

School Board do provide adequate accommodation for all purposes according to the regulations." This resolution was defeated; one at least of the trustees opposed stating that "they would never have a school."

A resolution was moved at this meeting by those opposed to the school: "That a committee, consisting of Trustees Salmon, McCutcheon, and Fitzgerald, be a committee to look into the question of the location of the continuation school and to advise as to the desirability of renting suitable premises or building, and to report to the trustees at their next meeting." This resolution was defeated by those in favour of the school being established, as the committee named were the three members opposed.

Upon the hearing of this motion, counsel opposing the granting of the order took the position that his clients are not opposed to the establishment of the school, and that the resolution last quoted was intended to be a step towards its establishment. These three trustees, examined as witnesses upon the motion, also took that position.

Upon the argument, I intimated that, in my view, the trustees were called upon to discharge the duties imposed upon them by the statute; that is, to take all proper steps for the establishment of the school; but that how this was to be done, whether by renting temporary premises or by building, was a matter that was entirely and absolutely in the control of the trustees, and that the Court ought not in any way to interfere with the free and untrammelled exercise of this discretion by the responsible body.

The difficulty arises from the inference which counsel for the applicants suggests as irresistible, that there is no bona fide intention to adopt either one course or the other, but simply an intention to drag the matter on until the 15th August, the time limited for making requisitions upon the township council. This fear, was, no doubt, somewhat augmented by the position taken by the respondents' counsel, that no mandatory order could be made until after the time for municipal action had expired; and it was suggested by counsel for the applicants that then the same argument would be adduced as on the former motion for a mandamus, that no order could be granted because the time had gone by.

To meet this situation, I directed the matter to stand until after the 15th July, and that in the meantime a meeting of the board might be held; and I gave leave to supplement the present material by placing before me the proceedings at that meeting, stating that this would give the trustees represented by Mr.