tained by the Court. Different individuals may have different standards of "good faith," and to accept a defendant's own statement of his bona fides would be to make him judge in his own case.

In the same way it is not enough for the defendants to say that there was reasonable ground for their belief that the publication was for the public benefit—they must say why they thought the publication was for the public benefit, and the Court will then ascertain if this was reasonable. The same considerations shew the worthlessness of the affidavit now sought to be filed, "that the publication took place in mistake or misapprehension of facts." This is an essential allegation if a defendant seeks security for costs after publishing a libel involving a criminal charge.

As the action, so far as the count for slander is concerned, cannot be stayed, the defendants have the less cause to regret the failure of the motion.

Appeal dismissed with costs fixed at $20.

MIDDLETON, J., IN CHAMBERS. JUNE 25TH, 1910.

REX v. HARVEY.

Ontario Medical Act—"Practising Medicine"—Oculist Examining Eyes and Furnishing Glasses—Police Magistrate—Stated Case—Forum—R. S. O. 1897 ch. 90, sec. 8—1 Edw. VII. ch. 13, sec. 2.

Case stated by the Police Magistrate for the town of Renfrew.

The defendant, an oculist, was convicted for a breach of the Ontario Medical Act, R. S. O. 1897 ch. 176, sec. 49, by practising medicine or surgery for gain. He examined the eyes of a person and "prescribed" glasses for him.

The principal question was, whether this was "practising" medicine or surgery.

W. A. Henderson, for the defendant.

W. T. J. O'Connor, for the informant, objected that the magistrate had no power to state a case for determination by a Judge of the High Court.

MIDDLETON, J.:—The effect of the amendment of R. S. O. 1897 ch. 90, sec. 8, by 1 Edw. VII. ch. 13, sec. 2, is to make secs. 761 to 769 of the Criminal Code applicable to proceedings before Justices under Ontario statutes. This answers the preliminary objection.