

of claim; the defendant to file his defence at once and to accept short notice of trial, and the action to be entered for trial and the case put upon the peremptory list, notwithstanding that the time limited by the Rules may not have expired; the plaintiffs' writ of fi. fa. to stand as security for their debt.

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OCTOBER 5TH, 1903.

DIVISIONAL COURT.

BUCKINDALE v. ROACH.

*Security for Costs—Costs of Former Action Unpaid—Instructions Given by Same Plaintiff—Action Brought in Name of Wrong Person.*

Appeal by plaintiff from order of FALCONBRIDGE, C.J., ante 788, dismissing plaintiff's appeal from order of Master in Chambers, ante 775, requiring plaintiff to give security for costs, on the ground that the costs of a former action were unpaid. The former action was apparently for the same cause, but was brought, by the mistake of the solicitor, in the name of the plaintiff's father, instead of in the name of the plaintiff, although the instructions were given by plaintiff. The former action came down to trial and was dismissed because the plaintiff therein had no cause of action.

S. B. Woods, for plaintiff.

J. W. McCullough, for defendant.

THE COURT (MEREDITH, C.J., MACMAHON, J., TEETZEL, J.) held that defendant was not entitled to security for costs, and allowed the appeal with costs here and below.

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CARTWRIGHT, MASTER.

OCTOBER 6TH, 1903.

CHAMBERS.

PASK v. KINSELLA.

*Parties—Joinder of Plaintiffs—Distinct Causes of Action—Husband and Wife—Wages of Wife—Money Expended by Husband.*

Motion by defendant for an order requiring plaintiffs to elect which claim is to be proceeded with in this action and to make all amendments necessary thereafter.

The statement of claim set out that the plaintiffs, George and Mary Pask, were married in July, 1901, Mary being the daughter of the defendant; that from July, 1896, until her