James Bay & E.R. Co. v. Bernard, 23 D.L.R. 701, 24 Que. K.B. 6.

OF STATEMENT OF CLAIM — SEVERAL DEFENDANTS—ATTACHING MEMORANDA OF INFORMATION.

The proper course for a plaintiff to pursue who desires to use one original statement of claim for service on a number of defendants whose times for appearance may be different is to endorse upon the statement of claim only the memoranda which are uniform for all, and to use an attached notice where there is any variation in the information to be given to different defendants. If this is done, there is no necessity for a concurrent writ.

London Scottish Can. Investment Syndicate v. Davidson, 9 W.W.R. 731.

REVIEW—ORDER FOR HEARING—SERVICE ON PARTY DISSATISFIED — CERTIORARI — ORDER 62, JUDICATURE ACT 1909 — ORDER UNDER—APPEAL FROM.

The court will not remove by certiorari a judgment on review from the decision of a magistrate on the ground that the order for hearing the parties on review, or notice thereof, was not served on the party dissatisfied with the judgment, when the solicitor who tried the case before the magistrate appeared and argued the case for him on review. Semble: That there is no appeal from an order of a judge refusing a certiorari on an application made under O. 62 of "the Judicature Act, 1909."

Ex parte Mayes Case, 46 N.B.R. 114.

PRACTICE—SUBSTITUTIONAL SERVICE—AFFIDAVITS IN SUPPORT OF APPLICATION TO SHOW THAT NOTICE WILL PROBABLY COME TO NOTICE OF DEFENDANT—O. 9, R. 2, S.C. RULES AND AMENDMENT.

Sun Life Ass'ce Co. v. Tardiff, [1919] 2 W.W.R. 846.

SUFFICIENCY OF SERVICE—SOLICITORS—APPEARANCE.

Where solicitors in proper form and with the authority of the client give an undertaking to accept service of a writ of summons and to enter an appearance thereto, all obligation as to service of the writ is waived or dispensed with, and if the solicitors fail to enter the appearance the plaintiff may proceed to judgment as in default of appearance. [Re Kerly [1901] 1 Ch. 467, followed.]

Sterling Loan & Securities Co. v. Clancy, [1917] 2 W.W.R. 61.

ON LAW FIRM.

When a judicial document is served on a firm of attorneys a member of which has replaced one of the attorneys ad litem, the service is valid, if in result the party is really represented by the attorneys on whom the document is served.

Dougan v. Montreal Tramways Co., 26 Que. K.B. 217.

ON PARTNERSHIP—UNINCORPORATED ASSOCIATION—SERVICE OF PROCESS ON INDIVIDUALS AS PARTNERS — APPEARANCES UNDER PROTEST—DENIAL OF STATUS AS PARTNERS—SEPARATE SERVICE ON ASSOCIATION — STATEMENT OF CLAIM — PARTICULARS.

Wentworth Ranch v. National Live Stock Assn., 13 O.W.N. 363.

LEAVE TO AMEND.

Browne v. Timmins, 24 O.W.R. 290.

STATEMENT OF CLAIM — LATE DELIVERY — IRREGULARITY—VALIDATION.

Youell v. Toronto R. Co., 24 O.W.R. 57.

PLACE OF SERVICE.

Service of the writ upon the president of a board of school commissioners is not a personal one according to art. 94 C.C.P. par. 2, if made in a district where otherwise the court would have no jurisdiction over the board.

School Board of Notre Dame de Granby v. Lessard, 14 Que. P.R. 382.

WHEN CROWN MAY BE SUMMONED—SERVICE ON ATTORNEY-GENERAL.

The sovereign can be summoned before the courts only in the cases and in the manner provided by art. 1011, C.C.P. et seq. Consequently a summons to the Attorney-General (as representing the Crown) in proceedings against a county council to compel it to change the place for holding its sessions in order that he take note of the judgment and without any other conclusion against him, is illegal and will be set aside on exception to form.

Raymond v. Kamouraska, 46 Que. S.C. 117.

EXCEPTION TO THE FORM—QUEBEC PRACTICE.

An exception to the form, based on the fact that the copy of the writ served on the defendant appeared to have been issued in the name of a deceased sovereign though the original was in proper form, was dismissed as the defendant had suffered no prejudice.

Bradley v. Saucier, 14 Que. P.R. 270.

IN GENERAL.

To summon a defendant by service of the writ only without a declaration, or of the declaration only without the writ is an irregularity which makes the proceedings radically null. Therefore, the deposit with the prothonotary, in a case of capias, of a copy of the declaration for the defendant the day after the return of the writ and after the expiration of the three days following the service of the writ is a radical nullity and the capias will be quashed on exception to the form.

Trottier v. Belair, 13 Que. P.R. 400.

SUMMONS TO ANSWER BEFORE A MAGISTRATE —SUMMONS SERVED BY CONSTABLE WHERE HIMSELF THE INFORMANT AND PROSECUTOR—INVALIDITY.

Re Kennedy, 17 Can. Cr. Cas. 342.