

likely, but, as he has not a copy of the evidence, and the commission has not been opened, he cannot say what, if anything, they did.

I think, in these circumstances, the motion must be dismissed with costs to the plaintiffs in the cause, leaving the defendants to avail themselves of their right to make all valid objections at the trial.

---

DUNSMORE V. NATIONAL PORTLAND CEMENT CO.—MASTER IN CHAMBERS—FEB. 28.

*Venue—Fair Trial—Convenience.*] — Motion by the defendants (the cement company and the Canadian Pacific Railway Company) to change the venue from Orangeville to Owen Sound. Under Rule 529 (b) the venue should have been laid at Owen Sound; and the Master treats the motion as one made by the plaintiff to have the trial at Orangeville: *Pollard v. Wright*, 16 P. R. 507. As to the contention that there could not be a fair trial in the county of Grey, the Master refers to *Town of Oakville v. Andrew*, 2 O. W. R. 608, and *Brown v. Hazell*, ib. 784, and says that no case is made for a change on that ground. Order made changing the place of trial to Owen Sound, without prejudice to an application by the plaintiff, if a trial at Owen Sound on the 21st March is not possible, to change to Orangeville. Costs to the defendants in any event. H. S. White, for the defendants the cement company. A. D. Armour, for the other defendants. W. E. Raney, K.C., for the plaintiff.

---

CONMEE V. AMES—BRITTON, J., IN CHAMBERS—MARCH 1.

*Pleading—Statement of Defence — Res Judicata — Pleading Evidence.*]—An appeal by the plaintiff from the order of the Master in Chambers, ante 470, was dismissed with costs in the cause to the defendants. W. N. Ferguson, K.C., for the plaintiff. Strachan Johnston, for the defendants.

---

MACDONELL V. TEMISKAMING AND NORTHERN ONTARIO RAILWAY COMMISSION—BRITTON, J., IN CHAMBERS—MARCH 1.

*Pleading—Statement of Claim — Anticipating Defence—Alternative Cause of Action—Particulars.*]—An appeal by the defendants from the order of the Master in Chambers, ante 471, was dismissed, without prejudice to a further application if particulars not given by the plaintiff. Strachan Johnston, for the defendants. W. M. Stewart, for the plaintiff.