

corder the claim is shewn as extending to the river cannot give a right to land not included within the claim as filed.

For the same reason the granting of the certificates of record does not assist the respondents. It is final and conclusive evidence of the performance of all the requirements of the Act except working conditions in respect to the mining claim, up to the date of the certificate, and thereafter the mining claim is not, in the absence of mistake or fraud, liable to impeachment or forfeiture except as expressly provided by the Act.

It will be observed that the certificate contains no description of the claim, but refers to it only by its number. In order to ascertain what the area of the claim is, reference must therefore be had to the application and sketch; and it is the claim as shewn on them, and that only, in respect of which the provisions of sec. 65 can be invoked by the appellant.

I would therefore reverse the judgment or decision of the Commissioner, and substitute for it a declaration that the eastern boundary of the respondents' claim is a straight line drawn from number one post to number two post, and I would make no order as to the costs of the appeal.

HON. MR. JUSTICE MACLAREN:—I agree.

HON. MR. JUSTICE HODGINS, and HON. MR. JUSTICE MAGEE agreed and referred to the former Commissioner's views as expressed in *Re Green*, p. 293 Mining Commission Cases.

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HON. MR. JUSTICE LENNOX.

JULY 17TH, 1913.

CANADA CARRIAGE CO. v. LEA.

4 O. W. N. 1594.

*Solicitor—Bill of Costs Taxed and Unpaid — Moneys in Court — Lien on.*

LENNOX, J., ordered that certain moneys in Court to the credit of a client be paid out to his solicitors where it appeared that the latter had a taxed and unpaid bill of costs against the former for a larger sum than the moneys in Court.

Motion by solicitors for an order for payment out of the moneys in Court to the credit of the Durant, Dort Carriage Co.