

is left out, and we have in its place the word "maintenance," and further on in this section "maintenance" is the only word used. Taking the section altogether, the restricted meaning contended for should not be given to the words, but they should be liberally construed. We show that the money is required for "expenses of conducting High School" and "current expenses of High School," which comes fairly within the words "maintenance and school accommodation."

HAGARTY, C.J., delivered the judgment of the Court.

The objections were wholly to the case made by the applicants. No affidavits or papers were filed in answer.

It was objected that there was no such corporation or body as the papers set out: that the demand was insufficient: that it must be by the Board: that a demand by the Secretary was not sufficient: and that the words "maintenance and school accommodation" apply only to providing buildings.

It appears this school was formed in 1865, under Consol. Stat. U. C., ch. 63. Grammar Schools are there regulated. Sec. 20 says, "In each county in which one or more Grammar Schools are established, there shall be a Board of Trustees," &c.

Sec. 24 says, "The Board of Trustees of each County Grammar School shall be a corporation by the name of 'The Trustees of the County Grammar School,' prefixing to the term 'County' the name of the city, town, or village within which such Grammar School is situated."

Sec. 17 says, "The several County Councils may establish additional Grammar Schools within the limits of their Municipality," &c., &c.

Sec. 1 says, "There shall be one or more Grammar Schools in each county, * * to be distinguished by prefixing to the term 'county' the name of the city, town, or village within the limits of which it may be situated."

Under this Act we presume the name would be, "The Trustees of the Port Rowan County Grammar School."

29 Vic., ch. 23, passed 18th September, 1865 (the year in which it is said this school was established), provides for the County Council naming three persons as Trustees of each Grammar School, and other bodies to have a like power.

Sec. 3.—"The Trustees so appointed as aforesaid shall be a corporation, and shall succeed to all the rights, names, powers and obligations conferred or imposed upon Trustees of Grammar Schools by Consol. Stat. U. C., ch. 63."

This Act makes no further provision as to corporate names.

The Ontario Act 34 Vic., ch. 33 (passed 15th February, 1871), sec. 34, enacts, "Boards of Grammar School Trustees shall be designated High School Boards; and the Grammar Schools shall be designated and known as High Schools."

Sec. 35.—"All the provisions of the Grammar School Act shall, as far as is consistent with the provisions of this Act, apply to High Schools, their Trustees, head masters, and other officers, as fully as they apply to Grammar Schools and their officers."

Sec. 36.—"The Grammar or High School grant shall be exclusively applied in aid of High Schools. * * In the case of a High School in towns, incorporated villages, or townships, one-half of the amount paid by the Government shall be paid by the Municipal Council of the county in which such High School is situated, upon the application of the High School Board; and such other sums as may be required for the maintenance and school accommodation of the said High School shall be raised by the Council of the Municipality in which the High School is situated, upon the application of the High School Board."

The term "High School" seems first introduced instead of "Grammar School," by this Act of 1871.

We suppose the nearest approach to the correct corporate name under the last Act would be, "The Trustees of the Port Rowan County High School." But this Act does not in terms give any corporate designation.

Apart from this technical question, it seems to us that there is evidence before us of a sufficient demand and refusal: that the letters of the Secretary and Treasurer sufficiently show the sums required, and that a demand was made on the Municipality by the High School Board through their officer and organ.

The resolution of the Council declining to pay shows fully that they understood the requisitions to be made by the Board of Trustees.

As to the alleged insufficiency in the form of the demand, we must bear in mind that the words of this Grammar School Act are different from the Common School Act. In the latter it is directed that the Trustees prepare and lay before the Municipal Council "an estimate of the sums which they think requisite."

In the Grammar School Act, as cited, it provides, that the sums required for maintenance and school accommodation shall be raised, &c., upon the application of the High School Board; and

the succeeding sub-sec. 1 says, that the Council "shall, upon the application of the High School Board, raise the proportion required," &c., &c.

The distinction therefore seems important. *The School Trustees of the City of Toronto and The Corporation of the City of Toronto*, 23 U. C. R. 203; same parties, 20 U. C. R. 302; *In re School Trustees of Mount Forest and The Corporation of Mount Forest*, 29 U. C. R. 422; *School Trustees of Port Hope v. The Town Council of Port Hope*, 4 C. P. 418.

The purposes for which the money is required is stated to be "for expenses of conducting High School," and again as "current expenses of High School."

We think the "expenses of conducting," and the "current expenses," certainly fall within the words "maintenance and school accommodation."

The nominal difficulty remains. The introduction of the word "County," before the words "High School," would, we think, be more correct. But we do not see our way to holding that, under the not very clear directions of the Statute, we should on that account refuse the application.

The Council in their resolution call them the Port Rowan High School Trustees, showing that they fully understand the body with whom they are dealing; and they address their answer to the Secretary of that Board, and the demands are signed by the Secretary of the Port Rowan High School Board.

The introduction in both the demands of the words, "Section No. 12," are not explained.

On the whole, we think the rule should be absolute for a mandamus.

It is to be regretted that the utterly careless manner in which these matters are transacted raise all these legal questions.

Rule absolute for Mandamus.

II. Educational Matters in Ontario.

1. HIGH SCHOOL ENTRANCE EXAMINATIONS.

On Monday and Tuesday of last week were held the examinations for entrance to the High Schools throughout the Province. The Board of Examiners for Barrie met in the High School building on Monday morning, and His Honour Judge Gowan, the chairman, in opening the proceedings, took occasion to explain the circumstances under which the examinations were held. For the last two or three years the duty of admitting pupils to the High Schools had been committed to local boards of examiners, each board preparing its own set of questions, and affixing values thereto. It soon became apparent that the standards set up were as various as the boards themselves; that whilst, in some places, pupils were compelled to exhibit a fair amount of preparatory knowledge, in others the entrance examination was nothing but a sham and a delusion. To remedy this, and establish uniformity, the Council of Public Instruction last year instructed the High School Inspectors to prepare a set of questions upon each of the subjects appointed for the entrance examination, and at the same time issued minute directions for the conduct of the examination to each Local Board. The Government, however, vetoed these regulations on the ground that the Council, in passing them, was not administering the law, but adding to it. At the same time the Government declared that the High School Inspectors had no right to supervise the work of the Local Boards. All check upon the admission of pupils being thus removed, the demand for High School education increased with astonishing rapidity, and in less than six months not fewer than 2,000 new pupils were admitted to the High Schools. In one school in the west of the Province, which, for some time had been languishing with an attendance of about 20 pupils, there was suddenly found to be an attendance of about 200. The secret of this haste to swell the attendance lay in the fact that the Legislative grants in aid of the schools were based on average attendance alone, no regard whatever being had to work done. Some few schools, among which His Honour was glad to say our own was to be found, acted in accordance with the spirit of the law, and suffered financially in consequence; for although the average attendance at our school has been slightly increased during the last two or three years, yet as the Legislative grant is a fixed sum, and the increase in attendance here was not in the same ratio as that of other schools where the stuffing process had been adopted, the receipts from Government, and consequently from Municipal grants, were considerably diminished. A scheme has been matured by the High School Inspectors for the classification of the schools according to work done, and the Inspectors now urge the adoption of a certain rate per pupil of average attendance according to the class of the school, those of the first class being paid at a higher rate than those of the second, and so on. His Honour was in great hopes that in consideration of the classification, and the check now placed by