

The appeal was heard by RIDDELL and LENNOX, JJ., FERGUSON, J.A., and ROSE, J.

R. T. Harding, for the appellant.

V. H. Hattin, for the defendant, respondent.

THE COURT dismissed the appeal with costs.

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SECOND DIVISIONAL COURT.

JANUARY 31ST, 1917.

\*RE WEST NISSOURI CONTINUATION SCHOOL.

*Costs—Misconduct of Members of Municipal Council—Evasion of Order of Court—Personal Liability for Costs—Indemnity of Municipal Corporation against Costs.*

Motion by Bryan and others, the respondents in an appeal disposed of on the 4th December, 1916 (ante 197), to vary as to costs the minutes of the order then pronounced.

By arrangement and consent, the motion was heard by RIDDELL, J., in Chambers, the other members of the Court which heard the appeal not being available.

E. C. Cattanach, for Bryan and others.

W. Lawr, for the members of the council of the township, and for the township corporation.

RIDDELL, J., in a written judgment, said that he had had communication with the other members of the Court, and all were of opinion that the whole trouble had been caused by the foolish conduct of members of the township council, who seemed to have imagined that their silly evasion of the order of the Court would be accepted as an honest attempt to obey it. For this they were personally to blame, and they must suffer the legitimate consequences of their folly. An order of the Court must be obeyed, however unpopular it may be. The wrongdoing was that of the individuals, and they could not hide behind a majority of the ratepayers; nor could they be allowed to use public money to pay for the result of their own misconduct.

The individual members of the council must indemnify the township corporation against all costs, repaying to the township corporation all its costs, between solicitor and client, and all costs which the township corporation is obliged to pay. The

\* This case and all others so marked to be reported in the Ontario Law Reports.