

When determining the relative convenience and expense of a trial at the places named by the opposing parties, in cases where a defendant complains that he will suffer injustice by reason of being put to undue and disproportionate inconvenience and expense if the trial is had at the place selected by the plaintiff, the main question arising is that of the number of the witnesses to be called, and the accessibility of the proposed venues to the places of residence of such witnesses.

What is the scope of this inquiry? In *Crombie v. Bell*, 3 Ch. Cham. R. 195, the plaintiff's affidavit in reply to that of defendant in support of a motion to change the venue alleged that the plaintiff had witnesses in Toronto and elsewhere whose evidence was material and necessary, and named the witnesses. The plaintiff was cross-examined on this affidavit before a special examiner, and was asked whether the persons named were present when a certain agreement (which was the foundation of the suit) was made. The plaintiff declined to answer the questions, on the ground that he was not bound to disclose the evidence he expected his witnesses to give at the hearing of the cause. The examiner ruled in favour of the objection. In the course of his judgment dismissing an appeal from the examiner's ruling, Mowat, V.-C., stated: "I think the more convenient and reasonable rule to lay down will be that such a question is not under the circumstances admissible. Without holding that under no possible circumstances such a question can be put, I think it safest in the case before me to hold that the question could not be put."

In accord with the views of the learned judge who decided *Crombie v. Bell* is the guarded opinion contained in obiter dicta by Boyd, C., when disposing of an appeal on the question of change of venue in the later case of *Arpin v. Guimane*, 12 P.R. 364. On the application before the Master in Chambers to change the place of trial in above-named action from Cornwall to Toronto, the defendant swore that he had twenty-seven witnesses in Toronto, and one in Aurora; while the plaintiff swore to twenty-six witnesses, all in Montreal. The Master directed the plaintiff and defendant to file further affidavits disclosing the names of their witnesses and the nature of their evidence, in order that he might determine whether or not they were material; and, deciding upon such further affidavits that some of the evidence proposed to b