

A will proved in solemn form in the Court of Probate is binding on the next of kin, but is not binding upon the heir-at-law.

Davies, Q.C., and *Warburton*, for the widow.

McLean, Q.C., and *Mellish*, for the Bible Society.

Fitzgerald, Q.C., for the heirs-at-law.

COUNTY COURT

QUEEN'S COUNTY.

ALLEY, Co.J.]

[Jan. 11.

STEEL *v.* STRICKLAND.

Jurisdiction—Admission of payments.

Plaintiff sued for an account of \$65, and gave defendant credit for \$10. Defendant denied any liability, and claimed that a settlement had been made. At the trial it was proved that plaintiff had a claim of \$270.65 against defendant, and to reduce this amount to \$55 gave defendant credit for payments which defendant denied having made; and defendant claimed to have made certain payments on account which plaintiff denied. The credit side of the account exceeding \$150 was open and disputed.

Held, that the County Court had no jurisdiction to try this case, because in order to give the Court jurisdiction the plaintiff should have admitted the defendant's payments.

Good, for plaintiff.

Strickland, for defendant.

Province of Manitoba.

QUEEN'S BENCH.

KILLAM, J.]

[Jan. 29.

DOLL *v.* HOWARD.

County Court—Appeal from—Transfer to Queen's Bench.

In this case it was held that, under the Queen's Bench Act, 1895, sec. 86, which provides that, "In any case in a County Court where the defence or counter claim of the defendant involves matters beyond the jurisdiction of the Court, a Judge may order that the whole proceeding be transferred to the Court of Queen's Bench, and in such case the papers in such proceeding shall be transmitted by the Clerk of the County Court to the proper officer of the Queen's Bench, and the same shall thenceforth be continued and prosecuted in the Court of Queen's Bench, as if it had been originally commenced there"—as soon as such an order has been made, and the papers are received by the officer of the Court of Queen's Bench, there is no longer any cause in