

FORD and MIDDLETON, JJ.), dismissed the appeal with costs. T. W. McGarry, K.C., and W. N. Ferguson, K.C., for the plaintiff. E. F. B. Johnston, K.C., for the defendant Waldman. J. F. Boland, for the defendant company.

KEYES v. McKEON—MASTER IN CHAMBERS—MARCH 16.

Venue—Motion to Change—Witnesses—Expense—Costs.]—Motion by the defendant to change the venue from London to Goderich. The action arose out of the building of a church at St. Columban, in the township of McKillop, and county of Huron. The plaintiff resided at Stratford, and the defendant at St. Columban. The defendant swore to 9 witnesses at Seaforth, 4 at Clinton, 3 at St. Columban, 2 at Stratford, and 1 at Goderich. The plaintiff swore to 8 witnesses at Stratford and 2 at London. The Master said that the names of the witnesses and the nature of their evidence were not disclosed by either party, but from the nature of the case the numbers would not seem to be impossible. The plaintiff also swore that 2, and perhaps 3, of his witnesses were about to leave for the western provinces. To take the defendant's witnesses to Goderich would cost \$21.25, and to London \$50.15, leaving a balance of \$28.90 in favour of Goderich. On the other hand, to take the plaintiff's witnesses to Goderich would cost \$24.40, as against \$12.80 to London. This left a balance in favour of London of \$11.60, which, deducted from the \$28.90, left a balance of only \$17.30 in favour of Goderich—under the cases, not sufficient for the success of the motion, especially when some of the plaintiff's witnesses are anxious to leave the province in a few days. Motion refused. Costs of the motion reserved to be dealt with by the trial Judge on any application that the defendant may make to him on this point as well as for directions as to the taxation of witness fees if the plaintiff is successful in the action. If no such application is made, the costs will be in the cause. W. Proudfoot, K.C., for the defendant. Featherston Aylesworth, for the plaintiff.

CORRECTION.

In Re Ryan and Town of Alliston, ante 841, the Court was composed of MOSS, C.J.O., GARROW, MACLAREN, and MAGEE, J.J.A.