

FISCHER v. ANDERSON—MASTER IN CHAMBERS—JAN. 14.

Security for Costs—Præcipe Order—One Plaintiff in Jurisdiction—Order Set aside—Leave to Move for Security after Pleadings Delivered.]—Motion by the plaintiffs to set aside an order, obtained by the defendant on præcipe, requiring the plaintiffs to give security for the defendant's costs of the action. The claim endorsed on the writ of summons was for an injunction restraining the defendant from infringing the patented rights of the plaintiffs and for damages. By another endorsement it appeared that the plaintiff Fischer was patentee, and the plaintiffs George H. Lees & Co. licensees, and that Fischer resided in the United States of America, and the other plaintiffs in Ontario. The Master said that the order, at the present stage of the action (before pleadings), was at least premature: *McConnell v. Wakeford*, 13 P.R. 455, 457; *Smith v. Silverthorne*, 15 P.R. 197. Order made setting aside the præcipe order, with costs to the plaintiffs in any event, without prejudice to a motion for security thereafter, if the defendant should be advised to move. When the case is developed on the pleadings, such a motion may be successful: *Holmsted and Langton's* Jud. Act, 3rd ed., p. 1426; *Irving v. Smith*, 12 P.R. 29. *J. F. Edgar*, for the plaintiffs. *J. E. Jones*, for the defendant.

PLAYFAIR v. CORMACK AND STEELE—MASTER IN CHAMBERS—
JAN. 15.

Discovery—Examination of Defendant—Scope of Inquiry—Dealings in Company-shares—Restriction to Pleading.]—Motion by the plaintiffs for an order requiring the defendant Steele to attend for re-examination for discovery and to answer certain questions which, on the advice of counsel, he refused to answer when examined by counsel for the plaintiffs. The action was to recover from the two defendants the sum of \$4,263.57 as a balance due to the plaintiffs as brokers in respect of transactions in the stock of the Swastika Mining Company, between the 23rd May, 1911, and the 29th February, 1912. The defendants severed in their defences, and each asserted that the other was liable. The questions which the defendant Steele refused to answer related, first, to an inquiry whether he had any documents which had passed between the plaintiffs and himself relating to Swastika stock. He also refused to say whether he was the largest shareholder in the Swastika Mining Company