

In Halsbury's Laws of England, vol. 13, p. 500, sec. 692, it is laid down that "as to death, on the other hand, there exists an important presumption, for if it is proved that for a period of seven years no news of the person has been received by those who would naturally hear of him if he were alive, and that such inquiries and searches as the circumstances naturally suggest have been made, there arises a legal presumption that he is dead."

Reference may be also made to Willyams v. Scottish Widows and Orphans Life Assurance Society, 4 Times L.R. 489; Phipson on Evidence, 5th ed., p. 644, and cases there cited.

The evidence before me warrants the making of an order declaring the presumption to be that Benjamin Charlton Oag is dead.

Costs of the application will be payable out of the insurance moneys.

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ST. CLAIR v. STAIR—MASTER IN CHAMBERS—JAN. 10.

*Libel—Security for Costs—Libel and Slander Act, 1909, sec. 12—Affidavit in Support of Motion—Cross-examination on—Scope of—Good Faith—Justification—Discovery.*—A motion was made by the defendants Rogers and the "Jack Canuck" Publishing Company, in an action for libel and for conspiracy to defame, for security for costs, under the Libel and Slander Act, 9 Edw. VII. ch. 40, sec. 12, on the affidavit of the defendant Rogers, who was also the president of the defendant company. The plaintiff cross-examined the defendant Rogers on this affidavit at great length; and on the 11th December that defendant was ordered to attend for further examination and answer questions which he had so far refused to answer. He did so attend, and the plaintiff again moved for an order for re-examination. The Master said that, in view of what was held in *Greenhow v. Wesley*, 1 O.W.N. 1001, and *Duval v. O'Beirne*, 3 O.W.N. 573, it might have been better to have had a fuller statement of the grounds for the publication complained of. No objection was taken, however, to its sufficiency *prima facie*; but it was attempted to disprove the allegation of good faith by shewing that the defendant Rogers and the defendant company were acting as the hired agents of their co-defendant Stair, and that the information of detectives and others admittedly received by them did not justify their statements, but rather shewed not merely a want of good faith, but a deliberate intention to villify the plaintiff and a conspiracy to effect the ruin of his reputation.