

serve a writ of summons, etc.; what is meant is, that he cannot act officially out of his county.

In none of the cases in our Courts in which the matter has come up was there a seizure by a Sheriff except when the head office of the company was in his bailiwick: *Robinson v. Grange*, 18 U.C.R. 260; *Goodwin v. Ottawa and Prescott R.W. Co.*, 22 U.C.R. 186; *In re Goodwin*, 13 C.P. 254; *Hatch v. Rowland*, 5 P.R. 223; *Brown v. Nelson*, 10 P.R. 421; *Morton v. Cowan*, 25 O.R. 218; *Brock v. Ruttan*, 1 C.P. 218. In the first-named case, which was an action against the Sheriff of Brant for not seizing certain stock, Sir John Robinson, C.J., says: "As the plaintiff only attempted to prove that there were goods belonging to Banks (the debtor) by shewing that there was some stock in a building society in the county of Brant which might have been used to pay Banks's debt, although it was not stock standing in his name, it was incumbent on him to shew that the Sheriff had notice of this stock so situated in time to levy upon it; for, this not being, like goods, visible in the possession of the debtor, the Sheriff could not be presumed to have knowledge of it." This, of course, is not conclusive that the head office of the company must (before the amendment of 1909) have been within the bailiwick, as that point was not in question, but it is suggestive.

So, too, in *Nickle v. Douglas* (1874), 35 U.C.R. 126, when it was argued that stock in the Merchants Bank, whose chief place of business was Montreal, the stock being owned by a resident of Kingston, was exigible in Kingston by virtue of C.S.C. ch. 70 (the same as 12 Vict., in substance), the Court of Queen's Bench said (p. 143): "Although it was argued that the Sheriff could seize and sell the bank stock of a resident of this Province which he held in a bank in Quebec, the statutes, which were referred to for the purpose, by no means bear out that argument." This also is not conclusive, as the real point in the case was whether such stock could be assessed.

Nowhere, however, can I find any suggestion that the Sheriff's power in the case of stock is any greater than in the case of visible chattels.

The legislature, recognising the limitations of the Sheriff's power, and that the service by him required by the statute is an official service, have given him power to serve, not only when the company is within his bailiwick, but also when there is a place within his bailiwick where he can serve upon the company as though the company were there domiciled. But this is the whole extent of his power.

The company had its head office in Ottawa, but did most of its work in Montreal. Assuming that the appointment of