

Divisional Court of the 29th November, 1912. See ante 422. FALCONBRIDGE, C.J.K.B., delivering the judgment of himself and BRITTON and SUTHERLAND, JJ., said that, having regard to all the circumstances and the fact that there was no appeal by Simpson from the judgment of the County Court, it was not a matter in which the Divisional Court should now interfere. No costs of the application. Eric N. Armour, for Simpson. H. E. Rose, K.C., for Parks.

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FERGUSON v. ANDERSON—MASTER IN CHAMBERS—FEB. 10.

*Venue—Change—County Court Action—Con. Rule 529(b) —Convenience—Costs of Motion.*]—Motion by the defendants to transfer the action from the County Court of the County of Carleton to the County Court of the United Counties of Stormont, Dundas, and Glengarry. The Master said that the action was clearly within Con. Rule 529(b), and should, therefore, have been brought in the County Court of the United Counties of Stormont, Dundas, and Glengarry: *Corneil v. Irwin*, 2 O.W.R. 466. There was some inconvenience in going from Maxville, where all the parties lived, either to Ottawa or Cornwall. The distance to Ottawa by rail is 41 miles. To reach Cornwall by rail is 70 miles. An easy solution of the matter was to grant the motion. Then the parties could drive to Cornwall, which is only 25 miles away. No doubt, the Judge would accede to an application, under 10 Edw. VII. ch. 30, sec. 18, to fix the trial at some time when the roads were in good condition. Order made as asked. Costs to the defendants in any event, for reasons given in *Murphy v. Township of Oxford*, not reported, but cited in *Brown v. Hazell*, 2 O.W.R. 785. Grayson Smith, for the defendants. J. F. Boland, for the plaintiff.

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YOUPELL v. TORONTO R.W. CO.—MASTER IN CHAMBERS—FEB. 11.

*Pleading — Statement of Claim — Late Delivery — Irregularity — Validation — Con. Rules 312, 353 — Costs.*]—On the 27th December, 1911, the plaintiff was struck and seriously injured by a car of the defendants. On the 25th January, 1912, this action was brought to recover damages for his injury; service of the writ of summons upon the defendants was made on the same day. The defendants appeared in due course;