

Public School supporter, it shall be the duty of the assessor to give, in addition to all other notices, a written or printed notice to such ratepayer that such change is being made. R. S. O. 1897, C. 224, S. 53.

The following judgment by His Honor Judge James R. O'Reilly, judge of the County Court of the united Counties of Stormont, Dundas and Glengarry, delivered by His Honor on the 17th day of January, 1908, in an action by the Board of Trustees of the Roman Catholic Separate Schools of the village of Chesterville, against the corporation of the village of Chesterville, will illustrate how the law stands and is administered in reference to statements made on behalf of a ratepayer that he is a Roman Catholic. The judgment reads as follows:

"The plaintiffs on August 1st, 1905, held a regular meeting of their Board, when the following motion was carried: 'Moved by Thos. Flynn, seconded by Mr. Gibbins, that the sum of \$798.00 be required for school purposes for the year 1905 from village ratepayers.'

"On or about the same date the secretary-treasurer of plaintiffs' Board signed the following notice as such officers, and subsequently sent it to the clerk of the defendants, who received it about the second day of September, 1905:

" 'Chesterville, Aug. 15, 1905.

" 'W. J. Nash, Esq.,

" 'Clerk of the Chesterville Corporation:

" Please take notice that the Roman Catholic Separate School Board require you to levy 15 mills on the R. C. Separate School supporters' assessment of \$53,200.00, to raise \$798.00 for the year 1905.'

"The defendants then levied on the Roman Catholic Separate School supporters of the village according to revised assessment roll a rate of 15 mills on the dollar, and collected same.

Such levy amounted in all to the sum of \$692.19, which was paid over to plaintiff's board, and was received by them under protest.

"The plaintiff sued to recover the difference between \$798 and \$692.19, being \$105.81, on which latter sum they claim interest from the 14th day of December 1905.

"The defendants plead in answer that plaintiffs only required a levy of 15 mills to be made on the supporters of Roman Catholic Separate Schools for the year 1905, and that this was the meaning of the paper writing purporting to be a requisition from the Separate School Board, and defendants state and aver that if a requisition had been given them requiring them to raise \$798, they were willing, and still are willing, to raise the amount of \$105.81 claimed by the plaintiffs by a levy on the Separate School supporters for the year A. D., 1905.

"The plaintiffs reply that the reference in the so-called requisition to the 15 mills rate was made by inadvertence, and that there is no statutory provision for same and, that defendants, by acting on the requisition, and making part payment of the \$798 required, waived any irregularity, and that the requisition was a valid request for \$798.00.

"The plaintiffs also reply that the defendants have levied the \$105.81 for the plaintiffs, but have never paid over same to plaintiffs.

"The whole difficulty between these two corporations, plaintiffs and defendants, respectively, arose from the fact that the assessment of two Roman Catholic ratepayers in said village, namely, one Michael O'Keefe and one Frank McCloskey, were included as a part of the sum of \$53,200.00 mentioned in the notice given by plaintiffs' secretary-treasurer as being the R. C. Separate School supporters' assessment, whereas, by the revised assessment roll for 1905 these