

would help, and either deduct from my commission or draw at sight."

Defendants sent no special information, but sent, of their own choosing, a lot of samples not within the fair meaning of plaintiff's request. The evidence is, that the value of the samples that would fairly come under the description in plaintiff's letter, would be about £4. I will allow \$20 for these. Plaintiff does not want these—puts no value upon them—and he does not own and is not entitled to any of the others, so defendants must, as against the plaintiff, be held entitled to get free of any charge for storage all the samples sent to plaintiff. Defendants are not entitled to anything for the freight or duty paid by plaintiff and refunded by defendants.

Plaintiff is entitled to 5 per cent. on the \$5,661.64, amounting to \$283.08, and deducting the amount allowed to defendants, \$20, leaves \$263.08.

Plaintiff is entitled to interest from commencement of action, 11 months, at 5 per cent., \$12.02. Judgment for plaintiff for \$275.10, with costs.

Counterclaim, except as to the sum of \$20 allowed, as above, dismissed without costs.

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MABEE, J.

JANUARY 9TH, 1906.

CHAMBERS.

GARDINER v. BEATTIE.

*Venue—Change—Convenience—Witnesses—Cause of Action.*

Appeal by plaintiff from order of Master in Chambers, 6 O. W. R. 975, changing venue from Toronto to Milton.

C. H. Porter, for plaintiff.

W. I. Dick, Milton, for defendants.

MABEE, J., dismissed the appeal with costs to defendants in any event.