

stances of the case, to entitle the defendants to a stay of proceedings under the Act. The order of the Master was substantially right, and the appeal must be dismissed; costs thereof to be costs in the cause. Harcourt Ferguson, for the defendants. F. J. Hughes, for the plaintiff.

RE WEST NISSOURI CONTINUATION SCHOOL—SUTHERLAND, J.,
IN CHAMBERS—SEPT. 25.

Public Schools—Continuation School—Vacancies in Board—Duty of Township Council—Mandamus.]—An application by Walter C. Bryan, Joseph Cunningham, and W. B. Harding, for an order for a mandamus to compel the Municipal Council of the Township of West Nissouri, in the County of Middlesex, to fill existing vacancies in the West Nissouri School Board. SUTHERLAND, J., in a written judgment, said that, without canvassing in detail the somewhat complicated facts in this much litigated matter, he was compelled to the conclusion that the township council should forthwith appoint new trustees so as to enable the Board, when thus completed, to deal with the present urgent situation existing as to the continuation school. Unless, on or before the 2nd October next, the township council shall fill the vacancies in the Board by the election of new trustees, an order will be made for a mandamus. No disposition of the costs of the motion will be made until after the date named. W. R. Meredith, for the applicants. George S. Gibbons, for the School Board.

CITY ESTATES OF CANADA LIMITED v. BIRNBAUM—SUTHERLAND,
J., IN CHAMBERS—SEPT. 25.

Judgment—Motion for Summary Judgment—Amount Due under Agreement for Purchase of Land—Assignment by Purchaser—Covenant of Assignee to Pay Vendor—Defences—Want of Privity and Consideration—Seal.]—Appeal by the defendant from an order of the Master in Chambers granting an application by the plaintiffs for summary judgment for \$515.57, the balance of principal and interest unpaid upon an agreement for the purchase of land from the plaintiffs, entered into by one Mooster, who assigned to the defendant. SUTHERLAND, J., in a written judg-