

ROBERTSON, J.

MAY 22ND, 1902.

WEEKLY COURT.

CLARRY v. BRODIE.

Injunction—Undertaking to Speed Trial—Breach of.

Motion by defendants to dissolve an injunction for alleged breach of undertaking to speed the trial.

S. C. Smoke, for defendants.

H. S. Osler, for plaintiff.

ROBERTSON, J.:—I think the plaintiff has not quite satisfactorily accounted for the delay, as the case was due to be entered for trial immediately after the 17th February; and if it had been reached in 3 weeks thereafter would be due to be entered on the peremptory list. But defendant could have so entered it, as well as plaintiff; and when called, if plaintiff was not then ready, the trial would be put off on cause being shewn to the satisfaction of the trial Judge. So that I think, on the whole, there is no case made out, on the grounds alleged, to warrant me in dissolving the injunction; and I am obliged to dismiss the motion, but, under the circumstances, only with costs in the cause to the successful party.

MAY 19TH, 1902.

DIVISIONAL COURT.

RE CARTWRIGHT SCHOOL TRUSTEES AND TOWNSHIP OF CARTWRIGHT.

Public School—School Site—Change of—Meeting of Ratepayers—Invalid Arbitration and Award—Mandamus—59 Vict. ch. 70, sec. 31, sub-sec. 3 (O.)

Appeal by the trustees from an order of FALCONBRIDGE, C.J., dismissing their motion for a mandamus to the township corporation requiring them to pass a by-law for the issue of debentures for \$1,000 for the purpose of the purchase of a school site and the erection of a school house thereon, and to issue the debentures as they should be required by the appellants. All steps necessary to entitle the appellants to require the by-law to be passed and the debentures to be issued were regularly and properly taken, unless the proceedings to change the school site were adopted in contravention of the provisions of sec. 31, sub-sec. 3, of the Public