

money pursuant to the direction in the writ of execution, and to levy the money it was necessary to make a sale of the goods seized, citing *French v. Lake Superior Mineral Co.*, 14 P. R. 541; *Weegar v. Grand Trunk R. W. Co.*, 16 P. R. 371. On the cross appeal he contended that under the case of *Hay v. Drake*, 8 P. R. 122, not more than \$1.25 could be allowed.

FALCONBRIDGE, C.J., held, following *Thomas v. Cotton*, 12 U. C. R. 148, and *Consolidated Bank v. Bickford*, 7 P. R. 172, that the money in question had been "made" by the sheriff within the meaning of that word as used in tariff C., relating to sheriffs' fees, and that the sheriff thereupon became entitled to full allowance of poundage as provided by the statute. He held that the matter, therefore, did not come within Rule 1190, and that nothing appeared in the circumstances of the case to justify a reduction of the sheriff's poundage, as such jurisdiction only arises under Rule 1192 when such poundage appears to be unreasonable. He further held, on the cross-appeal, that *Hay v. Drake* does not decide that the amount of possession money to be paid by the sheriff to a man in charge of the goods seized is limited to \$1.25, but that the sheriff is entitled to pay such sum as is reasonable, and that the sum paid in the present case, \$2.25 a day, was not an unreasonable amount to pay, considering the situation of the property seized in the district of Rainy River.

Appeal allowed with costs and cross-appeal dismissed with costs.
