

PRATT V. TORONTO AND YORK RADIAL R.W. CO.—MULOCK,
C.J.Ex.—FEB. 9.

Costs—Action Removed into Supreme Court from County Court at Instance of Defendant—Costs Awarded to Defendant on Supreme Court Scale.]—This action was commenced in a County Court, the plaintiff claiming as damages a sum of money beyond \$500; and the defendant company disputed the jurisdiction because of the amount thus claimed. Thereupon the case was transferred to the Supreme Court of Ontario, and proceeded to trial, which resulted in a dismissal of the action by MULOCK, C.J.Ex., who said that the defendant company was entitled to costs, and the question was, what costs? The company was within its right in objecting to the trial being had in the County Court, nor was it unreasonable that it should require the trial, which involved so large a sum as that claimed, to be had in the Supreme Court. There was no reason why the company should not have costs on the higher scale, and not merely County Court costs; and it should be so adjudged. F. M. Field, K.C., and T. N. Phelan, for the plaintiff. T. H. Lennox, K.C., for the defendant company.

AUGUSTINE AUTOMATIC ROTARY ENGINE CO. V. SATURDAY NIGHT
LIMITED—MASTER IN CHAMBERS—FEB. 11.

Libel—Discovery—Defences—Justification—Fair Comment—Particulars—Limitation of Discovery—Examination of Officer of Plaintiff Company.]—Motion by the defendants for an order directing the president of the plaintiff company to attend for re-examination at his own expense and to answer the questions which he refused to answer on advice of counsel in the course of the examination already had, and in default for an order dismissing the action. The action was for libel. See 34 O.L.R. 166, 8 O.W.N. 426, 462, 503. The defendants in their defence pleaded that, if they did publish the words complained of in the statement of claim, the words, in so far as they consisted of allegations of facts, were true in substance and fact, and, in so far as they consisted of expressions of opinion, were fair and bonâ fide comment made in good faith and without malice upon the facts, which were matters of public interest, and the publication of the same was for the public benefit. Particulars of the defence were ordered, and the order had been complied with. The Master said that it was well settled by the authorities that in libel actions, where the defendants furnish