I agree with the case of *Bissett* v. *Knights of the Maccabees*, 22 O. W. R. 89.

The order will be to strike out the jury notice and that the action be tried without a jury. Costs in the cause unless otherwise ordered by the trial Judge.

HON. MR. JUSTICE BRITTON. MARCH 26TH, 1913.

CHAMBERS.

CHWAYKA v. CANADIAN BRIDGE CO.

4 O. W. N. 1001.

Venue — Motion to Change — Delay in Trial — Plaintiff Responsible for — Order Refused — Costs.

MASTER-IN-CHAMBERS, 24 O. W. R. 250, refused to make an order changing the venue to expedite the trial of an action where plaintiff by his own want of diligence and forethought had caused the delay in having the action brought to trial.

Brown v. *G. T. R.*, 23 O. W. R. 74, and *Taylor* v. *Toronto Construction Co.*, 21 O. W. R. 508, followed.

BRITTON, J., dismissed an appeal from the above order with costs.

Appeal by the plaintiff from an order of the Master in Chambers, 24 O. W. R. 250; 4 O. W. N. 980, dismissing an application of the plaintiff to change the place of trial, from that named by the plaintiff, to either Sarnia or Chatham.

The facts are fully set out by the Master in his reasons for judgment.

E. C. Cattanach, for the appellant.

Featherston Aylesworth, contra.

HON. MR. JUSTICE BRITTON:—There is no doubt that the matter of changing the place of trial from that named by plaintiff is largely in the discretion of the Court or a Judge, but the exercise of that discretion is in almost every case subject to this, "Where can the action most conveniently be tried," and the onus is upon the applicant to shew the preponderance of convenience. Generally the application is by defendant, and the change will not be made on account of a trifling difference of expense.

See H. & L. pp. 738, 739. But even when the application is by plaintiff and notwithstanding the plaintiff's right to name the place, having named it, the onus is upon him to shew reasons for change, if he seeks one. The reason here is not one of balance of convenience, not as to fair