plained of. Odgers on Libel and Slander (4 ed.), p. 600, and *Lever* v. *Associated Newspapers* (1907) 2 K.B. 626 followed.

When the defendant has not pleaded justification in an action for libel, he is not entitled to administer interrogatories asking the plaintiff if he did certain acts with a view to shewing that the statements in the alleged libel were true.

*Deacon*, for plaintiff. *Robson*, K.C., for defendants.

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Full Court.] RE SOMMERVILLE. [Jan. 17.

*Liquor License Act, R.S.M.* 1902, *c.* 101, *s.* 119—*Jurisdiction of County Court judge to entertain application to cancel license —County Court Judicial Division lying partly in one Judicial District and partly in another.*

Under s. 119 of the Liquor License Act, R.S.M. 1902, c. 101, if the licensed premises do not lie within the Judicial District for which the County Court judge is judge, he has no jurisdiction to entertain an application to cancel the license, although he is the judge for a County Court Judicial Division composed for the most part of territory in his Judicial District with the addition of a number of townships in the Judicial District in which are the licensed premises.

*Andrews*, K.C., for applicant. *Taylor*, K.C., contra.

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Full Court.] ROBINSON *v.* C.N.R. Co. [Jan. 17.

*Railway company—Railway Act,* 1903, *ss.* 42, 214, 242, 253—*Spur track facilities—Damages for refusal to supply—Limitation of lien for bringing action for—Board of Railway Commissioners—Jurisdiction of.*

Appeal from decision of METCALFE, J., noted, vol. 45, p. 612, dismissed with costs.

*Hudson*, for plaintiff. *Clark*, K.C., for defendants.

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## KING'S BENCH.

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Mathers, J.] [Dec. 20, 1909.

DOMINION EXPRESS CO. *v.* CITY OF BRANDON.

*Injunction—Levy of illegal tax by municipality—Interim injunction—Other adequate remedy.*

A party who brings an action against a municipality for a declaration that he is not liable for a tax imposed upon him,