

said letters, was sufficient *prima facie* evidence that the persons whose names were printed on the letter heads constituted the said firm.

It appeared that the amount for which the action was brought was only twenty-two dollars, and the Court, though unable to refuse to hear the appeal, expressed strong disapproval of the appellant's course in bringing an appeal for such a trifling amount.

Appeal dismissed with costs.

Weldon, Q.C., for appellants.

Barker, Q.C., for respondent.

SUPREME COURT OF JUDICATURE FOR ONTARIO.

HIGH COURT OF JUSTICE.

Queen's Bench Division.

Div'l Ct.]

[Dec. 20.]

MEAD *v.* TOWNSHIP OF ETOBICOKE.

Municipal Corporations—Highway carried over railway—Liability of municipal corporation—Liability of railway company—R.S.O., c. 184 s., 531.

Notwithstanding any liability which may be cast by statute upon a railway company to maintain and repair a bridge and its approaches by means of which a highway is carried over their railway, such highway is still a public highway, and as such comes within the provisions of the Municipal Act, R.S.O., c. 184, s. 531, requiring every public road, street, bridge, and highway to be kept in repair by the municipal corporation, who are not absolved from liability for default by the liability, if any, of the railway company.

Laidlaw, Q.C., and *Kappele* for the plaintiff.

Robinson, Q.C., and *McMichael*, Q.C., for defendant Township of Etobicoke.

McCarthy, Q.C., for defendants G. T. R. Co.

Chancery Division.

Full Court.]

[Dec. 23.]

RE ROMAN CATHOLIC SEPARATE SCHOOLS.

Roman Catholic Separate Schools—Public Schools Act, R.S.O., 1887, c. 225.

In answer to questions submitted by the Minister of Education,

Held, 1. If the assessor is satisfied with the *prima facie* evidence of the statement made by or in behalf of any ratepayer that he is a Roman Catholic, and thereupon (seeking and having no further information) places such person upon the assessment roll as a Separate School supporter—this ratepayer though he may not by himself or his agent give notice in writing pursuant to section 40 of Separate Schools Act (R.S.O. 1887, c. 227) may be entitled to exemption from the payment of rates for public school purposes,—he being in the case supposed assessed as a supporter of Roman Catholic Separate Schools.

2. The Court of Revision has jurisdiction on application of the person assessed, or of any Municipal elector (or ratepayer, as in the Separate Schools Act sec. 48 (3), c. 227 R.S.O.) to hear and determine complaints.

(a) In regard to the religion of the person placed on the roll as Protestant or Roman Catholic, and

(b) As to whether such person is or is not a supporter of public or separate schools within the meaning of the provisions of law in that behalf, and

(c) (which appears to be involved in (b)) whether such person has been placed in the wrong column of the assessment roll for the purposes of the school tax,

It is also competent for the Court of Revision to determine whether the name of any person wrongfully omitted from the proper column of the assessment roll should be inserted therein upon the complaint of the person himself or of any elector (or ratepayer).

3. The assessor is not bound to accept the statement of, or made on behalf of any ratepayer under R.S.O. 1887, c. 225 sec. 120; (2) in case he is made aware or ascertains before completing his roll that such ratepayer is not a Roman Catholic, or has not given the notice required by section 40 of the Separate Schools Act, or is for any reason not entitled to exemption from Public School Rates.

4. (a) A ratepayer, not a Roman Catholic, being wrongfully assessed as a Roman Catholic and supporter of Separate Schools, who, through inadvertence or other causes, does not appeal therefrom is not estopped (nor are other ratepayers) from claiming with reference to the assessment of the following or future year that he is not a Roman Catholic.