

find, an agent upon whom service might rightly be made for the master.

There was no contest upon any other question; the notice was really given upon the requirement and on behalf of plaintiff, and intoxicating liquor was delivered, notwithstanding it, so as to create a liability from defendant to plaintiff under the provisions of the enactment.

There will be judgment for plaintiff and \$100 damages, but without costs, which is tantamount to with costs on the County Court scale and set-off of defendant's additional costs, and saves the delay and expense of a contested taxation.

JANUARY 4TH, 1905.

DIVISIONAL COURT.

NELSON v. LENZ.

Division Courts — Garnishing Plaintiff — Garnishee Resident out of Province—"Carrying on Business" in Province—Person Transacting Business as Agent for Another Garnishee Submitting to Jurisdiction—Assignee of Fund Garnished Intervening—Status of Intervener.

Appeal by the primary creditors in a garnishee matter in the 7th Division Court, Essex, from the order and judgment of the Judge presiding in that Court determining that the garnishee, R. A. Newman, who resided in the city of Detroit, Michigan, but was alleged to carry on business at Windsor, Ontario, was not subject to be made a party to garnishee proceedings.

The garnishee's wife owned in her own right property in the county of Essex, some of which was rented. The garnishee acted as agent for his wife in managing her property, and he employed a solicitor practising in Windsor to collect rents and superintend repairs, make leases, etc., for which services a fixed sum was paid him. The garnishee entered into a contract, in his own name, with the primary debtor, for the building by the latter of a house on the property of the garnishee's wife, upon which \$667.09 remained due to the primary debtor. The latter was indebted to a number of persons to the amount of between \$800 and \$900. The solicitor before mentioned, as solicitor for all these creditors, except one McKee, took garnishee proceedings under sec. 190 of the Division Courts Act, and accepted service for Newman,