

Province of Manitoba.

KING'S BENCH.

Full Court.] *CENTRE STAR v. ROSSLAND GREAT WESTERN.* [Jan. 25.
Practice—Substituted service—Extra provincial company—Affidavit leading to order—New material on application to discharge order—Judge's discretion.

Appeal from an order of IRVING, J., setting aside an order for substituted service.

Held, that an affidavit leading to an order for substituted service is a jurisdictional affidavit.

An affidavit leading to an order for substituted service under s. 135 of the Companies Act on an extra-provincial company licensed to do business in British Columbia should shew clearly that the company is an extra-provincial one licensed to do business in the province.

On an application to set aside an order for substituted service it is discretionary with the judge to allow plaintiffs to read further affidavits setting out facts omitted in the affidavit on which the order was made, and where, in the exercise of his discretion he refused leave, the court on appeal will not interfere.

Judgment of IRVING, J., affirmed, HUNTER, C. J., dissenting.
A. C. Galt, for appellant. *Davis*, K.C., for respondent.

Courts and Practice.

Frances Alexander Anglin, K.C., of the City of Toronto, and John Idington, K.C., of the City of Stratford, to be Judges of the Supreme Court of Judicature for Ontario, and Justices of the High Court of Ontario, and members of the Exchequer Division of the said High Court. (Gazetted March 19.)

John Joseph O'Meara, of Pembroke, Barrister, to be Judge of the County Court of Carlton, in the room of his Honour William Musgrove, deceased. (Gazetted March 12.)

Dennis Joseph Donahue, K.C., of the City of St. Thomas, to be Judge of the County Court of the County of Renfrew, in the room of His Honour John Deacon, retired.

His Honour Albert Constantineau, Junior Judge of the United Counties of Prescott and Russell, to be Judge thereof, in the room of His Honour Peter O'Brian, retired.