

MEREDITH, C.J.C.P., IN CHAMBERS.

APRIL 9TH, 1918.

SMITH v. TOWNSHIP OF TISDALE AND BRINTON.

SMITH v. TOWNSHIP OF TISDALE AND CHARETTE.

*Appeal—Leave to Appeal from Orders of Judge in Chambers—
Security for Costs—Rule 507 (3) (b).*

Motions by the defendants, under Rule 507, for leave to appeal from orders of MIDDLETON, J., in Chambers, made upon appeals by the plaintiff from orders of a Local Judge requiring the plaintiff to give security for the costs of the two actions.

In the Charette action, MIDDLETON, J., discharged the order for security. In the Brinton action, he allowed the appeal to the extent of extending the usual time for giving the security until after the trial or other final disposition of the Charette action.

A. G. Slaght, for the defendants.

J. M. Ferguson, for the plaintiff.

MEREDITH, C.J.C.P., in a written judgment, after setting out the facts and circumstances of the cases, said that, in his opinion, important questions were involved in the proposed appeals and there was good reason to doubt the correctness of the orders: Rule 507 (3) (b).

Leave to appeal should be granted; and the costs of these motions should be costs in the action to the defendants only in any event.

LENNOX, J.

APRIL 9TH, 1918.

RE McCALLUM.

*Will—Construction—Provision for Widow, whether in Lieu of
Dower—Election between Dower and Benefit under Will—
Allowance to Widow for Board and Lodging—Amount of—
Devise Subject to Charge on Land—Duty of Executor where
Devisee Fails to Accept or Reject Devise.*

Motion by the executor of the will of Peter J. McCallum, deceased, upon originating notice under Rule 600, for an order