

ANGLIN, J.

OCTOBER 8TH, 1907.

CHAMBERS.

PETTYPIECE v. TOWN OF SAULT STE. MARIE.

*Venue—Motion to Change—Convenience—Witnesses—View
—Costs—Postponement of Trial.*

Appeal by defendants from order of Master in Chambers, ante 536, dismissing defendants' motion to change the venue from Sandwich to Sault Ste. Marie.

Grayson Smith, for defendants.

H. E. Rose, for plaintiff.

ANGLIN, J., dismissed the appeal with costs to plaintiff in the cause.

OCTOBER 9TH, 1907.

DIVISIONAL COURT.

MILLOY v. WELLINGTON.

Husband and Wife—Criminal Conversation—Death of Plaintiff—Survival of Cause of Action—Nominal Damages—Excessive Damages—Evidence—Rule 785.

Appeal by defendant from judgment of BRITTON, J., 9 O. W. R. 749, in favour of plaintiff, upon the findings of a special jury, at a second trial, for the recovery of \$500 damages in an action for criminal conversation. At the first trial plaintiff obtained a verdict for \$5,000: 3 O. W. R. 561. A new trial was ordered by a Divisional Court: 4 O. W. R. 82, 8 O. L. R. 308; and this was affirmed by the Court of Appeal: 7 O. W. R. 862, 12 O. L. R. 24. The original plaintiff died on 27th April, 1905, and an order was made reviving the action in the name of the administrator of his estate, which order the Master in Chambers refused to set aside: 6 O. W. R. 437, 10 O. L. R. 641.

I. F. Hellmuth, K.C., and C. C. Robinson, for defendant.

W. R. Smyth, for plaintiff.