

except a statement to that effect in the affidavit of defendant, upon which the application for the order was made, which was not borne out by either the conviction or the commitment.

*Held*, that the order was wrong and must be set aside.

Per MEAGHER, J. B. was not bound to appear in answer to the summons for the writ of habeas corpus, and that the fact of his not appearing was not to be regarded as conduct or acquiescence justifying the imposition of costs.

*Quare*, also, whether the judge had jurisdiction to make the order.

C. P. Fullerton, for appellant. J. J. Power, for respondent.

Full Court.]

PEARCE v. ARCHIBALD.

[Dec. 19, 1900.

*Husband and wife—Authority of wife to carry on business—Goods taken for husband's debt—Words "the place"—R.S.N.S. c. 94, s. 53.*

Under the provisions of R.S.N.S. c. 94, s. 53, when a married woman does, or proposes to do, business on her separate account, in addition to filing her husband's consent thereto in the office of the Registrar of deeds for the county, she shall record, in the office of the clerk of the city or town in which she proposes to do such business, a certificate in writing setting forth her name and that of her husband, the nature of the business, and the place where it is or is proposed to be carried on, and giving, if practicable, the street and the number on the street; and where the nature of the business, or the place where it is carried on, is changed, a new certificate shall be filed accordingly.

Plaintiff who carried on business as a grocer in the city of Halifax under a license from her husband, enabling her to carry on such business separate and apart and free from his control, filed a certificate giving the particulars required by the act, except as to the street and the number on the street, as to which it was set out that it was not practicable to do so as the premises had not yet been selected.

Goods claimed by plaintiff as her separate property having been levied upon by defendant, as sheriff of the county, under a writ of execution,

*Held*, 1. Affirming the judgment of the trial judge in defendant's favour, that it was incumbent upon plaintiff to select the premises before filing her certificate.

2. The words "the place" mean the place in the city, town, or municipality where it is proposed to do the business, and where the place is changed a new certificate must be recorded.

F. T. Congdon and J. J. Power, for appellant. J. A. Chisholm (no: called on), for respondent.