

TRUSTEE PROCESS.

Contingency.—Money held as security for becoming bail, does not depend on such a contingency as is within the meaning of the 6th section of chapter 34 of the General Statutes, and is not exempt from trustee process. The trustee, when discharged as bail, becomes accountable, under the trustee process, for said money, with the right only of retaining so much of it as is necessary to make good the indemnity for which he had received and was holding it: *Ellis & Co. v. Goodnow*, 40 Vt.

No agreement or arrangement between the debtor and trustee, after service of the trustee process, could change the relation in which they then stood, as to this money, so as to affect the plaintiff's right under his attachment: *Id.*

Evidence tending to prove previous acts, declarations, and agreements of the trustee with the plaintiff, were admissible to show the condition on which the trustee received the money, and as tending to prove a state of facts that would estop him from setting up a claim to the money after he was discharged as bail as against the plaintiff: *Id.*

WITNESS.

Competent when offered.—If a defendant in a suit dies after the complainant has been examined as a witness and his administrators are made defendants in his place, this evidence will be admitted at the hearing. The complainant was competent at the time when it was taken, and that is the test of admissibility. It cannot be rejected because the defendant was prevented from testifying by his death: *Marlatt v. Warwick*, 3 C. E. Green.

 NEW LAW BOOKS RECEIVED BY THE PUBLISHERS OF THE
 AMERICAN LAW REGISTER.

BROWNE.—A Treatise on The Companies Act, 1862, with special reference to Winding-up, for the purposes of Reconstruction or Amalgamation, &c. With Supplement containing The Companies Act of 1867, notes, and a Digest of Additional Cases. By G. LATHOM BROWNE, of the Middle Temple, Barrister at Law. 8vo., pp. 460, 73. London: Stevens & Haynes, 1867. Cl., 21s.

WISCONSIN.—Reports of Cases in the Supreme Court of Wisconsin, with Tables of the Cases and Principal Matters. By O. M. CONOVER, Official Reporter. Vol. 21, containing all the Cases decided before September Term 1867, and not previously reported. Madison, Wis.: Attwood & Rublee, prs., 1868. Shp. \$6.