tiff should give further and additional security for the costs of defendant company, by a bond for $600 or by paying into Court $300.

F. A. Magee, Ottawa, for plaintiff.

H. A. Burbidge, Ottawa, for defendant company.

BRITTON, J.—The trial of the action had come on, the case had been argued, and it was directed that if plaintiff did not elect to amend within the time allowed, the case was to stand for judgment. The plaintiff did amend. Security for the costs of defendants added by the amendment has been ordered. No application was made at the trial for additional security to the defendant company. It was open to the defendant company to ask that in the event of an amendment additional security should be given. If the trial Judge had made any such condition, it may be that plaintiff would not have accepted. The case is practically closed as to defendant company. If it so happens that the costs of the defendant company will be substantially increased, it will be by reason of what occurred at the trial, and the view the trial Judge took of the case; and the plaintiff ought not at this stage to have the additional burden put upon him. Bell v. Landon, 9 P. R. 100, and Simon v. La Banque Nationale, 7 P. R. 22, referred to.

Appeal allowed with costs to plaintiff in an event.

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MEREDITH, C.J.

JANUARY 16TH, 1903.

WEEKLY COURT.

## RE RATHBUN CO. AND STANDARD CHEMICAL CO. OF TORONTO.

*Arbitration and award—Application to Court to Direct Arbitrators to State Case—Questions of Law—Questions Specifically Referred—Conduct of Applicants Alleged to Bar Them from Applying—Discretion of Court—Special Competence of Arbitrators—Doubt as to Rulings—Construction of Contract—Form of Case—Costs.*

Application under sec. 41 of the Arbitration Act, R. S. O. ch. 62, by the Standard Chemical Company of Toronto, one of the parties to a voluntary reference to arbitration, for a direction to the arbitrators to state in the form of a special case for the opinion of the Court certain questions of law arising in the course of the reference.