

gave notice that they were supporters of the Roman Catholic separate school for section 1, Sandwich East, assessed and placed on the roll of defendant municipality as supporters of that school, and to have the taxes collected from them applied to the support of that school.

J. E. O'Connor, Windsor, for plaintiff.

J. H. Coburn, Walkerville, for defendants.

BOYD, C.—Upon the question of law raised on the record and by the written arguments, I find in favour of plaintiffs upon this point, that the provisions of the Separate Schools Act, R. S. O. ch. 294, sec. 42 et seq., apply to the case of the contiguous municipalities of Walkerville and Sandwich East. That is to say, I think that the supporters of separate schools resident in Walkerville, where there is no separate school, may by proper notice become supporters of the nearest separate school in Sandwich East within the limit of 3 miles' distance from that school. This will practically withdraw such persons from contributing to the public schools of the town, and render them liable to be assessed for the maintenance of the nearest separate school in Sandwich East—which appears to be that controlled by plaintiffs.

Upon the other question of law raised on the pleadings and argument, I am of opinion that the contention of defendants is right: that is, it is not open for the Court to make or direct changes in the assessment rolls of the town for the year 1903 so as to change the body of ratepayers named by withdrawing those who are or are found to be supporters of separate schools. That is a matter of detail, to be regulated and adjusted by application for redress to the Court of Revision under sec. 49 of the Separate Schools Act, which is expressly framed to meet just such cases of complaint that one who is a separate school supporter is wrongfully placed upon or omitted from the roll. This complaint may be by the person aggrieved or by any ratepayer of the locality—but not in a subsequent year by the corporate body of trustees for the separate school section, alleging themselves to be interested. I see no right of initiative in this body under the statute, nor do I know what locus standi they have to seek such relief in the High Court.

Beyond these declarations, no useful result can follow any more detailed consideration of the minor issues.

Unexplained delay has arisen in submitting the case to me for decision. . . . It was before me at Sandwich on 22nd September, 1903, and the direction was given to tabulate evidence as to the notices and withdrawals of a mass of