Desmarais, and the said Biscornais, in collusion with other persons whose names are at present unknown to defendant, have made a business of defrauding insurance companies in general, and defendant in particular, by taking out insurance upon pretended automobiles which did not exist, or upon automobile usually second-hand and then, after making false and fraudulent representations as to the price, value and ownership of the said automobiles, cause the said automobiles to burn or disappear and thereafter collect from the said Insurance Companies amounts which by far exceeded the worth or value of the said automobiles.”

The respondent inscribed in law against the two above paragraphs of the plea, on the grounds that they had no bearing whatever upon the case and would not justify the conclusions of the plea.