

made in the river bed in front of the town by the dredging operations carried on by the Dominion Government for the purpose of deepening the channel leading to and from the ship canal, afford a reason why the entire control over the ferry across the river should be held to be in the Dominion Government. That government has undoubtedly a right to make rules with regard to this and other ferries for the purpose of regulating them and of preventing them from interfering with the public harbours and river and lake improvements of the Dominion, but the right to create and grant the right to a ferry is a right which belongs to the Provincial and not to the Dominion authorities. Action dismissed with costs as against all the defendants.

WINCHESTER, MASTER.

JANUARY 30TH, 1903.

CHAMBERS.

EVOY v. STAR PRINTING AND PUBLISHING CO.
Security for Costs—Libel—Newspaper—Mistake—Apology—Good Defence—Grounds of Action Trivial or Frivolous.

Motion by defendants for security for costs in an action for libel against the publishers of the Daily Star, a newspaper published in the city of Toronto. The writing complained of appeared in defendants' issue of 2nd April, 1902, in a report of proceedings before the police magistrate for the city of Toronto, as follows: "A year ago last August Matthew Evoy was thought to have been a frequenter of a disorderly house, and a warrant was issued for his arrest. But he disappeared as mysteriously as though he had ascended to some other clime, and the warrant could not be executed. He was in Court this morning, and affirmed that he had been in the city all the time and working. 'I think you have earned your discharge,' said his Worship. The inference might be that he was to be complimented for eluding the police so successfully." It appeared from an affidavit filed on behalf of defendants that the plaintiff was not the man who had disappeared and to whom the magistrate had made the remark quoted, but another man; that the defendants had published a correction; and that plaintiff had in fact been before the magistrate on some charge on the day in question, and had been confused with the other man by defendants' reporter. The application was made under R.S.O. ch. 68, sec. 10. It was admitted that plaintiff was not possessed of sufficient property to answer costs, but it was contended that defendants had not a good defence on the merits and that the grounds of action were not trivial or frivolous.

J. B. Holden, for defendants. G. P. Deacon, for plaintiff.