

On 7th December this motion was launched, and was argued on 14th December.

C. A. Moss, for defendants.

Grayson Smith, for plaintiff.

THE MASTER:—It was argued that the action had already been virtually put an end to by the letter of 27th November of plaintiff's solicitor.

This, however, is not a necessary conclusion from that letter, as it states that the client was to be informed of his solicitor's opinion. Plainly this was to give him an opportunity of taking other advice, if he desired to do so.

In any case the present motion implies that the action is still pending. The motion itself was justified in view of the action having begun so far back and two sittings having been allowed to pass without its being brought to trial. The next sittings at Brockville will not be until 16th April, and plaintiff says he is ready for trial. If defendant so desires, plaintiff must go to trial at the ensuing Ottawa assizes. This change of venue will really be for the convenience of the parties and their witnesses and a saving of expense, as Ottawa is much nearer and easier of access to Burritt's Rapids, where plaintiff resides and his witnesses no doubt also, than Brockville, and defendant resides in the county of Carleton. Subject to this condition, the motion will be dismissed, but the costs of and incidental thereto will be to defendant in any event.

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OSLER, J.A.

DECEMBER 19TH, 1906.

C.A.—CHAMBERS.

MATHEWSON v. BEATTY.

*Court of Appeal—Leave to Appeal Direct from Judgment at Trial—Amount Involved—Reasons for Granting Leave—Form of Order—Recital.*

Motion by defendants for leave to appeal direct to the Court of Appeal from the judgment at the trial.

F. E. Hodgins, K.C., and W. N. Ferguson, for defendant.

R. McKay, for plaintiff.