

740, 930. The proposed amendments set up that after the publication of the report by the plaintiff of the performance at the theatre of defendant Stair he acquired control of the Jack Canuck newspaper with a view to making therein the defamatory statements of which plaintiff complains. The way in which this was brought about is set out with considerable fulness and in parts at least alleges facts that are not material and might prejudice the defendants.

But so long as nothing of this kind appears the plaintiff should not be prevented from alleging any fact which in his opinion is material to his case and which may be held to be so at the trial.

Such a statement as the following would seem to be unobjectionable; and is submitted for the consideration of the parties.

6a. "At the time of the publication of the plaintiff's said report of the said performance the defendant Rogers was the owner and publisher of the said newspaper then being, as now, published at the city of Toronto. Thereafter and having in view the objects of the said conspiracy the defendants Stair and Rogers procured the sale of the said newspaper and its whole assets to a company incorporated on or about the 26th day of October, 1912, as the Jack Canuck Publishing Co., Limited, being the defendant aforesaid; and under the arrangements made thereupon the said defendant Stair acquired a controlling interest in the said newspaper.

6c. "The said defendant Stair advanced the money to pay the expenses of said incorporation and of the publication of the issues of said newspaper containing the defamatory statements concerning the said plaintiff of which complaint is made hereafter. He also paid the expense of the employment of private detectives to carry out the other objects of the said conspiracy as hereinafter more particularly set forth."

Subject to anything that may be suggested on the settlement of the order the plaintiff can amend as above. The defendants affected thereby to have eight days to amend if desired.

Costs of and incidental to this motion to the defendants in the cause.