

B. C.]

COLLOM v. MANLEY.

[May 15.

*Mining law—Location of claim—Approximate bearing—Misstatement—Minerals in place.*

Accuracy in giving the approximate bearings in staking out a mineral claim is as necessary in the case of a fractional claim as in any other.

A prospector in locating and recording his location line between No. 1 and No. 2 as running in an easterly direction, whereas it was nearly due north does not comply with the statute requiring him to state the approximate compass bearing and his location is void. *Coplen v. Callaghan*, 30 Can. S.C.R. 555, followed.

Before a prospector can locate a claim he must actually find "minerals in place." His belief that the proposed claim contains minerals is not sufficient.

Judgment of the Supreme Court of British Columbia 8 B.C. Rep. 153, reversed. Appeal allowed with costs.

*Marshall*, K.C., and *Macdonald*, K.C., for appellant. *Gallagher*, for respondent.

B. C.]

CLEARY v. BOSCHOWITZ.

[May 15.

*Mining law—Location—Certificate of work—Evidence to impugn.*

A certificate of work done on a mining claim in British Columbia is conclusive evidence that the holder has paid his rent and can only be impugned by the Crown. *Coplen v. Callaghan*, 30 S.C.R. 555, and *Collom v. Manley*, 32 S.C.R., followed. C. believing that the statutory work had not been done on mining claims, and that they were, therefore, vacant, located and recorded them under new names as his own and brought an action claiming an adverse right thereto.

*Held*, affirming the judgment of the Supreme Court of British Columbia, 8 B.C. Rep. 225, that evidence to impugn the certificate of work given to the prior locators was rightly rejected at the trial. Appeal dismissed with costs.

*J. A. Russell*, for appellant. *Davis*, K.C., for respondent.

Ex. C.]

[May 15.

BOSTON RUBBER SHOE CO. v. BOSTON RUBBER CO. OF MONTREAL.

*Trade-mark—Infringement—Use of corporate name—Fraud and deceit—Evidence.*

Since 1885, the plaintiff, incorporated in Massachusetts, has done business in the United States of America and Canada as a manufacturer and dealer in india-rubber boots and shoes under the name of "The Boston Rubber Shoe Company," having a trade line of its manufactures marked with the impression of its corporate name registered as its trade-