

In *Re Busfield-Whaley v. Busfield*, 32 Ch.D. 123, followed.

Such service is not a matter of practice, but of jurisdiction, and Rule 3 does not enable the Court to apply the analogous procedure as to writs of summons.

Semble, that if there were power to allow service of such a statement out of Ontario, it could not be allowed nunc pro tunc after it had been effected without an order.

Service out of Ontario of a statement of claim, the initial proceeding in an action to enforce a mechanic's lien, under R.S.O. 1897, c. 153, upon foreigners resident in a foreign country, and all subsequent proceedings set aside.

History of the legislation in Ontario as to service out of the jurisdiction.

W. M. Douglas, K.C., for plaintiff. *J. H. Moss*, for defendants Crosby and Nordyke.

GENERAL SESSIONS ON THE PEACE—COUNTY OF YORK.

McDougall, Co. J.]

REX v. CHILCOTT.

[March 24.

Undertaking to tell fortunes—Contract to relieve operator from criminal liability.

The prisoners were indicted under Criminal Code s. 396, for having undertaken to tell fortunes.

It appeared in evidence that parties who desired the services of the fortune teller (afterwards called as witnesses), went to the defendants (who had assumed the name of "The Royal English Gypsies") and, on payment, in each case, of 25 cents, certain disclosures relating to their lives in the future were conveyed to them by the defendants, as the result of an inspection of their hands, or, as the method is generally called, palmistry.

Before anything was done, each individual was asked to sign, and thereupon did sign, the following:—

"Notice to Consultants. The Royal English Gypsies hereby warn all who desire to consult them that their delineations of character, circumstances, or past life, or their attempts (if any) to define, predict, or foreshadow the future, are made according to the rules laid down in the text books on Palmistry, Astrology, Psychometry, Clairvoyance or other arts and sciences studied by them as modified and supplemented by their own judgment, experience and personal gifts. They will act in good faith, and emphatically disavow any intention to deceive or impose upon those who consult them (which would constitute a legal offence), and their statements must be accepted as given on these conditions, and on this understanding; and persons who cannot accept such statements as made in good faith, and without any intention of deception or imposition, are requested not to consult them.