father, and, so far as the facts have been made to appear, I am of opinion that plaintiff was justified in her action, as appears from the disposition of the costs on the motion before me. I think that Rule 1198 (d) was intended to be applied only where the plaintiff has been defeated on the merits or has allowed his action to be dismissed for default, and in such cases a second action may be thought to be prima facie so frivolous or vexatious as to require security as a term of being allowed to proceed.

The motion is dismissed; costs in the cause. Even if plaintiff fails in this action, I do not think she would be condemned in the costs.

CARTWRIGHT, MASTER. JANUARY 31ST, 1906.

CHAMBERS.

GILLARD v. McKINNON.

Venue—Change—Convenience — Witnesses—Expense—Fair Trial—Jury—Undertaking—Costs.

Motion by defendants to change venue from Stratford to Cornwall. The facts are stated in a report of a previous motion, 6 O. W. R. 365.

Grayson Smith, for defendants.

R. C. H. Cassels, for plaintiff.

THE MASTER:—In addition to what appeared on the previous motion, defendants now set up a defence similar to that which was successful in Jones v. Reid, 6 O. W. R. 608, affirmed by a Divisional Court on 24th instant, ante 131. This may account for their swearing to there being 15 witnesses necessary to their case, while plaintiff in reply swears to 5. This would leave a balance of 10 in favour of defendants, involving a net difference in expense of witness fees of about $200.

If it were an ordinary case, this might perhaps be thought a sufficient defence to justify the change. But it is to be remembered that defendants had allowed judgment to go against them by default, and are only defending as a matter of indulgence. The amount of $200, though in one sense large in itself, is small in comparison with the amount involved, which must now be approaching $12,500, besides costs. Then nothing is found by experience to be truer