

are, and that, prior to by-law No. 271, lot 43 was in school section No. 2, and does not now and never did form part of section 3, within which the other 4 heads of families reside.

It was also urged for defendants that, as the steps taken by the residents in Anderdon seemed to be regular, there was a corporation under the Act, of which defendants were trustees, quite apart from anything done by the residents of Malden, and the separate school supporters who fell within sec. 44 of the Act, must support this school, and they formed the ratepayers whose support was in dispute. This is by no means clear from the steps taken; the whole scheme was a joint one from the beginning, as all the persons living in both Malden and Anderdon in the area in question, and who wished the school formed, signed an agreement to become supporters of the same, if a union school was established, and, in my judgment, no valid union school was established.

Plaintiffs are entitled to a declaration that defendants have no authority to maintain their school at the expense, in whole or in part, of the supporters of the school represented by plaintiffs, and to an injunction restraining defendants from interfering in any way with the said school or the supporters thereof as such.

As defendants are not to blame for the error of the township officers who created confusion by establishing two sections known as No. 3 in the township, there will be no costs of the action.

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MARCH 22ND, 1906.

DIVISIONAL COURT.

RE HARSHA.

*Extradition—Warrant of Commitment—Form—Persons to whom Addressed—Forgery—Statement of Offence in Warrant—Intent to Defraud—Proof that Offence Charged is a Crime in Foreign Country—Complaint—Information and Belief.*

Appeal by prisoner from order of BOYD, C., ante 398, refusing motion for a writ of habeas corpus.

J. B. Mackenzie, for the prisoner.

J. W. Curry, K.C., for the United States Government.

THE COURT (MULOCK, C.J., ANGLIN, J., CLUTE, J.), dismissed the appeal.