

RIDDELL, J., IN CHAMBERS.

MAY 6TH, 1916.

RE FLAMBOROUGH WEST UNION SCHOOL SECTION.

Public Schools—Formation of Union School Section—Award of Arbitrators—Confirmation by By-law of County—Order of County Court Judge Referring Adjustment of Claims back to Arbitrators—Jurisdiction—Leave to Appeal—Public Schools Act, R.S.O. 1914 ch. 266, secs. 20 (3), 21, 22 (1), (2), 30.

Motion by the Board of School Trustees for School Section Seven for the Township of Beverly, under sec. 20 (3) of the Public Schools Act, R.S.O. 1914 ch. 266, for leave to appeal to the Supreme Court of Ontario from an order of the Judge of the County Court of the County of Wentworth.

J. H. Spence, for the applicants.

A. L. Shaver, for the Board of Public School Trustees of Union School Section A.

RIDDELL, J., in a written opinion, said that, it being desired to form a union school section of parts of the townships of Beverly and West Flamborough, under sec. 21 of the Public Schools Act, the township councils concerned appointed arbitrators, who made an award. An appeal was taken, under sec. 22 (1), to the County Council of the County of Wentworth, in which both townships are; and three arbitrators were appointed by the county council under sec. 22 (2). These gave a unanimous decision on the 20th July, 1915, which, by the provisions of sec. 22 (2), was "final and conclusive." Thereupon the county council passed a by-law, No. 602, on the 13th September, 1915, "confirming" the award and forming a union school section according to its determinations.

No motion had been made against this by-law: but in April, 1916, a motion was made before the County Court Judge, and he, on the 26th April, 1916, made an order "that the arbitrators appointed by the county council consider and adjust the claims and equities arising from union school section A. and the various other sections, parts of which were detached and given to the union section, as a consequence of the severance of the lands necessary for the formation of the said union section."

In view of the express provisions of sec. 22 (2) ad fin. and sec. 30, the learned Judge thought it sufficiently doubtful that the County Court Judge had power to interfere with the award at all, and if so that he had power to do aught but decide the matter.