

Province of New Brunswick.

SUPREME COURT.

EN BANC.]

[April 16.

HALIFAX BANKING CO. v. SMITH.

*Action on bond—Foreclosure of mortgage—Res judicata.*

The plaintiffs filed a bill in Equity for the foreclosure of a mortgage, to which the defendant pleaded coercion and fraud. Plaintiffs then sued on the bond, which accompanied the mortgage, in the Supreme Court, to which defendant pleaded substantially the same defence. The plaintiffs won. The suit in Equity was then proceeded with, and plaintiffs contended that the defence set up was *res judicata*. The Judge in Equity took the same view and ordered a decree for the plaintiff.

On appeal to the Full Court the judgment of the Judge in Equity was sustained.

*Wallace* supported appeal.

*M. G. Teed*, contra.

PROBATE COURT.

TRUEMAN, J.]

[ST. JOHN, April 14.

IN RE JORDAN.

*Deed poll—To take effect after death—Probate of.*

The deceased, by deed poll, gave all his property to certain persons named in the deed, to be, after his death, divided as directed in the deed. He kept the deed in his possession until just before his death, when it was delivered to take effect after his death.

Application was made by the trustees named in the deed to prove the deed as a will, it being executed in the formal manner required by the Wills Act. They contended that the deed should be proved as a will and they named as executors thereof.

*Held*, that the deed could be proved as a will, but that the decree should be for letters of administration cum testamento annexo, to issue to the trustees.

*Jordan*, Q.C., in support of application.

Province of Manitoba.

HIGH COURT OF JUSTICE.

TAYLOR, C.J.]

[May 14.

ÆTNA LIFE INSURANCE CO. v. SHARP.

*Demurrer—Pleading—Striking out pleas—Amendment—Queen's Bench Act, 1895, Rule 318.*

Several paragraphs of the defendant's statement of defence were objected to by the plaintiff, as raising defences which were not good in law, and a