

has not prescribed a testing place there pursuant to s. 34 of the Gas Inspection Act, R.S.C. 1906, c. 87. No inspector had been appointed under the Act specially for Carberry, but the inspector at Winnipeg acted for the three provinces of Manitoba, Saskatchewan and Alberta.

*Id.*, 1. Sec. 34 of the Act only makes the sale of gas illegal after notice to the undertaker of the location of the testing place prescribed by the department, and until the connections specified in that section are made.

2. Sec. 44, requiring the posting up of the certificates of tests made by the inspector, does not become operative till s. 34 has been acted on and a testing place prescribed and notified to the undertaker.

3. The penalties provided for by ss. 59 and 60 for failure to procure and post up the certificates of tests required by s. 44, and for selling gas before connections have been made with the testing place, etc., are not incurred when s. 44 has not become operative by notification to the undertaker of the prescribing of a testing place.

PHIPPEN, J.A.:—Ss. 34 and 44 are both subsidiary to s. 31 which limits the obligations therein imposed to undertakers "in any city, town or place for which there is an inspector of gas," and the provisions of ss. 31 to 47 inclusive are not applicable to places for which there is no local inspector.

*J. D. Hunt*, for plaintiffs. *Elliott and Stackpoole*, for defendant.

#### KING'S BENCH.

Mathers, J.]

[March 28.]

EMPEROR OF RUSSIA V. PROSKOURIAKOFF.

*Jurisdiction—Service of statement of claim out of jurisdiction—Writ of attachment—Non-resident foreigner—Detention of goods pending result of suit respecting them.*

Application to set aside an order of attachment under which certain goods said to belong to the male defendant had been seized by the sheriff. The statement of claim alleged that the male defendant had, while in the position of treasurer of one of the departments of the Government of Russia, stolen a large amount of the moneys of the plaintiff which had come to his hands and had brought the money into Manitoba where he had bought