

Province of New Brunswick.

SUPREME COURT.

Full Bench.]

HOPPER v. STEEVES.

[April 21.

Guardianship in socage.

The owner of a tract of woodland died intestate, leaving a widow and three infant children. Defendant offered the widow, the next friend in this action, \$150 for the lumber on the land. She accepted, and the defendant went on and cut the logs. In an action of trespass brought by the children, by their mother as next friend, the plaintiffs claimed that the mother had no right to sell, and also that defendant falsely and fraudulently represented to her the value of the lumber at \$150. Defendant moved for non-suit on the ground that the action should have been brought by the mother as guardian in socage. The trial judge overruled the motion and the jury found verdict for plaintiff for \$425.

Held, that guardianship in socage does not exist in this province. Nonsuit and new trial refused.

J. H. Dickson, for plaintiff, *M. G. Teed*, for defendant.

Full Bench.]

DOMVILLE v. JAMES.

[April 21.

Arrest—Misnomer—Defendant responsible for plaintiff's mistakes.

Defendant was arrested on a bailable writ in an action of slander by the name of Trewatha James. His real name was William Henry Trewatha-James. He was introduced to the plaintiff in London as Mr. Trewatha James and at the same time his brother was introduced as Mr. Carleton James. The plaintiff had also received letters from the defendant, signed W. H. Trewatha James, (the hyphen being omitted).

Held, on motion to set aside the arrest that the plaintiff was justified in coming to the conclusion that defendant's christian name was Trewatha

L. A. Currey, Q.C., in support of motion. *C. J. Coster*, contra.

Full Court.]

BUDD v. SHERWOOD.

[April 21.

Deed—Error in description—Meaning of parties to the deed.

In an action of trespass, plaintiff relied upon a deed from one Richard Sherwood (through whom also defendant claimed) to Ebenezer Sherwood and by several intermediate conveyances to himself. The description in the deed from Richard Sherwood was, in part, as follows: "Beginning, etc., . . . ; then running down river ten chains; thence crossing the river and running a direct course to meet the west corner of David Sherwood's land." Plaintiff contended that the line should cross the river at right angles and thence run to the western corner of a lot then owned