action, and upon motion by Cameron (the receiver appointed in the second action), for authority to bring a new action in the name of McCallum. The appeal and motion were heard at the London weekly Court on the 19th January. The consent of the defendant McCallum was not filed, nor was he notified of the application. In the second action the receiver (appointed at the instance of the plaintiffs therein) was given leave to bring an action for administration, no opinion being expressed as to his status (17 P. R. 102). The first above named action was the action brought by the receiver pursuant to such leave. Held, that a receiver by way of equitable execution has no rights beyond those of the person for whom he is receiver, and that the act, whatever it is, which is to complete or render effective his powers to obtain payment, is to be taken by the judgment creditor. If the latter could not proceed to administer an estate in order to make available the interest of a beneficiary therein, who is also a judgment debtor, no more can the receiver. Apart also from other objections, Rule 324 (b) is conclusive against the appeal. *Stuart* v. *Grough*, 14 O. R. 257, 15 A. R. 309, and *McLean* v. *Allen*, 14 P. R. 200, commented on. *McGuin* v. *Fretts*, 13 O. R. 703, distinguished; *Allen* v. *Furness*, 20 A. R. 40; *Re Potts*, 100, Moo. B. C. 66, and *Flegg* v. *Prentiss* (1892), 2 Chy. 430, followed. Held, also, that the Court has no power to compel a defendant in an action to be a plaintiff in another in order that the judgment obtained against him in the former action may be realized by him in the second, for the benefit of his guardian opponent. *Bank of London* v. *Wallace*, 13 P. R. 176, distinguished. Appeal dismissed, and application refused with costs in the cause to defendant McLean. Idington, Q.C., for plaintiff Cameron. E. R. Cameron (London), for defendant McLean.

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D'IVRY v. WORLD NEWSPAPER COMPANY.

[MEREDITH, J.—19TH JANUARY.

J. King, Q.C., for defendants, appealed from order of Mr. Cartwright, sitting for the Master in Chambers, dismissing a motion by defendants for increased security for costs. The plaintiff, living out of the jurisdiction, the defendants issued an order on præcipe for security for costs, and security was given, by payment into Court of $200. The referee held that defendants were concluded by their præcipe order, following *Trevalyan* v. *Myers*, 316 L. J. 284. H. M. Mowat, for plaintiff, contra. Appeal dismissed, the learned Judge holding that defendants had made their election by the præcipe order, and as a matter of discretion he should not allow them to depart from it. Costs to plaintiff in any event.

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HENDERSON v. CANADA ATLANTIC RAILWAY COMPANY.

[FERGUSON, J.—14TH JANUARY.

Judgment on appeal by defendants from order of Mr. Cartwright, sitting for the Master in Chambers, directing the examination of a flagman of the defendants for discovery in an action for damages for negligence of defendants in that the flagman at their Elgin street crossing in the city of Ottawa did not warn plaintiff of approach of a train, whereby plaintiff was injured, etc. Held, that flagman is not