

The appeal was heard by MACLAREN and MAGEE, JJ.A., MASTEN, J., and FERGUSON, J.A.

W. S. MacBrayne, for the appellants.

H. E. B. Coyne, for the plaintiffs, respondents.

THE COURT dismissed the appeal with costs.

FIRST DIVISIONAL COURT.

MAY 28TH, 1920.

RE CONSOLIDATED TELEPHONE CO. AND TOWNSHIPS
OF CALEDON AND ERIN.

Ontario Railway and Municipal Board—Application to, for Approval of Sale of Telephone System—Township Corporations—Telephone Company—Conduct of Board upon Hearing—Ontario Railway and Municipal Board Act—Leave to Appeal from Order of Board—Certificate of Board as to Conduct of Hearing.

Motion by the company for leave to appeal from an order of the Ontario Railway and Municipal Board of the 23rd February, 1920.

The motion was heard by MACLAREN and MAGEE, JJ.A., SUTHERLAND, J., and FERGUSON, J.A.

F. W. Wegenast, for the company.

K. B. Maclaren, for the township corporations.

MACLAREN, J.A., read the judgment of the Court. He said that the motion should be allowed in part. The appeal should be limited to questions of law arising on the following points:—

1. That the application to the Board was not heard or determined by the Board in accordance with the requirements of the Ontario Railway and Municipal Board Act.

2. That there was error in law in this, that, on the facts and evidence before it, the Board should not have withheld its approval of the agreement for sale.

The appeal should be set down on or before the 2nd June next.

The costs of the motion should be costs in the appeal.

The company should obtain from the Board a certificate shewing how the hearing was conducted; or, if this could not be obtained, should shew the facts by affidavit.