

as he was allowed an opportunity to cross-examine and meet the evidence.

NOTE.—This case was noted ante, Vol. 39, p. 791. As a change is made in the head note published in the B.C. Reports, we give it again in the revised form.

Full Court.] BREMNER v. NICHOL. [Nov. 11, 1904.
County Court Act, s. 94—Speedy judgment—Affidavit leading to.

Appeal from an order of FORIN, Co.J., granting speedy judgment.

The materials used in support of a motion for speedy judgment in a County Court action in which the plaintiff sued on an account stated were an affidavit of the plaintiff verifying his cause of action and an affidavit of plaintiff's solicitor verifying defendant's signature to the account and stating that he believed the plaintiff had a good cause of action and that the defendant had no defence.

Held, that the materials were sufficient to support a judgment for plaintiff.

Quære, whether an affidavit of plaintiff, verifying his cause of action and an affidavit of his solicitor stating that defendant had no defence, would be sufficient under s. 94 of the County Courts Act to support a speedy judgment.

Appeal dismissed.

W. A. Macdonald, K.C., for appellant. Sir Charles Hibbert Tupper, K.C., contra.

Full Court.] DOCKSTEADER v. CLARK. [Nov. 22, 1904.
Mining law—Location—Approximate compass bearing—No. 1 post on occupied ground.

Held, that the location of a mineral claim is not invalid merely because the No. 1 post is placed on the ground of an existing valid claim if the facts bring the locator within the benefit of s.-s. (g) of s. 16 of the Mineral Act as amended in 1898.

The direction of the location line was stated in the affidavit of location as being south-easterly, when, as a fact, it was south 52° 50" west.

Held, that the discrepancy was of a character calculated to mislead. Appeal from judgment of IRVING, J., dismissed, MARTIN, J., dissenting.

Davis, K.C., and W. A. Macdonald, K.C., for appellant. S. S. Taylor, K.C., for respondent.