

of an order otherwise fully worked out as a solicitor who is retained by the client for the purpose of possible appeals.

Held, good service notwithstanding the fact that the solicitor's engagement with the client had terminated, and that he had so informed the party effecting the service.

Hunter, for appellant. *Sir Charles Hibbert Tupper*, Q.C., and *A. S. Potts*, for respondents.

Full Court.] RE ARTHUR AND THE CITY OF NELSON. [Dec. 23, 1898.

Municipal corporation—By-law to borrow money—Application to quash—Purchase of electric light plant—Mayor interested in company—R.S.B.C. 1897, c. 144, s. 50, s.-s. 12, and s. 68.

Appeal from judgment of Walkem, I., quashing Nelson City electric light loan by-law, providing for the borrowing of \$40,000.00 by the city for the purpose of purchasing and taking over the plant and franchise of the Nelson Electric Light Company, Limited. The Mayor of Nelson was also the president and manager of the electric light company, and a large stockholder therein, he did not vote on the by-law, but absented himself from the council when it was voted on, and it appeared that he did not in any way use his influence to obtain its passage.

Held, on appeal to the full court (allowing the appeal) that a city by-law to borrow money for the purchase of an electric light plant belonging to a company is not invalid merely because the mayor was president of the company at the time of the passage of the by-law and of the completion of the contract.

A statement in a by-law that it shall come into force "on or after" a certain day is a sufficient compliance with sub-section 1 of section 68, R.S.B.C., 1897, cap. 144.

Semble, that the Court has power in any case to afford relief where it is shown that the council has not properly exercised its powers.

Semble, that a by-law may be quashed on grounds not specified in the rule. *Baird v. Almonte* (1877), 41 U.C.R., 415, considered.

Sir Charles Hibbert Tupper, Q.C., and *A. S. Potts*, for appellants. *Bodwell*, for respondent.

Full Court.]

CONNELL v. MADDEN.

[Jan. 9.

Mineral claim—Initial post in United States.

Appeal from decision of Walkem, J., noted ante, p. 248, dismissed with costs.

W. J. Taylor, for appellant. *Bodwell*, contra.