

objection at the trial should be taken as a waiver of any more strict proof of the presentment.

Appeal from verdict of County Court Judge in favor of plaintiff dismissed with costs.

*Culver*, Q.C., and *Haney*, for plaintiff. *Wilson*, for defendant.

Full Court.]

QUEEN v. HAMILTON.

[June 23.

*Criminal law—Recognizance of bail—Condition to appear for sentence—Conviction quashed and new trial ordered—Estreating recognizance.*

The accused was convicted by a jury of a criminal offence, but the judge reserved a case as to the admissibility of certain evidence and admitted the prisoner to bail. The condition of the recognizance entered into was that the prisoner would appear at the next sitting of the Court to receive sentence. Afterwards the Full Court quashed the conviction and ordered a new trial. The accused did not appear at the next sitting and proceedings were taken to estreat the recognizance and for the collection of the named penalties.

Held, following *Queen v. Wheeler*, 1 C.L.J.N.S. 272, and *Queen v. Ritchie*, 1 C.L.J.N.S. 272, that the condition of the recognizance was not broken, and that the purpose of the accused's attendance having failed, the sureties were not bound for his appearance. Roll of estreated recognizance and fi. fa. issued thereon set aside.

*Perdue*, for the Crown. *Howell*, Q.C., for the bail.

Full Court.]

MUSSEN v. G. N. W. C. R. Co.

[June 23.

*Chose in action—Assignment—Right of assignee not having beneficial interest to sue—Assignments Act, R.S.M., c. 1, s. 3.*

Judgment of DUBUC, J., noted ante p 317 affirmed with costs. *Comfort v. Betts* (1891) 1 Q.B. 737, followed. *Wood v. McAlpine*, 1 A.R. 234, distinguished.

*Howell*, Q.C., for plaintiff. *Wilson*, for defendants.