entitled to his full costs of suit, as a matter of right under the construction of Ord. 55, by which costs are to "follow the event."

There are still to be found in the reports some exceptional cases in Equity, which it is to be hoped will not at all be followed in similar circumstances. Where the only defence set up by the defendant failed in proof and the ground on which the Court decided was not taken in the answer, the Court, though dismissing the bill, refused costs; *McAnnany* v. *Turnbull*, 10 Gr. 298. A somewhat similar decision was made as to costs at common law in *Thompson* v. *Leach*, 18 C. P. 150. A plaintiff, who insisted on his legal rights in a case wherein he should not morally do so, was refused his costs in *Landed Estate Company* v. *Weeding*, 18 W. R. 35. We think it may be safely said that this principle of decision could not now be followed. In *Hawke* v. *Niagara Ins. Co.*, 24 Gr. 20, costs were refused to the defendants, although the bill was dismissed because they failed on some of their grounds of defence. We submit that this case should not be followed, inasmuch as a defendant is entitled to set up every defence which he deems to be tenable so long as he does not swear falsely to material facts in his answer. This last misconduct has usually been deemed a sufficient reason for withholding costs from the offending party: *McKay* v. *Davidson*, 13 Gr. 498; *McCrumm* v. *Crawford*, 9 Gr. 342; *Royal Canadian Bank* v. *Payne*, 19 Gr. 184. And this seems a reasonable rule so long as the Court requires the defendant to pledge his oath to the truth of his grounds of defence.

It is a matter of congratulation that the rules for the disposition of costs are becoming more settled and certain, and that much of the wrangling formerly indulged in touching this subject is now both unnecessary and inefficacious.

PRIVILEGED COMMUNICATIONS.

The *Central Law Journal* reports a case of *Belle Barber* v. *St. Louis Dispatch Co.*. The plaintiff's husband had filed a bill for divorce, founded on the alleged adultery of the wife. Before the case came on for hearing, the defendants published in their newspaper the substance of the charges. The defendants claimed that the publication was a fair report of a case before the courts. The Court said:

"The general question here involved is, whether the publication in the newspaper of the defendant belongs to the class of publications called privileged communications; that is, publications which would be libellous, but which are not so because the occasion and manner of the publishing are such as to rebut the inference of malice arising from the publication of matter which on its face is libellous. But the question on which the answer to this depends is not that which has been most discussed by counsel; namely, whether the same rule, in reference to privileged communications, that extends to trials where both parties are before the court, extends also to *ex parte* proceedings. This question has, no doubt, a bearing upon the legal issue before the court; but a solution of it in favour of the appellant will not necessarily involve the conclusion which the appellant desires to reach. Indeed, it may be granted that the general rule is as follows: Where a court or public magistrate is sitting publicly, a fair account of the whole proceedings, uncoloured by defamatory comment or insinuation, is a privileged communication, whether the proceedings are on a trial, or on a preliminary and *ex parte* hearing. But the very terms of the rule imply that there must be a hearing of some kind. In order that the *ex parte* nature of the proceedings may not destroy the privilege,