distinguished. The plaintiff desired a speedy trial, and with the venue changed there could be no trial with a jury until the spring sittings at North Bay. As the injury occurred in July, there was time enough to have had a trial at the North Bay jury sittings in October if the writ of summons had been served during the long vacation. In my view, the defendants were not responsible for the delay. They are willing to pay the necessary expenses of the plaintiffs to attend the trial at North Bay. The Master directs accordingly that $25 be accounted for if the plaintiff succeed in the action. If the plaintiff is willing to go to trial at the North Bay non-jury sittings on the 12th December, the defendants should consent. Order made changing venue. Costs in the cause. J. A. Macintosh, for the defendants. J. W. Heffernan, for the plaintiff.

BARROW v. INGERSOLL BOARD OF EDUCATION—FALCONBRIDGE, C.J.K.B.—NOV. 11.

Negligence—Collapse of Platform—Injury to Pupil at School — Orders of Schoolmaster — Liability of School Corporation — Burden of Proof—Delay in Bringing Action.]—Action for damages for injuries alleged to have been sustained by the plaintiff on the 21st May, 1900, when a pupil (then thirteen years old) at the Central School in the town of Ingersoll, by reason of the collapse of a platform (erected by the Caledonian Society) on which the plaintiff and her fellow-pupils were seated. The plaintiff alleged that the Principal of the Central School ordered her and the other pupils to place their feet under the plank or board which formed the seat or step of the stand next lower than that on which the plaintiff and her fellow-pupils respectively were sitting, and that her obedience to this order was, on the collapse of the platform, the cause of her injury, or at least of her being so seriously injured as she alleged. The Principal denied this, and stated that, on the contrary, he warned the children to keep their feet above and not under the next plank below. In these circumstances, the Chief Justice feels bound to apply the usual rule as to the burden of proof—with the less regret as the accident happened on the 21st May, 1900, and neither the defendants nor the Caledonian Society ever heard of the plaintiff having been hurt until this action was brought, nearly ten years afterwards. And it would not be easy to refer the serious injury of which the plaintiff complained (involving the amputation of a foot) to this accident. In this view of the facts, it would be useless to discuss the interesting point of law presented as to the liability of the defendants,