

school section, to be composed of certain of the lots then lately attached to Sydenham along with certain other lots in that township, which had hitherto belonged to the existing school sections Nos. 1, 5, and 12.

On 18th May, 1903, the petitioners appealed to the county council, reciting the refusal of the township council to grant the prayer of their petition, and asking the county council to pass a by-law appointing arbitrators "to consider and adjudicate upon the whole question of the altering of the existing boundary lines of the aforesaid school sections Nos. 1, 5, and 12, and also of the allotting of the territory detached from the town of Owen Sound aforesaid to the proposed new public school section, and the residue of said territory to any of the existing school sections, as said arbitrators may in their wisdom adjudge."

On 19th June, 1903, the county council passed their by-law No. 638, reciting that a large number of ratepayers interested had appealed to the county council against the refusal of the township council to pass a by-law forming a new school section out of parts of school sections 1, 5, and 12, along with parts of the territory recently transferred from Owen Sound and attached to Sydenham, and had asked the county council to appoint arbitrators under the Public Schools Act to consider and determine the matters complained of, and that it appeared right and proper to appoint such arbitrators. The by-law then proceeded to appoint arbitrators "to consider and determine all matters in connexion with the re-arrangement and alteration of the boundaries of said above referred to school sections, or the erection of a new school section, if deemed advisable to do so; and to do all other acts necessary in such case as may be deemed requisite and in accordance with the provisions of the Public Schools Act, and to make their award in this matter."

The arbitrators, on 15th August, 1903, made their award "that there be formed in and for the said township a new school section to be named and numbered school section number 16, the same to be composed of"—here followed a list of lots which included certain lots not mentioned or referred to in the petition to the township council, and omitted certain lots mentioned in that petition. One of the lots mentioned in the award formed part of school section 13, and another formed part of section 2.

N. W. Rowell, K.C., for applicants.

H. G. Tucker, Owen Sound, for petitioners.