

He then turned east, for the younger defendant saw him go upon the defendants' premises and continue easterly along the east and west fence, not acting like a stray dog, not "giving tongue," apparently perfectly harmless; and, when turning to the south, but continuing easterly, he was wantonly shot. The dog was apparently sent from home to meet his master.

A strict application of the by-law would permit the shooting by a resident ratepayer of a dog who, having followed his master for a distance of over half a mile, was left outside the door upon a neighbour's premises. That was not the intention of the law; and, if a strict application of the words of the by-law is insisted upon by the defendants, then there should be a strict application as to where the dog was "found." He was found, in the sense of being seen, walking or running on the highway, as he was on the defendants' premises; and, when on the highway, he was within the distance of half a mile from his master's home.

In my opinion, the appeal should be dismissed with costs.

FALCONBRIDGE, C.J.:—I agree in dismissing the appeal with costs.

RIDDELL, J., dissented, being of opinion that the defendants were protected both by the statute and by-law.

*Appeal dismissed; RIDDELL, J., dissenting.*

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CURRY v. WETTLAUFER—KELLY, J.—JULY 23.

*Injunction—Mining Rights—Terms—Mandamus.*]—Motion by the plaintiff for an injunction restraining the defendants from mining, working, or extracting ores or minerals from a mining claim; and for a mandamus. The learned Judge made an order as follows: "The defendants by their counsel undertaking not to mine, work, or extract ores or minerals from the lands in question until the sale now pending or until further order, the injunction is refused: this without prejudice to the defendants, if so advised, applying to restrain the plaintiff from working the property pending sale. Motion for mandamus enlarged till first court-day after vacation." Britton Osler, for the plaintiff. W. M. Douglas, K.C., for the defendants.