

directors and the company or its shareholders are at an end, and a sale by the liquidator of the property of the company to a director is valid.

Appeal dismissed with costs.

*Gormully, Q.C.*, and *Orde*, for the appellant.

*Code*, for the respondents.

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6 May, 1895.

BRADSHAW V. THE FOREIGN MISSION BOARD.

New Brunswick.]

*Practice—Equity suit—Application for new trial—Construction of Statute—53 V., c. 4, s. 85 (N.B.)*

By 53 V., c. 4, s. 85 (N.B.), relating to proceedings in equity. it is provided that in a suit in equity "either party may apply for a new trial to the judge who tried the case."

*Held*, reversing the decision of the Supreme Court of New Brunswick, *Taschereau, J.*, dissenting, that the Act does not mean that the application must be made to the individual who had tried the case, but to a judge exercising the same jurisdiction. Therefore, when the judge in equity who tried the case, had resigned his office his successor could hear the application.

Appeal allowed with costs.

*C. A. Stockton*, for appellant.

*Palmer, Q.C.*, for respondent.

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6 May, 1895.

TOWN OF ST. STEPHEN V. COUNTY OF CHARLOTTE.

New Brunswick.]

*Canada Temperance Act—Application of penalties—Incorporated town—Separated from county for municipal purposes.*

By an Order in-Council made in September, 1886, "All fines, penalties or forfeitures recovered or enforced under the Canada Temperance Act, 1878, and amendments thereto, within any city or county, or any incorporated town separated for municipal purposes from the county, which would otherwise belong to the Crown for the public uses of Canada, shall be paid to the treasurer of the city, incorporated town or county, as the case may be, for the purposes of the said Act.

St. Stephen is an incorporated town in the County of Charlotte, N.B., having its own mayor and governing body, police magi-