

Seeing the said exception by which Defendant alleges that he was not served personally in the said District of Bedford, that his residence is in the District of St. Hyacinthe, that the Petitioners' alleged cause of action originated in said District of St. Hyacinthe, and that Defendant could only be legally summoned before the Court or judge of his domicile,

Seeing the answer of Petitioners by which they allege that Defendant has been regularly summoned, that their cause of action originated in the said District of Bedford, that their complaint, which is their cause of action is that the ordinance of Defendant was published and put in force in said District of Bedford, and their proceeding is in the nature of a mixed action,

Seeing the admissions of Defendant herein filed to the effect that the buildings referred to in the petition of Petitioners are situated at Pike River in the Parish of St. Damien de Bedford, in said District of Bedford, and that said ordinance was published in the Parish of St. Sébastien in the District of Iberville, and in the Parish of St. Damien de Bedford and Notre-Dame des Anges de Stanbridge, and at Pike River in said District of Bedford,

CONSIDERING that the purpose sought to be accomplished by Petitioners is, primarily and chiefly, the annulment of an ordinance of the Defendant issued at St. Hyacinthe and published in said Districts of Iberville and Bedford,

CONSIDERING that said ordinance in order, to have force and effect, required to be promulgated and issued, as well as to be published; and that one of these essential acts having taken place in one judicial district and the other in two distinct judicial Districts, it cannot be said that said ordinance which Petitioners rely on as the origin of their right of action, originated in only one of said Districts to wit: said District of Bedford by being published and put in force there,

CONSIDERING that it is manifest that Petitioners' right of action against Defendant did not wholly originate in said District of Bedford,

CONSIDERING that Petitioners' proceeding is not of the nature of a mixed action, but is essentially personal; and that its character as such is not changed or affected by the joinder with it, accidentally, of an injunction,

CONSIDERING that Petitioners have not shown cause for summoning 40