

society, and where there is a personal liability on his part to pay dues or assessments that liability continues notwithstanding the suspension, not only as to dues and assessments payable at the time of the suspension, but also as to those which become payable during the suspension and before, and by the operation of the rules his default results in his ceasing to be a member.

*Held*, also, that all conditions prescribed by the constitution in order to withdrawal from membership must be rigorously observed.

*W. R. Riddell, Davis, Elliott, and Grant* for various appellants. *Hunter*, the Registrar of Friendly Societies, in person. *McWatt* for the receiver.

## Province of Nova Scotia.

### SUPREME COURT.

Ritchie, J.]

IN RE GRANT.

[Aug. 2

*Collection Act—Payment by instalments—Default—Arrest—Previous irregularity.*

The prisoner was examined under the provisions of the Collection Act, 1894, a judgment having been recorded against him in the Magistrates' Court. An order for payment by instalments was made and upon default in payment an execution was issued under which defendant was arrested. He applied for his discharge under c. 117, R.S.N.S., 5th series.

*RITCHIE, J.*—The return of the Deputy Sheriff shows that he is detained by virtue of an execution which is perfectly good on its face, in accordance with the provisions of the Collection Act, 1894. But Mr. Grant's counsel contends that the order under which this execution issued should not have been made because a previous order for the payment of the judgment by instalments was irregular and bad inasmuch as it did not show the jurisdiction of the Stipendiary Magistrate who made it. Both these orders were subject to appeal under the provisions of the Collection Act and no appeal has been asserted. I am of opinion that I cannot try their validity now in these proceedings. The truth of the return is not denied, and the execution under which Mr. Grant is held is a complete justification for his detention. The motion must be refused.

*F. F. Mathers*, for prisoner. *J. A. Chisholm*, contra.

Ritchie, J., in Chambers.] *CROWE v. CABOT.*

[July 26

*Ancient right—Right to, in City of Halifax—Unity of possession—Balance of convenience—Application for injunction dismissed.*

Application for injunction to restrain defendant from erecting a building on land adjoining plaintiff's building which would block up plaintiff's