

BOLE, J.]

[Jan. 14.

LILLOOET, FRASER RIVER & CARIBOO GOLD FIELDS v. RICHEY.

Injunction—Mineral claim—Location by agent.

A motion was made to dissolve the interim injunction granted in this cause to restraining the defendant from selling, assigning or otherwise disposing of a certain mineral claim known as the "Hazel," situate in the Lillooet District. The plaintiff corporation alleged that in May last the defendant being then in the employ of the company as a miner, located on the 5th and recorded on the 6th of that month said "Hazel" claim in defendant's name, but for and on behalf of the company, the defendant having no personal interest therein, and that the company paid all expenses of staking and recording said claim.

The defendant alleged that he (the defendant) was from June, 1895, until April 27th, 1896, working as foreman on the company's mineral claim "Vancouver," at the rate of \$3 per day. That he ceased to work for the company from April 27th, 1896, to May 15th, 1896 (during which period the "Hazel" claim was recorded), when he resumed work as foreman for the company on the "Dandy" mineral claim, and continued to do so till August 9th, when he ceased work on account of illness; that on October 14th, 1895, he took out a free miner's license, and renewed same on October 14th, 1896, besides paying all expenses of staking out and recording said claim.

Held, that there being an important question to be tried and decided between the plaintiffs and the defendants, namely, who is the owner of the "Hazel" claim, and the utility of an injunction being to prevent the destruction or disappearance of the property in question, pending trial, its dissolution would inflict irreparable injury on the plaintiffs, within the rule laid down in *Attorney-General v. Hallett*, 16 M. & W., p. 581, and *Mogul Steamship Co. v. McGregor*, 54 L.J., Chy. 540, and must be refused.

North-West Territories.

SOUTHERN ALBERTA JUDICIAL DISTRICT.

SUPREME COURT.

SCOTT, J.]

[Dec. 29, 1896.

PATTON v. ALBERTA RAILWAY & COAL CO.

Practice—Sheriff's poundage—Judicature ordinance

This was an appeal by the defendants from a taxation by the Clerk of the Court of the sheriff's costs under a writ of execution to levy against defendants' goods, \$4,000, the amount of plaintiff's judgment.

The sheriff seized a locomotive engine, when proceedings were stayed, pending an appeal to the Court in banc to set aside the judgment by an order which directed the defendants to pay the sheriff's costs. The only item com-