

Common Pleas Division.

Div'l Court.]

IN RE FRANKLIN v. OWEN.

[May 23.]

Prohibition—Division Court—Jurisdiction—Garnishing claim—Primary debtor abroad—Garnishees—Plaintiff carrying on business—Cause of action—57 Vict., c. 23, s. 12.

Upon an appeal by the primary creditor from the order of STREET, J., ante p. 321, granting prohibition, upon the ground that no Division Court except that of the division in which the cause of action arose had jurisdiction, his order was affirmed by a Divisional Court composed of MEREDITH, C.J., and MACMAHON, J., upon the same ground.

Kilmer for the primary creditor.

Swabey for the primary debtor.

Totten, Q.C., for the garnishees.

MACMAHON, J.]

[May 20.]

IN THE MATTER OF MILTON A. THOMAS' LICENSE.

Prohibition of license commissioners—R.S.O., c. 194, s. 21.

The granting of a license under the Liquor License Act by a Board of License Commissioners imposes no duty or obligation upon any individual, and a writ of prohibition prohibiting them from entertaining or hearing applications for same was refused. *Regina v. Local Government Board*, 10 Q.B.D., at p. 321, and *Re Godson and the City of Toronto*, cited and followed.

Semble, an application under the latter part of s. 21, R.S.O., c. 194, for an additional tavern license in a locality largely resorted to in summer by visitors, may be made at any time, so long as the license does not extend beyond the prescribed period of six months from the first of May.

Maclaren, Q.C., and *W. Lockhart Gordon* for the motion.

McCarthy, Q.C., and *James Haverson* for the applicant.

W. M. Douglas for the Commissioners.

Practice.

ROSE, J.]

LENNOX v. STAR PRINTING AND PUBLISHING CO.

[May 13.]

Security for costs—Libel—Newspaper—R.S.O., c. 57, s. 9—Defence—Denial—Good faith—Appeal.

In an action of libel against the publishers and editors of a newspaper, the defence suggested by affidavits filed upon an application under R.S.O., c. 57, s. 9, for security for costs, was that the statement complained of as defamatory did not refer to the plaintiff.

The judge who heard an appeal from an order made by a Master for security being of opinion that, upon the fair reading of the statements complained of, they did refer to the plaintiff,

Held, that it did not appear that the defendants had a good defence on the