

pp. 258, 291, the learned authors speak of the indorsement on the writ being actually amended in such cases. On inquiry at the central office, I was informed that, as a matter of fact, this is not usually done.

The order to be made will be according to the form of that issued in *Hogaboom v. McCulloch*, and the costs of this motion and any extra costs occasioned to defendants thereby will be to them in any event. . . . I refer also to *Patterson v. Central Canada L. and S. Co.*, 17 P. R. 470, as being a very strong case in favour of amendments.

CARTWRIGHT, MASTER.

MAY 5TH, 1903.

CHAMBERS.

BURNSIDE v. EATON.

Security for Costs—Increased Security — Fixing Amount—Possible Settlement—Future Applications.

Motion by defendants for an order for additional security for costs to the amount of \$3,000.

W. E. Middleton, for defendants.

J. R. L. Starr, for plaintiff.

THE MASTER.—The facts of this case, so far as material to the present motion, are set out in the affidavit of one of the defendants' solicitors. He goes fully into the matter and gives his reasons for asking a greater sum than has ever been asked for in this Province in any case that I am aware of. . . . I have read over the bulky material furnished me on this motion. I have carefully considered it in the light of the judgment of a Divisional Court in *Standard Trading Co. v. Seybold*, 5 O. L. R. 8, especially remarks of Meredith, J., at p. 13. I think it is a fair deduction . . . that a plaintiff is not to be required in all cases to give security to the utmost limit of his possible and prospective liability, in case of his failure in his action. It may yet be the fact, as all friends of the parties must honestly desire, that this action may never go to trial. In any case no such trial can take place until some time next September or October.

Having all the circumstances of the case under consideration, I think that justice will be done by directing plaintiff to pay into Court a further sum of \$1,200, and that all proceedings be stayed in the meantime. This, of course, will not preclude a further application, if the action should really be proceeded with beyond the limit that the amount then in Court would fairly meet, which I estimate will be up to ser-