

that ought to exist, and which, in my opinion, does exist, between the extension of time of service of petition (like a writ of summons) and the extension of time for commencement of trial; and in the result I hold that there was jurisdiction to make the order for allowance of further time for service of petition herein.

(2) Should the order of 2nd December have been made? On the application for the order my attention was not specially called to sub-sec. 2 of sec. 18. The petition had not complied with the evident intention of the Act. That section contemplates two applications, if necessary by reason of "special circumstances of difficulty in effecting" personal service: (1) for longer time; and (2) for substitutional service, if, within the longer time allowed, personal service could not be effected.

Section 17 is as follows: "An election petition under this Act, and notice of the date of the presentation thereof, and a copy of the deposit receipt, shall be served as nearly as possible in the manner in which a writ of summons is served in civil matters, or in such other manner as is prescribed." No other manner is "prescribed," unless it be the personal service required by sec. 18.

The service of a writ of summons in civil matters is provided for by Con. Rule 146, which is: "Where service is required, the writ may be served in any county or district in Ontario, and the service thereof shall be personal; but, if it appears to the Court or a Judge, on affidavit, that the plaintiff is unable to effect prompt personal service, the Court or Judge may order substituted or other service by advertisement or otherwise."

The application was made *ex parte*. If, for want of proper information as to the facts, the petitioner has obtained an improper order, it was at his own risk. It did appear to me, on affidavit, that the petitioner was unable to effect prompt personal service of the petition and notices, and so, in the exercise of my discretion, I made the order. The respondent being a business man of large interests in different parts of Canada, the service upon his clerk, Roland Glover, or upon the clerk in charge of respondent's office at Peterborough, should be as good as personal service, and therefore should be deemed personal service. Assuming that at that time I had jurisdiction to make any order allowing further time, I do not think the order bad by reason of its directing substitutional service as well, in one order. Rule