

ecutors, need not now be considered, for it did not in fact really arise in this case. The mortgage was not made to the testator, but was made to all of the executors and trustees under his will; and the learned Chief Justice knew of no power in any less than all of them, who were living, to give a valid discharge of the mortgage, unless some special power to do so had been conferred upon them. If the will conferred upon a majority of the executors power to discharge mortgages which under the will they were empowered to take, nothing in law prevented a mortgage so taken being so discharged: see *Ewart v. Snyder* (1867), 13 Gr. 55, at p. 57.

Order declaring accordingly.

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LATCHFORD, J., IN CHAMBERS.

NOVEMBER 2ND, 1918.

\*STONE v. WORLD NEWSPAPER CO. LIMITED.

*Libel—Security for Costs—Libel and Slander Act, sec. 12 (1), (2)—Attributing to Plaintiff Intention to Commit Suicide—"Involves a Criminal Charge"—Jurisdiction of Master in Chambers—Rule 208.*

Motion by the plaintiff to set aside an order of the Master in Chambers directing the plaintiff to give security for costs in a libel action against the publishers of a newspaper, and staying proceedings in the meantime, on the grounds that the order was made without jurisdiction and that the action was not one in which security should be ordered under the Libel and Slander Act, R.S.O. 1914 ch. 71 sec. 12(1).

H. T. Beck, for the plaintiff.

K. F. Mackenzie, for the defendants.

LATCHFORD, J., in a written judgment, said that an application under sec. 12 (1) might be made to "the Court or a Judge," and would properly be made in Chambers. As the case did not fall under any of the exceptions stated in Rule 208, the Master in Chambers had jurisdiction.

Under sub-sec. (2) of sec. 12, a defendant is not entitled to security for costs where the alleged libel "involves a criminal charge."

The libel charge in this case was: The plaintiff "will kill herself" or "will have to kill herself," meaning thereby, to use