

and procedure in actions in the High Court of Justice, shall apply and extend to actions in the County Courts." And that, under Rule 1219, in this case, the venue, if laid by the plaintiff at St. Thomas would certainly be changed to London. The argument of Mr. Tremear was that this construction of the Rules would oblige a plaintiff to bring his action in a County Court case in the Court of the county where the cause of action arose, if all the parties reside there, which he is not required to do in a High Court case; whereas in a County Court case he cannot bring his action in one county and lay the venue in another, as may be done in actions in the High Court.

To this the reply is made, that, if the combined effect of the three Rules already cited is to make this obligatory, the plaintiff in such a case must submit.

The origin of Rule 529 (b) was 58 Vict. ch. 13, sec. 21, which applied only to actions in the High Court of Justice. The only reported case on this section that I am aware of is *Pollard v. Wright*, 16 P. R. 505. There a Divisional Court in giving judgment said: "The policy of the Legislature evidently was that the expense of the trial of an action should be borne by the county in which the cause of it arose and all parties resided." The language is as applicable to the County Courts as to the High Court of Justice.

After consideration, I am of opinion that the motion must succeed. In no other way can effect be given to Rule 1216. As I view that Rule, it makes Rule 529 (b) as fully applicable to County Court actions as to those in the High Court. Had the statute alone been in force, the result might have been different, as it is clear in the present case that there is no practical difference in the matter of convenience.

The order will go to change the venue to London.

As the point is new, the costs of the motion will be in the cause.

CARTWRIGHT, MASTER.

MAY 28TH, 1903.

CHAMBERS.

DREW v. TOWN OF FORT WILLIAM.

*Venue—Change of—Preponderance of Convenience—Books of Municipality—View of Premises.*

Motion by defendants to change the venue from Guelph to Port Arthur.

W. E. Middleton, for defendants.

C. A. Moss, for plaintiff.