

The order of the Court was that the judgment of MACMAHON, J., should be varied by declaring that the defendants were not exempt from school taxes, and by striking out the direction for a mandamus. Plaintiff to have costs of the actions up to and including the trial. Cross-appeals dismissed. No costs of the appeals or cross-appeals.

DECEMBER 31ST, 1909.

WEBB v. BOX.

Appeal to Court of Appeal—Order of Divisional Court—Leave to Appeal—Amount Involved—Question of Law—Illegal Distress—Damages—Double the Value of the Goods.

Motion by the defendants for leave to appeal to the Court of Appeal from the order of a Divisional Court, 19 O. L. R. 540, reversing in part the judgment of TEETZEL, J., at the trial.

The motion was heard by MOSS, C.J.O., OSLER, GARROW, MACLAREN, and MEREDITH, JJ.A.

J. C. Makins, for the defendants.

C. A. Masten, K.C., and W. R. Wadsworth, for the plaintiff.

MOSS, C.J.O.:—Upon consideration, it does not appear to us that the case is one presenting any good ground for treating it as exceptional and allowing a further appeal.

The amount actually involved is under \$500, and the question of law does not seem to be a matter of sufficient doubt to justify prolonging the present litigation.

The application is refused with costs.

MEREDITH, J.A., agreed in dismissing the motion, and expressed the opinion that the right, under 2 W. & M., sess. 1, ch. 5 (R. S. O. 1897, ch. 342, sec. 18 (2)), to damages in double the value of the goods distrained and sold, was unquestionable, notwithstanding the change in the wording of the statute.

OSLER, J.A., also agreed in dismissing the application, for reasons to be stated in writing.

GARROW and MACLAREN, JJ.A., also concurred.