

and finally disposed of in the court where the head office of the Noxon Co. (Ltd.) is located," a motion to change the venue to another county was refused on the grounds that the word "court" is to be understood as meaning "the court having jurisdiction" mentioned in section 1 a of 3 Edw. VII. (o) and should be construed in reference to the contract in which it occurs; and that the parties had agreed that in case of litigation the suit should be carried on in the court, whether High Court, County Court or Division Court having jurisdiction in the locality where the head office was.

*Quære.* Whether stronger grounds must be shewn on motion to change a venue in a County Court than a High Court action.

*Proudfoot*, K.C., for motion. *C. A. Moss*, contra.

Cartwright, Master.] FITZGERALD v. WALLACE. [Nov. 26, 1903.

*Security for costs—Increased—Appeal to Court of Appeal—Where application for to be made—Con. Rules 826, 827, 830.*

Applications for increased security for costs on an appeal from the High Court should not be made in the High Court, but must be made to the Court of Appeal or a judge thereof. *Centaur Cycle Co. v. Hill* (No. 2) (1902) 4 O.L.R. 493, referred to and followed.

*Saunders*, for motion. *Harcourt*, for infant defendants. *Rose*, for plaintiffs.

Cartwright, Master.] [Nov. 26, 1903.

FLYNN v. INDUSTRIAL EXHIBITION ASSOCIATION.

*Pleading—Action for damages caused by machine—Striking out allegation in statement of claim of insurance by defendants against.*

In an action for damages caused by a machine alleged to have been defectively constructed belonging to the defendants the fact that the defendants were insured in an insurance company against such accidents, cannot be given in evidence as is not in any way relevant; and a pleading alleging the fact of such insurance was struck out as embarrassing to the defendants.

*G. L. Smith*, for motion. *W. N. Ferguson*, contra.

Cartwright, Master.] HUNTER v. BOYD. [Nov. 28, 1903.

*Amendment of pleadings after new trial ordered—Alleging special damages.*

All necessary amendments may be made at any time and an action in which a non-suit has been set aside as against one defendant and a new trial ordered as to him by a Divisional Court is in the same position as if it was at issue and had not been tried; and the plaintiff may be allowed to