

29 Ch. D. 239, 37 Ch. D. 215; Logan v. Bank of Scotland, [1906] 1 K. B. 141; Egbert v. Short, [1907] 2 Ch. 205; Norton v. Norton, [1908] 1 Ch. 471.]

It is, I think, a sound exercise of discretion to hold that where the defendant is resident in Montreal, and where the Quebec Court is certainly a convenient forum, and the contract was made in Quebec and is to be interpreted according to the laws of Quebec, and the defendant's assets were all substantially within that Province, the plaintiffs should be compelled to resort to the Courts of that Province for their remedy, when our Courts only acquire jurisdiction by the mere accident of residence within Ontario of a debtor to the defendant.

The order will, therefore, go, staying all proceedings in this action upon the service made in Quebec, until after the conclusion of any action which the plaintiff may bring in that Province.

KELLY, J., IN CHAMBERS.

NOVEMBER 25TH, 1912.

REX v. COOK.

Intoxicating Liquors—Liquor License Act—Conviction—Motion to Quash—“Street”—“Public Place”—Hotel—Ejusdem Generis—2 Geo. V. ch. 55, sec. 13.

Motion by the defendant for an order quashing a conviction for being found upon a street and in a public place, in an intoxicated condition owing to the drinking of liquor in a municipality in which what is known as a local option by-law was in force.

J. Haverson, K.C., for the defendant.
M. C. Cameron, for the magistrates.

KELLY, J.:—Two of the grounds relied upon in support of the motion are: (1) that the information shews no offence under the statute, and, (2) that the accused was not found in an intoxicated condition upon a street or in a public place.

The form of information as returned is that the accused “between June 30th and July 30th, 1912, at Lions Head did unlawfully, was intoxicated contrary to the provisions of the Liquor License Act, upon a street or in a public place in the Township of Eastnor.” It bears upon its face evidence of hav-