

that it had been agreed between them at the time of the endorsement that he was not to be in any way liable to the plaintiff on the note.

Held, affirming the decision of the County Court judge, that evidence of such contemporaneous parol agreement was not admissible to vary or contradict the contract imported by the endorsement of the note under s. 55, sub-s. 2, and s. 88 of The Bills of Exchange Act, 1890, and that the defendant was liable to plaintiff thereon.

Abrey v. Crux, L.R. 5 C.P. 37; *Henry v. Smith*, 39 Sol. J. 559, and *New London Credit Syndicate v. Neale* (1898) 2 Q.B. 487 followed.

Province of British Columbia.

SUPREME COURT.

Walkem, J.]

LAWR v. PARKER.

[Dec. 1900.

Mining law—Assessment work—Mineral Act, ss. 24, 28, 53.

The plaintiff, owner of the Rebecca mineral claim, and having an interest in the Ida, an adjoining claim, performed the assessment work for both claims on the Ida, as he believed, but in reality as shewn by subsequent survey, a few feet outside the claim, but did not file the notice required by section 24 of the Mineral Act with the Gold Commissioner, who told him the work on the Ida would be regarded as done on the Rebecca. Plaintiff received in August, 1899, a certificate of work in respect of the Rebecca, and in his affidavit stated that the work was done on the Rebecca.

Held, in an action of ejectment, that the plaintiff, being misled by the Gold Commissioner, was protected by s. 53 of the Act.

The omission to file the notice required by s. 24 of the Act, and the incorrect filling up of the affidavit were irregularities which were cured by the certificate of work.

Martin, J.]

VICTORIA v. BOWES.

[Jan. 17.

Practice—Dismissal of summons—Costs—Whether payable forthwith.

A summons for judgment under Order XIV., was dismissed with costs, but the question as to whether or not the costs should be payable forthwith was reserved.

Held, on a summons for judgment under Order XIV., if the case is not within the order, or there are circumstances which render it improper to