

WRIT OF SUMMONS - SERVICE OUT OF JURISDICTION - SUBSTITUTED SERVICE
— DEFENDANT LEAVING JURISDICTION AFTER ISSUE OF WRIT—ORD. IX. R. 2
(ONT. RULE 146).

In *Jay v. Bucil* (1898), 1 Q.B. 12, the majority of the Court of Appeal (Lord Halsbury, L.C., and Collins, L.J., have distinguished the cases of *Fry v. Moore* (1889) 23 Q.B.D. 395; and *Wilding v. Bean* (1891) 1 Q.B. 100,—and have held that they do not apply where a defendant goes out of the jurisdiction, not for the purpose of evading service, after the issue of the writ of summons; and in such a case, notwithstanding the defendant is actually out of the jurisdiction, substituted service of the writ for service within the jurisdiction may be ordered to be made on some person within the jurisdiction. Rigby, L.J., on the other hand was of opinion that the only case in which substitutional service of a writ for service within the jurisdiction could be ordered where defendant was actually out of the jurisdiction was where defendant had left the jurisdiction after the issue of the writ for the purpose of evading service.

Correspondence.

QUASHING SUMMARY CONVICTIONS.

To the Editor of the Canada Law Journal.

Having noticed a letter of "Subscriber" in your last volume p. 658, on this subject I respectfully suggest this as a remedy. That in place of having recourse to the certiorari and quashing the conviction, the complainant or defendant ought, upon depositing the fine and costs and the sum of ten dollars, to have the right thereupon to give a verbal notice of appeal. or within ten days an appeal in writing for a motion to come up before the Local Judge of the High Court for the county. The notice of motion might be served by registered letter and if given while both parties were still present to be noted by the Justice in the proceedings. This course would give an inexpensive and speedy mode of relief, and