

to S. & Co., creditors, to come in and execute the deed, it appearing that they had remained passive, and that they had not acted in a hostile manner, and that no prejudice could arise from such permission. But

Held, that as the delay was deliberate the permission sought should only be given on payment of costs which, for the purpose, were fixed at \$5.

Province of New Brunswick.

SUPREME COURT.

Forbes, J., }
At trial. }

MILLER v. MCPHERSON.

[Oct. 26.

Trover—Agreement for sale—Registration.

The defendant took from one C. W. a chattel mortgage on a number of articles, including a wagon, which C. W. obtained from the plaintiff under the following agreement :

I reside at Fredericton, in the County of York, and I hereby agree with Eben Miller & Co. . . . that the title, ownership and right to possession of the 3-spring butcher express wagon, for which I have this day given them my promissory note numbered 13, shall remain in the said Eben Miller & Co. until the said promissory note and any renewal or renewals thereof are fully paid.

Dated 4th August, A.D. 1896.

(Sgd.) C. W.

And afterwards seized and sold the property, including the wagon.

Held, in an action of trover that the agreement was not one requiring registration under the Bills of Sale Act, there being no transfer of property from the plaintiff to C. W.

Oswald S. Crocket, for plaintiff. *C. E. Duffy*, for defendant.

Full Bench.]

EX PARTE HEBERT.

[Nov. 6, 1897.

Liquor License Act—Discretion of the Board of Commissioners.

On application for a license under the Liquor License Act of 1896, the Board of Commissioners of their own motion took objection to the granting of a license to the applicant on the ground that he had previously sold liquor without license, and notified him to appear and answer the objection. At the time fixed for the hearing the applicant appeared, but the Board declining to hear him in answer to the objections thus raised, refused to grant the certificate for a license on the ground that the notice published by the inspector designating the premises of the applicant did not describe them with sufficient certainty, and directed him to make a new application.