

Court of Wentworth in favour of the plaintiff, upon the ground that he was not "riding" on the car at the time.

Held, that the word "riding" as here used was equivalent to "traveling," and that the plaintiff was "travelling when the accident happened. *Northup v. Railway Passengers Assurance Co.*, 2 Lansing at p. 168, *Theobald v. Railway Passengers Assurance Co.*, 10 Ex. at p. 57, and *Champlin v. Railway Passengers Assurance Co.*, 6 Lansing at p. 71, specially referred to.

If "riding" implies motion, a person is not "riding" whenever the car stops.

Appeal dismissed with costs.

John Greer, for defendants *J. J. Scott*, K.C., for plaintiff.

Province of Nova Scotia.

SUPREME COURT.

Full Court] RELIANCE SAVINGS & LOAN CO. v. CURRY. [Jan. 12.

Loan company—Claim for balance due on mortgage after foreclosure and sale—Substituted service.

A mortgage made by defendant to the plaintiff company to secure payment of the sum of \$500 contained a covenant that defendant would pay or cause to be paid the said mortgage money, to wit \$500 with interest.

On sale under order for foreclosure and sale the mortgaged property realized only \$110, and the plaintiff company applied for an order for judgment against defendant with costs for the balance due on the mortgage after deducting the proceeds of the sale.

Defendant did not appear to the action, and as he was a seafaring man and it was impossible to effect personal service, the notice of motion for order for judgment was served by filing with the prothonotary pursuant to O. 65, s. 4.

Held, that plaintiff was entitled to the order applied for.

W. E. Roscoe, Q.C., for plaintiff.

Full Court.] HENNESSY v. FARQUHAR. [Jan. 17.

Justice of the peace—Action against, for causing plaintiff's arrest under warrant—Question of jurisdiction—Defective notice.

Plaintiff caused to be served upon defendant, a justice of the peace, notice of action claiming damages for maliciously and without reasonable and probable cause causing plaintiff to be arrested and confined in the common jail under a warrant issued in a civil action brought and tried before