

Held—1. The terms of the first two resolutions were sufficiently comprehensive to include payment of the price of a site for the building.

2. Under the terms of the Acts of 1891, c. 1, s. 24, the choice of the site for the school building was vested in the trustees, subject to the sanction of the inspector.

3. It was competent for the trustees to give notice of the time for the holding of the annual meeting without first filling a vacancy in their number caused by the removal of one of the trustees from the district, and that their action was not invalidated by the fact that the trustee who had so removed was not notified and did not sign the notice.

4. There was a presumption in favour of the required number of notices having been posted up, and that such presumption was not rebutted by evidence of plaintiff to the effect that he had omitted to post up a notice, which was given to him for that purpose.

5. Sec. 28, sub-sec. 3, which provides that for the purposes of the assessment the trustees are to obtain the valuations of the property of the inhabitants of the district from the municipal clerk is directory only, and the assessment was not invalidated by the fact that a copy of the valuation was procured from another official.

6. The assessment was not vitiated by the accidental omission of the property of D. & Son therefrom.

F. B. Wade, Q.C., and W. B. A. Ritchie, Q.C., for appellants.
A. Drysdale, Q.C., and J. A. McLean, Q.C., for respondents.

Full Court.]

OXLEY v. CULTON.

[May 15.

Registry Act R.S.N.S., c. 84—Equitable titles—Mortgage to trustee—Judgments against trustee personally.

D., who was trustee for his sister M., invested money of M. on mortgage, taking and registering the mortgage in his own name. The property having been sold under order of foreclosure and sale, and the proceeds paid into court,

Held, that plaintiff, the substituted trustee for M., was entitled to the proceeds as against judgment creditors of D.

Per TOWNSEND, J., and GRAHAM, E.J.—*Held*, that there is no provision in the Registry Act (R.S.N.S., c. 84) for the registration of equitable titles.

H. Mellish, for appellant. R. E. Harris, Q.C., for respondent.

Full Court.]

WILLIAMS v. WOODWORTH.

[May 15.

Negligence—Suffering dog to go at large—Case for trial judge—Damages.

In an action brought by plaintiff against defendant to recover the value of a number of sheep, which were alleged to have been killed and injured by defendant's dog, the evidence showed that after a number of