sum; if, however, the payments made to him before his marriage reduce the unpaid balance of the $25,000 to less than $5,000, he will be entitled on his marriage to receive such balance.

2. After such payment to the legatee on his marriage, the semi-annual payments of $600 each shall cease until the end of fifteen years from the testator's death, when the unpaid balance of the $25,000 shall be payable.

3. The intention of the testator in the paragraph under consideration was to benefit this legatee to the extent of $25,000; this amount is not cut down by the later words of that paragraph, dealing with the mode of payment.

Subsequent provisions of the will relate to the disposition of this bequest (and bequests to other beneficiaries) on the happening of certain contingencies; the above conclusions are subject to whatever effect these later provisions may have on this bequest, if any of these contingencies arise.

Costs of the application will be payable out of the estate; those of the executor as between solicitor and client.

SCULLY v. ONTARIO JOCKEY CLUB—MASTER IN CHAMBERS—JAN. 23.

Security for Costs—Non-payment of Costs of Former Action—Con. Rule 1198(d)—"For the Same Cause"—Proof of Identity.]—Motion by the defendant George M. Hendrie, under Con. Rule 1198(d), for an order requiring the plaintiff to give security for the costs of this action, on the ground that, so far as the applicant was concerned, this action was "for the same cause" as a previous action by the same plaintiff against J. M. Madigan, George M. Hendrie, J. F. Monck, and W. P. Fraser, which had been dismissed with costs, and the costs of which had not been paid. This new action was against the Ontario Jockey Club, Joseph E. Seagram, E. H. Duhaine, and George M. Hendrie. The wrongs complained of in the former action took place on the 12th August, 1911; those of which the plaintiff now complained occurred on the 23rd September, 1912. The Master said that these facts, together with the fact that the defendant Hendrie was the only defendant common to both actions, shewed prima facie that Con. Rule 1198(d) could not be applied. Strict proof of the identity of the claim in a second action is required to give effect to Con. Rule 1198(d): Lucas v. Cruickshank, 13 P.R. 31. Reference to Bynnter v. Dunne (1883), 16 Ir. C.L.R. 380, 383,