

was in Europe. An order was obtained from one of the judges of the Supreme Court extending the time of service from Dec. 16, 1904, to February 8, 1905. The respondent was served personally with the notice and petition in England. He subsequently returned to Canada and was again served at Ottawa on February 28, 1905. Section 8 of the Dominion Controverted Elections Act, 1891, provides that notice of the presentation of the petition, accompanied with a copy thereof, shall, within ten days after its presentation or within the prescribed time or within such longer time a judge under special circumstances of difficulty in effecting service may allow, be served on the respondent at any place within Canada. If service cannot be effected on the respondent personally within the time, then service may be effected "upon such other person or in such other manner as the Court or a judge, on the application of the petitioner, directs."

Held: 1. The statute provides no means by which the respondent may be subjected to personal service out of Canada.

2. If personal service cannot be effected in Canada, service must be made upon such other person or in such other manner as the Court or a judge may direct.

3. The second service of a petition or as it has been called "double service," is a nullity. The service on the respondent personally in Ottawa was therefore invalid.

4. Rules as to service of election process must be construed strictly: *Montmagny Case*, 15 S.C.R. 1.

5. Actions and proceedings in rem and in personam contrasted.

Petition dismissed with costs.

W. B. A. Ritchie, K.C., and Lovett, K.C., for petitioner.
Mellish, K.C., and G. F. Pearson, for respondent

HALIFAX ELECTION CASE.

Weatherbe, C.J.] HETHERINGTON v. ROCHE. [May 19.

Preliminary objection—Petitioner—Disqualification of, by corrupt practices—Preliminary trial as to petitioner's qualification—Meaning of "right to vote."

The respondent was elected member for Halifax at the last Dominion election. A petition against his return was presented by the petitioner, who was the secretary of the Halifax County Conservative Club. A preliminary objection to the petition was taken by the respondent on the ground that the petitioner was