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Meredith, (Sit) William Ralph
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(HIGH COURT OF JUSTICE.)

In re

THE PUBLIC SCHOOL BOARD OF THE CITY OF
TORONTO,
AND
THE CORPORATION OF THE CITY OF TORONTO.

Copy of Judgment of Divisional Court delivered 2nd December, 1901. F. E. Hodgins, for the Public School Board. Fullerton, K.C., for the City Corporation.

MEREDITH, C. J.—Both parties have appealed against the order of my learned brother Street made on the 19th day of October, 1901, on the application of the Public School Board for a peremptory mandamus to the Corporation to levy and collect a sufficient sum to pay in full the estimate of the Board of the expenses of the schools under its charge for the year 1901, amounting in the whole to \$530,363.66, the Corporation having refused, improperly as the Board alleges, to levy and collect more than \$461,151, for the levy and collection of which under the provisions of sub-section 1 of section 71 of the Public School Act (1 Edward VII, Cap. 39) the Municipal Council of the Corporation passed its by-law on the 10th June, 1901.

In the estimate of the School Board the expenses are classified under forty-two separate heads, to twenty-seven of which objection was taken on various grounds, two of them being objected to in toto and twenty-five in part, the whole sum objected to being \$59,213, and my learned brother Street held the objections to be well founded except as to \$18,768.59, and granted the mandamus as to that sum, but refused to grant it as to the residue of the \$69,213, and, as I have said, both parties appeal, each complaining of the order in so far as it is unfavorable to him.

It will be convenient at this point to set out the items objected to and the result of my learned brother Street's judgment as to each of them: