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## APPELLATE DIVISION.

JUNE 14TH, 1915.

\*AUGUSTINE AUTOMATIC ROTARY ENGINE CO.  
LIMITED v. SATURDAY NIGHT LIMITED.

*Libel—Newspaper—Security for Costs—Libel and Slander Act,  
R.S.O. 1914 ch. 71, sec. 12—Order of Judge—Appeal—Sec.  
12, sub-sec. 4.*

Appeal by the plaintiff company from the order of MIDDLETON, J., in Chambers, ante 426, allowing an appeal by the defendant company from an order of the Master in Chambers refusing to require the plaintiff company to give security for costs under sec. 12 of the Libel and Slander Act, R.S.O. 1914 ch. 71, and ordering the plaintiff company to give security, and, in default, that the action should be dismissed.

Leave to appeal was given by an order of MEREDITH, C.J.C.P., ante 462.

The appeal was heard by FALCONBRIDGE, C.J.K.B., MAGEE, J.A., LATCHFORD and KELLY, JJ.

W. J. Elliott, for the appellant company.

G. M. Clark, for the respondent company.

THE COURT was of opinion that the order of MIDDLETON, J., was a substantive order made by a Judge under sec. 12, and was not subject to appeal: sub-sec. 4.

*Appeal dismissed with costs.*

\*This case and all others so marked to be reported in the Ontario Law Reports.