Meredith, J.] IN RE SOUTHWOLD PUBLIC SCHOOL SECTIONS. [Jan. 10.

Public schools—Union of school sections—Powers of arbitrators—Appeal to county council—I. Edw. VII., c. 39, s. 42.

An application was made to a township council to alter the boundaries of school sections 12, 13 and 14, by taking about 1,200 acres from 13 and adding them to 12, and by taking about 2,000 acres from 14 and adding them to 13. The county council refused the application; an appeal was taken to the county council against such a refusal; and arbitrators were appointed by the latter council under the authority of s. 42 (3) of the Public Schools Act, I. Edw. VII., c. 39. The arbitrators made no alteration in the boundaries of any of the sections, but by their award assumed to unite sections 12 and 13, and recommended the building of a new school house in a central position in the thus united sections.

Held, that it was not within the power of the arbitrators to unite the two school sections upon an appeal against a refusal to comply with an application to alter boundaries only. The arbitrators are given power. "to form, divide, unite or alter the boundaries;" but that means to form, divide, unite, or alter in accordance with the subject-matter of the appeal. Award set aside without costs.

Aylesworth, K.C., for applicants. *J. M. Glenn*, K.C., for the township and county. *T. W. Crothers*, amicus curiæ.

Province of Nova Scotia.

SUPREME COURT.

Full Court.] McLAUGHLIN CARRIAGE CO. *v.* FADER. [Dec. 28, 1901.

Order for arrest Practice in relation to obtaining and setting aside—Inference from affidavits shewing that defendant is keeping out of the way—Appeal dismissed where to allow it would be futile.

Defendant was arrested under an order for arrest granted on the affidavit of plaintiff's solicitor that he had probable cause for believing and did believe that defendant unless he was arrested was about to leave the province. The order for arrest was set aside, and the bond directed to be delivered up to be cancelled, by order of the Chief Justice at Chambers, who was satisfied, on reading the affidavits produced before him, that defendant, at the time of his arrest, was not about to leave the province.

Held, 1. The judgment of the learned judge at Chambers was one that the Court, on appeal, would not interfere with.

2. That following *Hunt* v. *Harlow*, 1 Old. 709, a statement of belief that defendant is about to leave the province being all that is required