same plaintiff, and having been bail in each case, sought to set aside the second arrest on the ground of the splitting of claims, and moved for a rule for certiorari to bring up the proceedings on the second arrest.

Held, that certiorari would not lie. HANINGTON, J., dubitante.

F. St. John Bliss for applicant.

Full Court.] GORMAN *v.* URQUHART. [April 23.

Slander—Certificate for costs.

In an action of slander in the Supreme Court plaintiff obtained a verdict for $120, being $60 on each of two counts for words accusing her of adultery. The Court en banc subsequently disallowed the assessment on the second count, on the ground that the occasion was privileged, and plaintiff consented to a reduction of the verdict by this amount. On an application to the trial Judge for a certificate for Supreme Court costs the latter referred the same to the Court en banc.

Held, HANINGTON and LANDRY, JJ. dissenting, that a certificate should be granted.

Wm. Wilson, in support of the application. *G. F. Gregory*, Q.C., contra.

Full Court.] EX PARTE ANDERSON. [April 23.

Canada Temperance Act—Witness not tendered with conduct money.

The applicant was summoned as a witness, and, not having attended as commanded, was fined for disobedience, and subsequently committed. No conduct money was tendered.

Held, on motion for certiorari to remove the commitment, that a witness is entitled to conduct money in all proceedings under the Summary Convictions Act, and that, the applicant in this case not having been tendered with such, the fine and commitment were unlawful.

M. G. Teed, in support of rule. *J. W. McCready*, contra.

SAINT JOHN COUNTY COURT.

Forbes, J.] BARNES *v.* WEBBER. [May 11.

Disclosure—Affidavit—59 Vict., c. 28, s. 36.

On an application for disclosure under 59 Vict., c. 28, s. 36, the plaintiff's affidavit set out that a judgment had been obtained and that it was unsatisfied. It was moved that the application be dismissed on the ground that the affidavit should disclose that a writ of fi. fa. had issued, to which a return of nulla bona had been made, or that the sheriff should make affidavit that he had made search, and could discover no assets available to execution. Defendant's argument was that under a bill for discovery of property in aid of an execution it had to be alleged that a return of nulla bona had been made by the sheriff, or the bill was demurrable, citing *Angell* v. *Draper*, I. Vern. 399, and that the remedy given by the Act was merely substitutionary for the remedy in