

and giving the mortgagee the right to distrain for arrears of interest as rent.

Neither can the mortgagee or his assignee, in such a case, distrain upon goods other than those of the mortgagor for such arrears of interest.

Chalmers, for applicant. *Morrissey*, for occupant.

Macdonald, J.] MCAULEY v. MCAULEY. [March 9.
Voluntary conveyance—Husband and wife—Fraudulent conveyance—Resulting trust.

The plaintiff caused the land in question to be conveyed to his wife, the defendant, and registered the deed without her knowledge. His motive was to avoid payment of an anticipated claim against him.

Held, that he could not succeed in an action to compel her to re-convey the land to him. *Curtis v. Price*, 12 Ves. 103, and *Roberts v. Roberts*, 2 B. and Al. 367, followed. *Childers v. Childers*, 1 D.C. & J. 481, and *Hargh v. Kaye*, L.R. 7, Ch. 469, distinguished.

Monkman and *Nason*, for plaintiff. *Dennistoun*, K.C., and *Young*, for defendant.

Province of British Columbia.

SUPREME COURT.

Morrison, J.] REX v. TANO. [March 22.
Criminal law—Habeas corpus—Offence by foreign sailor on British ship—Leave of Governor-General for prosecution—Criminal Code, s. 591—Territorial Waters Jurisdiction Act, 1878 (Imp.), c. 73.

A preliminary hearing before a magistrate of a charge against a foreign seaman for an indictable offence committed on board a British ship within the English admiralty jurisdiction is not such a proceeding for the trial and punishment of such person as to require the consent of the Governor-General pursuant to s. 591 of the Criminal Code.

Griffin, for the application. *J. K. Kennedy*, for the Crown.