

also claimed the money, the defendants obtained an order for leave to pay the money into Court, and directing the trial of an issue between plaintiff and the legatees.

Upon settling the terms of the order, the questions, who should be plaintiff in the issue, and whether the legatees should give security for costs, were raised.

W. J. Elliott, for plaintiff.

F. S. Mearns, for legatees.

THE MASTER.—Applying the decision in *Re Ancient Order of Foresters and Castner*, 14 P. R. 47, I think the legatees should be plaintiffs, as the other Jane Bruce had the policy or certificate in her possession, and would have been paid had not the legatees intervened.

Should these legatees give security for costs? I think not, for this reason: the difficulty has been caused by the act of the insured himself. It may, therefore, be assumed that the Court will give costs to both parties out of the fund or else give judgment for defendants without costs. On the analogy of will cases, the former course will be adopted, so I do not make any order for security at present.

ANGLIN, J.

OCTOBER 13TH, 1904.

WEEKLY COURT.

SLATER v. TOWN OF NIAGARA FALLS.

*Interim Injunction — Comparative Convenience — Municipal Corporation—Contract.*

Motion by plaintiffs to continue an interim injunction restraining defendants from entering into any contract each with the other based on the tender of defendants Barry & McMordie for the work known as "section No. 11," and, if contract already signed, from proceeding with the work.

Frank Ford, for plaintiffs.

F. C. McBurney, Niagara Falls, for defendant town corporation.

C. A. Masten, for defendants Barry & McMordie.

ANGLIN, J.—Counsel for the town corporation having declined to allow this motion to be dealt with as a motion for judgment in this action, to which course counsel for plaintiffs had assented, I dispose of it, as a motion to continue to the trial an interlocutory injunction, largely upon considerations of comparative convenience and the comparative damage which may ensue to either party from the adoption