

liable. Even if there had been a breach of the statutory duty the rule of *caveat emptor* would apply. *Rothwell v. Milner* . . . . 472

*not be set aside except upon notice to plaintiff, and upon an affidavit of merits. This rule applies to the County Courts as well as the Queen's Bench.*

### SALE OF HORSE.

See SALE OF GOODS, 2—PRINCIPAL AND AGENT.

See COUNTY COURT, 2.

*Bills of Exchange Act—Judgment by default—Leave to defend—Special circumstances—Infancy.*

See JUDGMENT, 2.

### SALE OF LANDS.

*Of lands held by trustees for the use of the congregation of a Methodist church.*

See CHURCH LANDS.

*Under power of sale in mortgage—Exercise of power not bona fide—Liability of mortgagee to re-convey.*

See MORTGAGE, 3.

*Of a Half-breed infants' lands under an order of Court.*

See HALF-BREED LANDS.

### SETTING ASIDE PROCEEDINGS.

*As fraud upon the Court and the defendants.*

See MORTGAGE, 2.

### SHERIFF.

*Interpleader—Exercise of discretion by sheriff—Laches.*

See INTERPLEADER.

*When a writ of execution is delivered to a sheriff in proper form, and on its face regular, he is bound to execute it.*

See CRIMINAL LAW, 2.

### SCHOOLS.

See CONSTITUTIONAL LAW.

### SEPARATE ESTATE.

See MARRIED WOMAN—EXAMINATION, 2—REAL PROPERTY ACT, 7.

### STATEMENT OF CLAIM.

*In County Court.*

See PROMISSORY NOTE, 2.

### SERVICE OUT OF JURISDICTION.

*Order made allowing service out of jurisdiction of County Court writ on affidavit stating that defendant had assets in Manitoba to the value of \$200 at least.*

See PROHIBITION, 2.

### STATUTE OF LIMITATIONS.

*Several promissory notes—General payment on account.]—Where a creditor holds two or more promissory notes made by the same debtor, a payment made generally on account, has the effect of preventing the Statute of Limitations from running in respect of the whole indebtedness.*

### SETTING ASIDE JUDGMENT.

*A judgment regularly signed can-*