

CARTWRIGHT, K.C., MASTER:—Plaintiff succeeded at the trial. On appeal this judgment was set aside with costs of trial, and appeal to defendant in any event, and a reference directed to take accounts.

Nothing has been done further.

A bill of costs down to the trial, and instructions for appeal has been submitted, which would not exceed on a liberal estimate \$150. No bill for the appeal has been suggested. But if this was put at an equal amount, the defendant would still have ample security in the bond for \$400 given by plaintiff under the *præcipe* order. For the reasons given in *Stow v. Currie*, 13 O. W. R. 997, and cases cited, there should not be any order at present. If at a later stage the defendant thinks well to do so, he can renew the motion. At present, the motion will be dismissed with costs to plaintiff in the cause on the final taxation.

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