

or property to its decisions, and consequently a defendant who is a resident of one of those provinces and is sued in that province upon a judgment obtained against him in the other, can always shew that the judgment was without jurisdiction for the above reasons.

It is a well settled rule in the United States that where the entire object of an action is to determine the personal rights and obligations of the defendant, that is where the suit is merely in personam, constructive service by publication upon a non-resident of the State where the action is proceeding is ineffectual for any purpose. Process from the tribunal of one State cannot run into another State and summon parties there domiciled to leave its territory, and respond to proceedings against them; publication of process or notice within the State where the tribunal sits cannot create any greater obligation upon such a non-resident to appear, any more than process sent to him out of the State. Both of them are equally unavailing in proceedings to establish his personal liability. This rule is equally applicable to the Provinces of the Dominion.

*Ferguson*, for plaintiff. *Douglas*, K.C., for defendant.

Trial of action. Meredith, J.]

[Feb. 23.]

BOARD OF EDUCATION OF CITY OF LONDON v. CITY OF LONDON.

*Public schools—Municipal corporations—Estimate of expenses—Taxes.*

Under s. 62, sub-s. 9 of the Public Schools Act, it is the duty of a Board of Education formed under s. 10, to submit to the municipal council from time to time "an estimate" of the expense of the schools under their charge for the twelve months next following.

*Held*, that such estimate should furnish the council with the like details upon which the board bases its own calculation and not merely state a certain sum is required. If, as in this case, the sum in question is for repairs and improvements, there ought to be information given as to the schools to be repaired and improved, and the amounts required in respect of each, as well as some indication of the nature and extent of the repairs and improvements. The municipal council has the right, indeed it is its duty, to take some care that it is not made the instrument by which any intentional or unintentional excess of the powers of the school board are given effect to by levying for them any sum of money which the law does not authorize them to exact.

*Hellmuth and Ivey*, for plaintiff. *T. G. Meredith*, for defendant.

Master in Chambers.]

[March 1.]

REX EX REL. CARR v. CUTHBERT.

*Municipal election—Proceeding to avoid—Bribery or undue influence—Evidence—Affidavits in answer—Statute—Heading.*

Upon an application in the nature of a quo warranto to set aside a