Such expedients, however, are availed of only as a last resort. Although a party is not bound to disclose, either in his material on a venue motion or in the course of cross-examination thereon, the nature of the evidence to be given at the trial by each named witness of his, the practice is to accept nothing less than sufficient sworn statements as prima facie conclusive for the present object; and he must state definitely the number and place of residence of the witnesses he intends to call with reference to each bona fide issue raised by the pleadings in the action.

There are numerous cases illustrating how closely such statements as to witnesses are scrutinized by the Court. For instance, when a plaintiff's counsel urged (*j*) that the plaintiff did not intend to call any witnesses at the trial, since the action was one that could be tried upon the record without any evidence, Ferguson, J., after noting that the case had not been set down by way of motion for judgment, said: "From the pleadings, as read before me, I do not see how the plaintiff can get on at the trial without some evidence."

And where a defendant's affidavit in support of a motion for change of venue (*k*) stated that the defendant had sixteen necessary and material witnesses whom he intended to call at the trial, and on cross-examination on that affidavit swore that eight of those sixteen witnesses were grain men and millers who were to give evidence as to the grade and quality of certain wheat in question, MacMahon, J., held: "The defendant cannot possibly require eight witnesses to give evidence as to the grade of the wheat, particularly when one considers that the defendant admits in his letter on the 7th April that he obtained a sample of the wheat from the agent of the C.P.R. Co. at Pembroke, and then he, as a grain dealer, pronounced his opinion upon the question of grade shortly after the wheat was delivered to the plaintiff, and there is no denial whatever by the defendant of the accuracy or truth of the statements therein contained."

Hence, although it was held in an English case (*l*) that it is not, in itself, a sufficient objection to an affidavit in support of a motion for change of venue that it is made by the solicitor in the

(*j*) *Brethour* v. *Brooke*, 15 P.R., at p. 206.

(*k*) *McAllister* v. *Cole*, 16 P.R., at p. 108.

(*l*) *Biddall* v. *Smith*, 2 D.P.C. 219.