

En Banc.] KING v. WILSON, EX PARTE IRVING. [April 20.

*Habeas corpus—Jurisdiction of County Court Judge.*

A judge of a County Court has no jurisdiction under s. 108 of the County Court Act to deal with an application for an order for discharge by way of habeas corpus, unless the applicant is confined in the gaol of the county for which he is judge.

Rule absolute for certiorari.

G. W. Allen, K.C., in support of rule. J. D. Phinney, K.C., contra.

In Equity, Barker, J.] [May 21.

AMHERST BOOT & SHOE CO. v. SHEYN.

*Assignments and Preferences Act, 58 Vict., c. 6, s. 1—Confession of judgment—Pressure—Absence of collusion.*

A confession of judgment upon which judgment is signed, and fi. fa. issued given by an insolvent debtor under pressure of the preferred creditor who knew of the debtor's insolvent circumstances at the time, is not fraudulent and void against other creditors of the judgment debtor within s. 1 of Act 58 Vict., c. 6, in the absence of collusion.

J. D. Phinney, K.C., and G. W. Allen, K.C., for defendants. L. A. Currey, K.C., and Robidoux, for plaintiffs.

In Equity, Barker, J.] GUPTILL v. INGERSOLL. [May 21.

*Tenants in common—Chattel—Account for profits.*

A tenant in common of personal property is not liable to account to his co-tenant for profits derived from having the exclusive use of the property where such profits are not receipts within the statute 4 Anne, c. 16.

Cockburn, for plaintiff. McMonagle, for defendants.

In Equity, Barker, J.] IN RE KEARNEY. [May 21.

*Dower—Admeasurement of—Commissioners' Report—Motion to confirm—Affidavits on motion.*

The primary object of a proceeding for admeasurement of dower under s. 237 of 53 Vict., c. 4, is to set off the portion of land to which the widow is entitled, and a sum of money is not to be paid to her in lieu of dower because of inconvenience to the other occupants of the land if the admeasurement can in fact be made.

Affidavits will not be received in relation to facts upon which the report of Commissioners to admeasure is based on motion to confirm the report.

L. Young, for widow. Vince, K.C., for D. Kearney.