

The fact of the cause of action having arisen in the county to which it is sought to change the venue is often urged; but the following shews how little weight is ordinarily given to that argument: When refusing to change the venue in a case (*l*) where the main point relied upon by the defendant was that as to the cause of action, the late Mr. Dalton said: "It appears that the number of witnesses to be called by either party is about equal. Prior to the Common Law Procedure Act, the place in which the cause of action arose was a very material matter in deciding upon a change of venue; but that Act specially extended the facilities of suitors by its provisions with respect to transitory actions. So that now, although the place where the cause of action arose is a circumstance in these applications, it is merely a circumstance, and if allowed to have much weight would have the effect of making many actions local which the Act intended to be transitory." Rose, J., thus comments on the foregoing remarks of Mr. Dalton, when citing them with approval (*m*): "If these remarks were warranted by the change under the C.L.P. Act, the provisions of the Judicature Act extend the 'facilities' even much further than before;" and Cameron, J.'s opinion was that "before the coming into force of the Judicature Act of 1881, the place where the cause of action arose had a much more important bearing on the question of change of venue than it has now" (*n*).

The decisions shewing the rise and fall of a contrary view of the effect of the Judicature Act are collected in the previous article already referred to.

The place where the cause of action arose becomes an important matter, however, when such place happens to be within the county where the parties to the action reside; for in such a case, sub-sec. (b), sec. 1, Consolidated Rule 529 requires a plaintiff to name the county town of that county as the place of trial. Unless the plaintiff shews a very strong reason (*o*) for having laid the venue elsewhere, a defendant's application to change it will be

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(*l*) *Gwatkin v. Evans*, reported 6 P.R. in a note, at p. 255.

(*m*) *Walton v. Wideman*, 10 P.R., at p. 230.

(*n*) *Davis v. Murray*, 9 P.R., at p. 231.

(*o*) *Pollard v. Wright*, 16 P.R. 505.