

the issue of letters of administration. CARTWRIGHT, M.C. (after stating facts as above):—The father has not yet been located. The mother resides in Manitoba and is sworn to be now on her way to give evidence at the trial on the 4th April next as to the support received by her from the deceased. She is also said to be over 60 years of age and without means to pay the expense of another journey to and from Manitoba if the case is postponed, as it would be if this motion succeeds. The possibility of losing material evidence of other necessary witnesses in such an event is also pointed out. The defendants base their application on the inconvenience to their business which will be occasioned by taking their 6 or 7 witnesses to Cayuga. The difference in expense as between that place and Welland would not be sufficient for success. Indeed, it was not even suggested on the argument. But the inconvenience of witnesses is not of weight unless in the case of public officers. If the absence of these witnesses will really be injurious to the defendants they will no doubt be able to make such an arrangement as will largely, if not altogether, prevent any serious damage. The patent fact that unless the trial goes on now at Cayuga it cannot be had until the next Assizes is sufficient, under the other facts deposed to on both sides, to preclude me from granting the motion. The notice also stated that the defendant company could not prepare for trial at Cayuga on 4th April. This is repeated in one of the affidavits, but without any reasons being given. It was not mentioned, or if so, was certainly not pressed on the argument. The motion is dismissed with costs in the cause. H. H. Collier, K.C., for Coniagas Co. R. J. McGowan, for the other defendants. T. F. Battle, for the plaintiff.