

selected, and, so far as those at the meeting could do so, they agreed to the erection of two school houses. The vote in favour of two school sites and houses was 28, and 20 were against this, and the vote in favour of raising \$2,000 by debentures was 27 for and 20 against. This decision was not acted upon, because the proceedings were declared illegal by the public school inspector. Then the trustees attempted to get a settlement by an application to the County Court Judge. Nothing resulted from this.

The trustees then met, and a special meeting of the ratepayers was held on 11th May, 1907, to consider the matter of one levy of \$1,500 for the erection of a school house on the award site and for school furniture. At this meeting 25 voted against the levy and none in favour of it. It is said that there is no authority for calling a meeting for such a purpose, and I agree that such a meeting is not in terms authorized by the School Act, but the proceedings taken by the trustees shew that they have acted in perfect good faith in attempting to provide, on terms not onerous, school accommodation for children in the district.

I assume that the applicants and some others, but not a majority of the ratepayers of the section, are willing to submit to one levy for the new school house upon the award site, and for the necessary school furniture; but is this a case where the Court should grant a mandamus to compel the trustees to ask for a large sum of money to be paid by unwilling ratepayers in one year? It is conceded that the money cannot be raised by debentures extending beyond one year, as the necessary sanction by the ratepayers, as required by sec. 74 of the Public Schools Act, 1901, has not been given. No doubt, the word "may" does not necessarily imply a discretion—it sometimes is obligatory.

The strongest cases for the applicants' contention that I have been able to find are *Julius v. Bishop of Oxford*, 5 App. Cas. 214, and *Regina v. Tithe Commissioners*, 14 Q. B. 474. The latter of these cases decides "that in public statutes words only directory, promissory, or enabling, may have a compulsory force when the thing to be done is for the public benefit or in advancement of public justice. This case does not, in my opinion, come within that rule. It would, in my opinion, be an injustice to compel the ratepayers in that township to pay the whole amount in one year. It seems to be clear that the majority in number at