

McLeod, J.]

CLARKE v. WEBBER.

[August 1.

Chose in action—Action by assignee.

An assignee, under the Assignments and Preferences Act, 58 Vict., c. 6, (N.B.), may sue in his own name in an inferior Court for the recovery of a debt due the insolvent.

Geo. J. Clarke, for the plaintiff. *W. H. Trusman*, for the defendant.

McLeod, J.]

LAWTON v. DUNN.

[Aug. 25.

Attorney—Privilege.

An attorney of the Supreme Court cannot be sued in the City Court of Saint John

J. L. Carleton, for plaintiff. *M. B. Dixon*, for defendant.

Barker, J.]

JOHNSON v. SULLIVAN.

[Aug. 26.

Specific performance—Evidence.

Specific performance of a parol agreement for the sale of an interest in land will not be granted unless the evidence of the plaintiff as to the agreement is so corroborated either by independent testimony or the surrounding circumstances, or both combined, as to leave no substantial doubt that the defendant's version of the transaction is erroneous, and that of the plaintiff's correct

Barker, J.]

CALHOUN v. BREWSTER.

[Aug. 26.

Specific performance—Agreement—Treaty—Conflicting evidence—Dismissal of bill—Costs.

Where in a suit for the specific performance of an alleged agreement for the sale of land the Court held that the agreement had not been definitely concluded, and had not reached beyond treaty, though understood by the plaintiff to be an agreement, the bill was dismissed without costs.

W. B. Chandler, and *M. G. Teed*, for plaintiff. *H. A. Powell*, Q.C., for defendant.

SAINT JOHN PROBATE COURT.

Trueman, J.]

IN RE COLWELL'S ESTATE.

[Aug. 22.

Administration—Application by creditor—Delay of next of kin—Grant to next of kin—Costs.

Where a creditor of an intestate applied three months after the death of the intestate for grant of administration of the estate, and at the return of the citation letters were granted to the next of kin, the creditor was allowed his costs. *Cole v. Rea*, 1 Phillim. 428, followed.

A. A. Wilson, for creditor. *J. B. M. Baxter*, for next of kin.