mation was in fact laid within three months. The defendant did not appear, and a conviction was entered:—Held, the summons was bad on its face and was not cured by ss. 723, 724, Cr. Code, or s. 146 of the Canada Temperance Act, and the conviction should be quashed.

The King v. Kay; Ex parte LeBlanc, 41 N.B.R. 99.

OMITTING ADDRESS — VALIDITY.

The omission in the writ of summons of the address of a defendant company is fatal, and the writ will be set aside.

Brown v. North American Lumber Co., 21 B.C.R. 258.

WRIT OF SUMMONS — IRREGULARITY — SPECIAL ENDORSEMENT — RULE 33.

Watson v. Morgan, 9 O.W.N. 281.

FORM — SERVICE — ESSENTIALS — VALIDITY.

Bailiffs can only serve writs within the limits of the district for which they have been appointed; it is necessary, therefore, to understand by the words "or in any other district" of art. 121, C.C.P., the exception intended in the said art. 7608, R.S.Q., when it says "and in other districts in the cases provided by law." The authority of the bailiff should appear on the very face of the writ of summons, by stating the district for which he is registered. That part of Form 2 of the appendix to the Rules of Practice, according to which the writ of summons is addressed to the defendant himself instead of to the sheriff or a bailiff of the district where he is to be served, does not agree with the provision of art. 121, C.C.P., and, consequently, it is beyond the power of the judges of the Superior Court to make a similar form. The notice to the defendant, in the writ, that if he does not appear judgment will be given against him by default, appears to have been inserted in the form of summons many years ago, in order to avoid subsequent writs of the English procedure of that period. A notice to the defendant "that in default of his doing so," of appearing, judgment will be given by default, is essential. The mention in the writ of the district in which it must be served, the order given to the sheriff or a bailiff of the district enjoining him to cite the defendant to appear, and the notice to the latter "that on default of his doing so" judgment will be given against him by default, are three elements essential to the validity of the writ of summons, and their omission constitutes a violation of substantial formalities which involve the nullity of the proceedings.

Reford v. The Stadium, 20 Que. P.R. 150.

WRIT OF SUMMONS—ADDRESS OF PLAINTIFF NOT SET OUT — APPLICATION TO SET ASIDE WRIT — CONDITIONAL APPEARANCE ENTERED WITHOUT LEAVE — EFFECT OF.

Buscombe Securities Co. v. Windebank & Quataino Trading Co., [1918] 3 W.W.R. 582, 25 B.C.R. 441.

ORIGINAL SUMMONS — AFFIDAVITS — ENDORSEMENT — WRONG STATEMENT OF CLIENT'S NAME — RULES 264, 417, 747.

The nonfiling of an original summons on the hearing of an application, where the other party is not mislead, is not fatal and leave will be given to file under r. 264, giving general power to amend, and r. 747. As to effect of noncompliance with the rules, the wrong statement of a client's name following the signature of a solicitor, and the omission to endorse a summons, etc., with a notice as to material to be read, may be corrected. Affidavits made by the registrar and one of his clerks and sworn before the deputy registrar may be used in support of an application to cancel a certificate of title. Affidavits used on an application and not endorsed with a note shewing on whose behalf they have been filed (r. 417) may be amended. In chamber applications the court will not usually decide important questions of law or complicated and contested issues of fact, where they can be more properly determined by an action.

Land Titles Act, Re; Registrar v. Toohill, 6 W.W.R. 359, 27 W.L.R. 517.

(§ I—4)—NAME OF PARTY.

Inasmuch as a writ of summons cannot be issued without a statement of claim annexed thereto, a writ expressly referring to the statement of claim as annexed thereto and the statement of claim are to be taken as one, so that one whose name is omitted from the writ is nevertheless a party if his name appears in the statement of claim.

Albertson v. Secord, 1 D.L.R. 804, 4 A.L.R. 90, 20 W.L.R. 64, 1 W.W.R. 657.

SUMMONS—DESCRIPTION OF PARTIES—PARTNERSHIP—EXCEPTION TO FORM —QUE. C.C.P. 154.

The name of the firm under which the defendant does business, as sole member, is not necessary in his description, and an exception to the form, based on this ground, will be refused.

Singleton v. King, 16 Que. P.R. 71.

(§ I—6)—AMENDMENT—FRESH CAUSE OF ACTION—DATE.

An amendment of the date of the writ of summons commencing an action cannot be made for the purpose of including a fresh cause of action arising pendente lite.

Yukon Gold Co. v. Boyle Concessions, 19 D.L.R. 336, 29 W.L.R. 120. [Affirmed, 27 D.L.R. 672, 50 D.L.R. 742.]

AMENDMENT—WRIT ISSUED IN NAME OF DECEASED SOVEREIGN.

A writ of summons in time to prevent the barring of an action by the Statute of Limitations, but in which by error the name of a deceased sovereign and not that of the reigning sovereign was inserted, may, under Con. rr. 310, 312 (Ont. 1897), be amended after service, so as to cure the irregularity, notwithstanding that defendant was there-