

Province of British Columbia.

SUPREME COURT.

Martin, J.]

CALLAHAN v. COPIEN.

[April 17.

Mineral claim—Defects in location of No. 2 post—Mistake in giving approximate compass bearing of—Whether cured by subsequent certificate of work.

Action to enforce an adverse claim tried at Nelson. The defendant's mineral claim Cube Load was located in May, 1892, and duly recorded, and certificates of work were issued in respect of it regularly since. The plaintiff in 1896, located and recorded the Cedy Fraction and the Joker Fraction claims on the same ground and attacked the defendant's location on the ground that upon the initial post the "approximate compass bearing" of No. 2 post was not given as required by the Act.

Held, that the irregularity in locating was cured by the defendant's recording his last certificate of work. Action dismissed with costs.

Sir C. H. Tupper, Q.C., for plaintiff. *Hamilton*, for defendant.

Full Court.]

CORDINGLEY v. MACARTHUR.

[May 3.

Fraudulent bill of sale—Husband and wife.

This was an interpleader issue in which Georgina Cordingley was plaintiff, and MacArthur & Co. were defendants, and the question to be tried was whether certain goods seized were the property of the plaintiff as against the defendants who were execution creditors of the plaintiff's husband. C. in 1896, gave his wife \$600, which she kept in the house, and he shortly after commenced to receive it back in small portions and continued to do so until he had received it all. In March, 1898, according to the evidence of both, she demanded some settlement and he agreed to give her a bill of sale of the household furniture, but the transaction was not carried out until June, after he had been sued for the price of the furniture.

Held, reversing Martin, J., that there was no legal obligation binding upon the husband to repay the \$600, and that the bill of sale must be treated in the same way as if the gift had been made to the wife at the time of the execution of the bill of sale and was therefore void. Appeal allowed.

Duff, for appellants. *McPhillips*, for respondent.