

taken at the outset and was not open on taxation.

Douglas Armour for the plaintiffs.

C. J. Holman, J. M. Clark, and W. M. Douglas, for the defendants.

BOYD, C.]

[Feb. 16.

IN RE HIBBARD.

Infant—Sale of land—Benefit of parent—R.S.O., c. 137, s. 3.

The statute R.S.O., c. 137, s. 3, cannot be used to sell an infant's estate for a parent's benefit.

Origin of the enactment.

A. C. Galt for the infant's father.

J. Hoskin, Q.C., for the infant.

STREET, J.]

[Feb. 23.

CROIL v. RUSSELL.

Venue—Change of—Convenience—Cause of action.

Where the balance of convenience was in favor of a trial of an action at Pembroke rather than at Cornwall, where the plaintiffs laid the venue, it was changed to Pembroke.

Held, that, had the scales been more evenly balanced than they were, the fact that the cause of action arose in the County of Renfrew should decide the question in favor of Pembroke, the county town of Renfrew.

W. H. Blake for the plaintiffs.

Douglas Armour for the defendants.

BOYD, C.]

[March 2.

ODELL v. MULHOLLAND.

Venue—Change of—Convenience—Cause of action—View of locus in quo.

In an action to establish a right of way over land in the County of Wentworth, the venue was changed from Brantford to Hamilton, it appearing that there was a slight preponderance of convenience in favor of Hamilton.

Held, that the facts that the subject matter of the litigation was situate in the County of Wentworth, and that a view by the jury might be necessary, were facts to be considered in fixing the place of trial.

S. A. Jones for the plaintiff.

W. M. Douglas for the defendants.

BOYD, C.]

[March 3.

KEEN v. CODD.

Parties—Mortgage action—Personal representative of deceased mortgagor—Infants—Devolution of Estates Act—Rules 309, 1005.

In a mortgage action for foreclosure, although it may be that since the Devolution of Estates Act as a matter of title, the record is complete with the general administrator of the deceased owner of the equity of redemption as the sole defendant; yet, as a matter of procedure, the infant children of the deceased are proper parties, and as such should appear as original defendants, unless some good reason exists for excluding them.

Rules 309 and 1005 considered.

Hoyles, Q.C., for the plaintiff.

J. Hoskin, Q.C., for the infants.

STREET, J.]

[March 6.

CONNOLLY v. MURRELL.

Discovery—Examination for—Husband and wife—R.S.O., c. 61, s. 8.

Sec. 8, cap. 61, R.S.O., which provides that "No husband shall be compellable to disclose any communication made by his wife during the marriage," is still in force.

It is competent for a husband who is making disclosures of what took place between his wife and himself during coverture, at any time during an examination for discovery to refuse to disclose anything further. If, upon such refusal, the solicitor for the opposite party withdraws, the examination may be proceeded with, and the evidence so taken will not be struck out.

E. R. Cameron for the plaintiff.

Talbot Macbeth for the defendant.

Appointments to Office.

REGISTRAR OF DEEDS.

County of Hastings.

Henry Wright Day, of the Town of Trenton, in the County of Hastings, Esquire, M.D., to be Registrar of Deeds in and for the said County of Hastings, in the room and stead of William H. Ponton, Esquire, deceased.

LOCAL MASTER.

County of Frontenac.

John Maule Machar, of the City of Kingston, in the County of Frontenac, one of Her Majesty's