

Province of New Brunswick.

SUPREME COURT.

Barker, J.]

HAWTHORNE v. STERLING.

[Sept. 15, 1903.]

Account—Jurisdiction—Master and servant—Division of office—Receipts—Discovery.

In a suit for account plaintiff stated that he was appointed deputy-sheriff by the defendant, under an agreement that he was to have half of the net receipts of the sheriff's office. The defendant stated the agreement to be that the plaintiff was to have one-half of the fees from writs and executions only. On the probabilities of the evidence the court found in favour of the defendant's version of the agreement. Of the receipts in which under this finding the plaintiff might be entitled on discovery to share the fees in one case amounting to \$35.00, alone remained undivided.

Held, that the bill should not be dismissed.

Phinney, K.C., for plaintiff. *Gregory*, K.C., for defendant.

Barker, J.]

CROSBY v. TAYLOR.

[Nov. 17, 1903.]

Interrogatories.

The bill alleged that a testator by his will bequeathed a fourth part of his estate to be divided equally among the four children of his son who were living at the date of the will; that the plaintiff was one of the children and a beneficiary under the will. The defendants, trustees under the will, to interrogatories whether the plaintiff was not one of the four children of the son mentioned in the will, and living at the date thereof, and beneficially entitled thereunder to some and what interest in the estate, after admitting the will, answered that they did not know that the plaintiff was one of the children of the said son, that she was living at the date of the will, and that she was beneficially entitled to an interest in the estate, although they were so informed and believed:

Held, sufficient.

Specific information should be given in answers upon facts within the knowledge of the party answering, and the matter should not be left to inference.

F. R. Taylor, for plaintiff. *Allen*, K.C., for defendant.

Barker, J.]

SMITH v. WRIGHT.

[Dec. 19, 1903.]

Fraudulent conveyance—13 Eliz., c. 5.

A son living on a farm owned by his mother, worth about \$700, and who had worked on it without wages, and had contributed his earnings from other work to the support of herself and family, expressed dissatis-