

substance or form, or in the manner or time of making the same, the award is made valid and binding for a period of at least 5 years. This statutory provision excludes all objections save such as are based upon lack of jurisdiction in the arbitrators.

If wholly untrammelled by authority, I should be disposed to construe liberally and broadly the provisions of sec. 42, in order to enable the arbitrators appointed by the county council finally to settle the matters complained of in whatever manner seemed to them fair and equitable. But these provisions have already received judicial consideration, and I am bound to regard the limitations within which the powers of such arbitrators have been held to be restricted. . . .

[Re Southwold School Sections, 3 O. L. R. 81, 1 O. W. R. 32, and In re Sydenham School Sections, 6 O. L. R. 417, 7 O. L. R. 49, 2 O. W. R. 830, 3 O. W. R. 227, referred to.]

In each of these cases the appeal referred for hearing to the arbitrators was from the refusal of the township council to grant the prayer of a single petition. In the present case the township council had before it several petitions. Some requested that there be no change in boundaries; others asked the formation of sections which would permit of the establishment of line schools; others prayed for certain defined sections. The township council having passed by-law 162, determining certain boundaries, four appeals were taken to the county council "against by-law 162 of the township of Kincardine in regard to the boundaries of our school section." Each of these appeals was by 5 ratepayers from one of the following sections, 5, 6, 7, 12.

The arbitrators do not appear to have travelled outside the subject matter of appeals couched in such general terms against a by-law passed after the presentation of such varied petitions. The facts of the present case are, I think, clearly distinguishable from those before the Court in each of the two earlier cases cited above. I do not regard the award in the present instance as a mere promulgation of the views of the arbitrators outside of the scope of the reference to them, but rather as a settlement of the matters complained of upon the appeals to the county council, within the spirit and letter of sec. 42 (3) of the Act.

The difficulty in which section 5 now finds itself is the result of its own neglect or indifference. The trustees of that section were notified of the application made by section 8. They saw fit not to attend upon the motion . . . and allowed the order, of the consequences of which they now