

The decisions of the Manitoba courts are in accordance with the statement of the law by Mr. Dicey in his *Conflict of Laws* (2 ed.), p. 310. . . . *Commissioner of Stamps v. Hope* (1891) A.C. 476, 481, 482. . . . *Winans v. The King* (1898) 1 K.B. 1022, 1030.

If, as was contended . . . , the statement of Mr. Dicey is to be limited in its applications to the determination of the situation of the debt for the purposes of an administration, the reasons which led to its adoption in the case of administration, I think, apply to clause (h) of Rule 162.

The purpose of the rule manifestly is to enable a creditor, who is not otherwise entitled to sue his debtor in an Ontario court, to do so for the purpose of obtaining satisfaction out of the debtor's property in Ontario which may be made available to satisfy a judgment recovered in an Ontario court, and it must, therefore, I think, have been intended that whatever property in Ontario might be made available for that purpose should be assets within the meaning of the rule.

(Reference to *Love v. Bell Piano Co.*, 10 W.L.R. 657, disapproving it.)

Appeal dismissed; costs in the cause.

E. P. Brown, for the defendant. *W. R. Smyth*, K.C., for the plaintiff.

Master in Chambers.]

[March 16.

MCDONNELL v. GREY.

Venue—Action against License Commissioners—*R.S.O.* 1897, c. 88, s. 1.

Motion by the defendants to change the venue from Barrie to Whitby. The action was against the License Commissioners and Inspector for North Ontario for an injunction restraining the defendants from removing a license from hotel premises owned by the plaintiff, or for mandamus to restore the same, and for damages and other relief. The motion was made on the ground that the defendants were persons fulfilling a public duty, within the meaning of *R.S.O.* 1897, c. 88, and that this was an action which, under s. 15 should be tried in the county where the act complained of was committed, i.e., in the county of Ontario. The defendants relied on *Leeson v. License Commissioners of Dufferin*, 19 O.R. 67, and the plaintiff on *Haslem v. Schnarr*, 30 O.R. 89. The Master distinguished the *Leeson* case, and following the *Haslem* case, dismissed the motion; costs in the cause.

H. P. Cooke, for the defendants. *D. Englis Grant*, for the plaintiff.