

THE
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TORONTO, JULY 17, 1902.

No. 27.

Moss, J.A.

JULY 5TH, 1902.

C. A.—CHAMBERS.

RE CARTWRIGHT SCHOOL TRUSTEES AND TOWNSHIP OF CARTWRIGHT.

Appeal—Leave—Award—Construction of Obscurely Phrased Section of Public Schools Act—Matter of Public Interest.

Motion by the township corporation for leave to appeal from the order of a Divisional Court (ante 387) allowing an appeal from an order of a Judge in Chambers and granting a mandamus to the corporation requiring them to pass a by-law for the issue of debentures for \$1,000 for the purpose of the purchase of a school site and the erection of a school-house.

A. B. Aylesworth, K.C., for motion.

W. R. Riddell, K.C., for school trustees.

Moss, J.A.:—The circumstance of the first order having been made in Chambers, and the additional fact that the applicants for leave to appeal to this Court were the respondents in the Divisional Court, and would have been entitled to appeal as of course if the motion had been heard in the first instance by a Judge sitting in Court, are material factors—when coupled with reasons of a substantial kind for questioning the judgment complained of—in affecting the discretion to be exercised. An important question is raised as to the true construction of a somewhat obscurely phrased section of the Public Schools Act. Plausible grounds of objection to the construction placed upon the legislative provisions in question by the Divisional Court are presented. Questions relating to the validity or invalidity, or binding effect or otherwise, of an award purporting to be made in