

in fact illegitimate, and William Hey was in fact an illegitimate son of John Helliwell. Besides Mary, the testator had also an illegitimate sister named Sarah, who had died leaving legitimate children, and the question was whether these children were entitled to participate. Sargant, J., held that the will contained sufficient indication of the testator's intention to include them, as well as the legitimate relatives, and so decided.

ACTION AGAINST PUBLIC AUTHORITY—DISMISSAL FOR WANT OF PROSECUTION—ORDER WHETHER A "JUDGMENT"—COSTS—PUBLIC AUTHORITIES PROTECTION ACT, 1893 (56-57 VICT. c. 61), s. 1 (b)—(R.S.O. c. 89, s. 13 (2)).

*Gilbert v. Gosport & A.U. District Council* (1916) 2 Ch. 587. This was an action against a public authority which was dismissed for want of prosecution, and the simple question was whether the costs should be paid as between solicitor and client. The action was brought in respect to an alleged trespass by the defendants on land claimed to belong to the plaintiff, but over which on behalf of the public the defendants claimed a right of way, and the question turned upon whether the order dismissing an action, was a "judgment." This point could hardly arise under R.S.O. c. 89, s. 13 (2), Sargant, J., held that an order dismissing an action is equivalent to a judgment for the defendants, and that the defendants were entitled to costs as between solicitor and client. Notwithstanding the recent Regulation of 25th September, 1916, of the Supreme Court of Ontario, providing that orders dismissing actions are to be entered as orders, and not as judgments, the legal effect of such orders is probably not affected.

COPYRIGHT—UNIVERSITY EXAMINATION PAPERS—ORIGINAL LITERARY WORK—INFRINGEMENT—INJUNCTION—COPYRIGHT ACT, 1911 (1-2 GEO. V. c. 46), s. 1 (1), s. 2, SUB-S. 1 (i); s. 5, SUB-S. 1 (b); s. 35 (1).

*University of London Press v. University Tutorial Press* (1916) 2 Ch. 601. In this case Peterson, J., held that examination papers set for an university examination are an "original literary work" within the meaning of the Copyright Act, 1911 (1-2 GEO. V. c. 46), s. 1 (1), and that the copyright vested in the examiners who composed them; and that the examiners were not "in the employment" of the University under "a contract of service within" the meaning of s. 5, sub-s. 1 (b); but as the Examiners were appointed subject to a condition that any copyright in the examination papers should belong to the University, the examiners were