

## COLLEGIATE INSTITUTES AND HIGH SCHOOLS.

Number of Pupils who passed the Entrance Examination, December, 1876.

Alexandria.....	10	Newmarket .....	17
Almonte .....	18	Niagara .....	12
Arnprior.....	16	Norwood .....	14
Aylmer .....	25	Oakville .....	9
Barrie.....	23	Oakwood .....	12
Beamsville.....	6	Omemeo.....	11
Belleville .....	31	Orangeville .....	8
Berlin .....	27	Orillia .....	10
Bowmanville .....	18	Oshawa .....	15
Brantford .....	26	Ottawa .....	25
Brighton.....	5	Owen Sound .....	33
Brockville .....	8	Pakenham .....	14
Bradford.....	17	Paris .....	13
Brampton .....	9	Parkhill .....	7
Caledonia.....	19	Pembroke.....	15
Campbellford.....	2	Perth .....	31
Carleton Place .....	14	Peterborough .....	32
Cayuga .....		Picton.....	11
Chatham.....	21	Port Dover .....	9
Clinton .....	27	Port Rowan.....	4
Cobourg.....	19	Port Perry.....	17
Colborne.....	6	Port Hope.....	33
Collingwood .....	27	Prescott.....	13
Cornwall.....	12	Renfrew.....	7
Drummondville.....	16	Richmond Hill .....	8
Dundas .....	14	Sarnia .....	23
Dunnville .....	2	Simcoe .....	21
Elora .....	17	Smith's Falls .....	4
Farmersville .....	21	Smithville .....	7
Fergus.....	12	Stirling.....	No examination
Fonthill.....	No examination	Stratford.....	39
Galt.....	32	Strathroy.....	42
Gananoque.....	15	Streetsville.....	5
Goderich.....	19	St. Catharines.....	24
Grimsby.....	12	St. Mary's .....	29
Guelph.....	29	St. Thomas .....	26
Hamilton .....	76	Sydenham .....	13
Hawkesbury .....	8	Thorold .....	11
Ingersoll .....	12	Toronto .....	50
Iroquois .....	3	Trenton .....	7
Kemptville .....	18	Uxbridge .....	15
Kincardine.....	19	Vankleekhill .....	20
Kingston .....	9	Vienna .....	17
Lindsay .....	12	Walkerton .....	18
Listowel .....	7	Wardsville.....	12
London .....	50	Waterdown .....	11
Markham .....	20	Welland .....	9
Mitchell .....	14	Weston .....	10
Morrisburgh .....	17	Whitby .....	33
Napanee .....	23	Williamstown.....	6
Newburgh .....	17	Windsor .....	33
Newcastle .....	9	Woodstock .....	25

## II. Legal Decisions on School Questions.

### THE CORPORATION OF THE COUNTY OF CARLETON V. THE PUBLIC SCHOOL BOARD OF THE CITY OF OTTAWA.

*Land granted to county for school purposes—Subsequent incorporation of city—Effect of the School Act of 1874, 37 Vic. ch. 28, O.*

On the 26th September, 1844, one LeB., conveyed certain land to the Municipal Council of the district of Dalhousie, on the condition of their erecting within a year a school house thereon. The deed did not state that it was to be a model school house, but that was the only school they could then establish, and the council had on the 16th May previous, acting under 7 Vic. ch. 29, which authorized the establishment of model schools, passed a resolution and by-law reciting the statute, and directing the establishment of a model school, which, within the time limited, was erected on this land. The land formed part of what was afterwards incorporated as the Town of Bytown, and subsequently the city of Ottawa, while the district of Dalhousie became the county of Carleton. The evidence shewed that up to 1851 the school was used as a model school, and that the plaintiffs had always asserted their right thereto, and had ejected one S., who got into possession as a private, and afterwards as a common school teacher; and up to 1868, the defendants, the Public School Board of

Ottawa, had admitted plaintiffs' right to it. The 37 Vic. ch. 28, O., empowered the Public School Board of any city to take possession of all public school property, and to hold, as a corporation, all such property acquired or given at any time for public school purposes in the city by any title whatsoever. Defendants took possession, claiming the land as being vested in them under this Act, and the plaintiffs then brought ejectment.

