

authority to take, the claimant should, after protesting against the wrongful act, bring an action against the bailiff to recover the goods, or damages for taking them. It would not be a case for interpleader, which is based on the hypothesis that a seizure under protest has been made by a bailiff or other officer charged with the execution of the process. The claimant failed to establish his right to the wood, as the provisions of the Bill of Sale and Chattel Mortgage Act had not been complied with.

Per RICHARDS, J. 1. In the County Courts there is no preliminary application by the bailiff upon notice to the claimant for an order for the trial of an interpleader issue, but the bailiff takes out a summons and serves it on the claimant who is thereby required to attend at a certain time and place and "establish his claim" to the property seized, and it would be productive of great hardship and expense to the claimant if he were precluded on the hearing of this summons from raising any question as to the validity of the seizure and had to make a special application beforehand to the judge in order to get the interpleader summons set aside. He should therefore be allowed to raise the question at the trial of the interpleader issue.

2. The claimant had a contract for the purchase of the wood sufficient to satisfy the Statute of Frauds, and that gave him an interest in the property that entitled him to claim it as against the plaintiff, whose seizure was invalid, as he had no right to act as his own bailiff, and who for that reason was only a trespasser.

Appeal allowed with costs.

Howell, K.C., for plaintiff. Huggard for claimant.

Full Court.] SCHOOL DISTRICT OF YOVILLE v. BELLEMERE. [Feb. 1.
Public Schools Act, R.S.M., 1902, c. 143, ss. 32 and 243—Election of School trustees—Powers of inspector—Practice.

This was an action of replevin to recover school furniture which had been taken away by the defendants after breaking open the door of the school house, defendants claiming that they were the legal trustees of the school district. In Dec., 1902, the trustees of the school district were Zolique Clement, Joseph Proulx and Josephat Proulx, Clement being chairman of the board. Joseph Proulx had been elected a trustee on Jan. 17, 1901, and Josephat Proulx on Dec. 2, 1901. Sec. 32 of the Public Schools Act provides as follows: "When complaint is made to the inspector by any ratepayer that the election of any trustee for a rural school district, or that the proceedings or any part thereof of any rural school meeting have not been in conformity with the provisions of this Act, the inspector shall investigate the same and confirm or set aside the election or proceedings, and appoint the time and place for a new election, or for the reconsideration of a school question; but no complaint in regard to any election or