caused by the neglect of one or other of the defendants or by both. But that is not part of the subject, which is the injury to the machinery.

The possibility of being able to establish this joint liability would seem, of itself, to justify the propriety of joining the defendants in the action.

But, independently of that, the language of the statute is wide enough to embrace just such a case as this, and the decisions that have been made on the English Act would in principal sanction *this* mode of procedure.

I agree entirely with the Master in the construction he has placed on the Act and dismiss the appeal with costs.

Boyd, C.] [Oct. 26.

BELL v. LAUDER.

Security for Costs—Further security.

The usual præcipe order for security for costs had been taken out by the defendant and duly complied with by the plaintiff. Replication was filed on 30th June last, and the cause brought on for examination and hearing before Ferguson J., at the Simcoe sittings in September, but was only partially heard, and adjourned until December next, owing to the judge being required to open the St. Catharines sittings.

The defendant seeing that the costs far exceeded the $400 security given, applied for further security; the official referee refused the application. On appeal,

BOYD, C., thought upon all the circumstances of the case that it would not be just to interfere at this stage, by requiring further security. Appeal dismissed, costs in the cause to the plaintiff.

Plumb, for the appeal.

H. Cassels, contra.

Boyd, C.] [Oct. 26.

CRUS v. BOND.

Mortgage—Foreclosure—Principal—Election.

This case is reported at page 388 *ante*.

Eddis, for plaintiff, appealed from the judgment of the Master in Chambers.

Watson, contra.

The Court, (BOYD, C.,) in a judgment reviewing the question at some length, said, ***inter alia:*** "The very question has been determined by Esten, V.C., in *Drummond* v. *Guickard*, in Feby., 1864, (Cham. Note Bk., p. 145), as menioned in *Green* v. *Adams*, 2 Chan. Ch., 134. It does not become the Master or another judge sitting in Chambers, to overrule this decision made so many years ago, and acted on in many cases since. I do not see that any sufficient distinctions exist in this case to distinguish it from the case decided in 1864. The appeal is therefore allowed with costs."

(This judgment has been appealed to the Court of Appeal.)

REPORTS.

RECENT ENGLISH PRACTICE CASES.

(Collected and prepared from the various Reports by A. H. F. LEFROY, ESQ.)*

JOYCE v. METROPOLITAN BOARD OF WORKS.

Rule as to new trial against evidence where damages trifling.

Held, that it is the custom of the court not to grant a new trial on the ground that the verdict is against the weight of evidence where the damages do not exceed £20, except under peculiar circumstances, such as the trial of a right, or where the personal character of a person might be injured.

[June 24, Q. B. D.—44 L. T. 810.

It will be sufficient to quote such portions of the judgments as affect the above point of practice.

GROVE, J.—The damages were £15, and it is the custom, though not altogether invariable, that except under peculiar circumstances the court will not grant a new trial on the ground that the verdict is against the weight of evidence where the damages do not exceed £20,

* It is the purpose of the compiler of the above collection to give to the readers of this Journal a *complete* series of all the English decisions on pleading and practice which illustrate the present procedure of our Supreme Court of Judicature, reported subsequently to the annotated editions of the Judicature Act, that is to say, subsequently to June, 1881.