*Held*, that plaintiffs were entitled to recover, for that under LeB's conveyance the property vested in them, and the subsequent school Act had not had the effect of divesting it.

*Held*, also, that there was no objection to the county owning land so acquired, and subsequently included in the city.

EJECTMENT for a piece of land in the city of Ottawa.

The case was tried before Wilson, J., without a jury, at Ottawa, at the Fall Assizes of 1874.

From the evidence, it appeared that on the 26th September, 1844, John LeBreton conveyed the land in dispute to the municipal council of the district of Dalhousie, forever, and for the purpose of erecting thereon a school house for the use of the district of Dalhousie, with a proviso that the council should within a year build a school house on the land, to belong exclusively to the municipal council for the use of the said district; but if used for any other purpose, or sold, or alienated, then there should be a defeazance.

In December, 1843, the Act 7 Vic. ch. 29 was passed, to make provision for the establishment and maintenance of common and model schools in Upper Canada.

Sec. 57 empowered the Court of Wardens for any county to levy a rate and expend it in the maintenance of one or more county model schools.

On the 16th May, 1844, a resolution and by-law of the district of Dalhousie was passed, reciting the late statute, and declaring that in Bytown there should be established a model school wherein the children of the district might be instructed at a reasonable charge, as in any common school in the township, and where candidates for teacherships might be examined, &c., and for the instruction of candidates, &c.; and to levy a rate therefor.

The Act 9 Vic. ch. 20, made further provision for schools; and sec. 13, sub-sec. 4, directed the district superintendent to visit annually the model and common schools, &c.

The Act 10 & 11 Vic. ch. 19, sec. 4, while vesting all lands acquired or rented for common school purposes in the hands of trustees in any city or town, provided "that all lands," &c., "now vested in the district council of any district for the purposes of a model school within any such city or town shall remain vested in such district council."

By the Act of 1849, 12 Vic. ch. 78, the district of Dalhousie became the county of Carleton.

By 10 & 11 Vic. ch. 43, the town council of Bytown was incorporated, and limits appointed.

Sec. 17 gave power to make assessments, and put an end to further assessments therein by the Dalhousie district, and to all municipal control therein by such district.

13 & 14 Vic. ch. 48, sec. 12, sub-sec. 3, directed the common school trustees to take possession of and hold all common school property acquired or given for common school purposes in the section; and sec. 24, sub-sec. 2, gave a like direction to the board of school trustees in a city or town as to all property acquired or given for common school purposes in such city or town by any title whatsoever.

By the Act 18 Vic. ch. 23, 1854, the town of Bytown became the City of Ottawa.

It was proved that the plaintiffs built a school on the land within the time prescribed in the grant; it was a model school.

Mr. Healey proved his acting as teacher of a model school from 1844 till April, 1847, under the plaintiffs. Up to 1851, he said he knew the school was in possession of a teacher employed by the plaintiffs.

As far as appeared a Mr. Stewart, in 1860 or 1861, got into possession as a private teacher, and afterwards as a common school teacher. A committee of the county council was appointed to look after the matter, and they proceeded to the premises in 1861, and Stewart, in the presence of Mr. Ross, the chairman of the common school board, gave possession to them, and after that they locked the door.

In 1861 a recovery was had in ejectment by default at the suit of the plaintiffs against Stewart, and an exemplification of the judgment was proved.

It appeared that in 1857, the common school board applied to the plaintiffs to purchase the premises.

It seemed that this was not complied with, but the plaintiffs allowed the board to occupy rent free on condition of making some repairs.

In 1868 a letter was addressed by the secretary of the board of common school trustees to the plaintiffs, stating that by the resolu-