

affirming (RIDDELL, J., dissenting) the order of MIDDLETON, J., dismissing the appellant's motion to quash by-law No. 208 of the Township of West Nissouri, purporting to be a by-law to levy a rate for the erection of of a school-house for a continuation school: 23 O.L.R. 21, 651, 2 O.W.N. 152, 529, 1131.

The appeal was heard by MOSS, C.J.O., GARROW, MACLAREN, MEREDITH, and MAGEE, J.J.A.

J. M. McEvoy, for the appellant.

G. S. Gibbons, for the township corporation.

T. G. Meredith, K.C., and W. R. Meredith, for the West Nissouri Continuation School Board.

MEREDITH, J.A. :—The notion that there may be a high school district in law, which is not one in fact, seems to me to be entirely opposed to the intention of the Legislature, as plainly shewn in the public school laws of this Province.

The purpose of the Legislature, regarding "high" and "continuation" schools, is to provide higher education in connection with the public schools of the Province; but to give effect to the appellant's contention would be to hold that it enabled county councils to prevent effectually the establishment of either a high or a continuation school, and so to thwart all efforts to obtain such higher education.

I cannot think that the acts of the county council in question constituted the electoral district of East Middlesex a separate district for high school purposes under sec. 6 of ch. 226 of R.S.O. 1887, if for no other reason, because there was, and still is, no high school therein: there is no power conferred upon county councils to constitute an electoral district a separate district for high school purposes in order that it may contribute to the support of a high school, or high schools, in another electoral district.

But, if that were not so, if there were such power, the appellant's case would not be established; it would yet have to be determined whether such a district was one within the meaning of the provisions of sec. 9 of ch. 90, 9 Edw. VII. (O.), aimed against the establishment or maintenance of a continuation school in a high school district.

The purpose of that legislation is obvious; where a high school existed, giving better means of higher education, a continuation school would be needless; and, in my opinion, the fair and reasonable interpretation of the words "in a high school district" is in a district in which there is a high school; a high school district in fact.