

(exhibit 9) which was produced on the examination. I am unable to see now what is asked for is relevant to the issues on the pleadings, or how it can advance defendants' case or destroy plaintiff's to see how plaintiff disposed of the \$10,000. If that sum was given to plaintiff on the terms of the agreement of 9th June, 1911, then it is conceivable that plaintiff loaned \$1,100 of it to defendant as he says, though it may look strange in view of the dates. Perhaps at the trial the matter may be more clearly explained.

At present the motion, in my opinion, fails and must be dismissed with costs to plaintiff in the cause.

MASTER IN CHAMBERS.

DECEMBER 21ST, 1912.

NIAGARA NAVIGATION CO. v. TOWN OF NIAGARA-
ON-THE-LAKE.

4 O. W. N. 554.

Venue—Change—Toronto to St. Catharines—Alleged Trespass—Not a Claim for Recovery of Land—Con. Rule 529 (c)—Convenience—Promptness of Trial—Uselessness of Motions.

MASTER-IN-CHAMBERS refused to re-open his former order herein (23 O. W. R. 687), refusing to change the venue of an action from Toronto to St. Catharines on the ground that no sufficient answer to the objections there taken had been made.

After the dismissal of the motion in this case on 10th December inst. (reported 23 O. W. R. 687), the defendants have renewed it on the ground of preponderance of convenience.

R. H. Parmenter, for the motion.

T. L. Monahan, contra.

CARTWRIGHT, K.C., MASTER:—The previous application was dismissed because on the pleadings I was of opinion that the action was not one coming under C. R. 529 (c). The pleadings have not since been varied, and I must therefore abide by my judgment on that motion from which no appeal was taken.

The present motion must share the fate of its predecessor. There is no preponderance of convenience shewn where, as here, the defendants' mayor admits that they will require an official of the Crown lands who would be resident here, and as to any others says: "I cannot say exactly at the present time how many witnesses it will be necessary