

3. That it was not necessary to give the estimates on which the sums required were based ; there being a difference in this respect between the Grammar School and Common School Act.
4. That the purposes for which the money was stated to be required, viz., "For expenses of conducting High School," and "current expenses of High School," fell within the meaning of the words "maintenance and school accommodation," used in the Statute.

In Michaelmas Term, *Patterson, Q. C.*, obtained a rule calling on the defendants to show cause why a mandamus should not issue, commanding them to raise \$286.74 for the maintenance and school accommodation of the Port Rowan High School, in pursuance of the application of the trustees of said school.

The application was founded on an affidavit of *W. Ross*, entitled, "In the matter of the Trustees of the Port Rowan High School and the Corporation of the Township of Walsingham," stating that he was the Secretary and Treasurer of the School Board : that the school was established under Consol. Stat. U. C., ch. 63, about the year 1865, in the Village of Port Rowan, which forms part of the Township of Walsingham, in the County of Norfolk : that the moneys required for the maintenance, &c., of said school from the 15th of February to the 31st of December, 1871, amounted to \$658.43 : that during that period they had received from the Government for High School grant \$400, and from the County of Norfolk \$200, leaving \$58.83 still required for the maintenance and school accommodation for 1871 : that from January to the 30th of June, 1872, they required \$484.83 : that they had received from the Government grant \$171, and from the county \$85.50, leaving \$228.30 still required, making a total of \$286.75 to be raised by the municipality of Walsingham.

That an application was made on the 1st of July, 1872, by the Board, in writing, but the defendants refused to raise the money : that the collectors' rolls for 1872 had been since the application given to the collectors, not including any rate for raising these moneys.

The demand of the 1st of July was headed :

School Section No. 12, Walsingham,
PORT ROWAN, July 1st, 1872.

Township of Walsingham in account with the Trustees of High School Board, of School Section No. 12,	Dr.
To expenses of conducting High School from 15th February, 1871, up to 1st January, 1872, over and above the amount received from Government and County grants	\$66 60
To amount of expenses as aforesaid from 1st of January to 30th June, 1872	188 00
	\$254 60

You will please raise the above amount as soon as possible.

WILLIAM ROSS,
Secretary and Treasurer, Port Rowan High School Board.

On the 19th of August, 1872, Mr. Ross wrote as follows :

Office of High School Board Section No. 12,
PORT ROWAN, 19th August, 1872.

To J. PHELAN, Esq.,
Clerk of Municipal Council of Walsingham,
Pleasant Hill.

DEAR SIR,—In making up the estimate of the current expenses of High School, I reckoned the amount of Government grant at \$200 and County grant \$100, but we have only received for the six months of 1872, from Government grant \$171, and from County grant \$85.50, leaving a deficiency of \$44.50 to be charged to the municipality in addition to the claims already made, which makes in all our claim against the township \$286.74, which amount I am requested to make immediate demand for from the Council, and save all unnecessary expenses.

Yours truly,
WILLIAM ROSS,
Secretary and Treasurer.

On the 17th September, 1872, the following letter was received :
Clerk's Office, Walsingham, September 17th, 1872.

SIR,—I have the honour to send you a copy of a resolution passed by the Council yesterday.

JOHN PHELAN,
Township Clerk.

To WILLIAM ROSS, Esq.,
Secretary, Port Rowan High School Board.

Moved by Mr. Dewitt, seconded by Mr. Boughner, *Resolved*, That this Council declines to pay the demand of \$286.74, of the Port Rowan High School Trustees, believing it to be illegal.

In this Term *M. C. Cameron, Q.C.*, showed cause. The proceedings are altogether wrong. The affidavit upon which the application is based is entitled : "In the matter of the Trustees of the Port Rowan High School," and there is no such school. By section 24 of Consol. Stat. U. C., ch. 63, it is enacted that "The Board of Trustees of each County Grammar School shall be a corporation by the name of "The Trustees of ——— County Grammar School, prefixing to the term 'County' the name of the city, town, or village within which such Grammar School is situated," &c., so that under this Act the correct name would be "The Trustees of the Port Rowan County Grammar School." By sec. 34 of 34 Vic., ch. 33, Ont., it is enacted that "Boards of Grammar School Trustees shall be designated High School Boards, and the Grammar Schools shall be designated and known as High Schools ;" the word Board being specially mentioned. We would then have as the correct designation under the amending Act, "The Board of Trustees of the Port Rowan County High School." The rule is entitled in the same manner as the affidavit, and for this reason is bad. The demand is bad for the same reason as the affidavit, and also because it must be made by the High School Board. By sec. 36 of 34 Vic., ch. 33, it is enacted that the amount required to be raised by the municipality shall be raised "upon the application of the High School Board," &c. Here we have on the 1st of July, a demand made by the Secretary and Treasurer, as of his own accord, but subsequently he writes to the corporation that an error has been made in the estimates which leaves a deficiency of \$44.50 to be charged to the municipality, which, "in addition to the claim already made, makes our claim against the township \$286.74, which amount I am requested to make immediate demand for," &c, but he does not state by whom he is requested. The demand also is informal, in not giving the estimates upon which the expenses are based. There must be a separate demand for each year, and therefore a demand made in 1872, including the amount of the previous year, is bad ; also the demand must be for the amount due for the whole year ; a portion of the amount so due cannot be demanded. Moreover, the purposes for which the amount is required would not come within the meaning of the terms, "maintenance and school accommodation ;" these words simply refer to the erection of buildings in which schools are to be held, and their maintenance when erected. Sec. 5 of the original Act, Consol. Stat. U. C., ch. 63, shows that the Government grant is to be applied to the payment of the teacher, and the amending Act shows that if school accommodation is required, the local municipality is to provide it.

Patterson, Q.C., contra. The proper style of the applicants is : "The Trustees of Port Rowan County High School." The word Board is not necessary. Sec. 24 of Consol. Stat. U.C., ch. 63, states the Trustees are to be a corporation by the name of "The Trustees of the ——— County Grammar School," the blank being filled up with the name of the city, town, or village within which such grammar school is situated. In this description the word Board is not mentioned, and is therefore not required. Now the only alteration in this description made by the amending Act, 34 Vic., ch. 33, sec. 34 O., is, that the words "High School" are substituted for the words "Grammar School," and therefore the proper description would be, "The Trustees of the Port Rowan County High School." As to the want of a proper description, there is abundance of authority to show, that as long as a corporation is designated so as to be known, an error in the name will not affect the matter. The demand is sufficient. It was made by the Secretary and Treasurer, the proper officer for that purpose of the corporation, and the resolution passed by the township council on September 16th, namely, "That this council declines to pay the demand of the Port Rowan High School Trustees, believing it to be illegal," shows that they acknowledge it to be the demand of the Board. As to the demand not giving the estimates on which the expenses are arrived at, it is not necessary to do so ; there is nothing in the Act which requires it, as it simply says that the corporation "shall upon the application of the High School Board raise the proportion required to be raised by such municipality," &c. As to the meaning of the words, "maintenance and school accommodation," on referring to 34 Vic., ch. 33, sec. 36, we find that in speaking of cities or towns withdrawn from the jurisdiction of the county, it says, "the sums of money required to be raised from local sources, for the support of a High School." Here the only word used is, support. Then again, "such other sum as may be required for the accommodation and support of such school ;" here we have both accommodation and support ; and in speaking of towns, incorporated villages, or townships, the word "support"