

Trial—Britton, J.]

[March 17.

TORONTO JUNCTION PUBLIC SCHOOL BOARD v. COUNTY OF YORK.

*Public Schools—Separated town within county—County model school situated in—Liability of county.*

The Town of Toronto Junction, territorially within the limits of the County of York, but a separate town within the provisions of the Municipal Act, and as a municipality not under the jurisdiction of the county council, is yet part of the county, within the meaning of ss. 83 and 94 of the Public Schools Act, 1 Edw. VII., c. 39; and the county is bound to contribute to the support of a county model school situated in the town.

*W. E. Raney, for plaintiffs. C. C. Robinson, for defendants.*

Robertson, J.]

REX EX REL. ROBERTS v. PONSFORD.

[March 19.

*Municipal elections—Quo warranto—Notice of motion—Time—Wrong day of week—Mistake—Amendment.*

A notice of motion in the nature of a quo warranto to contest the validity of the election of the respondents as aldermen of a city, was, by fiat of the Master in Chambers under s. 220 of the Municipal Act, R.S.O. 1897, c. 223, allowed to be served upon the respondents, and was served on the 15th February (seven clear days' notice being required by s. 221) for "Tuesday, the 24th day of February,"—the 24th February being, in fact, a Monday. Afterwards, the relator served upon the respondents a notice to the effect that the day on which the motion would be made was Tuesday, the 25th February, but this notice was not a seven clear days' notice.

*Held*, that the notice of motion was good and sufficient notice for Tuesday, the 25th February, and that the sureties upon the relator's recognizance, as required by s. 220, would have no ground of objection because of the proceedings not being properly prosecuted. *Eldon v. Haig*, 1 Chit. 11, followed.

*Seemle*, that the practice in actions in the High Court is applicable to these quo warranto proceedings.

*J. H. Moss, for relator. Du Vernet, for respondents.*

Meredith, J.]

NESBIT v. GALNA.

[March 19.

*Security for costs—Residence of plaintiff out of Ontario—Return—Ordinary residence—Rules 1198 (b), 1199.*

The plaintiff was a British subject, and was always a resident of Ontario until his second marriage in 1896, since when he had been living and working part of the time in the State of Michigan and part of the time in Ontario; he had no property or means in Ontario; his wife had a home in Michigan, and, after his marriage, he made that his place of residence so far as possible, and had no other place of residence. When this action