

**RESULTING TRUST—Continued.**

- Parent and child—Purchase in name of child—Advancement .....204  
See TRUST, 4.

- REVIVOR**—Death of plaintiff—Dismissal of bill—Costs .....57  
See COSTS, 4.

- REVOCATION**—Creditors' deed .....122  
See CREDITORS' DEED, 1.

- RIPARIAN OWNER**—Driving dam—Overflow of river—Nuisance—Estoppel—Acquiescence—Prescriptive right to commit damage. ....171  
See ESTOPPEL.

**RULE OF COURT.**

See ORDER OF COURT.

- SALE**—Foreclosure—Title of purchaser—Decree of Court .....113  
See MORTGAGE, 1.

- Infant's interest in land .....245, 261  
See INFANT, 4, 5.

- Mortgage—Invalid exercise of power of sale—Mortgagee in possession. ....427, 435  
See MORTGAGE, 8, 9.

- Partition—Standing grass .....320  
See PARTITION, 3.

**SCHOOLS ACT**—*Sectarian Education—Employment of Members of a Religious Order as Teachers—Use of Religious Dress—Religious Instruction Before and After School Hours.* It is not a violation of the provisions of the Common Schools Act of New Brunswick against sectarian education in the public schools for school trustees to employ as teachers sisters of a religious order of the Roman Catholic Church, and permit them while teaching to wear the garb of their order. The fact that such teachers contribute all their earnings beyond what they use for their support to the treasury of their order for religious purposes does not affect their right to be employed in the public schools of the province. The holding in a school room before and after school hours of Roman Catholic religious exercises by a teacher who is a sister of a religious order of the Roman Catholic Church for the benefit of Roman Catholic scholars does not render such school sectarian. *ROGERS, et al., v. THE TRUSTEES OF SCHOOL DISTRICT No. 2 OF BATHURST.* .....266

- SECURITY FOR COSTS** .....505  
See COSTS, 8.

- SEPARATE PROPERTY**—Married Woman .....164  
See HUSBAND AND WIFE.

- SERVICE**—Affidavit—Setting cause down for hearing .....240  
See PRACTICE—AFFIDAVIT, 1.

- Clerk's certificate—Motion to take bill *pro confesso* .....508  
See PRACTICE—CLERK'S CERTIFICATE.

- Writ of summons—Indorsement—Affidavit .....341  
See PRACTICE—AFFIDAVIT, 2.

**SET-OFF**—*Costs—Solicitor's Lien.* Plaintiffs recovered a judgment in debt in the Supreme Court against R. Two days previously R. executed a bill of sale of all his property to B., and the plaintiffs brought suit to have the bill of sale set aside as a fraudulent preference. A settlement was made by B. R. being in insolvent circumstances, and leaving the Province after the commencement of the suit, no further step after the filing of the bill was taken by the plaintiffs against him. An application by R.'s solicitor to dismiss the suit for want of prosecution was granted with costs. The plaintiffs now applied to set off their judgment against such costs. *Held*, that the lien of R.'s solicitor for his costs was paramount to the equities between the parties, but under the circumstances the application should be refused without costs. *WORDEN et al., v. RAWLINS.* .....450

- SOLICITOR'S LIEN**—Costs—Set-off .....459  
See SET-OFF.

- SPECIAL CASE**—Costs of .....427  
See MORTGAGE, 9.

**SPECIFIC PERFORMANCE**—*Jurisdiction—Parol Agreement—Conflict of Evidence—Dismissal of Bill—Costs.* In a suit for specific performance the evidence must satisfactorily shew that the agreement is substantially what it is alleged to be by the plaintiff. If the agreement is denied on oath by the defendant the Court will not decree specific performance of it unless the plaintiff's evidence is so corroborated by witnesses or by the surrounding circumstances as to leave no substantial doubt that the defendant is in error. The exercise of the jurisdiction of Equity as to enforcing