a further sum of $1,000 would be adequate protection at present for the defendants. The plaintiff did not move against the præcipe orders on the ground that he had assets in the jurisdiction, and it would seem to be too late to rely on them as an answer to the present motion. Order requiring the plaintiff to give security in the additional sum of $1,000 within three weeks. All proceedings to be stayed meantime. Costs of motion to be costs in the cause.—Upon appeal by the plaintiff, MIDDLETON, J., said that he was unable to assent to the view of the Master that the failure of the plaintiff to move against the præcipe orders disentitled him now to set up assets in Ontario as an answer to a motion for further security. But the assets upon which reliance is placed are so involved in the present litigation that no one can say that they afford any real security. The amount seems large, but it cannot be said that the Master has erred. Great caution must be exercised in motions of this class to prevent security for costs being made a means whereby a foreign plaintiff may be denied justice in our Courts. Appeal dismissed. Costs in the cause. D. L. McCarthy, K.C., for the defendants. Irving S. Fairty, for the plaintiff.

JACKSON v. CITY OF TORONTO—MASTER IN CHAMBERS—SEPT. 14.

Jury Notice—Irregularity—Action for Nonrepair of Highway—Judicature Act, sec. 104.]—Motion by the defendants to strike out the jury notice as irregular under sec. 104 of the Ontario Judicature Act. The plaintiff, by paragraph 2 of the statement of claim, alleged that there was a breach of the duty of the defendants "to properly construct, maintain, and keep in repair the public sidewalks." By paragraph 3, he said that the planks of the sidewalk which caused the plaintiff's injury "are laid latitudinally, but at the place where the accident happened certain planks are placed longitudinally and about two inches higher than the rest of the sidewalk, in such a way as to constitute a great danger to the public having occasion to use the said sidewalk." By paragraph 4, he alleged that the locality was insufficiently lighted, whereby he was prevented from seeing the obstruction, and the defendants were negligent in not providing proper light in such locality. Held, that the action was based upon nonrepair. Brown v. City of Toronto, 21 O. L. R. 230, followed. Clemens v. Town of Berlin, 7 O. L. R. 33, distinguished. The test as to the application of sec. 104 is whether or not a plaintiff can allege a cause of action not based upon nonrepair.