

of the Liquor License Act the words found in s. 721 of the Criminal Code, "If the defendant is personally present at the hearing," would be legislation rather than interpretation. There does not seem to be any good reason for the requirements of s. 101, but this is a matter for the legislature, and not for the courts.

*Haverson*, K.C., for defendant. *Bayly*, K.C., for Crown.

Middleton, J.]

[Sept. 16.

NATURAL RESOURCES SECURITY CO. v. SATURDAY NIGHT, LTD.

*Libel—Interim injunction restraining publication.*

Motion by plaintiff for an interim publication restraining the publication of libels generally.

*Held*, that the most that can be asked is to restrain the further publication of particular libels. The decision on the section of the Judicature Act applicable herein defines the exceptional cases in which such relief should be granted and this case is outside them. The test prescribed may be seen in *Coulson v. Coulson* (1887) 3 Times L.R. 846; *Bonnard v. Perriman* (1891) 2 Ch. 269; *Monson v. Tussauds, Limited* (1894) 1 Q.B. 671. The context shews that this means that the court must be clearly satisfied that the defence of justification must fail, not merely that the article is defamatory if untrue.

*Glyn Osler*, for plaintiffs. *G. M. Clark*, for defendants.

Middleton, J.]

COLVILLE v. SMALL.

[Sept. 19.

*Action by assignee in trust—Absolute assignment—Adding assignees as plaintiffs—Pleading—Champerly.*

Appeal by plaintiff from an order of a local judge directing that the assignors of the plaintiff should be added as parties plaintiff. The order was made at the instance of the defendant. The plaintiff opposed it, relying upon his own title under the assignment which was absolute in form. The assignee was the trustee to divide the proceeds of the litigation between himself and his assignors.

*Held*, 1. Where an assignment is absolute in form it is immaterial that the assignee holds in trust or that the assignee has been officially interested: *Comfort v. Betts* (1891) 1 Q.B. 737. The order was wrong in requiring the addition of the assignors as plaintiffs.