

ROBERTSON, J.]

[Oct. 8.

PRESANT v. GUELPH LIGHT AND POWER CO.

Action for improper use of water in stream—Parties—Tenant-at-will.

In an action by a riparian proprietor to restrain an improper and illegal use of the water in a stream, the plaintiff being a mere tenant-at-will, if the reversioners do not join as plaintiffs, upon a motion by defendants they will be added as parties defendants in order to be bound by any judgment made in the action. Costs of application to defendants against plaintiff in any event.

J. H. Moss, for defendants.

H. I. Dunn, for plaintiff.

W. H. Garvey, for proposed parties.

BOYD, C., FERGUSON, J., }
MEREDITH, J. }

[Oct. 20

PALADINO v. GUSTIN.

Security for costs—Slander—52 Vict., c. 14, s. 1, sub-sec. (3)—Meaning of words used—Good defence.

Slander of a married woman. The words alleged to have been spoken were, "You are a blackguard; you are a bad woman;" and the innuendo was that the plaintiff was a common prostitute, and a woman of evil character. Upon an application by the defendant under 52 Vict., c. 14, s. 1, sub-sec. (3), for security for costs, the defendant admitted having called the plaintiff "a bad, quarrelsome woman," but said he did not recollect using, and believed he had not used the word "blackguard," and he denied that he used the words with the meaning attributed to them by the plaintiff.

Held, MEREDITH, J., dissenting, that the defendant had not shown a good defence to the action on the merits, and his application was properly refused.

Per BOYD, C., and FERGUSON, J., that the expressions used might be employed in circumstances and surroundings such that bystanders might think them a statement of want of chastity.

Per MEREDITH, J., that as it was shown by the pleadings and the affidavit of the defendant that there was a real and substantial question for the jury to pass upon, and upon which the action might fail, the defendant had shown a good defence upon the merits.

J. M. Clark, for the plaintiff.

W. E. Middleton, for the defendant.

MEREDITH, J.]

[Oct. 22.

DIXON v. TRACEY.

Parties—Causes of action—Joinder—Rule 185.

Motion by the defendant to stay proceedings in the action until the plaintiff should elect which of their causes of action they would proceed with.

Action by a father and his daughter, as plaintiffs, to recover \$1,000 damages from the defendant, the claim being made generally on behalf of both