

[E. C.] 1876

## WOOD v. THE QUEEN.

Nov. 28. *Petition of Right—Application for security for costs, when to be made—  
Waiver of right to demand same.*

Where the Crown asked for and obtained from the suppliant further time for filing statement of defence, an application on behalf of the Crown for security for costs was refused (per Fournier, J.): 1. Because the application for security for costs ought to have been made within the time allowed for filing the statement of defence. 2. Because the Crown, in asking for and obtaining an extension of time to file a statement of defence, had thereby waived its right to demand security for costs. 3. Because the power of ordering security for costs is a matter of discretion and not one of absolute right, and the Crown in this case could suffer no inconvenience from not getting security. See Can. S. C.R., vol. VII., p. 631.