Motion for an injunction restraining the township council of West Nissouri from acting upon a certain resolution passed by them turned by consent into a motion for judgment.

W. R. Meredith, for the plaintiff.

G. S. Gibbons, for the defendant.

HON. MR. JUSTICE MIDDLETON:—This is another chapter in the unfortunate litigation over the continuation school in West Nissouri. The facts appear sufficiently in the judgments already reported. (*Vide Henderson* v. *West Nissouri*, 20 O. W. R. 50; 24 O. L. R. 517; *Re West Nissouri Continuation School*, 21 O. W. R. 533; 25 O. L. R. 550; *Re West Nissouri Continuation School*, 22 O. W. R. 842; 23 O. W. R. 601.)

Upon a mandamus being sought to compel the school board to apply for the money necessary for the maintenance of the school it was suggested that the county council might repeal the by-law for the establishment of the school, to which it was answered that it would be contended that the county having created could not destroy, and that it was hoped that, even if it had the power the county would not repeal the by-law in question.

When that motion was before me, I refused to delay judgment, as the demand had to be made before a day named in the statute, and being of opinion that the trustees were bound to make the demand, I awarded a mandamus.

An appeal was had and pending the appeal the demand was made without prejudice to the rights of the parties. Upon this appeal judgment was reserved to see what action (if any) the county council might take, and to allow the validity of any repealing by-law to be determined.

The county took no action, and judgment was then given, dismissing the appeal.

In the meantime the township council was doing its best to forward its views and secure a repealing by-law from the county, and those interested in the establishment of the school were opposing any such by-law, both upon the ground of absence of power and inexpediency.

The educational committee of the county council reported against any attempt to repeal "on account of the uncertainty of liability resulting from legal action now pending the judgments already given—but added that "as