

The ground on which plaintiff relies is that if the venue is changed the action can be tried at the ensuing non-jury sittings at North Bay which begin on 10th December next. If the ordinary time is chosen for the next sittings at Sault Ste. Marie, it will not be held before the early part of June.

Now, in the present case we have it admitted that the solicitors of both parties live at Sudbury, which is nearly 50 miles nearer to North Bay than to Sault Ste. Marie. There will be no difference in expense, except in regard to the sheriff. . . .

In these circumstances, I think the order should properly be made, following *Mercer Co. v. Massey-Harris Co.*, 16 P. R. 171, which is a case very similar in its facts. The fact of an earlier trial was considered a reason of weight by the Chancellor in *McArthur v. Michigan Central R. W. Co.*, 15 P. R. 77,79. . . .

[Reference also to *Servos v. Servos*, 11 P. R. 135.]

It is not stated what the sheriff is to prove. Perhaps plaintiff can safely make such admissions as will render his attendance unnecessary. If this cannot be done, then the extra expense of the trial at North Bay (if any) will be costs to defendant in any event.

The costs of the motion will be in the cause as usual.

MAGEE, J.

NOVEMBER 26TH, 1906.

WEEKLY COURT.

McFARLAN v. GREENOCK SCHOOL TRUSTEES.

Public Schools — Change in School Site — Expenditure of Money — Special Meeting of Ratepayers — Taking Poll — Right of Farmers' Sons to Vote — Public Schools Act — Injunction — Motion for Judgment.

Motion for an interim injunction.

G. H. Kilmer, for plaintiff.

A. W. Ballantyne, for defendants.

MAGEE, J.:—The injunction is asked upon the ground that the special meeting of ratepayers called by the trustees