

states this fact may remain. The rest, in my opinion, should be expunged. So too should the whole of the 8th paragraph. It consists of a statement of facts occurring after the plaintiff's acquittal. It sets out how the defendants then attempted to recover the amount of the note in the Division Court, how the plaintiff did not appear, but his alleged partner Palangie successfully defended himself. The paragraph concludes with a remark said to have been made by the presiding Judge at the trial in the Division Court, which should not in any case be allowed to remain on the record, as it might prejudicially affect the plaintiff's case.

I therefore dismiss the motion so far as the 5th and 6th paragraphs are concerned. But, even allowing the wide range given in the leading case of *Stratford Gas Co. v. Gordon*, 14 P. R. 407, I think the 7th and 8th must be dealt with as stated above. The first two paragraphs and the first clause of the 9th paragraph of the statement of defence would probably have set up all that the defendants need have said. As the success has been divided, there will be no costs of the motion.

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CARTWRIGHT, MASTER.

JUNE 2ND, 1903.

CHAMBERS.

ALLEN v. CROZIER.

*Security for Costs—Motion to Set aside Præcipe Order—  
Plaintiff out of Jurisdiction—Money in Hands of Defendant—Action for Account.*

Motion by plaintiff to set aside a præcipe order for security for costs in an action against a solicitor.

T. H. Lloyd, Newmarket, for plaintiff.

J. W. McCullough, for defendant.

THE MASTER:—The facts have been fully gone into in *Re Solicitor*, 2 O. W. R. 268. The costs have been taxed, and amount to a considerable sum. The exact figures have not been furnished. But, on the theory that the solicitor is bound to account for the rents, there would be about \$450 due the plaintiff. The defendant, it appears, has become the assignee of two judgments against the plaintiff. On these there is due about \$800. It is admitted that he gave only about \$100 for them. If he can claim the full amount, there would still be due to him from the plaintiff \$350. If the defendant is only entitled to the \$100, then the plaintiff would be entitled to \$350 or thereabouts.