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CARTWRIGHT, MASTER.

MARCH 8TH, 1909.

CHAMBERS.

GORMAN v. HOPE LUMBER CO.

Venue—Change — Convenience — Witnesses — Postponement of Trial — Payment of Additional Expense.

Motion by defendants to change the venue from Perth to Sault Ste. Marie.

Gideon Grant, for defendants.

Featherston Aylesworth, for plaintiff.

THE MASTER:—The facts of this case are very similar to those in *Scaman v. Perry*, 9 O. W. R. 537, 761. Here the plaintiff swears only to 4 witnesses besides himself, which seems free from exaggeration. The defendants' manager swears to 16, though this number will probably "shrink before the test of the witness box:" per *Boyd, C.*, in *McDonald v. Dawson*, 3 O. W. R. 773, 8 O. L. R. 73. He also shews why it would not be possible for defendants' witnesses to get out from the lumber camps and be at Perth on 29th instant, owing to the breaking up of the winter just about that time.

In these circumstances, if the venue remained at Perth, the trial would have to be postponed. It would, therefore, be better for plaintiff to have the trial at Sault Ste. Marie on 15th May, in which case the defendants must furnish to him \$100, or whatever lesser sum is reasonable to take his witnesses to the trial. At that time the boats will be running again, and the journey will be less expensive than by rail.

Such an arrangement overcomes the difficulty that pressed the Chancellor in *McDonald v. Dawson*, 8 O. L. R. 72, 3 O. W. R. 773, and at the same time conforms to the