

Ferguson, J., also says (*h*): "The difference in the expense in the ordinary case of change of place of trial is chiefly the difference in the amount of the disbursements. This is what is commonly called the balance of convenience, though the balance of convenience may embrace other matters.

"Preponderance" being, as above noted, a relative term, the practice is well settled (*i*), that not merely a manifest (*j*), considerable (*k*), or great (*l*), but nothing short of a very great or overwhelming (*m*), preponderance must be made to appear in favour of the place of trial proposed by a defendant seeking to change the venue on that ground.

And, as above noted, in the determination of the question of preponderance, although the element of convenience apart from expense sometimes appears as the chief factor (*n*), the matter of expense is generally the more influential (*o*).

It remains to further collect the cases, with a view to more specific definition of the practice followed in investigating this ground of preponderance of convenience and expense; and, in order, also, to obtain a statement of the way our courts deal with the only other ground which now ordinarily furnishes sufficient reason for granting a defendant's application for change of venue, namely, that a fair or impartial trial cannot be had at the place selected by the plaintiff (*p*). Remembering Armour, C.J.'s, opinion (*q*), that the English authorities on the question of changing venue are not at all applicable here, owing to the circumstances in England being entirely different, care will be taken to cite such English cases only as have been expressly followed here.

(*h*) *Fogg v. Fogg*, 12 P.R., at p. 251.

(*i*) Per Maclellan, J.A., *Campbell v. Doherty*, 18 P.R., at p. 245.

(*j*) *Moor v. Boyd*, 3 P.R. 374.

(*k*) *Standard Pipe Co. v. Town of Fort William*, 16 P.R. 404.

(*l*) *Brethour v. Brooke*, 16 P.R. 205.

(*m*) *Peer v. North-West Transportation Co.*, 14 P.R. 381; *Berlin Piano Co. v. Truaisch*, ubi sup.; *Halliday v. Township of Stanley*, ubi sup.; *Campbell v. Doherty*, 18 P.R. 243.

(*n*) *Brethour v. Brooke*, ubi sup.

(*o*) *Davis v. Partlo*, ubi sup.; *Berlin Piano Co. v. Truaisch*, ubi sup.; *Campbell v. Doherty*, ubi sup.

(*p*) *Davis v. Murray*, ubi sup.

(*q*) *Greey v. Siddall*, 12 P.R., at p. 560.