

An injunction will go as asked, but all parties must speed the trial. Costs to be in the cause unless otherwise ordered by the trial Judge.

If all parties consent this may be turned into a motion for judgment in which case judgment will go as asked, with costs.

MASTER IN CHAMBERS.

OCTOBER 10TH, 1912.

BROWN v. GRAND TRUNK R.W. CO.

4 O. W. N. 113.

*Venue — Motion to Change — Failure to Set Case down at Proper Time — Avoidance of Delay.*

MASTER-IN-CHAMBERS, *held*, that he had no power to change the venue in order to expedite a trial where plaintiff by his own oversight had neglected to set the case down for trial.

*Taylor v. Toronto Construction Co.*, 21 O. W. R. 508; 3 O. W. N. 930, followed.

Motion by plaintiff to change venue from Belleville to Toronto.

R. U. McPherson, for the plaintiff.

Frank McCarthy, for the defendants.

CARTWRIGHT, K.C., MASTER:—The motion in this case is made for similar reasons to those in *Taylor v. Toronto Construction Co.*, 3 O. W. N. 930, 21 O. W. R. 508.

Here the action was begun on 30th March, 1911, for damages for death of plaintiff's husband on 24th November, 1910. The cause was at issue nearly a year ago—and notice of trial was given for the jury sittings at Belleville at the end of February, but by an oversight the case was not set down.

A new notice of trial was given in due time for the sittings commencing on 16th September. But owing to the absence of the agent of plaintiff's solicitors the case was again not set down. No other jury cases were set down within the time required by 9 Edw. VII (Ont.) ch. 34, sec. 63 (2), and under the further provisions of that section the jurors were notified not to attend, so that there was no way of getting the action tried at that time. It was stated by Mr. McCarthy that on this appearing, other arrange-