

In the mortgage in question here, the grantors or mortgagors are not expressed to convey as beneficial owners, and the statute therefore does not apply.

I am unable to find that there was at the time of the trial such default as entitled the plaintiffs to possession of the mortgaged properties and assets or the appointment of a receiver.

Defendants are therefore entitled to judgment dismissing the action with costs from the time of payment of the interest on June 11th, 1912; the plaintiffs being entitled to the costs to that time.

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HON. MR. JUSTICE MIDDLETON.

JULY 23RD, 1912.

RE WEST NISSOURI CONTINUATION SCHOOL.

3 O. W. N. 1623.

*Schools—Township Continuation School—Establishment of—Duty of School Board—Requisition for Funds—Mandamus.*

Motion by certain ratepayers for a mandamus directing the school board and the several members thereof to forthwith take such proceedings as might be necessary to establish the school for which the board are trustees. The school district was validly established, but three of the trustees, constituting one-half of the board, shewed by their actions that they were opposed to the establishment of any school and had succeeded in blocking any attempt at such establishment.

MIDDLETON, J., *held*, that the trustees in question were not *bona fide* exercising their judgment as to the ways and means of establishment of the school but were endeavouring to prevent such establishment.

Order made as asked, costs of motion to be paid by opposing trustees.

Motion by W. B. Harding and John Macfarlane, ratepayers, etc., for an order directing the school board and the several members thereof to forthwith take such proceedings as may be necessary in order that the school for which said board are trustees, may be established and made available to such persons as shall desire and be entitled to attend the same, and further directing the said board (within the time limited by the statute), to make request or demand upon the township council of West Nissouri, for such money as the said board may in its discretion deem necessary in order to open and maintain said school.