

On 2nd December counsel for the petitioner applied, *ex parte*, to me for an order extending the time for service and for substitutional service. The material used in obtaining the order was, first, an affidavit by petitioner's solicitor, that after the filing of the petition at Toronto it was sent to him for service at Peterborough, and that he received the petition on 25th November, made inquiry on that day at Peterborough for the respondent, and learned that he would be in Toronto the next day. He sent the petition to Toronto. The respondent could not be found in Toronto on 26th November, so petition was returned to Peterborough, and on the morning of 27th November was placed in the hands of the deputy sheriff at that place. Second, an affidavit by the deputy sheriff that he had the petition at Peterborough and endeavoured on 27th, 28th, and 30th November to serve it upon the respondent, but could not find him.

The order made on 2nd December is as follows (omitting the formal parts): "Upon the application of the complainant, upon reading the affidavits of Frederick J. A. Hall, and W. H. Moore, filed, and the exhibits therein referred to, and upon hearing what was alleged by counsel for the complainant: (1) it is ordered that the time for service of the petition herein be and the same is hereby extended till the 12th day of December, 1908; (2) it is further ordered that a copy of the petition and of notice of the date of presentation thereof, and a copy of the deposit receipt and of the appointment of the petitioner's solicitor, may be served upon the respondent by delivering such copies to Roland Glover or such other clerk as may be in charge of respondent's office at Peterborough; (3) and it is further ordered that the costs of this order be costs in the matter of the said petition."

After obtaining the order of 2nd December, it does not appear that there was any further effort to effect personal service upon the respondent, but on the following day, *viz.*, on 3rd December, a copy of the petition, together with the other papers mentioned in the order, was delivered to Roland Glover at Peterborough.

The respondent was not personally served with a copy of the petition and the other papers mentioned, or any of them.

On 8th December the respondent filed in the office of the Registrar of the High Court of Justice at Toronto prelimi-