Of course, it will be noted that it is personal inconvenience of witnesses that will not be enquired into, for Ferguson, J., held (*b*) that the circumstance that two of a defendant's witnesses were public officers whose absence would be a public inconvenience if they were required to attend at the place of trial named by plaintiff, was a circumstance to be considered in determining the preponderance of convenience.

So much for the practice followed in investigating what is usually the main matter to be decided on a defendant's application to change the venue on the ground of preponderance of convenience and expense.

Another argument as to convenience and expense open to a defendant, and sometimes very prominent, is that it will be necessary for the jury to have a view. Armour, C.J., noted, (*c*), the importance of the fact that the trial judge might consider it necessary to have a view of the mill (which was much nearer to the place of trial proposed by defendant than to that selected by plaintiffs) in an action upon a contract to refit the defendant's mill with a roller system; and Boyd, C., later said, (*d*), in dismissing an appeal from the order of the Master in Chambers changing venue in an action brought to have it declared that the plaintiff was entitled to the use as a roadway of a certain strip of land: "It may be, also, that a view of the locus in quo by the jury will be found necessary, and in that case difficulty might be experienced in having the view in a county outside of the assize county."

Indeed, it is submitted that the fact of the need of a view of the locus in quo for the furtherance of justice, if clearly established, in itself furnishes sufficient reason for granting a defendant's application to change the venue, if undue and disproportionate expense would otherwise be caused to defendant; as it did in an old English action (*e*) upon a covenant in a lease of certain silk mills and a stream of water belonging thereto, the breaches alleged being a diversion of the water from the mills, and the failure to keep up the water to its former level.

In that action, the point was thus definitely and broadly decided: The grounds of the defendant's motion were that the

(*b*) *Fogg* v. *Fogg*, 12 P.R. 249.
(*c*) *Gray* v. *Siddall*, 12 P.R. 557.
(*d*) *Odell* v. *Mulholland*, 14 P.R., at p. 181.
(*e*) *Hadinott* v. *Cox*, 8 East., at p. 268.