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No. 14

RIDDELL, J.

JULY 8TH, 1907.

CHAMBERS.

RE BUCHANAN v. BROWN.

*Costs—Motion for Prohibition—Division Court—Territorial Jurisdiction—Cause of Action, where Arising—Action for Price of Goods Sold—Plaintiff Consenting to Transfer of Action after Motion for Prohibition Launched.*

Motion by defendant Brown for the costs of a motion made by him for prohibition to the 5th Division Court in the county of Oxford, in the circumstances stated in the judgment.

W. C. MacKay, for defendant Brown.

C. A. Moss, for plaintiff.

RIDDELL, J.:—Defendant Brown lives in Seaforth, in the county of Huron. Plaintiff resides and carries on business as a firm and under a firm name at Ingersoll, in the county of Oxford. On 20th February, 1907, a summons was issued at the instance of plaintiff against defendant from the 5th Division Court in the county of Oxford for \$18.30, the balance of an account for goods supplied and interest on such balance. It was served upon defendant in Seaforth, and he filed a dispute note, disputing not only the claim but also the jurisdiction of the Court. He alleges that a member of plaintiff's firm shortly afterwards saw him in Seaforth, and, endeavouring to arrange a settlement, said that the action would have to be tried in Seaforth, but that