

It, therefore, follows under *Smith v. Boyd*, 17 P. R. 463, that the motion is at least premature at present.

It was submitted that the plaintiff who is resident in the province would not be competent to give defendants the information to which they are entitled, and which is necessary for their defence.

And it was said that as the other plaintiffs were resident in the United States, it would be an expensive proceeding to examine them. This, however, may be met by the decision in *Lick v. Rivers*, 1 O. L. R. 57, and the defendants can urge in support of a similar order, if such is found necessary, that the plaintiffs are in default in respect of the payment of over \$230 of interlocutory costs.

Without deciding anything as to that, it is enough to say at present that the motion is dismissed with costs in the cause to plaintiffs, but without prejudice to its renewal after discovery if it is still considered necessary.
