

THE COURT (FALCONBRIDGE, C.J., STREET, J., CLUTE, J.), held that it had no power to bring Place before it from outside the province; and discharged the order nisi with costs.

CARTWRIGHT, MASTER.

JANUARY 11TH, 1906.

CHAMBERS.

SHARPIN v. NICHOLSON.

*Venue—Change — Preponderance of Convenience—Expense—
Cause of Action.*

Motion by defendant to change venue from Owen Sound to Goderich.

W. E. Middleton, for defendant.

Shirley Denison, for plaintiff.

THE MASTER:—Defendant swears to 8 witnesses besides himself, and shews that the cost to him of a trial at Goderich would be about \$16 for transportation of witnesses as against at most \$50 for trial at Owen Sound.

Plaintiff swears to himself and two other witnesses who all reside at Owen Sound. If the trial is at Goderich, it would cost him \$20, not allowing anything for expenses of his legal adviser.

The alleged causes of action, no doubt, arose in the county of Huron, of which Goderich is the county town.

Plaintiff makes an affidavit as to his poverty, and that if the venue is changed he will probably have to abandon his action.

This brings the case within McDonald v. Dawson, 8 O. L. R. 72, 3 O. W. R. 773, on that point. There, too, the Chancellor was of opinion that even \$50 was not a difference of such a preponderance as to overcome plaintiff's rights, though the injury in that case occurred where defendants resided.

Here it will cost defendant only \$34 more to have the trial at Owen Sound than if it takes place at Goderich. But it will cost plaintiff \$20 at least to have the trial at Goderich more than to have it at Owen Sound. . . .

Motion dismissed; costs in the cause.