a defendant may, if he pleases, set up a set-off, must sue in the superior Court; for he cannot compel the defendant to set up his claim by way of set-off, and he cannot, by voluntarily admitting a right to set-off, confer jurisdiction upon the inferior Court.''

The appeal is allowed with costs.

KELLY, J.   OCTOBER 1ST, 1913.

COOPER v. JACK CANUCK PUBLISHING CO.

Libel—Pleading—Statement of Claim—Cause of Action—Application of Defamatory Words to Particular Person—Parties—Joinder of Plaintiffs — Rule 66 — Embarrassment—Particulars.

Motion by the defendants to strike out the statement of claim in an action for libel on two grounds: (1) that it disclosed no cause of action; (2) for misjoinder of parties.

A. R. Hassard, for the defendants.
J. G. Farmer, K.C., for the plaintiffs.

KELLY, J.:—On neither ground do I think that the defendants are entitled to succeed. Without reviewing the authorities or discussing fully their effect or application here, I am of opinion that the first ground of the present application is met by such cases as Le Fanu v. Malcomson (1848), 1 H.L.C. 637, and Albrecht v. Burkholder (1889), 18 O.R. 287. In the former of these Lord Campbell (at pp. 667 and 668) says: ''The first objection is that this libel applies to a class of persons, and that therefore an individual cannot apply it to himself. Now, I am of opinion that that is contrary to all reason, and is not supported by any authority. It may well happen that the singular number is used; and where a class is described, it may very well be that the slander refers to a particular individual. That is a matter of which evidence is to be laid before the jury, and the jurors are to determine whether, when a class is referred to, the individual who complains that the slander applies to him is, in point of fact, justified in making such complaint. That is clearly a reasonable principle, because, whether a man is called by one name, or whether he is called by another, or whether he is described by a pretended description of a class to which he is