

hereby made a part of this contract"; and it was provided that upon certain conditions "this policy shall be void."

Held, in an action by the executors of M., that the instrument was not a policy of assurance within the exception in R.S.O., c. 143, s. 5, but an annuity bond; and that the money payable by the defendants under it was apportionable within s. 2; and therefore the plaintiffs were entitled to recover a part of a quarterly instalment in proportion to the period between the last quarter day and the death of M.

D. D. Grierson for the plaintiffs.

J. K. Kerr, Q.C., for the defendants.

ROSE, J.]

[March 12.

REGINA EX REL. MOORE v. NAGLE.

Quo warranto—*Information*—*High School trustee*—*Civil proceeding*—*Courts*—*Single judge*—*Motion*—*Notice*.

A motion for an information in the nature of a *quo warranto* is the proper proceeding to take to inquire into the authority of a person to exercise the office of a High School trustee.

Askew v. Manning, 38 U.C.R. 345, 361, followed.

Such proceeding is a civil, not a criminal, one; and is properly taken before a single judge in court by way of motion upon notice.

W. F. Riddell for the relator.

Aylesworth, Q.C., for the respondent.

Practice.

MACMAHON, J.]

[Nov. 29, 1893.

MCALLISTER v. COLE.

Venue—*Change of*—*County Court*—*Cause of action*—*Convenience*—*Witnesses*.

County Court action for damages for breach of contract. The breach was at Pembroke, which the plaintiff named as the place of trial. The defendant moved to change it to Toronto.

Held, that the action could be more conveniently tried at Pembroke, and the plaintiff should be allowed to retain the venue there, although the defendant swore that he had a much larger number of witnesses there than the plaintiff had at Pembroke.

J. H. Moss for the plaintiff.

C. Millar for the defendant.

C.P. Div'l Court.]

[Dec. 8, 1893.

HOGABOOM v. GRUNDY.

Interpleader—*Order entitled in two actions*—*Appeal*—*Divisions of High Court*.

Where an interpleader order is entitled in two actions, in different divisions of the High Court, there being two executions in the sheriff's hands, an appeal