

notice of trial already given to stand for Simcoe, and the case to be entered there without further payment, if it had already been entered at Brantford. Featherston Aylesworth, for the defendants. T. N. Phelan, for the plaintiff.

BLACKIE v. SENECA SUPERIOR SILVER MINES LIMITED—MASTER IN CHAMBERS—APRIL 3.

Venue—Motion to Change—Convenience—Witnesses—Terms—Avoidance of Delay.]—Motion by the defendants to change the venue from North Bay to Toronto, in an action to recover \$6,660 as commission of 5 per cent. on the sale of 844,429 shares of the company's stock at 17½ cents a share—being \$7,388.75, less by \$728.75 paid on account. The defendants by the statement of defence alleged that the plaintiff was to receive commission only for sales actually made and stock being allotted thereon; also that the whole shares of the company are only 500,000, and that these were so disposed of that in any case the plaintiff could not have had for sale more than 84,429 shares. The Master said that, as no jury notice had been served, it might well be that the case would not be heard at the sittings at North Bay on the 14th April, 1913. The motion was supported by an affidavit of the defendants' solicitor, stating that the president and secretary of the company, as well as the great majority of the shareholders, resided either in the United States or at Toronto, and that this was the fact as to all these persons in respect of whose shares the plaintiff made his claim in the action; and that some at least of these persons must be called as witnesses at the trial. It was further stated that the head-office of the company was at Toronto, and that the books and records would be required for use at the trial. This affidavit was not impeached in any way. The only answer to the motion was an affidavit of the plaintiff stating that he needed two witnesses, both resident at Cobalt, while he himself resided at Cochrane. He did not say that these witnesses had been subpoenaed. The Master said that, on the material and the issues as defined by the pleadings, the motion should be granted. The defendants must undertake to produce at the trial either or both of the plaintiff's witnesses, if in their service. They must also consent to the case being put on the peremptory list in a week after its being set down on the non-jury list at Toronto, if the plaintiff so desired. In this way