senting), that even if there were no authority in the statute for the order, no injury could result to any of the parties, and therefore the order should not be set aside.

VANWART, J., based his dissenting judgment on the ground that under the terms of the order, if the defendant failed in the action he would be prejudiced to the extent of the costs.

C. A. Palmer, Q.C., for plaintiff. *A. H. Hanington*, Q.C., for defendant.

Full Court.] QUEEN *v.* SCHOOL TRUSTEES OF CANTERBURY. [Feb. 22.

Mandamus—Schools Act—Defective writ—New writ issued.

The Court in Trinity Term granted a rule absolute for a mandamus to compel the defendants to admit five children of one Miller (of schoolable age) to the privileges of the district school. The mandamus was issued, and the trustees, having made a return to it in which they objected that the writ was defective in that it went to them by their individual names and not in their corporate capacity, and also that it did not set out the names and ages of the children whom they were commanded to admit, counsel for the applicant moved on the second common motion day of Michaelmas Term to set aside the answer. The Court was of opinion that the writ was defective in not setting out the names and ages of the children, and without quashing the first writ ordered a new writ to be issued. The new writ was directed to the trustees in their corporate capacity and set out the residence of the father as well as the residence, names and ages of the children, whose admission was commanded. The trustees in Hilary Term moved, pursuant to notice, to set aside the second writ on the ground that the Court had no power to direct the issue of a second writ until at least the first was quashed, and also on the ground that the second writ was bad in that it contained more than one distinct right, viz.: the right of the parent to have his children admitted to school as well as the right of each of the five children to be admitted.

Held, (HANINGTON, J., dissenting, BARKER, J., in part) that the second writ was a valid writ, that it was necessary to set out the residence of the parent and the residence and ages of the children to establish the right of the parent under s. 74 of the School Act, c. 65, Con. Stat., and that therefore there was only one distinct right.

F. St. J. Bliss, and *H. B. Rainsford*, for the trustees. *J. W. McCready*, and *Geo. W. Allen*, contra.

Full Court.] FRASER *v.* MACPHERSON. [Feb. 22.

Bill of sale—Husband to wife—After-acquired property—Consideration.

Defendant took an assignment of a first bill of sale on a number of hhrses, carriages and other livery stable property of the plaintiff's husband. This bill of sale purported to convey to the mortgagee, in addition to the said property described in the schedule, "any and all the property that may hereafter during the continuance of these presents be brought to keep up the same, in lieu thereof and in addition thereto, either by exchange or purchase, which so soon as obtained and in the actual or constructive possession of the said mortgagor