

I think it clear that the Master had jurisdiction to make the order, and that the application was properly made to him. . . . *Bentsen v. Taylor*, [1893] 2 Q. B. 193 . . . ; and *Tanner v. Weiland*, 19 P. R. 149, decides that Con. Rule 825 does not prevent an order for security for costs being made when the plaintiff is out of the jurisdiction.

The question as to the power of the Master to stay the proceedings is purely academic, as the effect of his order, without any provision of that kind, is to stay the proceedings until the security is given: Con. Rule 1204.

I think, however, that there is no doubt that the Master had this power. Con. Rule 42, clause 17 (d), which excludes from the jurisdiction of the Master "staying proceedings after verdict, or on judgment after trial or hearing before a Judge," can have no application to an order having that effect which the Master has undoubted authority to make, such as an order for security for costs. It was intended to prevent the Master in Chambers from staying proceedings to enforce such a verdict or judgment—in other words, staying the operation or execution of the verdict or judgment.

The objection to the jurisdiction, therefore, fails. . . .

There are, no doubt, to be found in English cases expressions to the effect that increased security should not extend to past costs: *Sturla v. Freccia*, [1877] W. N. 161; *Republic of Costa Rica v. Erlanger*, 3 Ch. D. 62, 69. In *Brocklebank v. Lynn S. S. Co.*, 3 C. P. D. 365, it was, however, held that security for costs is not necessarily confined to future costs, but may, when applied for promptly, be extended to costs already incurred. Whatever may be the practice in England, where there is no such Rule as our Con. Rule 1208, there is, I think, under that Rule, power to make the increased security extend to costs already incurred. . . .

It appears to me not unreasonable that the security should be increased.

Having regard to what was said by Osler, J.A., in *Standard Trading Co. v. Seybold*, 6 O. L. R. 379, 380, . . . in all of which I agree, I think that, if the additional security is fixed at \$1,000, it is all that the plaintiff should be required to do to entitle him to proceed with his action.

The order will, therefore, be varied by so providing, and by eliminating the stay of proceedings, leaving that to be governed by Con. Rule 1204, and the costs of the motion and of the appeal will be in the cause.