the cancellation of note could not defeat the garnishment ; that a promissory note not yet due is an attachable debt : *Tapp* v. *Jones*, L. R. 10 Q. B. 591 ; *Ex p. Joselin*, L. R. 8 Ch. D. 327 ; that the garnishee cannot be made to pay the debt before it is due, but that the debt due referred to in the process must be read as meaning "the debt when due or the debt then due."

Ordered that the garnishee order remain absolute with costs against claimant.

The claimant has appealed.

H. C. Shaw, for plaintiff.

J. C. Godfrey, for defendant.

N. C. Bowser, for claimant.

COUNTY COURT OF YALE.

SPINKS, J.] [Jan 28.

COY *v.* AITKINS.

Mineral Act—Interpretation—Priority of registration governs.

The plaintiff located a mineral claim on a certain date. Subsequently the defendant located a claim on the same ground and proceeded forthwith to record it, and did record it prior to the recording of plaintiff's claim, which was recorded some hours later. Sec. 8 of the Mineral Act of 1893, enacts that the title to a claim shall be recognized according to priority of the location. Sec. 9 of the Mineral Act of 1892, which is not specifically repealed by the Act of 1893, declares that priority of record shall decide the title to a claim in case of dispute. Both the claims were recorded within the time limit of the Act.

Held, on the trial, that the date of record must govern.

A motion for a new trial was adjourned ; but pending the adjourned motion an appeal was taken to the Court of Appeals.

W. T. Taylor and *R. Cassidy*, for defendant.

A. J. McColl and *E. V. Bodwell*, for plaintiff.

North-West Territories.

SUPREME COURT.

EN BANC] [Regina, Dec. 5, 1895.

MASSEY *v.* MCCLELLAND.

BAKER *v.* MCCLELLAND.

Homestead—Exemption—57 & 58 Vict., c. 29—Seizure.

Section 1 (9) of Ordinance No. 45 of R. O. of 1888, exempted from seizure under execution the homestead (to the extent of 160 acres) of the execution debtor. This sub-section was declared ultra vires of the Legislative