

diligence in effecting such service, or has been guilty of any unreasonable neglect or delay in respect of effecting a service of such Summons or paper, he shall be liable to an action at the suit of the Plaintiff for the recovery of damages in respect thereof. 5

How Sum-  
mons to be  
served.

XXIV. The Summons shall be served by delivering a copy thereof, as follows :

1. If the suit be against a Corporation, to the President or other Head of the Corporation, Secretary, Cashier, Treasurer or Director, or Managing Agent thereof, or other person designated for the purpose by Statute, but such service can be made in respect of a foreign Corporation only when it has property within Upper Canada or the cause of action arose therein. 10

2. If against a Minor, to such Minor personally, and also to his Father, Mother or Guardian, or if there be none within the Upper Canada, then to any person having the care and control of such Minor or with whom he shall reside, or in whose service he shall be employed. 15

3. If against a Lunatic, or Idiot, or a person judicially declared to be of unsound mind or incapable of conducting his own affairs in consequence of habitual drunkenness, or other cause, and for whom a Committee or Committees have been appointed, to such Committee or Committees, and to the Defendant personally. 20 25

4. In all other cases to the Defendant personally, but the mode of service may be varied as in the cases hereinafter provided.

Service by  
publication  
when De-  
fendant cannot  
be found, and  
other special  
cases.

XXV. Where the person on whom the service of the Summons is to be made, cannot after due diligence be found within Upper Canada, and that fact appears by affidavit to the satisfaction of the Court or a Judge thereof, or of the County Judge of the County where the trial is to be had, and in like manner appears that a cause of action exists against the Defendant in respect to whom the service is to be made, or that he is a proper party to an action relating to real property in Upper Canada, such Court or Judge may grant an order that the service be made by the publication of a Summons in any of the following cases : 30 35

1. Where the Defendant is a Foreign Corporation, and has property within Upper Canada or the cause of action arose therein. 40

2. Where the Defendant being a resident of Upper Canada has departed therefrom with intent to defraud his Creditors,