

trial a resolution by the bank's directors was proved authorizing the offer of the new issue to the then shareholders (of whom M. was not one) and counsel for the bank admitted that there was none allotting it to anybody else.

Held, 1. IDINGTON and DUFF, JJ., dissenting, that the onus was on M. to prove that the shares had been sold to the public without authority and he had failed to satisfy it.

2. Per IDINGTON and DUFF, JJ., that the onus was originally on M., but the evidence and admission of counsel had shifted it to the bank, which did not furnish the requisite proof.

Appeal allowed with costs.

C. Macdonell, K.C., for appellants. *McEvoy*, K.C., for respondent.

Ont.] RODD v. COUNTY OF ESSEX. [Dec. 23, 1910.

Municipal corporation—Statutory duty—County officers—Office accommodation—Discretion—Mandamus.

The selection of the place in an Ontario county at which an office shall be provided for the County Crown Attorney and clerk of the peace rests with the County Council and the courts should not interfere with the reasonable exercise of the council in making such selection.

Judgment of the Court of Appeal, 19 Ont. L.R. 659, affirmed. Appeal dismissed with costs.

Wigle, K.C., for appellant. *A. H. Clarke*, K.C., for respondent.

Province of Ontario.

COURT OF APPEAL.

Full Court.] BEARDMORE v. CITY OF TORONTO. [Dec. 30, 1910.

Appeal to Privy Council—Application for leave.

This was an application on behalf of the plaintiff for the allowance by the court of the security required to be given on an appeal to the Judicial Committee of the Privy Council as provided by 10 Edw. VII. c. 24. The decision to be appealed from is reported in 21 O.L.R. 505.