

reactions to the jury on the question of law, the defendants were entitled to a new trial.

The Court refused an application for the admission, as evidence, of plans of the right of way which were not produced at the trial but were only discovered after the date of the judgment appealed from. Appeal allowed with costs, and new trial ordered.

A. H. MacNeill, K.C., for appellants. Nesbitt, K.C., and C. R. Hamilton, K.C., for respondent.

B.C.] McMEEKIN v. FURRY. [Nov. 20, 1907.

Location of mineral claims—Contract—Fictitious signature—Unauthorized use of a firm name—Transfer by bare trustee—Statute of Frauds—R.S.B.C. (1897), c. 185, ss. 50, 130.

Where B. acting as principal and for himself only, signed a document containing the following provision: "We hereby agree to give F. one-half ($\frac{1}{2}$) non-assessable interest in the following claims" (describing three located mineral claims) in the name of "J. B. & Sons," without authority from the loca-tees of two of the claims which had been staked in the names of other persons, without their knowledge or consent.

Held, affirming the judgment appealed from (13 B.C. Rep. 20), that, although no such firm existed and notwithstanding that two of the claims had been located in the names of the other persons, who, while disclaiming any interest therein, had, afterwards transferred them to B., the latter was personally bound by the agreement in respect to all three claims and F. was entitled to the half interest therein.

A subsequent agreement for the reduction of the interest of F. from one-half to one-fifth, which had been drawn up in writing, but was not signed by F. was held void under the Statute of Frauds. Appeal dismissed with costs.

Davis, K.C., for appellants. Jos. Martin, K.C., for respondents.

N.S.] HALIFAX ELECTION CASE. [Nov. 27, 1907.

Controverted election—Appeal—Fixing time for trial.

No appeal lies to the Supreme Court of Canada from an order of the judges assigned to try an election petition fixing the date for such trial. Appeal dismissed with costs.