

New Brunswick.]

WALLACE v. LEA.

[June 14.

Married woman—Separate property—Conveyance—Contracts—C.S.N.B. c. 72.

Sec. 1 of C.S.N.B. ch. 72, which provides that the property of a married woman shall vest in her as her separate property, free from the control of her husband, and not liable for payment of his debts, does not, except in the case specially provided for, enlarge her power of disposing of such property, or allow her to enter into contracts which at common law would be void. The judgment reported in 33 N.B. Rep. 492 reversed. *Moore v. Jackson*, 22 S.C.R. 218, referred to. Appeal allowed with costs.

Pugsley, Q.C., and *Teed*, for appellants. *Powell*, Q.C., for respondent.

Province of Ontario.

HIGH COURT OF JUSTICE.

Divisional Court.]

MOORE v. CARBERRY.

[July 15.

Malicious prosecution—Conspiracy—Reasonable and probable cause—Evidence of.

In an action for malicious prosecution in charging the plaintiff with conspiracy to defraud the defendant of a sow, claimed by the defendant to be his, the laying of the information, the prosecution on the charge, and the dismissal were proved, and evidence given by the plaintiff and two others charged with the offence, denying it, while the magistrate stated that in his judgment, there was no evidence to prove the conspiracy, but the evidence given before him was not produced. Evidence was also given by a neighbour that, before the charge was laid, he informed the defendant that he did not believe the sow to be the defendant's, giving the defendant his reasons therefor, though he thought the defendant honestly believed it to be his. Evidence was also given by the County Attorney that the defendant had laid a number of the facts before him, and that he had drawn up the information, and, though he stated at the trial that he did not think there was much in it, it did not appear that he had so informed the defendant.

A finding by the learned trial judge that the absence of reasonable and probable cause had not been shown was affirmed by the Divisional Court, ROSE, J., dissenting.

Blain for plaintiff. *Justin* for defendant.

Divisional Court.] RE BRITISH MORTGAGE LOAN CO.

[July 15.

Municipal corporations—Assessment and taxes—Court of Revision—Appeal to County Judge—Assessor—Right to appeal.

The appeal from the Court of Revision to the County Judge in a case where such court allows an appeal against an assessment, cannot be made by the assessor as such, nor as a ratepayer, but the appeal must be by the corporation itself.

Judgment of ARMOUR, C.J. reversed, MEREDITH, C.J. dissenting.

W. H. Blake for the loan company. *Idington*, Q.C., for the corporation.