

his farm in the county of Ontario, nearly two years before action, to transfer the action to the County Court of Ontario.

A. W. Ballantyne, for defendant.

H. E. Rose, for plaintiff.

THE MASTER:—It is not denied that the whole alleged cause of action arose in the county of Ontario, and that all the witnesses will be found there.

Plaintiff has made an affidavit, but does not allege that he has any witnesses. This brings the case within the decision in *Gardiner v. Beattie*, 6 O. W. R. 975, affirmed in 7 O. W. R. 136.

As the action was not begun until almost two years after plaintiff left defendant's service, it does not seem to have been taken very seriously by plaintiff himself. He does not allege any difficulty in getting to Whitby for trial.

The order will go. Costs in the cause.

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CARTWRIGHT, MASTER.

MAY 21ST, 1906.

CHAMBERS.

FARMER v. KUNTZ.

*Venue—Change—Preponderance of Convenience—Counter-claim.*

Motion by defendant to change venue from Toronto to Goderich.

Featherston Aylesworth, for defendant.

C. P. Smith, for plaintiff.

THE MASTER:—The plaintiff's claim for arrears of salary, as plaintiff admits, must depend upon the evidence of Buxton, who resides at Clinton, and for whom plaintiff worked before being engaged by defendant.

Defendant counterclaims for negligence and want of skill while plaintiff was in her service at her brewery near Goderich. The evidence as to this must also be found in the county of Huron, and therefore under *McDonald v. Park*, 2 O. W. R. 972, the action should be tried at Goderich.