not wholly justified by the facts, and paid into court 40/ in satisfaction of the plaintiff's claim. Lord Coleridge, C.J., and Hawkins, J., affirmed the order of Pollock, B., striking out this defence as being both embarrassing and contrary to Ord. xxii., r. 1, inasmuch as it left in doubt what the defendant justified and what he did not.

PRACTICE—WRIT OF SUMMONS—SERVICE—IRREGULARITY WAIVED.

Two or three points of practice come under consideration in *Fry* v. *Moore*, 23 Q.B.D., 395, which was an application by a defendant to set aside the service of the writ of summons and all subsequent proceedings, and it shows how careful it is necessary for a party to be who complains of an irregularity, not to take any step in the action which can be construed into a waiver of his right to object to it. In this case the plaintiff issued a writ for service within the jurisdiction, the defendant being at the time resident out of the jurisdiction; this the Court held was not of itself an irregularity, as the plaintiff might have waited until the defendant came within the jurisdiction and then served it; but instead of doing this he obtained an order for substituted service on the defendant's brother, which the Court held was an irregularity, the plaintiff's proper course being to have issued a writ for service out of the jurisdiction, inasmuch as the substituted service was to be effected whilst the defendant was abroad. The defendant not having appeared, the plaintiff signed judgment by default. The defendant having made two unsuccessful attempts to set aside the judgment, and to compel the delivery of a statement of claim, then made the present motion, and the Court of Appeal (Lindley and Lopes, L.JJ.) affirmed the order of Field and Cave, JJ., dismissing the application, holding that the two previous applications were a waiver of the irregularity.

MEDICAL PRACTITIONER—COUNCIL OF COLLEGE OF PHYSICIANS—JURISDICTION—REMOVAL OF NAME FROM REGISTER—POWER OF COURT TO REVERSE DECISION—MANDAMUS—LIBEL—PRIVILEGE—MEDICAL ACT (21 & 22 VICT., C. 90, S. 29)—(R.S.O., C. 148, S. 34.)

Allbutt v. *General Council of Medical Education*, 23 Q.B.D., 400, s a decision under the English Medical Act (21 & 22 Vict., c. 90, s. 29), which is similar in terms to our R.S.O., c. 148, s. 34. The Act in question empowers the General Council of Medical Education to keep a register of medical practitioners, and by s. 29 if any registered practitioner after due inquiry be judged by the Council to have been guilty of infamous conduct in any professional respect, the Council is empowered to direct the removal of the name of such practitioner from the register. The plaintiff had published a book for popular circulation, parts of which the Council, after due inquiry, at which the plaintiff was represented by counsel, considered detrimental to public morality, and its publication infamous conduct in a professional respect, and they ordered his name to be removed from the register, and the proceedings of the Council in the matter were published. The plaintiff claimed a mandamus to the Council to restore his name to the register, and damages for the publication of the proceedings, as being a libel on the plaintiff. The Court of Appeal (Lord Coleridge, C.J.,