

plaintiff claimed to be a creditor in respect of a promissory note made and payable, and the makers of which resided out of the jurisdiction ; but did not seek judgment upon the promissory note.

*Held*, a case in which, under Rule 217 (b), service of the writ of summons effected out of the jurisdiction was allowable.

The different sub-rules of Rule 217 are disjunctive ; and under (b) it is not necessary that the whole subject-matter of the action should come within its provisions.

*Semble*, also, that the case came within sub-rule (g) ; for, although the defendant alleged to be within the jurisdiction had not been served, it was not necessary that she should be served first, but only that the service without should not be allowed until the service within had been effected, and an adjournment for that purpose might be granted.

*D. Armour* for the plaintiff.

*Swabey* for the defendant Charles B. Paget.

---

Chy. Div'l Court.]

[June 7.

DELAP *v.* CHARLEBOIS.

*Security for costs—Several defendants—One security—Rules 1245, 1247—Bond—Execution of.*

Where, upon an application by one of several defendants, an order is made for security for costs, it may properly provide that the security is to answer the costs of all the defendants.

Construction of Rules 1245 and 1247.

Execution by the plaintiffs of a bond for security for costs may be dispensed with in a proper case.

*Bristol* for the plaintiff.

*Chrysler, Q.C.*, and *L. G. McCarthy* for the defendant Charlebois.

---

Q.B. Div'l Court.]

[June 11

BRISTOL AND WEST OF ENGLAND LOAN COMPANY *v.* TAYLOR.

*Jury notice—Power to strike out, where regularly served—R.S.O., c. 44, s. 80—Master in Chambers—Discretion of trial judge.*

A Judge in Chambers or the Master in Chambers has jurisdiction under s. 80 of the Judicature Act, R.S.O., c. 44, to strike out a jury notice where it has been regularly served ; but the jurisdiction should not be exercised, because the exercise of it will hamper the discretion of the trial judge.

*H. E. Stone* for the plaintiffs.

*Middleton* for the defendant.

---