

claimant entered a conditional appearance to the summons and moved to set aside the order and service in Montreal.

Held, that in the absence of a statute or rule of Court having the force of a statute authorizing service the order and service out of Nova Scotia must be set aside.

The following authorities were referred to: *Credits Gerundense v. Van Weede* 12 Q.B.D. 171; *Re Lusfield*, 32 Ch.D. 131; *Le Campagne Generale d'Eau Minerales* (1891) Ch.D. 451; Piggott on Service out of the Jurisdiction 145.

Joseph A. Chisholm, for the motion. *A. A. MacKay*, contra.

Province of New Brunswick.

SUPREME COURT.

McLeod, J.] DIXON *v.* WALLACE. [August 30.

Arrest—Capias—Defendant previously served with writ for service abroad.

Defendant may be arrested on capias without Judge's order on coming within the jurisdiction though previously served with a writ for service abroad.

M. B. Dixon, Q.C., for plaintiff. *W. B. Wallace*, Q.C., for defendant.

Barker, J., in Equity.] CRONKITE *v.* MILLER. [August 30.

Practice—Parties—Husband and wife.

A suit relating to a wife's separate property must not be brought in the name of herself and husband, but in her own name alone or by her next friend. Since the Married Woman's Property Act, 1895, such suit may be brought in her own name.

F. St. John Bliss, for defendant.

EXCHEQUER COURT—ADMIRALTY DISTRICT.

McLeod, Loc. J.] WYMAN *v.* DUART CASTLE. [June 14.

Jurisdiction—Action for personal injury done by ship—Endorsement of claim on writ.

The Admiralty Court has jurisdiction under Act 54-55 Vict., c. 29, in an action against a ship for personal injury done by such ship to a person employed on board.