

plaintiffs were ready to proceed. I think it immaterial that the trial Judge made the costs of the day costs in the cause, unless the Judge at the next trial should otherwise order. The point is that the postponement of the trial was really caused by the defendants' amendment. Then, moreover, was the time when all terms, such as the giving of security, should have been discussed. No trial Judge was in a better position than the Master could be to determine whether the plaintiffs were taking an unreasonable view of the amendment as rendering a postponement necessary; and, if the defendants had urged that, notwithstanding the amendment, the trial ought not to be postponed unless the plaintiffs would give additional security, the latter might have reconsidered their position and have taken the risk of going on, if the Judge thought they were really not prejudiced by the amendment at that stage, and ought not to be allowed to postpone except upon terms. As it was, the defendants obtained an indulgence, and ought not, in my opinion, to be permitted now to embarrass the plaintiffs by obtaining what is practically a fourth order for security for costs.

Appeal allowed and order discharged with costs here and below to plaintiffs in any event.

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CARTWRIGHT, MASTER.

OCTOBER 20TH, 1903.

CHAMBERS.

DWYER v. GARSTIN.

*Venue—Change of—Convenience — Cause of Action—Witnesses—Expense—Undertaking—Security.*

Motion by defendant to change venue from London to Toronto.

John MacGregor, for defendant.

R. S. Smellie, for plaintiff.

THE MASTER.—The plaintiff resides in London, and the defendant in England.

The cause is at issue, and the pleadings shew that the transaction in question arose mainly, if not wholly, in Toronto.

The defendant's solicitor deposes that they will require the evidence of eight witnesses, who all reside in Toronto. He is of opinion that the plaintiff's witnesses (if he has any except himself) will be found in Toronto also.

The plaintiff deposes to 13 witnesses, all resident at London, but does not state what they will prove. He seems to