

Full Court.]

EX PARTE MILLER.

[April 21.

*Justice's civil court—Proof of witnesses' mileage—Review—Certiorari.*

The County Court judge of Westmoreland, on review of a cause tried in a justice's civil court, received affidavits to prove the mileage of witnesses which had been allowed by the magistrate in the judgment entered by him without any proof of same having been made by affidavit or otherwise before him, and these affidavits, so used on review, having shown the mileage as allowed by the magistrate to be correct, the review judge confirmed the judgment.

The court refused a rule for a certiorari to remove the proceedings on review.

*Harvey Atkinson*, in support of motion.

Full Court.]

EX PARTE GELDART.

[April 21.

*Disclosure under Act 59 Vict., c. 28—An estate by the courtesy—Crops created by husband's labour on wife's land.*

On an application for the discharge from custody of a debtor in a suit in a justice's civil court under c. 28, Act 59 Vict., the evidence showed that the debtor was entitled to an estate of courtesy in property belonging to his wife, situate in an adjoining county, with growing crops thereon created by his labour.

*Held*, on motion to make absolute a rule nisi for certiorari to remove the order of discharge, that under this evidence and sec. 4, sub-sec. 4, of the Married Woman's Property Act, 1895, there was property liable to be taken in execution, but not in execution out of the court in which the debtor was arrested, and that he was not, therefore, entitled to his discharge under the Act 59 Vict., c. 28.

Rule absolute for certiorari.

*J. H. Dickson*, in support of rule. *W. B. Chandler*, contra.

In Equity—Baker, J.]

McPHERSON v. GLASIER.

[May 12.

*Costs in Equity—C. 119 C.S.N.B.—60 Vict., c. 24.*

The provision in the table of fees of the Supreme Court in Equity that, for services not therein provided for, the like fees are to be allowed as are allowed to attorneys on the common law side of the Supreme Court applies to the table of fees of the Supreme Court provided in 60 Vict., c. 24.

*C. E. Duffy*, for the plaintiff. *F. St. John Bliss*, for the defendant.