

The motions were heard in the Weekly Court at Toronto. W. R. Meredith, for the applicants.

Sir George C. Gibbons, K.C., and W. N. Tilley, K.C., for the respondents.

MIDDLETON, J., in a written judgment, said that certain members of the school board resigned, and their resignations were accepted by the township council, before this motion was made, but clearly in view of the impending trouble. These ex-members of the school board said, "You cannot punish us, for we cannot act." The township council appointed new members, but they would not accept office, and they said, "You cannot punish us, for we have not accepted office." Other members of the school board said, "We want to do our duty, but we are not a quorum." So, it was thought, a deadlock had been created, and the Court had been rendered powerless.

The learned Judge said that Rule 552 might have been applied, and the applicants placed in control of the situation and empowered to discharge all the duties of the defaulting board; but he had been reluctant to grant that extreme remedy.

An order having been made requiring the township council to appoint trustees qualified, competent, and ready to act, and that order having been affirmed (see ante 33, 197), the motions were allowed to stand; and the learned Judge was now told that trustees had been duly appointed and the school opened.

He declined to express any opinion of the misconduct of the trustees. The blindfolded goddess, he said, was never less attractive than when she forgot her true function and scolded like a termagant. Obedience had been yielded, though none too gracefully—obedience, and not vindictive punishment, was the end to be attained.

The applicants should have their costs as between solicitor and client of both motions—of the first, against the school board, to be paid out of the corporate funds; of the second, against the township corporation, to be paid out of township funds.