

[CHANCERY DIVISION.]

IN THE MATTER OF ROMAN CATHOLIC SEPARATE SCHOOLS.

Public schools—Separate schools—R. S. O. (1887) ch. 225, sec. 120, subsec. 2—ib., ch. 227, sec. 40.

Held, that if the assessor is satisfied with the *prima facie* evidence of the statements made by or on behalf of any ratepayer, that he is a Roman Catholic pursuant to R. S. O. (1887) ch. 225, sec. 120, subsec. 2, and thereupon (asking and having no other 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 R. S. O. (1887) ch. 227, sec. 40, may be entitled to exemption from the payment of rates for public school purposes, he being in the case supposed assessed as a supporter to Roman Catholic separate schools.

Held, also, that the Court of Revision has jurisdiction, under R. S. O. (1887) ch. 225, sec. 120, subsec. 3, on application of the person assessed, or of any municipal elector (or ratepayer, as under R. S. O. (1887) ch. 227, sec. 48, subsec. 3), 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), where 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 claim 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).

Held, also, that the assessor is not bound to accept the statements of, or made on behalf of, any ratepayer under R. S. O. (1887) ch. 225, sec. 120, subsec. 2, in case he is made aware, or ascertain before completing his roll, that such ratepayer is not a Roman Catholic, or has not given the notice required by sec. 40 of R. S. O. (1887) ch. 227, or is for any reason not entitled to exemption from public school rates.

Held, also, that a ratepayer, not a Roman Catholic, being wrongfully assessed as a Roman Catholic and supporter of separate schools, who through inadvertence or other cause does not appeal therefrom, is not estopped (nor are other ratepayers) from claiming with reference to the assessment of the following or future years, that he is not a Roman Catholic.

Held, lastly, that a ratepayer, being a Roman Catholic, and appearing in the assessment roll as such and as a supporter of separate schools, who has not given the notice required by R. S. O. (1887) ch. 227, sec. 40, is not (nor are other ratepayers) estopped from claiming, in the following or future year, that he should not be placed as a supporter of separate schools with reference to the assessment of such year, although he has not given notice of withdrawal mentioned in R. S. O. (1887) ch. 227, sec. 47.

Statement.

THIS was a case submitted to the Chancellor by the Minister of Education, in pursuance of the Public Schools Act of Ontario, R. S. O. 1887, ch. 225, whereby the