

MEREDITH, C.J.C.P., IN CHAMBERS.

FEBRUARY 18TH, 1910.

## \*STOW v. CURRIE.

*Security for Costs—Plaintiff out of the Jurisdiction—Order for Increased Security—Jurisdiction of Master in Chambers—Application after Trial and Judgment—Appeal to Divisional Court—Stay of Proceedings—Discretion—Amount of Security—Past and Future Costs—Con. Rules 42 (d), 1204, 1208—Practice.*

Appeal by the plaintiff from an order of the Master in Chambers, ante 418, requiring the plaintiff to give further security for the costs of the action.

T. P. Galt, K.C., and Grayson Smith, for the plaintiff.

F. Arnoldi, K.C., for the defendants the Otisse Mining Co.

Eric N. Armour, for the defendants Warren, Gzowski, & Loring.

MEREDITH, C.J.:—By an order made on the 3rd November, 1908, the plaintiff was required to give security to answer the defendants' costs of the action "in the sum of \$1,000 to be paid into Court, or otherwise by good and sufficient bond in two sureties in a penalty of \$2,000."

The plaintiff gave security by a bond of himself and a guarantee company—the obligors' liability under which, it was said on the argument, was to answer the costs to the extent of \$1,000 only. I find, however, on examination of the bond, that the liability of the obligors is to answer the costs to the extent of \$2,000.

On the 22nd April, 1909, the defendants the Otisse Mining Co. applied . . . for an order that the plaintiff should give increased security . . . and that application was refused . . .  
13 O. W. R. 997.

The action then proceeded to trial, with the result that it was dismissed with costs.

On the 13th December, 1909, the plaintiff gave notice of appeal to a Divisional Court from the judgment at the trial, and the motion has been set down . . .

On the 17th January, 1910, the defendants the Otisse Mining Co. launched a motion for increased security, and it was on that motion that the order now in appeal was made. . . .

\*This case will be reported in the Ontario Law Reports.