PRACTICE—COSTS, DISCRETION OF COURT AS TO—"GOOD CAUSE"—PLAINTIFF SUCCESSFUL—ITEM OF DAMAGE ON WHICH DEFENDANT SUCCESSFUL—ORDER IX., R. 1 (ONT. RULE 1170).

In *Forster* v. *Farquhar*, (1893) 1 Q.B. 564, the question of what is "good cause" for depriving a successful plaintiff of costs in a jury action came up for consideration again under a somewhat new aspect. The action was brought to recover damages for breach of a contract to put the drainage of a house in good condition, and the plaintiff claimed as special damages certain items in respect of expenses incurred by him in consequence of an illness which broke out in his family, and due, as alleged, to the defective drainage. The claim was made *bonâ fide*, and was based on the opinion of the plaintiff's medical man that the illness was due to the defective drainage. The jury gave a verdict for the plaintiff, but found that the illness was not due to the defective drainage. Under these circumstances, the Court of Appeal (Lord Esher, M.R., and Lindley and Bowen, L.JJ.) held that Cave, J., was right in ordering that the plaintiff, though successful in the action, should pay to the defendant the costs occasioned by that part of the claim for damages as to which the plaintiff was unsuccessful.

PRACTICE—EMBARRASSING PLEADING—STRIKING OUT PLEADING.

Rassam v. *Budge*, (1893) 1 Q.B. 571, was an action for defamation. The statement of claim set out the defamatory words alleged to have been spoken by the defendant of the plaintiff. The defendant pleaded that he "did say the following words," setting out his own version of what he had said, which differed materially from the plaintiff's version, and then alleged that the words spoken by the defendant were true in substance and in fact, and were spoken on a privileged occasion. The plaintiff applied to strike out this part of the defence as embarrassing. The Divisional Court (Lord Coleridge, C.J., and A. L. Smith, L.J.) made the order, overruling Kennedy, J., who had refused to strike out the defence.

PRACTICE—SERVICE OUT OF JURISDICTION—CO-DEFENDANT WITHIN THE JURISDICTION.

In *Witted* v. *Galbraith*, (1893) 1 Q.B. 577, the Court of Appeal (Lindley and Kay, L.JJ.) have reversed the decision of the Divisional Court, (1893) 1 Q.B. 431 (noted *ante* p. 284). It will be