

authorised by by-law of the council, and that cannot of course be done.

The question of the site of the school house is one to be determined by the school board, and not by the council of the municipality, though it is, of course, open to the council to refuse to comply with the request of the school board to raise the money required to build a school house if the council is not satisfied with the site selected by the board, or if the board refuses to say whether the school house is to be erected, the final appeal being to the electors, to whom a by-law must be submitted in the terms of the application of the board, in the event of the application not being complied with by the council.

The by-law is also, I think, open to the further objection that the foundation for it should have been an application to the council by the school board to pass a by-law for borrowing money by the issue and sale of debentures for the purpose of erecting the school house, and no such application was made.

The only application to the council is a resolution passed by the school board "that an application be and is hereby made to the municipal council of the town of Dresden for a grant of the sum of \$20,000 for the erection of a school house in the said town of Dresden," which was communicated to the council; and this was not such an application as the statute requires: 9 Edw. VII. ch. 89, sec. 43.

The whole by-law must be quashed, without costs.

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APPENDIX.

SEWELL V. CLARK—MASTER IN CHAMBERS—OCT. 19.

*Particulars—Seduction.*]—A motion by the defendant for better particulars of the statement of claim in an action for seduction was dismissed. *Switzer v. Switzer*, 10 O. W. R. 949, 1116, 11 O. W. R. 143, and *Hodgson v. Bible*, 9 O. W. R. 264, 867, were referred to. *W. H. McFadden, K.C.*, for the defendant. *T. J. Blain*, for the plaintiff.

COOK V. WINEGARDEN—MASTER IN CHAMBERS—OCT. 20.

*Discovery.*]—The defendant in an action to set aside a will, on the ground of undue influence exercised by her, she being sole executrix and residuary legatee thereunder, was examined for discovery; she denied all knowledge of the will until after the death of the testator. She declined to write the names of her brothers and sisters when asked to do so on the examination. On a motion to compel her to attend for re-examination and write the names, it was stated that a document had been found supposed to be in the defendant's handwriting which was an exact statement of the