

Full Bench.]

EX PARTE TURNER.

[Nov. 4.]

*Payment of debt by instalments—Future earnings.*

The Court made absolute an order nisi to quash an order made by a Clerk of the Peace under Act 59 Vict., c. 28, s. 53, for the payment of a debt by instalments against a laborer, holding, as in *Ex parte Killam*, 34 C.L.J., 390, that the Act does not contemplate future earnings or income that may be uncertain.

*M. G. Teed*, in support of order nisi. *J. H. Dickson*, contra.

Full Bench.]

EX PARTE JACOBS.

[Nov. 4.]

*Disclosure—Service of notice on agent—Proof of agency.*

J. H. B. acted as attorney of the applicant, the plaintiff, in a suit in the City of Fredericton Civil Court, and after judgment gave directions as to the suit against the bail therein.

*Held*, on motion to make absolute an order nisi for certiorari to remove an order discharging the defendant from arrest under the Act 59 Vict. c. 28, that service of the disclosure notice on J. H. B., as agent of the plaintiff, was sufficient proof, of the said J. H. B. having acted as above having been made before the County Court Judge, who granted the order of discharge on the day on which the summons against the bail was returnable (the defendant having been in the meantime rendered in discharge of his bail). Order nisi discharged.

*J. H. Barry*, in support of order nisi. *O. S. Crockett*, contra.

Full Bench.]

MACPHERSON v. WALLACE.

[Nov. 8.]

*Trover—Title to property—Res judicata.*

In an action of trover for the conversion of a carload of wood, brought by appellant against one R., the judge of the York County Court, who tried the cause without a jury, found the property in defendant. An appeal to the Supreme Court from this finding was dismissed. Appellant subsequently proceeded to trial in another action of trover against the present respondent, W., who purchased the wood from R., the action against W. having been commenced simultaneously with that against R. On the trial the judgment in the action against R. was proved, and the County Court judge nonsuited the plaintiff, holding that the property having been found in R. in the action first tried, and W. having purchased from him, the matter was *res judicata*.

*Held*, on appeal, that that the nonsuit was right, and appeal dismissed with costs.

*C. E. Duffy*, in support of appeal. *F. St. John Bliss*, contra.