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CARTWRIGHT, MASTER.

NOVEMBER 26TH, 1906.

CHAMBERS.

MILLER v. BAYES.

*Venue—Motion to Change—Convenience—Expense—Speedy
Trial—Residence of Parties and Solicitors—Costs.*

Motion by plaintiff to change the venue from Sault Ste. Marie to North Bay.

W. N. Ferguson, for plaintiff.

W. E. Middleton, for defendant.

THE MASTER:—This case comes under Rule 529 (b). The facts, which are not in dispute, are as follows. The parties and their witnesses (with one or two exceptions) all reside at Webbwood . . . a station on the Canadian Pacific Railway distant from Sault Ste. Marie 131 miles and from North Bay 127 miles. The train facilities are about equal to either town. It is said that defendant has one witness who lives at Massey, which is a little nearer to Sault Ste. Marie than to North Bay. The number of witnesses is not given by either party. The only thing else to remark is that, contrary to the rule, the affidavit on defendant's behalf is made by the solicitor and not by the client: see *Leach v. Bruce*, 9 O. L. R. 380, 4 O. W. R. 491. It also states that the sheriff or his deputy from Sault Ste. Marie will be a necessary witness and will have to come nearly 26 miles. This would cost about \$20.