

of the draft had to be paid out of salary and from no other source. In *Hall v. Prittie* the words in the order or draft were "for flooring supplied," and this was said to be a mere designation of the consideration for the debt, but in this case the drawee is told specifically out of what funds the amount of the order is to be deducted, viz.: from salary. I must therefore hold that the order of September 29, with the letter, amount together to an equitable assignment. See *Throop Train Cleaner Co. v. Smith*, 110 N. Y. 83. *Maybee*, for plaintiff. *Robertson*, for defendant.

Province of New Brunswick.

SUPREME COURT.

In Equity. Barker, J.] WINSLOW *v.* DALLING. [March 21.

Highway—Dedication—Non-user.

A way once dedicated to the public cannot be extinguished by acts of the grantor. Neither can the public by non-user release their rights.

A. B. Connell, Q.C., for plaintiff. *A. A. Stockton*, Q.C., for defendant.

In Equity. Barker, J.] JONES *v.* BREWER. [March 28.

Specific performance—Agreement to give chattel mortgage.

Specific performance will be decreed of an agreement to give a bill of sale upon a scheduled list of household furniture sold and delivered upon credit upon the strength of such agreement.

G. G. Ruel, for plaintiff. *W. B. Wallace* and *G. H. V. Belyea*, for defendant.

In Equity. Barker, J.] HUTCHINSON *v.* BAIRD. [March 28.

Will—General power of appointment—Intention to exercise—Direction to pay debts—C. 77, s. 22, C.S.N.B.

A testatrix, having a general power of appointment under the will of her father over real and personal estate, by her will directed that her debts and funeral expenses should be paid out of her estate. After making certain bequests, the testatrix proceeded as follows: "The real estate of which I am possessed, and the personal estate to which I am entitled, came to me under the will of my late father, and it is my will that after the payments above provided for, that the residue of my estate such as came to