

not incurred the debt by fraud or false pretences within the meaning of s. 15 of the Arrest and Imprisonment for Debt Act.

An appeal lies direct from an order committing a debtor to gaol, and no preliminary motion to the judge for discharge is necessary.

Gregory, for appellant. *A. E. McPhillips*, Q.C., and *Barnard*, for respondent.

Full Court] *JORDAN v. McMILLAN: C.P.R. Co., GARNISHEE.* [Jan. 21

*Railway Co.—Service on—Whether by-law requiring service of papers to be at one place in British Columbia valid—County Court Order VIII., Rule 18.*

Appeal from an order of *FORIN, Co. J.*, setting aside service of a garnishee summons served at the company's office in Nelson. On the 12th February, 1894, the company passed and duly filed a by-law (No. 70) providing that on and after 1st May, 1895, the head office of the company in Vancouver be the place where service of process might be made upon the company in respect to any case of action arising within British Columbia. Order VIII., rule 18, of the County Court Rules provides that service may be effected on a railway company at a station or office in the County Court District.

*Held*, by the Full Court, that in an action against the *Can. Pac. R. W. Co.*, service of process against the company must be effected at the company's office in Vancouver appointed pursuant to 44 Vict., c. 1, s. 9, following a former unreported decision in 1891 of *Hansen v. Can. Pac. R. W. Co.*

*Davis*, Q. C., for the company. *Wilson*, Q. C., and *Duff*, Q. C., for plaintiffs.

NOTE:—For contrary decision see *Tyler v. Can. Pac. R. W. Co.* (1899) 26 A. R. 467.—See also *Can. Pac. R. W. Co. v. Parish of Notre Dame de Bonsecours* [1899] A. C. 367.