

1895

*Mar. 18.

 WILSON v. THE COUNTY OF ELGIN.

By-law—High school district—Townships detached.

APPEAL from a decision of the Court of Appeal for Ontario (1), affirming the decision of Mr. Justice Robertson, who refused to quash a by-law of the corporation.

The appellant moved to quash by-law no. 522 of the county of Elgin, passed January, 1894, to detach certain townships from the high school districts to which they had been attached up to that time. The grounds upon which the by-law was attacked were that it was *ultra vires* of the county council; that the districts

*PRESENT :—Sir Henry Strong C.J., and Taschereau, Gwynne, Sedgewick and King JJ.

(1) 21 Ont. App. R. 585.

could only be changed by consent of the municipalities interested; and that it did not provide for the continued liability of the municipalities detached for debts previously incurred.

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The motion to quash was made before Mr. Justice Robertson, who dismissed it with costs, and his decision was affirmed by the Court of Appeal.

After hearing counsel for the respective parties the Supreme Court dismissed the appeal without reserving judgment.

Appeal dismissed with costs.

Tremear and Macdonald for the appellant.

Glenn for the respondent.
