

2. If the defendant desires to contend that by reason of the plaintiff having an interest in the proceeds of the litigation the assignment is champertous and this defence should be pleaded and raised at the hearing.

*McClement*, for plaintiff. *Counsell*, for defendant.

## Province of British Columbia.

### SUPREME COURT.

Clement, J.]

[Sept. 16.

*SEMI-READY, LIMITED v. SEMI-READY, LIMITED.*

*Companies—Dominion and provincial—Legislation affecting—Companies incorporated with same trade name—Injunction.*

Where plaintiff company had obtained incorporation under the Dominion Companies Act for a special purpose and with a special trade name, a company formed under the Provincial Act for similar purposes and with the same name, was restrained from operating under such name.

*Jackson*, for plaintiffs. *Killam*, for defendants.

Gregory, J.]

IN RE LEE HIM.

[Sept. 27.

*Statute, construction of—Chinese immigration—Exemption from entry tax—Onus on applicant—Appeal from decision of controller of customs—Habeas corpus—Mandamus.*

The Chinese Immigration Act, s. 7, imposes an entry tax upon all immigrants of Chinese origin coming into Canada, but by sub-s. (c) exempts merchants and certain other persons, who are required to substantiate their status to the satisfaction of the controller of customs, subject to the approval of the Minister of Customs.

*Held*, that an applicant dissatisfied with the controller's decision, should proceed by way of appeal to the Minister of Customs, and that if it should ultimately become necessary to apply to the court for assistance the proceeding should be by mandamus and not by habeas corpus.

*Farris*, for the application. *Senkler*, K.C., contra.