

Ruling of a taxing officer that costs of the first application should be taxed as of a Chambers motion only reversed on appeal.

*H. M. Mowat* for the appellant.

*W. H. Blake* for the solicitor.

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FERGUSON, J.]

[Oct. 17.

CONNIE v. WEIDMAN.

*Libel—Candidate for public office—R.S.O., c. 57, s. 5—Notice of action—Summary dismissal for want of—Rule 387—Security for costs.*

The plaintiff was a candidate at an election of a member of the Legislative Assembly of Ontario, and brought this action in respect of several libels alleged to have been published by the defendant in his newspaper, some of them before the date of the writ for the election, and some after that date, but before the election.

*Held*, that the plaintiff was not a candidate for a public office in this Province within the meaning of R.S.O., c. 57, s. 5, s-s. (2) (a), before the date of the writ for the election; that as to the libels alleged to have been published before that date, a notice before action, under the statute, was necessary, but the paragraphs of the statement of claim charging these libels could not, on the ground that the notice was not given, be struck out under Rule 387, nor the action as to them summarily dismissed; and as to the libels alleged to have been published after that date, security for costs could not be ordered under the statute, because the plaintiff was then a candidate for a public office within the meaning of s. 5, s-s. (2) (a), and the statute did not apply.

*D. Armour* for the plaintiff.

*D. W. Saunders* for the defendant.

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FERGUSON, J.]

[Oct. 16.

SCHMIDT v. TOWN OF BERLIN.

*Discovery—Examination of officer of municipal corporation—Caretaker of building.*

In an action for damages for negligence in keeping a building in such a dangerous condition that the plaintiff was injured while in it,

*Held*, that the caretaker of the building, an employee of the defendants, was an officer examinable for discovery under Rule 487.

*F. E. Hodgins* for the plaintiffs.

*W. H. P. Clement* for the defendants.