

MEREDITH, J., granted the writ, it appearing that the appeal had really not been heard owing to it being dismissed on preliminary objections.

Mabee & Makins, Stratford, solicitors for prosecutor.

Woods & Coughlin, Stratford, solicitors for defendant.

MEREDITH, J.

JANUARY 10TH, 1902.

WEEKLY COURT.

RE SOUTHWOLD SCHOOL SECTIONS.

*Public Schools—Alteration of Boundaries—Reference for—Award on—Uniting instead of Altering, Invalid—1 Edw. VII. ch. 39, sec. 42, sub-sec. 1.*

Motion by John Culver and the board of public school trustees for school section number 13 of the township of Southwold for an order setting aside an award dated the 19th November, 1901, made by arbitrators appointed by the county council of the county of Elgin, under 1 Edw. VII. ch. 39, sec. 42, sub-sec. 1, to hear an appeal to the county council against the refusal of the township council of the township of Southwold to alter the boundaries of school sections 12, 13, and 14, for the purpose of enlarging school section 12, by which award the arbitrators purported to consolidate into one school section the sections numbered 12 and 13, and for an order for payment of the costs of the application.

A. B. Avlesworth, K.C., for applicants.

J. M. Glenn, K.C., for township of Southwold and county of Elgin.

T. W. Crothers, St. Thomas, for individual ratepayers of township.

MEREDITH, J., held that the arbitrators had no power to unite two school sections, upon an appeal against a refusal to comply with an application to alter boundaries only. The ratepayers must consent by an application to the township council for the specific purpose. Order made, but without costs, for there is no person or corporation against whom they can rightly be awarded.

Andrew Grant, St. Thomas, solicitor for complainant.

J. M. Glenn, St. Thomas, solicitor for corporation of county of Elgin and township of Southwold.