

En Banc.] IN RE LAND TITLES ACT AND ROAD ALLOWANCE. [Dec. 5, 1898.
N.W.T. Act, 60-61 Vict., c. 28, s. 20.

This was a reference by the Registrar of the Southern Alberta Land Registration District to Mr. Justice Scott, and by him referred to Court. The question involved was as to the powers of the Lieutenant-Governor-in-Council under the N.W.T. Act, as amended, to close up and sell land which had been set apart for road allowances in the territories.

Held, that the Lieutenant-Governor-in-Council has the power not only to close up, but also to sell road allowances in the territories under the T.R.P. Act, as amended

The Deputy Attorney-General, in person. The Inspector of Land Titles Offices, in person.

En Banc.] IN RE LAND TITLES ACT, 1894. [Dec. 5, 1898.
Land Titles Act, ss. 40 (2) and 115—Item 3 of tariff of fees.

This was a reference by the Inspector of Land Titles Offices to Mr. Justice Richardson, and by him referred to the Court en banc. One S. applied to bring certain lands under the operation of the Act. Though these lands were not encumbered at the time of the application, various instruments affecting them had previously been registered. The question referred was as to whether or not the applicants could be called upon to pay the percentage fee for the Assurance Fund prescribed by item 3 of the tariff.

Held, that the fee was not properly chargeable in such a case.

Ford Jones, for applicant. The Inspector, in person, contra.

En Banc.] KLEINSCHMIDT *v.* PLASCHAERT. [Dec. 5, 1898.
The Yukon Territory Act—Appeal from Territorial Court of Yukon District to Supreme Court of N.W.T.

This was an appeal from the judgment of Mr. Justice McGuire, pronounced herein in the Yukon Territory July 29th, 1898. Upon motion to quash the appeal for want of jurisdiction,

Held, that the Court had no jurisdiction to hear the appeal.

Appeal quashed with costs.

F. C. Wade and Hamilton, Q.C., for respondent. *N. Mackenzie*, for the appellant.

En Banc.] PACIFIC INVESTMENT CO. *v.* SWANN. [Dec. 5, 1898.

This was an appeal from an order dissolving an interim injunction granted to restrain a trustee from disposing of certain property and paying a portion of the proceeds thereof to defendant. (See ante, vol. 34, p. 207.)