

contract standard, and, making this deduction, the yield should be fixed at 700,000 pounds, and 30 per cent. deducted. Judgment reduced to \$4,900 and costs. No costs of appeal.

CARTWRIGHT, MASTER.

MAY 12TH, 1903.

CHAMBERS.

BUTT v. BUTT.

*Venue—Change of—Slander—Justification—Preponderance of Convenience—Costs of Trial.*

Motion by defendant to change venue from Goderich to Sandwich, in an action of slander. The defendant justified the words spoken, and alleged as particulars "that within three months or thereabouts after the marriage of plaintiff to her husband she gave birth to a child, she not having been previously married." Plaintiff laid the venue at Goderich, where she resided. Defendant lived at Windsor.

D. L. McCarthy, for defendant.

C. A. Moss, for plaintiff.

THE MASTER.— . . . The present is a very unfortunate action. Such a charge made against any apparently respectable woman is strongly to be deprecated, unless there is some paramount duty cast upon the informant. . . . I gather from the affidavits that the charge against the plaintiff, if true, is of something that happened at least 20 years ago, and at a time when her residence was, as now, at the township of Goderich. It may therefore not unreasonably be contended that any witnesses on the plea of justification would be found in that neighbourhood. . . . After giving all consideration to the material, I am not able to find "any such preponderance of convenience as is required by the cases to be shewn:" *Campbell v. Doherty*, 18 P. R. at p. 244. . . . I think, moreover, that the character of the action itself forms an important element in the decision of this motion. The charge admittedly made by defendant, and aggravated by his plea of justification, is one that plaintiff could not be expected to overlook. And I do not think that defendant can expect to be in any way facilitated, or that plaintiff should in any way be hampered in the attempt to vindicate her good name.

The motion will, therefore, be dismissed; costs in cause to plaintiff; any extra costs occasioned to defendant by the trial being at Goderich are left to the consideration of the Judge at the trial.