

the motion, and I suppose with costs—then the plaintiffs would be entitled, after waiting a few days (it being admitted that there is no intention to appeal from the report), then to move; and they would be entitled to the costs of that motion. The result would be the same (except to the solicitors and counsel) as though I should now direct that there should be no costs of this motion. The Court must consider the interests of litigants alone, and motions or objections for the sake of costs only are not to be encouraged.

There will be judgment for the plaintiffs for the sum of \$855.25, interest thereon from the teste of the writ, and costs of the action and reference, but there will be no costs of the present motion.

OCTOBER 26TH, 1907.

DIVISIONAL COURT.

RE McLEOD AND TAY (No. 11) SCHOOL TRUSTEES.

Public Schools—Rural School Section—Acquisition of Site and Providing New School House—Award—Opposition to Site Selected — Meeting of Ratepayers — Refusal to Sanction Issue of Debentures — Mandamus — Public Schools Act, 1901, sec. 74—" May"—Mandamus to Trustees—Power to Change Site—Amendments to Act—Discretion—Interference of Court.

Appeal by McLeod and Morris, the applicants, from an order of TEETZEL, J., dismissing an application for an order in the nature of a mandamus commanding the respondents, as trustees, to purchase or acquire certain property for a school site, and immediately to build or otherwise acquire and provide a school house upon the site.

C. E. Hewson, K.C., for the appellants.

W. A. Boys, Barrie, for the respondents.

The judgment of the Court (FALCONBRIDGE, C.J., BRITTON, J., CLUTE, J.), was delivered by