

RE McBEATH AND PUBLIC SCHOOL BOARD OF SECTION 16 SCARBOROUGH—FALCONBRIDGE, C.J.B.K., IN CHAMBERS—APRIL 29.

Appeal—Motion for Leave to Appeal from Decision of County Court Judge upon Appeal from Award under School Sites Act, R.S.O. 1914 ch. 277, sec. 20—Refusal of Leave.—Motion by McBeath, a land-owner, for special leave to appeal to a Divisional Court of the Appellate Division from a decision of the Senior Judge of the County Court of the County of York upon an appeal from an award of compensation for land taken for the site of a school building. The appeal to the County Court Judge was under sec. 20 of the School Sites Act, R.S.O. 1914 ch. 277; and sub-sec. 3 of sec. 20 provides that the decision of the Judge shall be final unless special leave to appeal therefrom is given by a Judge of the Supreme Court. FALCONBRIDGE, C.J.K.B., in a written judgment, said that the learned County Court Judge had made a very clear and precise finding of fact, which was well supported by the evidence, and the Chief Justice saw no reason to find fault with the decision as to the law. The whole trouble had arisen from McBeath's desire to increase his price from \$12 to \$16 per foot. The motion should be dismissed with costs. Alfred Bicknell, for McBeath. William Proudfoot, K.C., for the school board.