

KEENAN WOODWARE CO. v. FOSTER—MASTER IN CHAMBERS—
JUNE 19.

Venue—Motion to Change—County Court Action—Witnesses—Convenience.]—Motion by the defendant to transfer the action from the County Court of the County of Grey to the District Court of the District of Sault Ste. Marie. The action was brought in respect of a sale of poplar bolts by the defendant to the plaintiffs; and the main question was, whether there was a compliance by the defendant with the terms of the written agreement as to the place of delivery. The defendant swore to seven witnesses in the district of Sault Ste. Marie, and the plaintiffs to twelve in the county of Grey. The Master said that it would be a matter of surprise if either party called half the number of witnesses named: *Sturgeon v. Port Burwell Fish Co.*, 7 O.W.R. 359, 360, 380. An action reasonably brought in one county cannot be transferred to another, without proof of at least a considerable, if not an overwhelming, preponderance of convenience. It could not be said this had been shewn here. Motion dismissed; any extra costs of a trial at Owen Sound to be to the defendant in any event. Costs of the motion to be costs in the cause. H. S. White, for the defendant. Featherston Aylesworth, for the plaintiffs.

CORRECTION.

In *Robinson v. Grand Trunk R.W. Co.*, ante 1345, the junior counsel for the defendants was *W. E. Foster*, not *D'Arcy Tate*, K.C.