

in Ontario at a time when both were resident there ; where it seemed that the expense of executing the commission would exceed the cost of the defendant travelling from England to attend the trial ; and where the only reasons given by the defendant for his alleged inability to attend the trial were engagements in England, and want of time and money.

W. H. Wallbridge for the plaintiff.

Bain, Q.C., for the defendant.

FERGUSON, J.]

FEASTER *v.* COONEY.

[May 30.

Security for costs—Action of slander—52 Vict., c. 14, s. 1, s-s. 3—Property sufficient to answer costs—Burden of proof.

Upon an application under 52 Vict., c. 14, s. 1, s-s. 3, for security for costs of an action for slander imputing unchastity to a female, the onus is on the defendant to show that the plaintiff has not sufficient property to answer the costs of the action ; and to defeat such an application it is not necessary that the plaintiff should have property to the amount of \$800 over and above debts, incumbrances, and exemptions.

And where it was shown that the plaintiff had property of the value of \$500 at least, and it was not shown that she had not property of much greater value, the application was refused.

J. W. McCullough for the plaintiff.

Patullo for the defendant.

FERGUSON, J.]

SCARLETT *v.* BIRNEY.

[May 30.

Mortgage—Foreclosure after abortive sale—Time for redemption.

In deciding as to whether there should be a long or short period for redemption, or in default foreclosure, after an abortive sale of the mortgaged premises in an action to enforce a mortgage, the facts and circumstances of the case should be taken into consideration.

And where the amount of money to be paid was about \$150,000, and the mortgaged property was of very great value, though at the time there was much difficulty in converting it into ready money, the period of three months was allowed.

Campbell v. Holyland, 7 Ch.D. 166, followed.

Goodall v. Burrows, 7 Gr. 449, and *Girdlestone v. Gunn*, 1 Ch. Chamb. R. 212, considered.

E. P. McNeill for the plaintiff.

J. C. Hamilton for the defendants J. & J. L. Birney.

W. Cook for the other defendants.

MEREDITH, J.]

LIVINGSTONE *v.* SIBBALD.

[June 1.

Writ of summons—Service out of jurisdiction—Rule 217 (b) and (g).

Action by an alleged creditor of one of the defendants to set aside a conveyance of land in Ontario by one defendant to another as fraudulent. The