Street, J.] [May 28.

VILLENEUVE *v.* WAIT.

Writ of summons — Special indorsement — Judgment under Rule 80.

The writ of summons was indorsed as follows: "The plaintiff's claim is for $213.90 balance due for sawing wood by the plaintiff for the defendant."

Held, not a sufficient special indorsement to admit of the plaintiff moving for judgment under Rule 80.

H. Symons, for the plaintiff.

Aylesworth, for the defendant.

Court of Appeal.] [May 29.

MORTON *v.* MCCABE.

County courts—Term motion—Time for making—R. S. O. (1887), *c.* 47, *ss.* 29, 41—*Rule* 488.

Reading s. 41 with s. 29 of the County Courts Act, R. S. O. (1887), c. 47, and having regard to the provisions of Rule 488, it cannot be held that a party is restrained by s. 41 to move in term time, *i.e.*, during the first two days of the next quarterly sittings of the County Court, against the verdict or judgment at the trial; s. 41 limits a time after which a party has no right to move; but he may by force of s. 29 move before the judge in court, if the judge chooses to hear him, at any time after judgment has been given, and not necessarily at one of the usual fixed sittings of the court.

Smith v. *Rooney*, 12 U. C. R. 661, is not applicable to the existing law and practice.

C. J. Holman, for the plaintiff.

G. Bell, for the defendant.

Q. B. Divisional Court.] [June 1.

GREEY *v.* SIDDALL.

Venue—Convenience—Cause of action—Leave to appeal—Terms.

The question for decision on an application to change the place of trial is, Where can the action be most conveniently tried? And where, in an action on a promissory note for the contract price of work done by the plaintiff in refitting a mill in the county of Middlesex, to which the defence was that the contract had never been carried out, the plaintiff had eight witnesses in Toronto or east of Toronto, and the defendant eight in Middlesex or west of Middlesex, upon the defendant's application to change the place of trial from Toronto to London, it was

Held, that London was the most convenient place for trial, and the venue was changed accordingly.

Per ARMOUR, C.J.—An action should be tried in the county where the cause of action arose.

Leave to appeal to the Court of Appeal was asked by the plaintiff, because it was of importance to him in other litigation to have the question of venue decided, and was granted upon his undertaking to pay the costs of both parties to the appeal.

H. D. Gamble, for the plaintiff.

Shepley, for the defendant.

Law Students' Department.

LOAN OF BOOKS TO STUDENTS BY THE LAW SOCIETY.

TO THE EDITOR OF THE LAW JOURNAL:

Dear Sir,—I mark with pleasure the appearance of a letter in your journal subscribed "Lex," touching the very obnoxious requisition enforced by the Law Society, that a student must deposit $10 in order to procure books. Although the Benchers may not have been cognizant of the fact, it is still notorious that students are often put to great inconvenience and trouble to procure the necessary deposit; and, as "Lex" points out, the practice is wholly unnecessary, even though students might, which is unlikely, seek to purloin books when they have the opportunity. The Society has jurisdiction over their actions and could easily enforce the return of such books. The Benchers, on the other hand, protest that they are compelled to take such a course in order to protect themselves; but how fallacious and unfounded this is will be seen when we turn to the Toronto Public Library, as likewise to any public library, and see how, dealing with many