

Mr. S. White as agent for service was wholly valid, he was not served. Service on MacFie was ineffective—*delegatus non potest delegare*. No other act was done by the Sheriff within his bailiwick; and I think the statute had not been complied with.

For this reason only, I think no valid seizure was made and no valid sale effected.

The appeal should be dismissed with costs.

MULOCK, C.J., and CLUTE, J., agreed in dismissing the appeal.

---

MACMAHON V. RAILWAY PASSENGERS ASSURANCE CO.—MASTER  
IN CHAMBERS—MAY 6.

*Evidence—Foreign Commission—Anticipated Motion for—Suggested Term—Premature Application.*—The action was on a policy of life assurance. The assured died abroad, very shortly after the issue of the policy. The action being at issue, and the plaintiff, the sole executor of the deceased, being on his way to Europe and expecting to be at the place where the assured died, for a month or six weeks from the 20th May instant, and supposing that the defendants would probably ask for a commission to take evidence as to the death of the assured at the place where it occurred, moved for an order directing that, "if any commission is applied for and issued to take evidence . . . the said commission be executed at some time between the 20th day of May and the 30th day of June, 1912." The Master said that no precedent for such an order was cited, nor had he found any. The motion seemed premature, and to suggest a term that might be considered if the defendants should apply for such a commission; but, on the argument, their counsel was not prepared to say whether they would or not. Motion dismissed, with costs to the defendants in any event. H. E. Rose, K.C., for the plaintiff. Shirley Denison, K.C., for the defendants.