

pickling liquid being in a box so placed that the liquid would fall into the box containing the worm so as to mix with the grain in its progress to the discharging end of the box; but in the plaintiff's machine the liquid was conveyed through a lead tube into the side of the box containing the worm to a point underneath the opening in the hopper so that the liquid and the grain ran through together, and much space was saved. The mixing of the grain, and the pickling fluid was, owing to the use of the lead tube, more thoroughly done by the plaintiff's machine than by either of the others, and its capacity was considerably greater.

*Held*, that there was sufficient novelty and improvement in the plaintiff's machine to support his patent.

Judgment for damages and an injunction.

*Noble and Card*, for the plaintiff. • *Coldwell, K.C.*, and *Henderson*, for defendants.

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Mathers, J.]

[April 3.

CANADA PERMANENT v. EAST SELKIEK.

*Mandamus—Enforcing writ of execution against school district by levy of taxes—Compelling treasurer to make levy directed by sheriff—Who to apply.*

The plaintiffs, being judgment creditors of the defendant school district, placed in the sheriff's hands a writ of execution to recover the amount of the judgment, and the sheriff, pursuant to the provisions of sec. 263 of the Public Schools Act, R.S.M. 1902, c. 143, issued his precept to the treasurer of the municipality directing him to levy a rate upon the lands in the school district sufficient to realize the amount of the judgment with interest and costs.

The treasurer having neglected to make such levy, the plaintiffs applied for a mandamus to compel him to do so, replying on sub-s. (f) of s. 263.

*Held*, that, although it had been held in *London & Canadian Co. v. Morris*, 9 M.R. 377, that the sheriff could apply for such mandamufs, there was no reason why the execution creditors, being the parties chiefly interested, could not also make such application.

*A. C. Ewart*, for plaintiffs. *Heap*, for defendants.