

just as much as it does in any state of the Union. The Federation has been properly served with the writ. With reference to the objection that the name is improperly used because of its being an unincorporated company or association, the cases cited are sufficient authority for holding that on a summary application the name should not be struck out, represented as the Federation is by the large number of persons added by the order of the 11th December. In order, however, that the Federation may not be prevented from having the question gone into more fully at the trial, a conditional appearance should be permitted.

Motion dismissed. Order made allowing the Federation to enter a conditional appearance. Costs in the cause.

[See *Metallic Roofing Co. v. Local Union No. 30, Amalgamated Sheet Metal Workers' International Assn.*, 1 O. W. R. 573, 644.]

WINCHESTER, MASTER.

JANUARY 18TH, 1903.

CHAMBERS.

CAVANAGH v. CASSIDY.

*Security for Costs—Plaintiff Ordinarily Resident out of the Jurisdiction—Temporary Residence in Ontario.*

Action for false arrest and malicious prosecution. Motion by defendant for an order for security for costs, on the ground that plaintiff is ordinarily resident out of the jurisdiction of this Court, and only temporarily resident within it.

J. E. Cook, for defendant.

S. B. Woods, for plaintiff.

THE MASTER.—The arrest was made in connection with some transaction in regard to the purchase of shares. The defendant, having lost a considerable sum of money, and accusing plaintiff and one Tucker of having defrauded him, caused the arrest of the former. The plaintiff is a telegraph operator, and has for some years been operating on wires in connection with different brokers' businesses. When about 2 or 3 years of age his family removed from Ontario to the United States, and he has until recently lived in that country. He is now 36 years of age or upwards. His mother and sister still live in the United States, and when out of employment and at other times he makes his home with them. He is unmarried, and has no property other than what he carries about with him from place to place. In July, 1902, he left Kansas City, where his mother and sister reside, and went to New York to take employment with stock-brokers there. In September, 1902, he was sent by them to Toronto