

granted as, of course, with costs of the application to the defendant in any event of the action (*p*).

Another argument as to convenience open to a defendant moving for change of venue is that the change sought will permit of several pending actions between the same parties being tried together. Concerning this, the Master in Chambers says (*q*): "The venue in the present action is laid at Toronto, and the defendants Dickinson now move to change it from Toronto to North Bay, in order that all the (three) actions may be tried together. The number of witnesses sworn to as being at North Bay equals the number of those at Toronto, so that if it were the only question between the parties there would be no very good reason for changing the venue. But, as the other actions are to be tried at North Bay, and the result of this present action must be awaited before final judgment can be given in the others, in my opinion the venue should be changed to enable the parties to have all the actions tried together."

The probability of a speedier trial of an action at the place suggested by a defendant is also sometimes found to be a consideration influencing the Court in changing venue. The Master in Chambers notes (*r*) the fact that "the delays in Toronto are great, while at Sandwich there are none to speak of," as one of his reasons for changing the venue from Toronto to Sandwich.

But this matter of the delay of the trial more frequently enters into a defendant's application for change of venue as an argument against a change. After the defendant has shewn a preponderance of convenience and expense in favour of the place of trial he suggests, he has often to meet the objection that the result of changing the venue would be to delay the trial. In an action (*s*) where Boyd, C., held that there was "a plain enough case of exceeding preponderance of convenience in favour of Hamilton," that learned judge remarks: "The only thing that influences me against the application is the delay of the trial till the spring, the Hamilton autumn sittings being over, but I shall not regard this,

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(*p*) *Warren v. Singleton*, order of Master in Chambers, dated March 20, 1902 (unreported).

(*q*) *Caverhill v. Dickinson*, judgment dated May 22, 1898 (unreported).

(*r*) *Edison v. Gilman*, judgment dated September 27, 1892 (unreported).

(*s*) *Servos v. Servos*, 11 P.R. 135.