

don, where he continued to live until 1898, when the son having given up possession of the Albion farm, he took possession of it, to enable him to work it, sleeping in the house, and occasionally visiting his wife and family who remained in Caledon, and remaining there over night, while the wife occasionally visited him, staying a couple of weeks:—

*Held*, that the defendant's place of residence was where his wife and family lived, and he was therefore not a resident within the township of Albion so as to qualify him as a trustee of a school section within that township to which he had been elected; but as the granting of the order for a *quo warranto* was in the discretion of the Court, and the term of the defendant's office would expire before the issue could be tried, the motion was dismissed without costs.

Subs. 8 of s. 14 of R.S.O. ch. 292, providing for an investigation as to the election by the inspector would not of itself prevent the granting of such order. *Reg. ex rel. Horan v. Evans*, 448.

2. *County Council—Appeal from Township By-law—Alteration of School Section—Appointment of Arbitrators—Discretion—R.S.O. ch. 292, s. 39, s.s. 3.*—The provisions of s.s. 3 of s. 39 of the Public Schools Act, R.S.O. ch. 292, whereby a county council may appoint

arbitrators to hear an appeal against a by-law of a township council altering the boundaries of a school section are permissive, not imperative.

Judgment of ARMOUR, C.J., reversed. *Re Wooliver and the Corporation of the County of Kent*, 606.

### QUO WARRANTO.

*Proximate Expiry of Office—Dismissal.*]—See PUBLIC SCHOOLS, 1.

*Municipal Elections—Joiner of Parties.*]—See MUNICIPAL CORPORATIONS, 13.

### RAILWAYS.

1. *Order of Railway Committee of Privy Council of Canada—Junction of Electric Railway with Canadian Pacific Railway—Laying Switch on Highway—Power to Authorize—Consent of Municipality—Expropriation of Right of Way—Injunction—Enforcement of Agreement.*]—The defendants were a company incorporated under statutes of the Province of Ontario, operating an electric railway upon Yonge Street, between the town of Newmarket and the city of Toronto, with its southern terminus in the northern part of the city, a few yards north of the Canadian Pacific Railway line. By order of the 23rd November, 1899, the Railway Committee of the Privy