

BRITTON, J.:—The applicants are qualified ratepayers of school section No. 11 in the township of Tay. There was a school house in this section located upon lot 3 in the 6th concession. This was destroyed by fire on 20th August, 1905. Then proceedings were taken by the trustees and ratepayers for changing the site for the school house of that section, and, arbitrators having been appointed, an award was made on 5th May, 1906, changing it to the south-east corner of lot 1 in the same concession.

There was no request to the arbitrators to reconsider their award, and no proceedings have been taken to set aside that award, so it became, under sub-sec. 3 of sec. 34 of the Public Schools Act, 1901, binding upon all parties, for 5 years from its date.

There is very little of fact in controversy between the parties. The applicant McLeod says that since the making of the award a majority of the trustees have always been opposed to the site selected and fixed by the award, and he believes that a majority of the ratepayers of the school section are likewise opposed to the said site.

After the fire, no school was open in this section until about 1st June last, when the trustees leased a building, not in the township, but just across the town line and in the adjoining township of Medonte. This action of the trustees is not complained of as illegal—or rather that cannot be dealt with on the present application. The applicants and others pressed upon the trustees the duty, as the applicants considered it, of erecting a school house on the award site, and on 16th June, 1906, a meeting of the trustees was held for the purpose of considering the matter, and at that meeting the trustees resolved to ask the ratepayers to sanction the issuing of debentures and the raising of \$1,500.

The meeting of ratepayers was held on 26th June, 1906, and they, by a vote of 19 for and 28 against, refused to sanction the issue of debentures. A great deal of discussion followed. The trustees . . . in the beginning of 1907 attempted to meet the serious difficulty which had arisen by suggesting two sites, and building two school houses.

A special meeting was called for 25th March, 1907, for the double purpose of deciding whether there should be two school houses, and whether the raising of \$2 000 by debentures would be sanctioned. At that meeting two sites were