out means, so that all the expense of the action would have to be borne by the defendants, even though they should succeed in their defence. The exepense of a separate cross-examination should not have been imposed on the defendants. It was stated by the plaintiff's counsel on the argument that these nine witnesses were men who were now in Toronto, but who were on the work at Walkerton, and could give evidence as to the condition of the pump which caused the plaintiff's injury. As to this, the Master said, it was beyond all question that two or three would be as good as nine on this point. The Master referred to Seaman v. Perry, 9 O.W.R. 537, 761, and said that the distance of Walkerton from Toronto was only about a quarter of that of Sault Ste. Marie from Toronto, so that it would not be necessary that the defendants should advance much more than a third of what was ordered there. No jury notice had been served, through an oversight; but it might be assumed that the defendants would not oppose the plaintiff being allowed to serve one, in view of Qua v. Woodmen of the World, 5 O.L.R. 51, and later cases. If the defendants agreed, an order might issue allowing the plaintiff to serve a jury notice and changing the place of trial to Walkerton, on the defendants undertaking to provide free transportation for the plaintiff and three other persons to be named by him, as in Meredith v. Slemin, ante 1038—not to exceed $24. G. H. Kilmer, K.C., for the defendants. J. M. Laing, for the plaintiff.

McPherson v. United States Fidelity Co.—Falconbridge, C.J.K.B., in Chambers—April 23.

Summary Judgment—Con. Rule 603—*Action on Security Bond—Suggested Defences—Unconditional Leave to Defend.*]—Appeal by the plaintiff from the order of the Master in Chambers, ante 1140. The learned Chief Justice said that the case presented some unnusual features, but, nevertheless, he could not disregard the long line of modern decisions gradually restricting the plaintiff's right to get judgment under Con. Rule 603; and so he thought the Master was right, and there was nothing to add to his reasons. The Chief Justice did not see his way to making any special order or condition as to payment of money into Court. Appeal dismissed, with costs to the defendants in any event. W. Laidlaw, K.C., for the plaintiff. G. H. Kilmer, K.C., for the defendants.