

The Land Titles Act, 1 Geo. V. ch. 28 (R.S.O. 1914 ch. 126), sec. 138, authorised the making of Rules in respect of the carrying out of the Act. Rules having been made, Rule 24 provided for an application to the Master to terminate a caution, and referred to Form 21, one of the Forms comprised in schedule A. to the Rules. A reference to that Form shewed that the intention of the framers of the Rules was, that a transferee of the registered owner—as well as the registered owner—could make the application.

The appellant had the right to apply; and the application should not have been refused merely on the ground that he had no such right, whatever the merits of the case might otherwise be.

The order of the Master should be set aside with costs, and the application should be allowed to proceed upon its merits.

*Appeal allowed.*

CLUTE, J., IN CHAMBERS.

DECEMBER 15TH, 1917.

\*HENNEFORTH v. MALOOF.

*Slander—Defence—Justification—Particulars—Practice.*

An appeal by the plaintiff from an order of the Master in Chambers dismissing the plaintiff's motion to strike out para. 3 of the statement of defence or for particulars thereunder.

The action was for slander in saying that the plaintiff "is a common whore and prostitute." The paragraph of the defence objected to was: "The defendant, besides denying as aforesaid that he spoke of and concerning the plaintiff the words set out in paragraph 3 of the statement of claim, alleges, as the fact is, that, if the said words were spoken by him, the same were true in substance and in fact."

J. M. Ferguson, for the plaintiff.

R. McKay, K.C., for the defendant.

CLUTE, J., in a written judgment, discussed the English authorities, most of which are collected in Halsbury's Laws of England, vol. 18, p. 673, para. 1245 *et seq.*, the leading ones being Zierenberg v. Labouchere, [1893] 2 Q.B. 183 (C.A.), and Arnold & Butler v. Bottomley, [1908] 2 K.B. 151; and referred also to some Ontario cases cited on the argument, which he thought were not in point or were not at variance with the English cases.