

MASTER IN CHAMBERS.

APRIL 2ND, 1913.

MEREDITH v. SLEMIN.

4 O. W. N. 1038.

Venue—Change—Inflamed Condition of Public Mind—Terms.

MASTER IN CHAMBERS, in an action for wrongful imprisonment and indignities, alleged to have been suffered at the hands of defendants, public officers, ordered the venue to be changed from Brantford to Simcoe on account of the inflamed condition of the public mind against defendants in the former city, upon the terms that defendants should advance plaintiff the necessary moneys to transport her witnesses to the new place of trial.

Baker v. Weldon, 2 O. W. R. 432, and *Reg. v. Ponton*, 18 P. R. 210 and 429, referred to.

Motion by the defendants to change place of trial on the ground that a fair trial cannot be had at Brantford.

The facts of this case appear in the report of a previous motion in 24 O. W. R. 155.

The plaintiff has given security and served notice of trial for the jury sittings at Brantford, commencing on 8th inst.

F. Aylesworth, for the motion.

T. N. Phelan, for the plaintiff.

CARTWRIGHT, K.C., MASTER:—Similar motions were made in *Oakville v. Andrew*, 2 O. W. R. 608; *Brown v. Hazell*, *ib.* 784; *Hisey v. Hallman*, *ib.* 403; *Baker v. Weldon*, *ib.* 432 in which last case the authorities are cited.

Such an order is not often made though it is well settled that a fair trial is beyond all other considerations.

The affidavits here in support of the motion put it beyond all doubt that there is a very strong opinion among a large class in Brantford extremely hostile to the defendants. This is shewn by the newspaper comments made in a newspaper distributed free in that city, and by the fact that a public subscription has supplied the funds necessary to enable the plaintiff to maintain her action.

The same point arose in the somewhat sensational case of *Reg. v. Ponton*, 18 P. R. 210 and 429. There the motion by the Crown to change the venue was at first refused. But such scenes took place at the trial at Napanee that on the second application the order was made and the case was then tried at Cobourg and resulted in an acquittal.