

for the plant to be seen by the trial Judge and the expert witnesses (*h*).

But no weight is given to the argument where the subject matter of the litigation can, if necessary, be forwarded to the place of trial selected by the plaintiff without undue expense. When refusing to change the venue in an action for damages for injuries occasioned to plaintiff by the breaking of a swing on the defendants' pleasure grounds, occupied at the time by an excursion party, of whom plaintiff was one, the Master in Chambers remarked (*i*): "There can be very little necessity for an inspection of the swing at the place of the accident. If need be, the swing itself can be readily produced, shewing the break."

Similarly slight was the attention paid by the Master in Chambers to the claim of the need of a view urged in support of a defendant's motion to change the venue in a very recent action (*j*), to recover for furniture sold and delivered; where the defendant's defence was that the furniture was poorly built and arrived in a damaged condition.

Lastly, the closeness of this investigation of the alleged necessity for a view—equally as scrutinizing as that respecting witnesses—is seen in the following (*k*):

"As to the necessity of a view by the jury, that does not arise on the pleadings. The defendant states in his affidavit that one of his defences is that the plaintiffs were never prepared to deliver to him the whole of the machinery and plant agreed for, and that he believes that it will be found upon inspection thereof that the whole of the machinery and plant so agreed for is not and never was in Hespeler. Upon this statement, he contends that it may be necessary for the jury to have a view. I do not agree to this contention upon this or any other statement of the defendant in his affidavit or defence."

Other arguments may be advanced in support of a defendant's motion to change the venue on the ground of preponderance of convenience and expense.

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(*h*) *Edison v. Gilman*, judgment dated Sept. 27, 1892 (unreported).

(*i*) *Riddell v. Clark*, judgment dated Jan. 22, 1894 (unreported).

(*j*) *Canada Furniture Manufacturers v. Kearns*, order dated March 6, 1902 (unreported).

(*k*) *Reliance v. Arnold*, judgment of Master in Chambers dated Oct. 20, 1892 (unreported).