

OSLER, J.A.]

[April 22.]

MCCORMICK v. TEMPERANCE AND GENERAL LIFE ASSN. CO. OF N.A.

*Security for costs—Appeal to Court of Appeal—Special order—Judicature Act, 1895, sec. 77.*

Standing alone, the appellant's poverty is not a circumstance, within the meaning of sec. 77 of the Judicature Act, 1895, entitling the respondent to a special order for security for costs.

*L. G. McCarthy*, for the plaintiff.

*W. H. Blake*, for the defendants.

WINCHESTER, Master.]

[Feb. 26.]

GILLELAN v. GRAHAM.

*Security for costs—Commission to take evidence.*

Action by five daughters against the executors of their father's will. Each claimed an equal amount. One only resided within the jurisdiction. The four without were not possessed of property within the jurisdiction. Plaintiffs asked for a commission to examine plaintiffs in Manitoba, but the evidence sought under the commission was not in favor of the plaintiff within the jurisdiction, but of the other plaintiffs.

*Held*, that the plaintiffs should give security for the costs of taking their evidence as a term of the commission issuing.

*Langen v. Tate*, 24 Ch. D. 522, followed.

*J. A. Macdonald*, for the plaintiffs.

*J. M. Clark*, for the defendants.

WINCHESTER, Master.]

[Feb. 26.]

CALLANAN v. SPRINGER.

*Venue—County Court—Policy of the law—Action against sheriff.*

Action brought in the County Court of the County of Perth, against the Sheriff of the County of Waterloo, for neglect of duty in connection with the execution of an attaching order directed to him. The parties all resided in the County of Waterloo and the defendant moved to change the venue to that county.

*Held*, that the policy of the law in County Court actions is similar to that laid down by the recent Act respecting venue in High Court actions, and that each county should bear the expense of its own litigation.

Venue changed from Perth to Waterloo.

The following cases were referred to :—*Brannen v. Jarvis*, 8 P.R. 322 ; *Payne v. McLean*, Taylor's R. 325 ; R.S.O. c. 73, sec. 15.

*W. H. P. Clement*, for the plaintiff.

*L. G. McCarthy*, for the defendant.