

to being examined by a surgeon on behalf of the defendants, and this examination could be held at once. There did not seem to be any necessity for postponing the trial. At the argument, the Master thought that it might be right to direct a trial at Chatham on the 9th April; but, in view of the possible inability of the plaintiff to get his witnesses there (as pointed out in *McDonald v. Dawson*, 8 O.L.R. 72), he now thought the motion should be referred to the trial Judge at Sandwich, if a trial should become necessary. The trial Judge could then, if he saw fit, impose such terms as were approved of in *Seaman v. Perry*, 9 O.W.R. 537, 761, and in other cases not reported. The main, if not the whole, evidence here would be that of three or four medical gentlemen. It would be a serious matter for the plaintiff, earning only \$2.50 a day, to take these witnesses nearly 50 miles away from Windsor, with a possibility of being kept there one or even two days or longer. As said in *McDonald's case*, *supra*, at p. 73, "the plaintiff's difficulty is to get to a distant place of trial." Featherston Aylesworth, for the defendants. Frank McCarthy, for the plaintiff.