

HIGH COURT DIVISION.

CLUTE, J., IN CHAMBERS.

JANUARY 11TH, 1915.

CANADIAN LAND INVESTMENT CO. v. PHILLIPS.

Jurisdiction of Supreme Court of Ontario—Foreign Lands—Action by Judgment Creditor to Set aside Conveyance of, as Fraudulent — Parties Resident in Ontario — Pleading — Statement of Claim—Cause of Action.

Motion by the defendants to strike out the plaintiff company's statement of claim, on the ground "that it discloses no reasonable cause of action."

P. Kerwin, for the defendants.

E. E. Wallace, for the plaintiff company.

CLUTE, J.:—All parties reside in the Province of Ontario. The plaintiff company recovered judgment against the defendant William John Phillips on the 13th June, 1914, for \$1,162.52, and on the same day caused a writ of fieri facias against goods and lands to be issued thereon and placed in the hands of the Sheriff of the County of Dufferin, where the debtor resides, which has been returned nulla bona.

The action is to set aside an alleged fraudulent conveyance from the defendant William John Phillips to his mother, the defendant Frances Phillips, of certain lands in the town of Saskatoon, in the Province of Saskatchewan, as voluntary, fraudulent, and void, and made to defeat and delay the plaintiff company in the recovery of its debt. The plaintiff company asks to have the conveyance or transfer declared fraudulent and void as against it. The plaintiff company also seeks to recover a certain sum of \$600 transferred by the defendant William John Phillips to his co-defendant, alleging that the same was made without consideration and was fraudulent and void as against the plaintiff company.

It does not appear in the statement of claim or from the papers filed on this motion, whether the conveyance of May, 1914, sought to be set aside, was executed by the parties in this Province or in Saskatchewan.

The defendants ask that the statement of claim be set aside