

Province of British Columbia.

SUPREME COURT.

McColl, J.] STEELE v. PIONEER TRADING CORPORATION. [June 16.  
Practice—Judgment debtor—Corporation—Examination of officer of—Nulla  
bona

Application to examine A. J. Mangold, as an officer of the defendant company under Rule 486. The defendant company was formed in England for the purpose of exploring for and acquiring mining properties in British North America, and Mangold held an unlimited power of attorney from the company to act for it within any part of such territory. An execution against defendant's goods had been issued, and no return had been made.

Held, that a judgment debtor is examinable under Rule 486, notwithstanding that a *fi. fa.* in the sheriff's hands has not yet been returned *nulla bona*. Rule 486 is in aid of execution and differs from the Ontario enactment under consideration in *Ontario Bank v. Trowern*, 26 C.L.J. 190, which is in aid of attachment of debts. Order for examination made.

J. H. Senkler, for plaintiff. J. A. Russell, contra.

Hole, Local Judge.] SMITH v. YOUNG. [July 20.

Indian marriage—Validity of.

The plaintiff sued as mother and next to kin of J. W. S., deceased, for the purpose of being declared entitled to receive money in court to the credit of her son's estate, all his debts having been discharged by the defendant and his predecessor in office as official administrator of Nanaimo District. The plaintiff, an Indian of the Cowichan tribe, married John Schmidt, father of J. W. S., in 1868, according to the custom of the Cowichan tribe; they lived together for many years, and had one child, the said J. W. S., who was born in 1870. The father died in 1890, and by his will left all his property to his said son, who died unmarried and intestate in 1892. The estate was administered by the official administrator, and there is now a sum of money standing to the credit thereof. At the time of the Indian marriage both parties were at all events nominally Christians, and had abundance of facilities for being married in accordance with the laws of the then colony of British Columbia.

Held, that the Indian marriage was invalid. Judgment for defendant; costs of all parties to be paid out of the estate.

Sastry Velaidar Aroneyary v. Sembecutty Vaigalie, 6 App. Cas. 364 distinguished.

R. L. Reid, for plaintiff. R. McBride, for defendant.

Walkem, J.] GILL v. ELLIS. [August 8.

Practice—Vacation—Trial pending—Rule 736 (d).

The trial of this action was set down for 29th July, in Victoria, and on that day there being no judge available to take the trial, it was by consent adjourned into vacation by WALKEM, J. The case came up for hearing on 8th August, and counsel for defendant objected to the trial proceeding during the vacation. August and September are the vacation months in B.C.

Held, that the trial was not "pending" within the meaning of the vacation Rule 736 (d), and it would have to be adjourned until after vacation.

L. P. Duff, for plaintiff. A. P. Luxton, for defendant.