

If the case goes to trial, it would seem from the subpoena served on Mr. Turnbull, defendants' chief manager, that many books and other documents in the possession of defendants will be required at the trial. Mr. Turnbull also swears to 6 or 7 witnesses being necessary for defendants' case, and that they all reside in Hamilton.

In the first case on the Rule, Pollard v. Wright, 16 P. R. 505, it was said by a Divisional Court that "a very strong case would have to be made to have the trial in another county."

The only ground here set up by plaintiff is a speedier trial and relief to him of heavy interest payments. Assuming that this would be so (though it is very doubtful if any such result would follow), I do not think this is what is meant by "a very strong case."

The order will go to change the venue with costs to defendants in any event.

[Affirmed by MEREDITH, C.J., 18th May, 1906.]

CARTWRIGHT, MASTER.

MAY 17TH, 1906.

CHAMBERS.

JOHNSON v. BURTIS.

*Writ of Summons—Order for Service out of Jurisdiction—
Foreign Defendant—Service on Agent in Jurisdiction—
Irregularities—Proceedings Set aside.*

Motion by defendant to set aside order allowing issue of writ of summons for service out of the jurisdiction and allowing service on one Bice in Ontario, as agent for defendant, who was a foreigner residing out of the jurisdiction, and to set aside the service of the order and the writ upon Bice.

Grayson Smith, for defendant.

W. E. Raney, for plaintiff.

THE MASTER:—Defendant is not a British subject. The order directed issue of a writ for service out of the jurisdiction, and provided that "service of said writ and of this order upon Joseph H. Bice," defendant's manager at Thesalon, should be good service, and gave 20 days for appear-