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No. 19.

CARTWRIGHT, MASTER.

MAY 9TH, 1903.

CHAMBERS.

PRETTY v. LAMBTON LOAN CO.

*Venue—Change of—County Court—Preponderance of Convenience—
Special Circumstances—Apportionment of Costs.*

Motion by defendants to change venue in an action in the County Court of York from Toronto to Sarnia, and to transfer the action to the County Court of Lambton.

C. A. Moss, for defendants.

John MacGregor, for plaintiff.

THE MASTER.—Plaintiff alleges that defendants have been overpaid \$150 and seeks to recover that amount. The prayer for relief is, that defendants may be ordered to furnish a true statement of all moneys received by them on account of a mortgage for \$350 on certain lands purchased by plaintiff and assumed by her, and may be ordered to repay the \$150. The statement of defence simply denies the allegations of plaintiff and puts her to strict proof thereof.

Defendants' affidavits state that the cause of action (if any) arose in the county of Lambton, where both parties resided at the time; that all the witnesses on both sides reside in that county; that defendants will require seven or eight witnesses; but what they are expected to prove is not stated.

Plaintiff's affidavits state that she is over 80 years of age, and wholly unable either to go herself to Sarnia, or, by reason of poverty, to employ counsel at that place or pay witness fees. Plaintiff admits execution of the mortgage and her liability to pay it. . . .

I need only refer to Mr. Alexander MacGregor's very useful article in 38 C. L. J. p. 433, where all the decisions, reported and unreported, are collected and analyzed. [Reference to Davis v. Murray, 9 P. R. 222, 227; Campbell v.