

Where a deceased person (in respect of whose estate a question of his domicile at the time of his death arose in an action by his widow to obtain a share of it), had his domicile of origin in Ontario, but went to live in the Province of Quebec upon a farm owned by his father,

Held, upon the evidence, that he had not so adopted the farm as his home as to effect a change of domicile.

Laidlaw, K.C., and *J. Bicknell*, for plaintiff. *E. F. B. Johnston*, K.C., for defendants.

Falconbridge, C.J., Street, J.]

[September 20.

BONBRIGHT v. BONBRIGHT

Domicil—Origin—Choice—Abandonment—Husband and wife—Alimony
Writ of summons—Service out of jurisdiction—Rule 162 (c).

Held, affirming the decision of *FERGUSON J.*, 1 O.L.R. 629, ante p. 400, that the defendant had acquired a domicile of choice in Ontario, and had not abandoned that domicile; and, therefore, the writ of summons in an action for alimony could properly be served upon him out of Ontario, the case coming within Rule 162 (c).

W. R. Riddell, K.C., for defendant. *E. C. S. Huycke*, for plaintiff.

Street, J.]

EAST v. O'CONNOR.

[September 20.

Liquor License Act—Transfer of license—Premises to be made suitable—
Powers of license commissioners—Ratepayers' petition—Illegal
conduct—Injunction—Costs.

License commissioners appointed under the Ontario Liquor License Act have no power to say to an applicant for a transfer of a license that, if he will put certain premises into a suitable state for compliance with the law in the future, they will transfer a license to such premises; they are entitled to act under the statute only with regard to the existing state of facts, not to make promises as to the future in such cases. The intention of the statute is, that all parties concerned, license commissioners, inspector, and ratepayers, looking at the premises proposed to be licensed and the person who is to receive the license, and who must be the true owner of the business at the time, shall arrive at a conclusion upon existing facts, whether the application should be granted. To act with a view to what may be the state of things in the future, and to receive and act on a petition in advance of the time when they could properly transfer the license, is to open the door to breaches of the Act.

O'Connor, having no interest in the premises proposed to be licensed, and having no valid license at all, presented a petition to the commissioners for the transfer to these premises of a license standing in his name for other