

The evidence shewed that the wife had money of her own before she married, that with that money she, after the marriage, bought cattle, that she exchanged part of the increase of these cattle for other cattle and for horses, and that in that way, between purchases, exchange and increase, she had acquired the animals in question.

The evidence also shewed, however, certain isolated instances of the husband dealing with some of these animals, amongst others he had given a chattel mortgage on some of them with the wife's consent.

*Held*, that the wife was entitled to a verdict upon such evidence, and there would be no estoppel as against her except in favour of the chattel mortgagee.

*Haffner v. McDermott*, K.B., Manitoba, unreported, followed.

*Fullerton*, for plaintiff. *Haffner*, for defendants.

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Full Court.]      *TETT v. BAILEY SUPPLY CO.*      [Jan. 17.

*Adjournment of trial by judge mero motu to admit further evidence—Judicial discretion.*

When, at the trial of an action in a County Court, both parties have put in all their evidence, and the judge comes to a conclusion as to the proper verdict to be rendered, it is not a proper exercise of judicial discretion, under s. 131 of the County Courts Act, R.S.M. 1902, c. 38, for him of his own motion, without an application by either party or any suggestion as to further evidence being available, to postpone the giving of judgment to allow either party to put in further evidence, and the Court of Appeal will, in such a case, order that judgment be entered in the County Court in accordance with the conclusion arrived at by the trial judge, subject to all rights of parties as if it had been so entered originally by his direction.

*Bergman*, for plaintiff. *Noel Bernier*, for defendant.