

6. In a proceeding in the Exchequer Court of Canada, if a conflict arises between the rules of evidence established by a provincial statute and those subsisting by virtue of a Dominion Statute, the latter will prevail.

Semble, a mere stranger, or volunteer, who pays the debt of another, without any assignment or agreement for subrogation, without being under any legal obligation to make the payment, and without being compelled to do so for the preservation of any rights or property of his own, cannot invoke the benefit of the doctrine of subrogation.

H. Mellish, for plaintiff. *R. L. Borden*, K.C., and *R. G. Code*, for defendants.

Burbidge J.]

[Dec. 10, 1900.

REG. EX REL. ATTORNEY-GENERAL FOR THE DOMINION *v.* CONNOLLY.

Garnishee process—Crown seeking same—English Order 45, Rule 1—Practice.

Order 45 of the English Rules respecting garnishee process is not applicable to a proceeding by information by the Crown. The Crown's remedy is by Writ of Extent. Motion for garnishee order dismissed.

Glyn Osler, for motion.

Burbidge, J.]

[Jan. 30.

BOSTON RUBBER SHOE COMPANY *v.* BOSTON RUBBER CO., OF MONTREAL.

Security for costs—Order for—Practice.

Under the present practice of the Court an order for security for costs may be given at any stage of the proceedings in a cause. *Wood v. The Queen*, 7 S.C.R. 634, referred to.

C. J. R. Bethune, for motion. *R. V. Sinclair*, contra.

Burbidge, J.]

PAGET *v.* THE KING.

[Feb. 7.

Action for return of monies paid by mistake—Legal process—Recovery—Demurrer.

The suppliant brought his petition of right to recover from the Crown the sum of \$190.00, which he alleged he paid under mistake to the Crown in settlement of an information of intrusion in respect of certain lands occupied by him. He also claimed \$500.00 for damages for the loss he alleged resulted to him on the sale of the said lands by reason of the proceedings taken against him by the Crown. Upon demurrer to the petition:—

Held, that the suppliant's petition disclosed no right of action against the Crown, and that the demurrer should be allowed. *Moore v. The Vestry of Fulham* (1894), 1 Q.B. 399, followed.

Chrysler, K.C., for demurrer. *Tripp*, contra.