

MARCH 12TH, 1906.

DIVISIONAL COURT.

STURGEON v. PORT BURWELL FISH CO.

*Venue—Change of—Fair Trial—Convenience—Expense—
Witnesses.*

Appeal by defendants from order of BRITTON, J., ante 359, dismissing appeal by defendants from order of Master in Chambers refusing to change place of trial from Goderich to Simcoe.

W. E. Middleton, for defendants.

W. A. Skeans, for plaintiff.

THE COURT (MEREDITH, C.J., MACLAREN, J.A., TEETZEL, J.), dismissed the appeal with costs to plaintiff in any event.

MARCH 12TH, 1906.

C.A.

REX v. BLAIS.

Criminal Law—Rape—Judge's Charge—Comment on Failure to Testify of Person Jointly Indicted—"Person Charged"—Canada Evidence Act—Competent Witness—Separate Trials of Accused.

Motion by prisoner for leave to appeal from conviction.

At the autumn assizes, 1905, for the county of Carleton, the prisoner was jointly indicted with one James Finnessey for a rape upon one Lucy Carroll. A true bill was found against them. They were arraigned thereon and pleaded not guilty. The indictment was then traversed to the following sittings in January, 1906. At that sittings it was