

Plaintiff's cause of action is within the competence of the Division Court. That is the proper forum for its trial, and plaintiff, as dominus litis, insists upon that as his right. The burden is cast upon defendants to establish good, substantial reason for involving plaintiff in a much more expensive, complicated, and lengthened controversy in another Court. They have to make out (in words judicially used with reference to the requirements of a statute in England like our R. S. O. ch. 60, sec. 82), that the case is one which "ought" to be tried in a higher Court—one in which it is "more fit" to be tried than in an inferior Court: *Bunker v. Hollingsworth*, [1893] 1 Q. B. 442.

That there may be other cases arising on these contracts does not seem to be sufficient ground according to the earlier cases: *Stepler v. Accidental Ins. Co.*, 10 W. R. 59.

The legislature has thought fit not to give an appeal from the Division Court when the amount is less than \$100, but that should not be ground to raise to a higher Court, as the policy is not to encourage appeals in minor litigation of Division Court competence.

Motion refused with costs.