

*Held*, that the action was a joint one, and, although the plaintiffs other than the widow resided out of the jurisdiction, they could not be ordered to give security for costs.

*D'Hormussee v. Grey*, 10 Q.B.D. 13, followed.

*J. E. Jones* for the plaintiffs.

*J. M. Clark* for the defendant.

BOYD, C.]

[March 14.

GROTHE *v.* PEARCE.

*Appeal bond—Appeal to Court of Appeal—Parties to bond—Non-execution by some of the parties—Order dispensing with execution—Defects in bond.*

An appeal bond for the purpose of an appeal by the plaintiffs to the Court of Appeal was drawn up with the names of all the plaintiffs as parties thereto, and was executed by the sureties and some of the plaintiffs in that shape, and an order was afterwards obtained dispensing with the execution of the bond by the other plaintiffs, except two, who had withdrawn from the appeal. The bond was also defective in the recital and condition.

*Held*, that the order should have been obtained before the execution of the bond, and that only those of the appellants actually executing it should have been named as parties to it; and the bond was set aside.

*J. A. MacIntosh* for the plaintiffs.

*William J. Weston* for the defendant.

FERGUSON, J.]

[March 21.

ERETHOUR *v.* BROOKE.

*Venue—Change of—Preponderance of convenience—Expense.*

The decided cases have not yet entirely forbidden a change of the place of trial.

And where the cause of action arose in the county of Brant, the plaintiff and defendants residing therein, the defendants swore to thirteen material and necessary witnesses, all residing in the county of Brant and convenient to Brantford, the county town, and it was not disputed by the plaintiff that, if he had to call any witnesses at all, they would be persons residing at or near Brantford, the place of trial was changed by order from Hamilton, which was named by the plaintiff, to Brantford.

*Held*, that, although the difference in expense was not considerable, the great preponderance of convenience to witnesses and parties was in favour of Brantford.

*Lynch-Staunton* for the plaintiff.

*W. H. Blake* for the defendants.