

on the ground that this Court has no jurisdiction to give the relief asked.

In *Gunn v. Harper* (1899-1901), 30 O.R. 650, 2 O.L.R. 611, it was held that an action will not lie in this Province for a declaration that, under a transaction entered into outside Ontario, land situate beyond the limits of the Province is held by the defendants as mortgagees, and for redemption, even though the defendants reside in the Province. . . . In that case it will be observed that the relief sought had relation to a contract between the parties.

In *Henderson v. Bank of Hamilton* (1893-4), 23 O.R. 327, 20 A.R. 646, 23 S.C.R. 716, it was held . . . that a creditor who has recovered judgment in Manitoba, and who has, by virtue of an Act of that Province, a lien on the lands of the judgment debtor there, cannot maintain in the Courts of Ontario an action for redemption against the mortgagee of the lands in Manitoba which are subject to the lien.

In *Burns v. Davidson* (1892), 21 O.R. 547, it was held that an action will not lie in this Province by a judgment creditor to set aside as fraudulent a conveyance made by his debtor of lands situate in a foreign country, when the creditor has no remedy there, although all the parties reside in this Province.

No case directly applicable to the present was cited.

It is charged in the statement of claim that the Sheriff is prevented and hindered by the transfer of the moneys and lands from executing and realising upon the said writ. As to the lands, this obviously is not so, as the Sheriff's writ does not extend beyond the County of Dufferin.

The judgment, so far as the lands are concerned, if obtained, would not help the plaintiff company in realising upon its claim. I think that the statement of claim, so far as it has relation to land without the Province, shews no cause of action. It should be set aside. The plaintiff company may amend and proceed with its claim as to the \$600, if so advised. As the motion has partly succeeded and partly failed, there should be no costs.