MASTER IN CHAMBERS. FEBRUARY 10TH, 1913.

FERGUSON v. ANDERSON.

4 O. W. N. 830.

Trial—Venue—County Court Action—Con. Rule 529 (b)—Order Made.

MASTER IN CHAMBERS changed the venue for the trial of an action from the County Court of Carleton to the County Court of the United Counties of Stormont, Dundas and Glengarry, holding that the action should have been brought in the latter Court under the provisions of Con. Rule 529 (b).

Motion by defendants to transfer action from County Court Carleton to County Court of united counties of Stormont, Dundas, and Glengarry.

J. Grayson Smith, for the motion.

J. F. Boland, contra.

CARTWRIGHT, K.C., MASTER:—The case is clearly within C. R. 529 (b). It should, therefore, have been brought in the County Court of the united counties of Stormont, Dundas, and Glengarry. See *Corneil* v. *Irwin*, 2 O. W. R. 466.

There is some inconvenience in going from Maxville, where all the parties live, either to Ottawa or Cornwall. The distance to the first by rail is 44 miles. To reach Cornwall by rail is 70 miles, as you must change to another line at Coteau Junction.

An easy solution of the matter is to grant the motion. Then the parties can drive to Cornwall, which is only 25 miles away. No doubt the Judge will accede to an application under 10 Edw. VII., ch. 30, sec. 18, to fix the trial at some time when the roads are in good condition. If there is anything like good sleighing a drive of that distance can have no terrors for farmers or other persons who live in the country.

The order must be made with costs to defendants in any event for reasons given in *Murphy* v. *Tp. Oxford*, some 16 years ago—not reported, but cited in *Brown* v. *Hazell*, 2 O. W. R. 784.