

proceeding at a school meeting shall be entertained by any inspector unless made to him in writing within thirty days after the holding of the election or meeting." Under this provision the school inspector on Dec. 29, 1902, held an investigation in respect of the election of Clement which had taken place on the 1st of the same month. On this investigation the inspector called upon the other trustees to produce their declarations of office, and as these were not produced he declared both the Proulx not to be trustees and directed the calling of a meeting of the ratepayers for the election of two new trustees in their places. At the subsequent meeting of ratepayers so called two of the defendants were elected as trustees and they subsequently, with the other defendants, took away the school furniture referred to. These proceedings and this action were taken to settle the question whether such two defendants or the Proulx were lawfully two of the trustees of the school district.

Held, that, under the above quoted section of the Public Schools Act, the inspector had no power to investigate or decide upon the right of the Proulx to hold the office of school trustees, as the declaration of office is no part either of the election of the school trustee or of the proceedings at the school meeting. It is true that, under s. 243 of the Act, the neglect or refusal of a trustee to take the declaration of office within one month after his election is to be construed as a refusal, and that after such refusal another person should be elected to fill the place, but no power is given to the inspector to unseat a trustee for any such neglect or refusal. The two Proulx therefore still remained the legally qualified and acting trustees and the election of two defendants who claimed to be trustees was illegal and void, and they were guilty of a trespass in seizing and removing the school furniture.

Quare, whether the defendants could set up a defence to an action brought, as this was, in the name of the school corporation, the acknowledged owners of the goods. Their proper course would have been to apply to the County Court Judge to stay proceedings in the action or to have it dismissed on the ground that the use of the name of the corporation as plaintiff was not authorized by those who were lawfully the trustees.

Appeal from judgment of the County Court allowed with costs, and verdict entered for plaintiff in the County Court for the goods and \$5.00 damages, with the costs of the action in the County Court.

Munson, K. C., and Laird, for plaintiffs. A. J. Andrews and Joseph Bernin, for defendants.

Richards, J.]

SHIELS & ADAMSON.

[Feb. 15.

Practice--Parties to action--Amendment--Fraudulent conveyance.

This action was brought against defendant alone for the sale of land vested in the defendant's wife by an unregistered deed, and which the plaintiff claimed was bound by a registered certificate of judgment against