

# The Ontario Weekly Notes

Vol. II.

TORONTO, MAY 17, 1911.

No. 34.

## COURT OF APPEAL.

MAY 8TH, 1911.

RE HENDERSON AND TOWNSHIP OF WEST NISSOURI.

*Appeal—Strangers to Record—Application to be Allowed to Intervene—Schools—Continuation School Board—Substantial Interest of, in Application—Probable Withdrawal of Original Respondents—Costs.*

Motion by the West Nissouri Continuation School Board to be allowed to intervene and be heard by counsel in support of the by-law in question in appeal from the judgment of the Divisional Court, 23 O.L.R. 21.

W. R. Meredith, for the continuation school board of West Nissouri.

Sir George Gibbons, K.C., for the township corporation.

J. M. McEvoy, for the appellant Henderson.

The appeal was heard by MOSS, C.J.O., GARROW, MACLAREN, and MAGEE, J.J.A.

Moss, C.J.O.:—This is an application on behalf of the West Nissouri Continuation School Board to be allowed to intervene and be heard by counsel in support of the by-law in question in this appeal. The by-law was passed by the council of the township of West Nissouri to authorise the issue of \$7,000 debentures for the purpose of purchasing a site and erecting a school house for the West Nissouri Continuation School, which was established, it is said, by a by-law of the county council of the county of Middlesex. The validity of this by-law is not admitted, but it is not the subject of direct attack in this proceeding which is an application by a ratepayer of the township to quash the debenture by-law.