

lots in question ought to have been described as in the Irvine survey, the other lots 7 and 8 being in what is called the Jubilee survey. There was no other lot 5 or 6 on the east side of the avenue, and throughout the proceedings the four lots in question were grouped together with an adjoining lot, 4, fronting upon another street; and the only testimony given upon the question of identity was that of plaintiff's witness, the town engineer, who said, in effect, that the grouping of the lots removed any doubt as to their identity, any ambiguity or uncertainty as to lots 7 and 8; and, besides this, in some of the proceedings the lots were otherwise distinguished so as to remove any excuse for doubt, real or assumed, as to their identity.

Apart from all this, no one concerned has been misled . . . and the taxes have been properly imposed, and the proper person had notice of assessment and intention to sell. . . . The plaintiff obtained his title while the defendant was in occupation under his tax title, and it was contended for defendant that, by reason of sec. 211 of the Assessment Act, the plaintiff could not succeed, but the same question probably arises here as that already dealt with, for if the assessment and sale proceedings be void for uncertainty as to the lands, it can hardly be said to be a case "where lands are sold for arrears of taxes." And so too probably as to the defence, based upon 61 Vict. ch. 56 (O.) But I find that the proceedings were not invalid by reason of the description of the lands, and that it was sufficient in this case for the purposes of the taxation, and sale in question; see *Hyatt v. Mills*, 19 A. R. 329; Assessment Act, secs. 13 (1) (c), (4), columns 8 and 9, secs. 29, 34, 51, and schedule D., sec. 74, sub-sec. 2, and secs. 152-5, 162, 173, 177, 193, 203, 207, and 212.

Action dismissed with costs.

A. Abbott, Trenton, solicitor for plaintiff.

W. C. Mikel, Belleville, solicitor for defendant.

BRITTON, J.

MARCH 17TH, 1902.

TRIAL,

TORONTO JUNCTION PUBLIC SCHOOL BOARD v.
COUNTY OF YORK.

*Public Schools—Model School—Support of—Contribution by County
—School in a Separated Town Territorially within County.*

Action brought for a declaration that defendants are liable under the provisions of the Public Schools Act to