

(ante 485) which dismissed plaintiff's motion to set aside a præcipe order for security for costs. Action for an account brought by a resident out of the jurisdiction against his former solicitor.

J. W. McCullough, for defendant.

T. H. Lloyd, Newmarket, for plaintiff.

THE COURT (BOYD, C., FERGUSON, J.), held that under the circumstances of the case (as reported ante 485), the defendant's solicitor was not entitled to security for costs. Appeal dismissed. Costs in the cause.

CARTWRIGHT, MASTER.

SEPTEMBER 9TH, 1903.

CHAMBERS.

O'CONNOR v. O'CONNOR.

*Jury Notice—Leave to File—Delay—Short Notice of Trial.*

Motion by the plaintiff for leave to file a jury notice and give short notice of trial.

T. F. Slattery, for plaintiff.

W. B. Raymond, for defendant.

THE MASTER.—This is an interpleader issue to determine whether the defendant holds a certain beneficiary certificate absolutely or only as security for moneys lent by him to the deceased.

The case of *Qua v. Woodmen of the World*, 5 O. L. R. 51, ante 8, would indicate that in a proper case it would be a proper exercise of judicial discretion to allow either party to file a jury notice when this has been done.

But the same case shews that "there is no power to abridge the time allowed the defendant unless he is in such a position that terms may be imposed on him."

Then the effect of allowing a jury notice to be filed would be to throw the case over these present sittings. The result would be delay in winding up the estate of the deceased and delaying the other parties concerned in the matter.