

Ferguson, J.]

ROBERT v. CAUGMELL.

[Sept. 24.

*Report on sale—No sale for want of bidders—Confirmation—Appeal—Order of foreclosure.*

A report on sale though only a report that there was no sale for want of bidders is a report that may be appealed from and requires confirmation.

And an order made by a local judge confirming such a report, while it was neither confirmed under Con. Rule 769 nor appealed from and granting foreclosure in default of payment, was held to be bad.

*Meek*, for the appeal. *F. E. Hodgins*, K.C., contra.

Master in Chambers.]

MOFFATT v. LEONARD.

[Sept. 25.

*Security for costs—Residence out of Ontario.*

The plaintiff was manager of a joint stock company, carrying on business in Ontario, with its head office at Woodstock. His wife and family resided at Woodstock. He was agent of the company at Detroit, but visited his family once a fortnight, and sometimes once a month, but not as a rule for longer than a day and a half at a time.

*Held*, on motion for security for costs under rule 1198 (a), that the plaintiff under the above circumstances must be held to reside in Ontario.

*C. A. Moss*, for defendant. *Ballantyne*, for plaintiff.

Street, J.]

IN RE SYDENHAM SCHOOL SECTIONS.

[Oct. 8.

*Public schools—Alteration of school sections—Appeal from township council—Powers of arbitrators—By-law altering school sections—Description of lots.*

The arbitrators appointed by a county council on appeal from the refusal of a township council to alter school sections as asked in a petition of ratepayers have power only to grant or refuse what is asked for in the petition and have no power to direct the formation of a section differing from that asked for in the petition. *Re Southwold School Sections* (1902) 3 O.L.R. 81, applied.

In by-laws altering existing school sections or adding territory to them the lots and parts of lots dealt with must be accurately and exactly described.

*Rowell*, K.C., for applicants. *Tucker*, for respondents.