

affidavit by the person sued that he has a good defence. I do not say that he has. I know nothing more about it than this; that in the state of conflict which there is between the parties—there is a question to be tried, and not to be stifled by an order of the Court under order XIV.”

That language seems as applicable to the present motion as it was in *Smyth v. Bandel*, *supra* (where in the result the defendant did not even appear at the trial as I was informed).

So far as I can see this Rule 603 is useful chiefly to find out what defence is going to be set up, if defendant will adhere to his affidavit on a cross-examination. On some cases it enables plaintiff to get judgment where a defendant is too honest to set up a fictitious defence—sometimes it is apparently used to allow a defendant to give a consent to judgment without appearing to do so. I have a recollection of a case in which judgment was obtained in this way against a complaisant defendant on the same day that the writ was issued. It cannot be applied if there is a possible defence alleged. The defendants also state that they have been indemnified by the Temiskaming Lumber Co. and others, and wish to have them made third parties—and that plaintiff runs no risk of failing to recover all he may be found entitled to.

The motion must be dismissed with costs in the cause.

Leave to appeal on Friday is desired.

---

MASTER IN CHAMBERS.

APRIL 28TH, 1913.

WHITE v. HOBBS.

4 O. W. N.

*Trial—Motion to Change Venue—Balance of Convenience—Delay—Jury Notice—Unfairness of—Order Made on Terms of Abandonment of Jury Notice.*

MASTER-IN-CHAMBERS changed the venue of an action from London to Toronto upon the balance of convenience upon the defendant agreeing to strike out his jury notice in order that the trial might be expedited.

Motion by defendant residing in the township of Scarborough to change the place of trial to Toronto from London.

T. N. Phelan, for the motion.

E. C. Cattnach, contra.