

MIDDLETON, J., IN CHAMBERS.

OCTOBER 8TH, 1913.

\*RE ATHENS HIGH SCHOOL BOARD AND TOWNSHIP  
OF REAR OF YONGE AND ESCOTT.

*Schools—High School Board—Sums Required for Maintenance  
—Requisition on Municipal Council—Deficit from Previous  
School-year—High Schools Act, 9 Edw. VII. ch. 9, sec. 24  
—Bona Fides—Unforeseen Expenditure—Duty of Municipal Council.*

Motion by the High School Board for a mandamus to compel the township corporation to levy and collect their proportion of the amount required by the Board for the maintenance of the High School, in pursuance of a requisition made by the Board.

G. H. Kilmer, K.C., and H. A. Stewart, K.C., for the applicants.

J. A. Hutcheson, K.C., for the respondents.

MIDDLETON, J.:—The municipality have served notice consenting to an order directing them to levy and collect the amount mentioned in the requisition, save as to one item, namely, "Deficit from last school-year, \$916.20." The argument was confined to the right of the High School Board to compel payment of this item.

The duty of the Board is defined by the High Schools Act, 9 Edw. VII. ch. 91, sec. 24. To it is intrusted the obligation of providing adequate education for the pupils and appointing necessary teachers and officers; and, by sub-sec. (h), it is authorised to apply to the municipal council before the 1st August in each year "for such sums as the Board may require for the maintenance of the school for the twelve months next following the date of such application."

The whole duty of administering school affairs is placed upon the Board. Its sole source of income, apart from fees and legislative and county grants, is the sum to be contributed by the ratepayers, through the municipal council; the scheme, put shortly, being to have all the rates levied and collected at the one time by the municipal council, although the administration of school affairs is left with the school board. In the case

\*To be reported in the Ontario Law Reports.