

there was no ground upon which to enjoin the defendant company to remove their sewer or to abandon the use of it.

J. G. Forbes, Q.C., and L. H. Currie for the Crown.

J. D. Hazen for the defendants.

BURRIDGE, J.]

[April 1.

THE QUEEN *v.* MONTREAL WOOLLEN MILL COMPANY.

Incidental demand—Counterclaim—Substantive cause of action—Pleading.

A substantive cause of action cannot be pleaded as an incidental demand or counterclaim to an information by the Crown. (See 50 & 51 Vict., c. 16, s. 23.)

W. D. Hogg, Q.C., in support of motion to set aside incidental demand.

T. S. MacLellan, contra.

SUPREME COURT OF JUDICATURE FOR ONTARIO.

HIGH COURT OF JUSTICE.

Chancery Division.

Chambers, BOYD C.]

[March 12.

REGINA EX REL. ST. LOUIS *v.* REAUME.

Quo warranto—Election of deputy-reeve—Irregular addition of names to voters' lists—Quashing election.

Held, that the deputy-reeve of the municipality here in question must be unseated, because, although he had a majority of sixty-six votes, he participated in a transaction by which on the Saturday before polling day some eighty names were added to the voters' list over and above those certified by the judge to be properly there. And the fact that according to the marks on the polling books only some thirty-one of those whose names were so illegally added cast votes was not the standard by which to judge, whether the result was or was not affected within the meaning of R.S.O., 1887, c. 184, s. 175. No one could say how the addition of these names operated on the voting constituency.

W. H. R. Clement for the relator.

Aylesworth, Q.C., for the respondent.

Single Court, BOYD, C.]

[March 14.

WAWANOSH SCHOOL SECTION.

Public Schools Act—Readjustment of boundaries of Union School Section—Arbitration—Finality of award.

The intention of the Public School Act, 1891, ss. 87-88, is to make an award dealing with the adjustment or readjustment of the boundaries of a Union School Section conclusive of the question for five years after the award