

REPORTS AND NOTES OF CASES

Province of Ontario.

HIGH COURT OF JUSTICE.

[June 30.]

ROBERTSON, J., FERGUSON, J.]

BOSWELL v. PIPER.

Attachment of debts—Rule 935—Garnishee “within Ontario”—Foreign insurance company—55 Vict., c. 39, ss. 14, 17.

The garnishees, an English insurance company, had an agent or attorney and a chief agency in Ontario, and service of process could be made upon such attorney for the purposes mentioned in ss. 14 and 17 of 55 Vict., c. 39, the Ontario Insurance Corporations Act.

Held, that the garnishees were not “within Ontario,” within the meaning of Rule 935.

Canada Cotton Co. v. Parmalee, 13 P. R. 308, followed.

County of Wentworth v. Smith, 15 P. R. 372, distinguished.

G. L. Lennox, for the plaintiff.

S. W. McKeown, for the claimant Harthill.

W. Gow, for the garnishees.

ARMOUR, C.J., FALCONBRIDGE, J.,
STREET, J. }

[September 1.]

IN RE MOLPHY, BECKES v. TIERNAN.

Appeal—Master's Certificate—Divisional Court.

An appeal does not lie to a Divisional Court from the decision of a Judge in Court upon an appeal from a Master's report.

The certificate of a Master is a report, and is subject to the same rules as to appeal as an ordinary report.

E. R. Cameron, for Elizabeth Molphy.

F. A. Anglin, for the executors.

MEREDITH, C.J., ROSE, J.]

[September 15.]

GRAHAM v. COMMISSIONERS FOR QUEEN VICTORIA NIAGARA
FALLS PARK.

Negligence—Niagara Falls Park commissioners—50 Vict., c. 13, ss. 3, 4, 10—Obligation to maintain fence—Public way—Nonfeasance—Persons resorting to park—Licensees—Status of commissioners—Liability of Crown for acts of servants.

By sec. 3 of the Queen Victoria Niagara Falls Park Act, 1887, the lands selected for the park were vested in the defendants as trustees for the Province.

The plaintiff was injured by an accident due to a fence along the edge of the cliff forming the bank of the Niagara River being in an insecure and defective condition, owing to an unauthorized act of a railway company. The