

the notice of injury required by s. 9 of the Workmen's Compensation for Injuries Act, R.S.O. 1897, c. 160, where there is no evidence that they were in any way prejudiced in their defence by the want of it.

Where the deceased received the injuries from which he died by being run over by a train of cars, a statement made by him immediately after he was run over, in answer to a question as to how it happened, "I slipped and it hit me," was held admissible in evidence.

*Thompson v. Trevanion*, Skin. 402, *Aveson v. Kinnaird*, 6 East 188, 193, and *Rex v. Foster*, 6 C. & P. 325, followed.

Upon that evidence and evidence of the slippery condition, by reason of snow and ice, of the place where the deceased slipped, a question should have been submitted to the jury whether he slipped by reason of such condition and whether such condition was due to the negligence of the defendants.

*A. E. Fripp*, for plaintiffs. *C. J. R. Bethune*, for defendants.

Master in Chambers.]

[September 5.

TORONTO GENERAL TRUSTS CORPORATION v. CRAIG.

*Practice—Master's report—Confirmation—Notice of filing—Non-appearance.*

Rules 694 and 769, requiring notice of filing a Master's report as a condition of its becoming absolute, are governed by Rule 573; and, therefore, notice of filing a Master's report need not be served upon a defendant who has not entered an appearance in the action; and where there is no defendant upon whom notice of filing need be served, the report becomes absolute upon the expiration of fourteen days from the filing.

*Armour Miller*, for the plaintiffs.

Falconbridge, C.J.]

COYNE v. RYAN.

[September 16.

*Domicil—Origin—Change—Intention—Proof of—Residence—Permanency of.*

The domicil of origin adheres until a new domicil is acquired, and the onus of proving a change of domicil is on the party who alleges it; the change must be animo et facto, and the animus to abandon must be clearly and unequivocally proved; although residence may be decisive as to the factum, it is equivocal as regards the animus; the question is one of fact, to be determined by the particular circumstances of each case. *Bell v. Kennedy*, L.R. 1 Sc. App. 307; *Morehouse v. Lord*, 10 H.L.C. 272; *Aikman v. Aikman*, 3 Macq. H.L. 877; *Jopp v. Wood*, 4 DeG. J. & S. 621, *Davis v. Adair* (1895), Ir. R. 379, and Dicey on Domicil, p. 104, rule 7, referred to.