

As to the liability of the executors Lewis and Morgan and the Boys' Home to pay interest on the amounts received or retained by them in excess of what they were entitled to under the will, I can see no just reason why they should not be ordered to pay interest thereon at least from the commencement of the action. (I think 9th November, 1895. Statement of claim bears date 21st April, 1896). The authorities . . . justify, if they do not imperatively require, at least that measure of relief. But I am of opinion that, under the peculiar circumstances of this case, they do not oblige us to penalize these defendants by adopting the severer course of charging them with interest from 1882 or 1883, or the date of the decree, or of the Master's report in the administration action.

To the extent I have mentioned, I would vary the judgment, and dismiss the appeal in other respects.

GARROW, J.A., concurred.

MACLENNAN, J.A., gave reasons in writing for agreeing as to the principle of distribution, and for dissenting as regards interest.

CARTWRIGHT, MASTER.

MAY 19TH, 1903.

CHAMBERS.

HARMAN v. WINDSOR WORLD CO.

Security for Costs—Libel—Newspaper—Criminal Charge—"Provincial Crime"—Election Act.

Motion by defendant Dickinson for an order for security for costs of an action for libel.

Ferguson (Denton, Dunn, and Boulton), for applicant.

F. A. Anglin, K.C., for plaintiff.

THE MASTER.—The action is for an alleged libel appearing in the issues of the 16th and 23rd days of January last of a newspaper called "The Essex County World," of which the Windsor World Company are alleged to be publishers, and of which defendant Dickinson is admittedly the editor. It is admitted that plaintiff is financially irresponsible. . . .