

SCHULER v. McINTOSH—DIVISIONAL COURT—SEPT. 26.

Contract—Oral Promise—Evidence—Consideration.]—Appeal by the plaintiff from the judgment of SUTHERLAND, J., 1 O. W. N. 436. The Court (MEREDITH, C.J.C.P., TEETZEL and CLUTE, JJ.), dismissed the appeal with costs, giving leave, however, to the plaintiff to amend by adding his son as a plaintiff and giving the defendant leave to amend by setting up the Statute of Frauds. Featherston Aylesworth, for the plaintiff. H. Cassels, K.C., for the defendant.

CRAIN v. BULL—MASTER IN CHAMBERS—SEPT. 28.

Place of Reference — Motion to Change — Trial — Con. Rule 529 (b)—Convenience—Expense—Costs.]—Motion by the plaintiff to change the place of reference from St. Catharines to Hamilton. The action was, by a judgment of the Court, referred for trial to the Local Master at St. Catharines, but leave to move to change was reserved. The parties both resided in the county of Lincoln, and the cause of action arose at Beamsville, in that county. The Master said that the action had still to be tried, and by Con. Rule 529 (b) the trial must be at St. Catharines unless a very strong case is made out for a change: *Pollard v. Wright*, 16 P. R. 507; and, upon a consideration of the affidavits as to witnesses and expense, it seemed that the motion should not be granted. If any greater expense should be occasioned by having the reference at St. Catharines instead of Hamilton, that could be brought to the knowledge of the Court on motion for judgment on further directions (a special finding being made in the report) and costs could be dealt with accordingly. Motion dismissed; costs in the cause, unless otherwise ordered by the Court on motion for judgment. S. F. Washington, K.C., for the plaintiff. J. R. Meredith, for the defendant.