

as it was passing the conductor seized her hand, and while attempting to help her on board signalled the car to go on again, which it did, and she was injured. The jury found that the plaintiff was injured by the conductor seizing her hand and trying to pull her on the car and that he acted negligently.

Held, that it was the duty of the conductor to assist people in getting on and off the car, and that it might be within the line of his duty to assist those apparently about to get on a car while it is slowing up; that the scope of the conductor's authority is one of evidence; that there was evidence to go to the jury and that the effect of it was for them to consider, and that it should have been left to them to pass upon the circumstances of the case as to the scope of the conductor's authority.

Judgment of STREET, J., reversed.

German, K.C., for the appeal. *Du Vernet*, contra.

Boyd, C., Meredith, J.]

[Dec. 3, 1902.

STANDARD TRADING CO. v. SEYBOLD.

Costs—Security for—Præcipe order—Increase in amount—Discretion.

Under Rule 1208, the fact of the defendant having obtained a præcipe order for security for costs by which a definite amount of security is provided for, will not prevent him from maintaining an application for additional security when it becomes apparent that the costs to be incurred will be greatly in excess of the amount provided for, and there is no element of vexation on the part of the applicant. *Bell v. Langdon*, 9 P.R. 100, distinguished.

Where the defendants had before the trial incurred large costs by reason of examinations for discovery, interlocutory motions and appeals, and a commission to take evidence abroad, the original security, \$200 paid into Court in compliance with a præcipe order, was ordered by a Judge (on appeal from a Master's order refusing an increase) to be increased by a bond for \$600 or payment into Court of an additional sum of \$300; and the order was affirmed by a Divisional Court as a reasonable exercise of discretion.

Decision of MACMAHON, J., 38 C.L.J. 765, affirmed.

J. H. Moss, for plaintiffs. *D. L. McCarthy*, for defendants.

Boyd, C., Meredith, J.]

[Dec. 3, 1902.

MCDONALD v. SULLIVAN.

Garnishment of rent—Payable under lease to administratrix for benefit of others.

Five plaintiffs claiming as heirs-at-law of their father and owners of a lot of land brought an action for specific performance which was dismissed with costs, subsequently taxed at \$209.49. After the trial one of the plain-