

COSTS—ACTION DISMISSED FOR WANT OF JURISDICTION—JURISDICTION TO AWARD COSTS.

Watson v. Petts (1899) 1 Q.B. 430 was an appeal from a County Court on a question of costs. The County Court Act enables the Court, when dismissing an action for want of jurisdiction, "to award costs in the same manner, to the same extent and recoverable in the same manner as if the Court had jurisdiction therein and the plaintiff had not appeared, or had appeared and failed to prove his demand or complaint." The action had been dismissed for want of jurisdiction, with certain costs to be paid by plaintiff, and certain interlocutory costs to be paid by the defendant. The defendant contended that, although there was jurisdiction to order the plaintiff to pay costs, there was no jurisdiction to order him to pay any. Darling and Channell, JJ., however, were of the opinion that the Court had full power over the costs, and had jurisdiction to apportion them as it had done. See *Cote v. Halliday*, ante, vol. 33, p. 159.

MUNICIPAL BY-LAW—"APPROVED" PLAN—CONTRAVENTION OF BY-LAW.

In *Yabbicom v. King* (1899) 1 Q.B. 444, Day and Lawrance, JJ., decided that, where a municipal body makes a by-law under its statutory powers regulating buildings within its jurisdiction, it has thereafter no power to sanction acts in contravention of such by-law; and where such a by-law laid down certain rules for buildings, the municipality had no jurisdiction to approve of plans inconsistent with such by-law, and a statute which validated plans "approved" by the municipality must be construed to mean "lawfully approved," and not merely approved in fact by such municipality.

DEFAMATION—PRIVILEGE—PLEADING—STRIKING OUT STATEMENT OF CLAIM AS SHOWING NO CAUSE OF ACTION—RULE 288—(ONT. RULE 261).

In *Hodson v. Pare* (1899) 1 Q.B. 455, the defendant moved to strike out the statement of claim as showing no cause of action. The action was brought by husband and wife to recover damages for defamation of the wife. The alleged defamation took place on an application before a justice of the peace to detain the daughter of the plaintiffs as a lunatic, and consisted in an answer made to the question "whether any near relative has been afflicted with insanity," to which the defendant, the husband of the alleged