

to retain the plaintiff in the capacity, &c. It further alleged the plaintiff's entry into the service, &c., and wrongful dismissal. The second count was an *indebitatus* count for work done, as a school-teacher and otherwise. The defendants demurred. *Held*. 1. The wrongful dismissal of a teacher is a "matter connected with his duty," within the Manitoba School Act, s. 93, and consequently not the subject of an action, but of arbitration only. 2. The first count was bad, inasmuch as it did not allege the agreement to be in writing and under seal or excuse the want of a seal. 3. The second count was bad because the moneys, although under the direction of the trustees, are not in their hands, but in those of the secretary-treasurer. *Pearson v. The School Trustees of the Catholic School District of St. Jean Baptist Centre* . . . 161

*Taxation*.—There is no power given in the school Acts to a board of school trustees in a city or town, to assess, levy or collect a tax or school rate, except that given to levy a small rate upon the parents or guardians of the children attending school. *School Trustees of Winnipeg v. C. P. R.* . . . 163

SHERIFF. *See* INTERPLEADER.

SEIZURE. *See* TROVER.

SPECIFIC PERFORMANCE.—*Certainty of proof*.—The certainty of proof in a suit for specific performance is greater than in an action for damages. *Tait v. Calloway* . . . 289

*Finality of decree*.—*Tait v. Calloway* . . . 312

SOLICITOR AND CLIENT.—*Authority*.—An action was commenced and carried to trial without the authority of the plaintiff. During or immediately preceding the trial the plaintiff first learned of its existence and then told the plaintiff that he (the plaintiff) had nothing to do with it. The plaintiff took no steps to stay the action, and, the defendant having had a verdict, a motion for a new trial was made on the plaintiff's behalf, which was refused. After judgment and execution the plaintiff moved to stay all proceedings. *Held*, That the plaintiff was entitled to the rule as asked. *Semble*. A defendant at common law may call upon the plaintiff's attorney to produce his authority for instituting the action. It is not so in equity. *Carey v. Wood* . . . 290

STATUTES.—*Constitution*.—A statute prescribed that upon an application the judge "upon hearing read" certain material, might make an order. *Held*, That the statute did not exclude the use of material other than that specifically mentioned. *Keeler v. Hazlewood* . . . 149

TAXATION.—The power of taxation must be expressly conferred, it cannot be given by implication. *School Trustees of Winnipeg v. C. P. R.* 163

*Unnecessary affidavits*.—*Held*. A taxing officer has power to allow or disallow affidavits used on an application, without express direction. 2. A motion was refused upon a technical objection, and the master disallowed affidavits filed in answer to the motion. His discretion was not interfered with on appeal. *Ogilvie Milling Co. v. Small* . . . 120