

Mabel Russell took an estate in fee simple in remainder after the life estate of her father, subject to the payment of the charges imposed by the will.

No opinion was expressed as to the rights of the mortgagees.

The questions were answered according to the opinion expressed; and it was ordered that costs of all parties, as between party and party, should be paid out of the estate of Elizabeth Ann Russell.

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BATEMAN V. NUSSBAUM—SUTHERLAND, J.—MARCH 27.

*Security for Costs—Rule 373 (d), (g)—Stay of Proceedings—Refusal to Exercise Inherent Jurisdiction of Court.*]—Motion by the defendants by way of appeal from an order of the Master in Chambers refusing an application for security for costs. The motion was enlarged into Court so that the inherent jurisdiction of the Court to stay proceedings might, if proper to do so, be exercised. The motion for security for costs was based on Rule 373 (d) and (g). The affidavit filed on behalf of the defendants stated that certain costs and disbursements payable by the plaintiff to the defendants, or to one of them, had not been paid; it was also stated that the present action was frivolous and vexatious and for an improper purpose; and it was suggested that a release in writing executed by the plaintiff under seal was a conclusive answer to this action. The learned Judge was of opinion that the defendants had not succeeded in bringing themselves properly under either clause (d) or clause (g) of Rule 373, upon the facts stated. It is only in a very plain case that the inherent jurisdiction to stay proceedings in an action will be exercised: *Smith v. Clarkson* (1904), 7 O.L.R. 460; *Yearly Practice*, 1915, vol. 1, p. 347; *Annual Practice*, 1915, p. 431. And the learned Judge was unable to say, upon the material filed, that this was such a plain case that an order staying proceedings should be made. Motion dismissed, and, unless the trial Judge otherwise orders, with costs. E. P. Brown, for the defendants. G. R. Roach, for the plaintiff.

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WIGMORE V. GREER—SUTHERLAND, J.—MARCH 29.

*Execution—Leave to Issue—Judgment.*]—Motion by the plaintiff for leave to issue execution against the defendants upon