

REVIEW OF CURRENT ENGLISH CASES.

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**SUMMARY JURISDICTION—SUMMONS—SERVICE OF SUMMONS—
"USUAL PLACE OF ABODE"—PLACE OF BUSINESS—(CR. CODE
s. 789).**

Rex v. Braithwaite (1918) 1 K.B. 1. The question decided in this case appears to throw light on the construction of Cr. Code s. 789. By the English Public Health Act 1875, a person assessed under the Act may be summoned before a court of summary jurisdiction if he fail to pay—and the Act provides that notices, orders and any other documents may be served by delivering the same at "the residence" of the person to whom they are addressed. The Summary Jurisdiction Act provides that every summons issued by a justice is to be served by delivering the same personally, or by delivering the same with a person for him "at his last or most usual place of abode" (see Cr. Code s. 789.)

In this case a summons for non-payment of an assessment was served on a clerk at the defendant's place of business; the defendant having joined His Majesty's forces, and closed his place of abode. The question was raised whether, under the Act above referred to, this was a sufficient service. A Divisional Court (Darling, Ivory, and Sankey, JJ.) held that the summons was another document within the meaning of the Public Health Act, and that for the purposes of the service of such a summons the ratepayer's place of business is to be treated as his "residence" within the meaning of that section although he does not sleep there—and that the service of such a summons at his place of business is good notwithstanding that, under the Summary Jurisdiction Act, it has been held that a man's place of business at which he does not sleep is not "his place of abode."

ENTERTAINMENT—DINNER AND CONCERT—TAX ON ENTERTAINMENT.

Attorney-General v. McLeod (1918) 1 K.B. 13. This was an information on behalf of the Crown to recover a tax on an entertainment. The defendants, who were the officers of a Freemasons' Society, had given a dinner, which was followed by a concert for the purpose of raising funds for the support of a school for