

to compel the return of this furniture to the new building. A motion was made before the local Judge, and upon a consent to the motion being finally disposed of by him being given, he adjudged that the "new site" was the legal school site, and the first meeting of the trustees of 1901 illegal, and its resolutions void, because the meeting was held in contravention of the direction of sec. 16, sub-sec. 1, of R. S. O. ch. 292, that the first meeting of the trustees shall be held "at the school house of the section." The board of trustees was not a party to that proceeding. It did not appear that any writ of summons had issued. No order was drawn up or signed. None of the papers purporting to be filed upon the motion were stamped. The estoppel alleged by plaintiffs was therefore not established; and a subsequent proceeding against the secretary, taken before the District Judge as *persona designata* under sec. 109, also fell short of anything in the nature of an estoppel or *res judicata* against defendants.

The trustees acquiesced for the time in the view taken by the local Judge, and returned the furniture to the new building, where the school was carried on until the summer of 1901. In April, 1901, however, at a duly convened meeting of trustees, a resolution was passed that the "old site" be selected as the school site for the section, and that a meeting of ratepayers be held on the 20th April to consider such selection. This meeting was held, and the "old site" was adopted by a majority of seven. Before this, the statute of 1901, 1 Edw. VII. ch. 39, became law and is applicable. As to this meeting, (1) although the school site had been fixed by the action of the trustees and ratepayers in March, 1900, and a building erected on the site so fixed, it was competent for the ratepayers, a year later, to revert to the former site. *Wallace v. Township of Lobo*, 11 O. R. 648, applied. (2) In reverting to the old site there was no bad faith, nor was the doing so capricious, if the Court could be asked to review the action of the ratepayers upon such a ground. (3) There was no ambiguity in the resolution proposed to the meeting. The trustees acted prudently and in the best interests of the section in deferring the actual physical removal until the vacation. (4) It does not come within the scope of the action to declare, nor is there evidence upon which it can be declared, that the return to the old building is unreasonable and dangerous to the health and welfare of the pupils because of its bad condition. (5) Upon an investigation into the qualifications of the persons voting at the meeting, the resolution in favour of reverting to the old site was carried