been shown to have been arrived at between the parties. Per Falconbridge, J.:—The amendment, if allowed, would have the effect of defeating a just claim, and it ought not to be allowed, especially as the replication does not set up a written contract, and defendants might and ought to have applied at the proper time to plead the Statute, and there are no merits in the defendant. *Oldham* v. *Brunning*, supra, distinguished. *Williams* v. *Leonard*, 16 P. R. 544, 17 P. R. 73, referred to. E. D. Armour, Q.C., for defendant Harrison. E. T. English, for plaintiffs.

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BELAIR v. BUCHANAN.

[FERGUSON, J., 10TH MARCH, 1897.

Security for costs—Plaintiff residing out of jurisdiction, owner of property within—Value of over incumbrance, although not readily available in money.

Judgment on appeal by plaintiff from order of Mr. Cartwright, sitting for the Master in Chambers, dismissing a motion by appellant to set aside a præcipe order for security for costs. The plaintiff resided out of the jurisdiction, but was the owner of a farm in Ontario, worth over $1,500, and incumbered to the extent of $900. Plaintiff did not negative the existence of debts in Ontario. Ferguson, J.:—It is shown that the plaintiff has in this county real property. The least value put upon this is the sum of $570 over and above all incumbrances, and above all debts, that it is shown or suggested that the plaintiff owes. The argument that this could not be readily available in money, that is, turned into money to pay costs, has in itself much force, but that is an argument that at the present time would apply to any property. After a perusal of the cases, I am of the opinion that the appeal should be allowed, and the præcipe order for security for costs set aside. Costs before Master in Chambers and of this appeal to be costs in the cause. W. Read, for plaintiff. J. Bicknell, for defendant.

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REG. EX REL. MARSON v. BUTLER.

[BOYD, C., 5TH MARCH, 1897.

Quo warranto— Withdrawal of relator—No provision for introduction of new relator—Statute law insufficient — No duty of Court to eke out insufficiencies of practice.

Judgment on appeal by Albert Hudson, intervening party, from order of junior Judge of County Court of Carleton, dismissing motion by relator to void election of respondent as an alderman of the City of Ottawa, made upon the relator asking leave to withdraw his motion. Held, that there is no provision in the statute law for the introduction of a new relator, and if the statute is silent it does not devolve upon the Court to eke out the apparent insufficiencies of practice by judicial expedients. The original relator having quitted the field, and there being no suggestion of collusion, but the negation of it, the law, as it now stands, supplies no means of compelling the first relator to go on against his will, or of transferring the motion to other hands. It would be a right thing to amend the procedure so that there may be a new relator to prosecute in the public interest. Appeal dismissed without costs. R. J. Wicksteed, Q.C., for Hudson. O'Gara, Q.C., for defendant. No one appeared for relator.