

goes into operation, even though the decision of the arbitrators be that no change be made in the boundaries. The test as to whether a change should or should not be made is not to be applied oftener than quinquennially.

*J. Cartwright, Q.C., for the Minister of Education.*

*No one contra.*

Chambers, BOYD, C.]

[March 16.

RE MARTIN.

*Executors and administrators—Registration of caution—56 Vict., c. 20 (O.).*

*Held*, that the provisions of 56 Vict., c. 20 (O.), as to registration of caution applied to a case in which probate has not been taken out or letters of administration obtained till more than a year after the death of the owner. By virtue of section 2 the effect of such subsequent registration would be only to withdraw to or vest in the executor or administrator so much of the land as is properly available for the purposes of administration.

*John Hoskin, Q.C., for the motion.*

### Practice.

Chy. Div'l Court.]

[March 2.

BELL v. VILLENEUVE.

*Writ of summons—Service out of jurisdiction—Rule 271 (e)—Breach of contract within jurisdiction—Letter—Evidence—Undertaking.*

Where a contract of hiring is made within the Province of Ontario, and the work thereunder is to be done there, the commission therefor will also be payable there.

*Hoerler v. Hanover, etc., Works*, 10 Times L.R. 22, and *Robey v. Snacfell Mining Co.*, 20 Q.B.D. 152, referred to.

If the contract is ended by letter sent from another Province, *quere* whether this indicates that the breach complained of was out of the Province.

And where, upon a motion to set aside service of a writ of summons on defendants, resident out of the jurisdiction, in an action for breach of contract of hiring, there was conflicting evidence as to whether the discharge of the plaintiff from the defendants' service was by letter or by the act of an agent of the defendants within the Province, the plaintiff was allowed to proceed to trial upon his undertaking to prove at the trial a cause of action within Rule 271 (e).

*T. E. Williams* for the plaintiff.

*Dewart* for the defendants.

FERGUSON, J.]

[March 16.

ROBERTS v. DONOVAN.

*Attachment for contempt—Discharge—Habeas corpus to bring up prisoner to move in person.*

This was an application by one of the defendants, who is confined in the common gaol under a writ of attachment against him for not obeying a judgment of the court pronounced upon consent, for a fiat or order that he be