

Heard at London Weekly Court on Saturday, June 22nd, 1912.

J. R. Meredith, for W. B. Harding and John Macfarlane, the applicants.

G. S. Gibbons, for Simon Blight, John Salmon, and Ernest McCutcheon, three of the trustees.

HON. MR. JUSTICE MIDDLETON:—This motion is a continuation of the litigation which has been pending in the Courts for some considerable time, see 25 O. L. R. 550. It has already been determined that the Continuation School District has been validly established; and a mandatory order has been granted at the instance of the school board, directing the payment by the township to the school board of the sum of \$1,000 for maintenance purposes. A motion for a mandamus to compel the payment of \$7,000 (and the issue of debentures for the raising of that sum), for the purpose of erecting a school building, failed solely upon the ground of the insufficiency of the demand made by the school board.

Since that motion was launched there has been a change in the constitution of the board, and it is impossible to read the material, or hear the argument of counsel representing one section of the trustees, without being quite convinced that it is the intention of some members of the board to prevent the establishment of the continuation school. These gentlemen, no doubt actuated by reasons which appear to them to be good and sufficient, think the establishment of the continuation school undesirable, and, although they have accepted office upon the school board, are actively seeking to prevent the establishment of any school.

Following the decision of the Divisional Court rendering necessary the making of a further demand to obtain the \$7,000, for which a by-law has already been passed by the township, a resolution was introduced at the meeting of the school board on the 27th March last, authorizing the making of the necessary formal demand. This resolution was defeated, upon an equal division of the board; the three trustees represented by Mr. Gibbons voting against it, the other trustees voting in its favour.

A resolution was at the same meeting moved to demand from the township \$2,770 for the maintenance of the school, in order that the school might be carried on at once. This was lost upon the same division.