

No further proof of the death of the first husband was given.

Held, that there was evidence to go to the jury of the death of the first husband, and that the defendant was properly convicted.

J. R. Cartwright, Q.C., for Crown. *J. M. Godfrey*, for defendant.

Rose, J.]

[March 7.

IN RE MCGILLIVRAY AND CHESTERVILLE PUBLIC SCHOOL.

Public schools—Dissolution of Union school section—Power of arbitrators—
59 Vict., c. 70, O., ss. 43, 44.

Proceedings having been taken under the provisions of The Public Schools Act, 1896, 59 Vict., c. 70, O., for the dissolution of the Union school section hereinafter mentioned, arbitrators appointed by the county council under s. 44 of the Act, provided by their award that "Union school section No. 8 of Winchester Township, comprising the incorporated village of Chesterville and rural section No. 8 in said township, be dissolved, and that all the parcels of land included within the boundaries of rural section No. 8 be attached to and form the same for school purposes, and that all the parcels of land included within the boundaries of the village of Chesterville shall remain attached to and form the urban section of Chesterville village for such purposes.

Held, that though the language was in part insensible, the effect of it was to dissolve the union, recognizing the village as a corporation subject to the provisions of ss. 53 & 54 of the Act, and school section No. 8 as a non-union school section subject to the provisions of certain other sections; and that the award was valid as an exercise of power under sub-secs. 5 or 6 of s. 43.

Aylesworth, Q.C., for the motion to set aside the award. *B. C. Clute*, Q.C., and *Hilliard*, contra.

Meredith, J.]

ORFORD v. FLEMING.

[March 21.

Solicitor—Charging order—Rule 1129—"Property"—Judgment—Assignment—Notice—Taxation of costs—Sale of judgment.

An application made under Rule 1129, by the solicitors who obtained on behalf of the plaintiff a judgment in the High Court for the recovery of money from the defendant, for an order charging their costs upon the judgment debt. Previous to the application the judgment had been assigned by the plaintiff to the mother of the defendant. Rule 1129 is new in Ontario, and is as follows:

"1. Where a solicitor has been employed to prosecute or defend any cause, matter or proceeding, it shall be lawful for the Court in which the cause, matter or proceeding has been heard or is pending, or for a judge thereof, to declare such a solicitor . . . to be entitled to a charge upon the property, of whatever nature, tenure or kind, recovered or preserved through the instrumentality of such solicitor; and upon such declaration being made, such solicitor . . . shall have a charge upon and against and a right to payment out of the property so recovered or preserved, for the taxed costs, charges and expenses of or in reference to such a cause, matter or proceeding; and all conveyances and acts done to defeat, or which may operate to