

Province of New Brunswick.

SUPREME COURT.

Barker, J.]

THORNE v. PERRY.

[August 20.

Practice—Execution against body—Decree for payment of a sum of money—Disobedience—Principles under which execution will be granted or refused—53 Vict., c. 4, s. 114; 58 Vict., c. 18, s. 2.

Where defendant made default in paying to the plaintiff under the decree of the court a sum of money received by the defendant as a donatio mortis causa in favour of the plaintiff, an order was granted for an execution against his body.

An order for an execution against the body of a party making default to a decree of the court for payment of a sum of money will not be granted where the court is satisfied that the party in default has no means, and has not made a fraudulent disposition of his property and his arrest is sought for a vindictive purpose, or to bring pressure upon his friends to come to his assistance.

G. H. V. Belyea, for the application.

In Equity, Barker, J.]

IN RE WOODMAN.

[August 20.

Dower—Petition—Title—53 Vict., c. 4, s. 237.

While a widow may file a bill for the admeasurement of her dower, she must not where she proceeds by petition entitle the petition as in a suit.

Carvell, for petitioner. A. J. Gregory, contra.

Barker, J.]

EX PARTE ABELL.

August 27.

Arbitrator—Bias.

An alderman of the city of St. John is disqualified from acting on behalf of the city as one of a board of arbitrators to determine the value of land expropriated by the city under Act 61 Vict., c. 52.

W. B. Wallace, K.C., for claimant. C. N. Skinner, K.C., for city.

In Equity, Barker, J.]

IN RE VAN WAIT.

[August 27.

Trustee—Passing accounts—Commission.

The Court of Equity will not pass the accounts of a trustee under a deed of trust upon his own application.

A. B. Connell, K.C., for trustee.