

The  
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HIGH COURT DIVISION.

MIDDLETON, J., IN CHAMBERS.

NOVEMBER 11TH, 1919.

\*BANK OF TORONTO v. PICKERING.

*Trial—Place for Trial of Action—Rule 245 (b)—“Residence” of Parties—Bank—Branch Office—County Court Action—Order of Registrar (Sitting for Master in Chambers) Refusing to Change Place of Trial—Appeal—Right of—Rule 767.*

Appeal by the defendant from an order of a Registrar (holding Chambers for the Master in Chambers) dismissing the defendant's application to change the place of trial of a County Court action from Toronto to Barrie.

H. S. White, for the defendant.

R. S. Robertson, for the plaintiff.

MIDDLETON, J., in a written judgment, said that the action was brought upon a promissory note, made at Stayner, in the county of Simcoe, where the defendant resided, and payable at the office of the branch of the plaintiff bank at that town, and the plaintiff bank acquired its title to the note by a transaction taking place in that town between one Donor, its local manager, and the defendant, the maker. It was alleged that Donor procured the note from the defendant by fraud, and discounted it in his own branch upon his personal account.

A preliminary objection was taken on behalf of the plaintiff, that no appeal lay: it was argued, upon the wording of Rule 767, that, although an appeal lay where the County Court Judge or the Master in Chambers changed the place, it did not lie

\* This case and all others so marked to be reported in the Ontario Law Reports.