witnesses who are stated at the present stage to be material, but, after making all reasonable allowances, I think the balance of convenience is in favour of the trial at Pembroke rather than at Cornwall ; and were the scales even more evenly balanced than they are, I think the fact that the cause of action arose in Renfrew, should decide the question in favour of Pembroke, the county town of that county."

A little later came the case of *Peer* v. *North-West Transportation Co.*, 14 P.R. 381. The defendants moved before the Master in Chambers to change the venue from Toronto to Sarnia, alleging that the cause of action arose at Sarnia, and that the defendants would require at the trial ten witnesses, seven of whom resided in Sarnia or near there, one at Thorald, one in Winnipeg, and one in Detroit, and that the defendants would save themselves $103.50 in expenses of witnesses by having the action tried at Sarnia. In answer, the plaintiffs swore that they would require to call as witnesses ten persons residing in Toronto, one at Oakville, one at Terra Cotta, Ontario, one at Montreal, and one at Valleyfield, Quebec. The plaintiffs also objected to Sarnia, on the ground that they could not get a fair trial there. The Master's order changing the venue to Sarnia was successively affirmed by Galt, C.J., and the Queen's Bench Divisional Court. The plaintiffs then moved before the Court of Appeal for leave to appeal. In delivering the judgment of the Court of Appeal, Osler, J.A., did not lay much stress on the fact of where the cause of action arose. The only one of the several authorities followed which says anything about that matter is *Brident* v. *Duncan*, 7 Times L.R. 515. There, the venue was changed at the defendant's instance, on its being shewn that the cause of action arose in a different county and that very great extra expense would be incurred by having the trial take place in the venue laid by the plaintiff.

Mr. Justice Osler did not think that he should have made the order to change the venue had he heard the application in the first instance ; and doubtful if he should have been satisfied that there was that overwhelming preponderance of convenience in favour of a change which the English Court of Appeal insisted upon in *Shroder* v. *Myers*, 34 W.R. 261 ; *Power* v. *Moore*, 5 Times L.R. 586, and *Brident* v. *Duncan*, 7 Times L.R. 515, as being necessary to be proved by the party seeking to change the venue. Still