

that the security given, when required by our practice, ought to be adequate; but great care must be taken to avoid the requirement being oppressive. The sum of \$400 mentioned in the Rules must be regarded as adequate for any normal action. In this case, the appeal from the judgment and the reference ordered in lieu of a new trial were beyond the ordinary course, and justified an order requiring \$200 further security. The costs of the first trial and appeal were payable by the plaintiff in any event of the cause, and so were taken out of the general costs of the cause. The order, on the new material, should be made for \$200 further security; costs here and below to be costs in the cause. G. H. Kilmer, K.C., for the defendant. R. McKay, K.C., for the plaintiff.

BICKELL v. WALKERTON ELECTRIC LIGHT CO.—MASTER IN CHAMBERS—APRIL 22.

Venue—Change—Convenience—Witnesses—Undertaking to Pay Expenses—Jury Notice—Leave to Serve.]—Motion by the defendants to change the venue from Toronto to Walkerton. The action was for damages for injuries sustained by the plaintiff while working for the defendants at Walkerton. The plaintiff moved to Toronto after his injury, and named Toronto as the place of trial. The motion was supported by the affidavit of the president of the defendant company, stating that the company would require at least ten witnesses, all necessary and material, and all resident at or close to Walkerton. The plaintiff stated in answer that he was without money and unable to work so as to earn anything considerable, and that he could not pay witness fees to Walkerton; he said that he had nine witnesses, all resident at Toronto. The Master said that the home of the action (see McDonald v. Park, 2 O.W.R. 972, per Osler, J.A.), is certainly at Walkerton, and the case was eminently one for trial there. The plaintiff was fully examined for discovery, and said on his examination that no one was present when the accident occurred. The only persons who would know anything about it would be the defendants' servants and the physician and nurses at the Walkerton Hospital. When the plaintiff was under examination for discovery, the defendants' counsel attempted to find out what the plaintiff's nine witnesses were expected to prove. But his counsel would not allow him to answer any questions on that matter. This was to be regretted, as it was done in the face of the plaintiff's affidavit that he was with-