

to the other items dismissed. Plaintiffs' cross appeal dismissed.

Defendants to have their general costs of the action, the reference, the appeal from the report, the motion for judgment on further directions, and the costs of this appeal, except in the case of the items on which they failed in the appeal before the Chancellor, as now confirmed. Plaintiffs to have the costs of an undefended action for the amount of their claim as now allowed. These to be set off against costs payable to defendants.

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TEETZEL, J.

NOVEMBER 17TH, 1903.

TRIAL.

DOYLE v. DRUMMOND SCHOOL TRUSTEES.

*Public School—Formation of New School Section—Award—Action to Set aside—Costs—Defendants Submitting their Rights.*

Action by a ratepayer of public school section No. 8 of the township of Drummond, county of Lanark, to set aside the award of arbitrators appointed by the county council of Lanark, forming a new school section (No. 5) out of territory comprised in sections 8, 9, and 13 of that township. The defendants were the school boards of the three sections and individuals who were elected trustees of the proposed new section. At the trial the award was held invalid and the question of costs only reserved.

C. J. Foy, Perth, for plaintiff.

J. A. Allan, K.C., and A. C. Shaw, Perth, for defendants.

TEETZEL, J., held that none of the defendants was blameable for any of the errors which made the award invalid, and, as none of them endeavored to support it either in their statements of defence or at the trial, but submitted themselves to the judgment and protection of the Court, there was nothing upon which to exercise a judicial discretion in favour of plaintiff against any of defendants. Judgment setting aside award without costs. Re Southwold School Sections, 3 O. L. R. 81, 1 O. W. R. 32, referred to.

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TEETZEL, J.

NOVEMBER 17TH, 1903.

TRIAL.

HUNTER v. WILKINSON PLOUGH CO.

*Chose in Action—Equitable Assignment—Consideration—Notice—Appropriation of Fund to Specific Purpose.*

Interpleader issue (tried without a jury at Perth), directed to determine the ownership of certain moneys paid