agent, although forbidden by the Act, are not by it expressly constituted as corrupt practices avoiding the election. *The Litchfield Case*, 5 O'M. & H. 34, and the *Lancaster Case*, Ib. 39, distinguished, on the ground that the Imperial statute under which they were decided, expressly makes these things illegal practices and declares that an election shall be avoided for such practices.

7. That the payment by a candidate of an agent's legitimate expenses while engaged in promoting his election is not a corrupt practice; and quære, whether payment for the services of such an agent would be so when not colourably made to secure the agent's vote.

Election declared void and costs awarded according to the findings of fact upon the several issues raised.

In view of the wording of sub-s. 4 of s. 15 of 54 & 55 Vict., c. 20, the Court subsequently made a special order allowing to the respective parties the witness fees and other actual, necessary and proper disbursements incurred in respect of the issues on which the findings had been in their favour respectively.

Howell, K.C., and *Corwin*, for the petitioners. *Ewart*, K.C., for the respondent.

Province of British Columbia.

SUPREME COURT.

[illegible] Court.] VICTORIA *v.* BUTLER. [March 9.

Yukon law—Mining regulations—Representation work—Rights of different Crown grantees to same ground.

Appeal to the Full Court from the judgment of DUGAS, J., in the Territorial Court of the Yukon Territory. In July, 1898, plaintiff located and obtained a Crown grant for placer mining in respect of a claim, and on 25th January, 1898, one Mensing located a claim, and recorded it the next day, and on the succeeding 27th October, a few minutes after midnight of the 26th, the defendant re-located it as ground abandoned and open to occupation on the ground of non-representation. The two claims overlapped. On 10th November, 1898, the defendant obtained her Crown grant for placer mining covering the ground in dispute and being a re-location of Mensing's old claim. The Gold Commissioner had made a rule that three months' continuous work in the year was sufficient, and by the regulations a claim was deemed abandoned after it had remained unworked on working days for the space of seventy-two hours.

Held, by the Full Court, dismissing the appeal (MARTIN, J., dissenting), that the defendant's Crown grant must prevail over that of the plaintiff.

Peters, K.C., and *A. G. Smith* (of the Yukon bar) for appellant. *Davis*, K.C., for respondent.