

ST. JOHN COUNTY COURT.

Forbes, Co. J.] IMPERIAL OIL CO. v. YOUNG. [August 5.

*Review—Affidavit—Compliance with language of statute—58 Vict., c. 21.*

An affidavit by the plaintiffs in an application for review from a Justice's Court, that they "believed a substantial wrong and injury had been done to them," etc.

*Held*, to be sufficient within 58 Vict., c. 21.

*L. P. D. Tilley* for the plaintiffs. *J. Roy Campbell*, for the defendant.

Forbes, Co. J.] STOCKTON v. MALLORY. [Aug. 22.

*Garnishee—Defence by debtor—Hearing—45 Vict., c. 17.*

An order under s. 7 of 45 Vict., c. 17, was served upon the judgment debtor in addition to the garnishee, and at the return the judgment debtor gave evidence in disproof of the existence of the debt sought to be garnisheed. The judge having pronounced in favor of the validity of the debt the judgment debtor now applied under s. 16 of the Act to discharge the debt from attachment on the ground that the proceedings under s. 7 only affected the garnishee and could not bind the judgment debtor. Application granted.

*C. A. Palmer*, Q.C., for judgment creditor. *H. A. McKeown*, for judgment debtor.

Forbes, Co. J.] BANK OF MONTREAL v. CROCKETT. [August 23.

*Specially indorsed writ—Acceptance of service by attorney—Appearance and plea—Summary judgment.*

Acceptance of service and undertaking to appear were indorsed by defendant's attorney on a specially indorsed writ. On an application to set defendant's appearance and plea aside, and for leave to sign judgment for want of a defence, defendant contended that it would leave the proceedings as though default had been made in the undertaking of defendant's attorney, giving rise to an attachment against him, but not entitling plaintiff to judgment, since there was no service upon the defendant. Application granted.

*E. F. Jones*, for the plaintiff. *D. Mullin*, for the defendant.

Province of Manitoba.

QUEEN'S BENCH.

Full Court.] SCARRY v. WILSON. [June 27.

*Trustee and cestui-qui-trust—Costs—Appeal as to costs.*

This was an action against defendant for a reconveyance to the plaintiff of certain lands which she had for her own purposes, and by the advice of her solicitor, conveyed to defendant to hold in trust for her, and asking an account