

complained of was published in good faith and that there was reasonable ground to believe that the same was for the benefit of the public, and that the publication took place in mistake or misapprehension of the facts, and that there was a public retraction. On such an application the judge is not to try the case on the merits, and affidavits in answer will not be received.

Where the libel complained of is against a candidate for public office, it would appear that the defendant is not entitled to security for costs.

By statute, in actions by women for slander, adultery, fornication, or concubinage, after the statement of claim is filed, the defendant may apply to the court or a judge upon similar material as in actions for libel, and obtain an order for security for costs. In this class of actions, however, it is not sufficient for the defendant simply to swear that he has a good defence; the nature of the defence must be fully disclosed.

Where proceedings are brought against a police magistrate or a justice of the peace, or any other officer or person fulfilling any public duty, security may be ordered at any time after the service of writ or other proceedings, on notice to the plaintiff and upon affidavit stating the nature of the action and of the defence, and also shewing to the satisfaction of the court or a judge that the plaintiff is not possessed of sufficient property to answer the costs of the action in case a verdict or a judgment should be given against him, and that he has a good defence and that the grounds of the action are trivial or frivolous. The merits of the action will not be tried on the application for security, but a *prima facie* defence must be established.

Security may also be ordered where parties reside out of the jurisdiction and come into the Master's office to prove a claim as creditors or otherwise; also in garnishee proceedings; and in interpleader actions either party may be ordered to give security in the same way and for the same cause as a plaintiff in an ordinary action.

Parties who place themselves substantially in the position of a plaintiff and who reside out of the jurisdiction, will be ordered to give security. For example, where a defendant resides out of the jurisdiction and makes an application to be made a party and asks for substantial relief. Also, where the defendant resides out of the jurisdiction, and counterclaims, and the counterclaim is really a