

cession duty varying in amount to the scale laid down in the Act. The deceased, who, by his will had left everything to his widow, had during his lifetime, taken advantage of the provisions of s. 7 of the Families' Insurance Act, and by a writing identifying three of the policies by their respective numbers had declared those three policies for the benefit of his wife; they therefore formed no part of his estate, and could not pass by his will, and accordingly were not liable to succession duty. There were two other policies payable outside the Province, but the deceased at the time of his death had his domicile within the Province.

*Held*, that the proceeds of a life policy payable at death without the Province are not liable, in the hands of a beneficiary domiciled in the Province, to succession duty. The Act aims at property having an actual situation within the Province and not to property which can only be deemed to be situated within the Province by legal fiction.

*D. G. Macdonell*, for executrix. *Charles Wilson*, Q.C., for the Crown.

Walkem, J.]

GREEN v. STUSSI.

[Aug. 24.

*Judgment in vacation—Pending trial—Rule 736 (d).*

Motion by defendant to set aside a judgment pronounced in favour of plaintiff on August 8, 1898. The action was set down for trial at Victoria on July 30, 1898, and on that day, as there was no judge available to try the case, it was adjourned to August 4, and further adjourned to August 8, when evidence was given, and judgment pronounced by WALKEM, J., in favour of the plaintiff. The defendant did not appear on any of the trial days.

*Held*, the trial was not pending within the meaning of Rule 736 (d), and that the judge had no jurisdiction to hear it in vacation.

*S. Perry Mills*, for plaintiff. *L. P. Duff*, for defendant.

Irving, J.]

EDWARDS v. COOK.

[Sept. 8.

*Supreme Court, B. C., has no jurisdiction in Admiralty matters.*

The Admiralty Act vests all admiralty matters in the Admiralty Court, and there is no jurisdiction in the Supreme Court to interfere.

*Bradburn*, for plaintiff. *Russell*, for defendant.

Irving, J.]

B. C. PERMANENT LOAN, ETC., CO., v. WOOTTON.

[Sept. 8.

*Injunction—Registration of companies—Similarity of names—Cancellation of incorporation.*

Motion by plaintiff company for an injunction to defendant, registrar of joint stock companies, to restrain him from cancelling its certificate of incorporation, the registrar having threatened to do so on the ground that the name was so similar to that of the Canada Permanent Loan & Savings Co., previously incorporated, as to be calculated to deceive within the meaning of s. 2 of the Companies Amendment Act, 1898.

*Held*, that it was not sufficiently clear that the similarity in the names was calculated to deceive to justify the registrar in cancelling the plaintiff com-