

Full Court.]

MACPHERSON v. MILLER.

[Feb. 9.

Agreement on sale of personal property that title shall remain in vendor until purchase price is paid.

Held, that an agreement taken by the respondent on the sale of a wagon providing that its title and ownership should remain in him until promissory notes taken for the purchase price should be paid in full was valid, and did not require to be registered under the Bill of Sale Act to hold the property against the appellant, who had seized it under a bill of sale subsequently executed to him by the purchaser. Appeal dismissed.

C. E. Duffy, for appellant. O. S. Crocket, for respondent.

Province of Prince Edward Island.

SUPREME COURT.

Hodgson, J.,
In Chambers. }

EX PARTE TAYLOR.

[Feb. 11.

Habeas Corpus—Fisheries Act—Illegal warrant of commitment—Jurisdiction.

Application on a writ of habeas corpus. In November last the applicant was convicted of an infraction of the Fisheries Act before the agent of the Marine and Fisheries Department. The applicant paid the costs of prosecution and was allowed to go at large till a few days before this application when he was arrested on a warrant issued in pursuance of the above conviction. The warrant recited the fact that the applicant had been convicted of an infraction of the Fisheries Act, but did not state that the Fishery Agent had adjudicated on the matter of imprisonment.

Held, that as the warrant did not set forth that the Fishery agent had adjudicated on the matter of imprisonment it did not show jurisdiction to direct imprisonment and was therefore void. Applicant discharged from custody.

W. S. Stewart, Q.C., for applicant. D. A. McKinnon, for Fishery Department.

Province of Manitoba.

QUEEN'S BENCH.

Taylor, C.J.]

ABELL v. CRAIG.

[Jan. 31.

Appeal from County Court—Leave to appeal—Striking out—County Courts Act, ss. 321, 320, 327, 328, 59 Vict. (M.) c. 3, s. 2—Queen's Bench Act, 1895, Rule 168 (b).

Motion under Rule 168 (b) of "The Queen's Bench Act, 1895." to strike out an appeal by the plaintiffs from a County Court decision, on the ground that the appellants had failed to comply with 59 Vict., c. 3, s. 317, which