

that the formal record of acquittal should have been produced; and that no such record or a copy thereof could be obtained without a fiat of the Attorney-General.

*Quære*, whether the termination of such prosecution can be proved by admissions made by the defendant on his examination for discovery.

*Wm. Steers* for the plaintiff.

*Lount, Q.C.*, for the defendant.

MEREDITH, C.J.]

STEELE v. GROVER.

[Dec. 10, 1894.

*Will—Bequest to poor and needy residents of county—Town detached from county for municipal purposes only—Right of such residents to participate in.*

The testatrix by her will gave the residue of her estate in trust for the benefit of the sober and industrious, but destitute and needy, widows and orphans of the county, who must have been *bona fide* residents of the said county before becoming destitute or needy. A town in the county originally formed part thereof for all purposes, but was in 1859, under the provisions of the Municipal Act then in force, detached from the county for municipal purposes only.

*Held*, that residents of the town coming within the class referred to in the bequest were included therein.

The various statutes passed from time to time discussed.

*E. T. Malone* for the plaintiff.

*J. R. Cartwright, Q.C.*, for the Attorney-General.

*C. Robinson, Q.C.*, and *Stratton* for the county.

*Edwards* for the town.

MEREDITH C.J.]

WHEELER v. BROOKE.

[Dec. 10, 1894.

*Mortgage—Right of mortgagor to an assignment of the mortgage.*

Where plaintiff, the mortgagor of certain lands, sold same for a sum in excess of the amount of his mortgage, the purchaser raising such excess by a mortgage to the defendant, the original mortgagee, the plaintiff was held entitled to an assignment of the mortgage made by him on his paying the defendant merely the amount due on his mortgage.

*Brewster* for the plaintiff.

*W. H. Blake* for the defendant.

ROSE, J.]

DINGHAM v. HARRIS.

[Dec. 13, 1894.

*Married woman—Liability—Contract—Separate estate.*

A married woman having separate estate may enter into a contract along with others.

*Rocoon* for the plaintiff.

*Kilmer* for the adult defendant.

*W. Dawson* for the infant defendants.