

EN BANC.]

[March 7.]

MCNEILL *v.* MCDUGALL.

Petition between co-tenants—Rights of grantee of co-tenant—To what consideration entitled.

When one co-tenant has conveyed a portion of the common property by metes and bounds, in an action for partition, the Court will so far as it can be done without detriment to the interests of the other co-tenants, set apart to the grantee of the special location the portion thus conveyed, and when the tract consists of several parcels it will require the whole to be partitioned in one suit so that the rights of the grantees may be best protected.

Province of New Brunswick.

SUPREME COURT.

EN BANC.]

[April 16.]

EX PARTE CASEY.

Acquittal—Application to quash—Power to revive matter.

Casey was convicted of an assault before a Justice of the Peace for Charlotte County. He appealed to the County Court, where the matter was reheard by the County Court Judge, who quashed the conviction. In Easter term

G. J. Clarke moved for a rule absolute for certiorari to quash the order of the County Court Judge on the ground of wrongful refusal to admit certain evidence. There were also some other grounds.

Held, that the defendant having been once acquitted could not be brought before the courts again.

McMonagle, contra, was not called on.

COUNTY COURT OF ST. JOHN.

FORBES, J.]

[April 2.]

SIMONDS *v.* HALLETT.

Privilege of attorney—Statutory Court.

The plaintiff, who was an attorney of the Supreme Court, had endorsed to him a bill of exchange accepted by the defendant, for the purposes of collection, and brought suit on the bill (which was for an amount under \$80) in his own name in the County Court of St. John. This Court has no jurisdiction in actions in which the City Court has jurisdiction; and the latter has jurisdiction in all actions of debt where the sum demanded does not exceed \$80, and the word debt by statute is made to include actions on promissory notes and bills of exchange. The defendant resided in the city of St. John.

Defendant moved for a non-suit on the ground that the County Court had no jurisdiction, the amount being under \$80.