

THE MASTER referred to *Topping v. Everest*, 2 O. W. R. 744, and cases there cited, especially *Scott v. Niagara Navigation Co.*, 15 P. R. 409, 455, and continued:

I think defendants are entitled to have their order. The next friend of an infant plaintiff stands in the same position as any other litigant. Any indulgence is given to the infant and not to the next friend.

In all the reported cases the next friend was resident within the jurisdiction. In such an event security for costs was always refused. But how can a resident out of the jurisdiction be said to be before the Court?

If, for any reason, the infant's father does not wish to give security, and no other person can be found in the jurisdiction willing to act, then, as was said in *Taylor v. Wood*, 14 P. R. at p. 456, the Court has power to appoint the official guardian to act as next friend in the case of commendable litigation. The only thing that looks the other way is the remark of Meredith, J., in *Scott v. Niagara Navigation Co.*, 15 P. R. at p. 455. That, however, does not seem intended to be a positive expression of opinion on the point now under consideration. . . .

The order should go that some other next friend be appointed resident in Ontario, unless the father gives the usual security for costs.

The costs of this motion will be in the cause.

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