

formed. But in using the roller they were bound equally with the city to take notice that it was likely to cause danger to the public. And their failure to take proper precautions to prevent the danger occasioned the accident which caused the plaintiff's injuries.

The appeal must be dismissed with costs.

OSLER, J.A., gave reasons in writing for the same conclusion.

MACLENNAN, GARROW, and MACLAREN, J.J.A., concurred.

MEREDITH, C.J.

DECEMBER 17TH, 1904.

WEEKLY COURT.

PIRUNG v. DAWSON.

Judgment—Compromise of Action—Enforcement by Order of Court—Forum—Jurisdiction of Master in Chambers—Practice—Motion to Court.

Appeal by plaintiffs from order of Master in Chambers dismissing application for order allowing plaintiffs to enter judgment against defendant for \$160, the amount which the parties had agreed should be paid by defendant in settlement of the action, together with the costs of the motion. Plaintiffs also made a substantive motion for the order which the Master had refused.

The appeal and motion were heard by MEREDITH, C.J., in Chambers, on 25th November, 1904.

A. R. Clute, for appellants.

L. F. Heyd, K.C., for defendant.

MEREDITH, C.J.—It is, I think, reasonably clear that since the Judicature Act the Court has jurisdiction to enforce in the action a compromise of it to which the parties have agreed: Daniell's Chancery Practice, 7th ed., p. 16; Seton on Judgments, p. 2284; Snow's Annual Practice, 1904, vol. 2, p. 342, and cases cited, especially Alliance Pure White Lead Syndicate Limited v. MacIvor's Patents Limited, 7 Times L. R. 599. . . .