

that the residence of the plaintiff at the time of the delivery of the statement of claim, and not at the time of the issue of the writ of summons, is the time referred to in Rule 529 *1.6*. Rose, J., after a conference with the Chief Justice of the Common Pleas, dismissed with costs an appeal from the Master's order.

Among the most important of recent decisions on practice are those settling the former uncertain procedure in respect of applications for change of venue. So "extremely unsatisfactory" had the practice become,—one view at one time seeming to prevail, and another at another time,—that Boyd, C., deemed it best (*b*) not to change the venue at all, and to leave it to the trial judge to apportion the costs so as to do justice, if it appeared to him that the expense had been increased by the plaintiff's choice of a place of trial. MacMahon, J., subsequently adopted the same course (*c*).

The conflict of authority seems to have resulted mainly from the different views of our High Court judges as to the weight to be given under the Judicature Act system, to the place where the cause of action arose in determining which is the most convenient place for the trial of an action. On its being urged in *Greey v. Siddall*, 12 P.R. 557, that the Judicature Act gave the plaintiff the right to lay the venue where he saw fit, and that the plaintiff's choice would not be lightly interfered with Armour, C.J., expressed the opinion that the Judicature Act was never intended to give the plaintiff a paramount right to have the cause of action tried where he pleased, but that an action should be tried in the county where the cause of action arose. Falconbridge, J., did not concur. The place where the cause of action arose was prominently considered in connection with the question of changing the venue in *Mulligan v. Sills*, 13 P.R. 350, and other cases.

In the course of his judgment dismissing an appeal from the order of the Master in Chambers changing the place of trial in *Croil v. Russell*, 14 P.R. 185, Street, J., said: "The cause of action arose in the County of Renfrew, the breaches alleged by both parties took place there, if at all. It may be doubted whether it will be necessary to call upon either side all the

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(b) *McArthur v. Michigan C. R.W. Co.*, 15 P.R., 77.

(c) *McAllister v. Cole*, 16 P.R., 105.