tice under the Civil Code, Quebec. While in principle it may be of use to the appellents or one of them on a substantive motion against the judgment, it shews that under the jurisprudence of that Province, as under ours, that is the proper way to attack the judgment.

Whether it may not be still open to Mrs. Sara Moffet, under the circumstances, to obtain relief by a direct motion against the judgment on her own behalf, I cannot say. Flavien Moffet has had and lost more than one opportunity of shewing the facts, and on his second appeal to the Divisional Court the judgment was, as against him, treated as a judgment against the registered partnership firm.

The appeal must be dismissed, and I suppose with costs.

CARTWRIGHT, MASTER. DECEMBER 19TH, 1903.

CHAMBERS.

BANK OF HAMILTON v. ANDERSON.

Venue—Recovery of Possession of Land—Violation of Rule 529 (c)—Motion to Change—Onus—Fair Trial.

Motion by defendant to change the venue from Hamilton to Milton. The action was to recover possession of land in the county of Halton, and plaintiffs laid the venue at Hamilton, contrary to Rule 529 (c).

G. H. Gilmer, for defendant.

A. L. Drayton, for plaintiffs, contended that the affidavits shewed that a fair trial could not be had in Halton because there were not a dozen persons in the whole county who were not either creditors or friends of creditors of the Anderson estate, and because the public mind had been prejudiced against plaintiffs by the newspapers published or circulated in the county.

THE MASTER held that the onus was on plaintiffs to shew that they were justified in their violation of the Rule, and they had not satisfied it, the affidavits being in direct conflict.