

KELLY, J.

AUGUST 5TH, 1916.

RE FLAMBOROUGH WEST UNION SCHOOL SECTION.

*Public Schools—Formation of Union School Section—Award—Appeal—Order of County Court Judge—Jurisdiction—Time-limit—Public Schools Act, R.S.O. 1914 ch. 266, secs. 20, 21, 22, 30.*

Appeal by the trustees of Public School Section Seven in the Township of Beverly from an order of the Junior Judge of the County Court of the County of Wentworth directing that the arbitrators appointed by the county council should "consider and adjust the claims and equities arising between Union School Section A and various other sections, parts of which were detached and given to the Union Section, as a consequence of the severance of the lands necessary for the formation of the said Union Station."

The motion was heard in the Weekly Court at Toronto.

J. H. Spence, for the appellants.

A. L. Shaver, for the trustees of Union School Section A.

KELLY, J., in a written judgment, set forth the important facts. Under the Public Schools Act, R.S.O. 1914 ch. 266, sec. 21, it was proposed that a union school section should be formed of parts of the townships of Beverly and West Flamborough, whereupon arbitrators were appointed by the township councils and an award was made. This was appealed against under sec. 22 (1) to the county council; and, under sec. 22 (2), three arbitrators were appointed by the county council, and an award was made on the 20th July, 1915. On the 13th September, 1915, a by-law was passed by the Beverly township council confirming the award and enacting that Union School Section A should consist of the parts of the lands mentioned in the award (in so far as it related to Beverly). No motion was made against the by-law or the award until April, 1916, when the Junior County Court Judge made the order now appealed against. Leave to appeal was granted by RIDDELL, J., on the 6th May, 1916: 10 O.W.N. 228.

As to the right to appeal against the award of the arbitrators appointed by the county council, the learned Judge referred to secs. 20 (3) and 22 (2) of the Act, and pointed out that they ap-