

COUNTY JUDGES AND THE PUBLIC SCHOOL ACT.

power to administer an oath was expressly given; and moreover he did not think evidence of this kind contemplated—that the committee, no doubt, was expected to have before it the material necessary to a proper understanding of the case—to have before them all the material the municipal council had, or *ought to have had* before them, to enable them rightly to determine what was most expedient, having regard to the promotion of education, and the spirit of the school law, but bodies of this kind might act like other legislative bodies, upon a species of evidence not recognized in courts dealing with strictly individual rights. A technical objection was also taken to the sufficiency of the by-law, which, it was contended, was bad, the notice by the Council not being sufficient under section 81.

The Judge declined to enter into any question of the kind. He thought the committee, if the by-law were good on its face, had no power to quash or declare it invalid by reason of non-compliance with any pre-requisite. The Legislature could never have intended that a tribunal composed as this was should attempt to settle questions of law for testing that for which another provision was elsewhere made. His impression, however, was that the parties now objecting having attended the discussion in Council, the notice was sufficient, if, indeed, the question as to what was sufficient notice was not wholly left to the Municipal Council to decide.

The learned judge added, however, that if it appeared that by any trick the parties objecting were thrown off their guard, and diverted from an opposition that *might* have been effective, on a fair consideration, he would not hesitate to restore matters to the original position, as no one ought to be allowed to take advantage of a contrived wrong.

The papers put in, where not original documents, were certified by the proper officers having charge of the originals. After the hearing, a day was appointed for giving judgment.

Subjoined are skeleton forms, from the forms of the decisions or judgments in these cases, which were framed by the learned Judge himself, and signed by all. In the one case the action of the Township Council was confirmed—in the other the school boundaries were altered.

Judgment of "Committee" appointed under sect. 88, where school section confirmed:—

"To the Corporation of the County of _____, and to all to whom these presents shall come, greeting:

"We, the undersigned, _____ County Judge of the County of _____, of _____, and _____, a County School Inspector, a committee of three named and appointed by the Municipal Council of the said County of _____, under section 88 of the Public Schools Act, to investigate the matter of appeal or complaint of _____, etc., against a by-law of the Corporation of the Township of _____, for the formation of a new School Section, No. _____, within the said Township, having investigated the said matter so committed to us, and having heard and considered the allegations and proofs submitted to us by the complainant or appellant, and by the said Corporation of _____, by the trustees of School section No. _____ of the said Township, and by all other parties affected by the formation of the said new school section who appeared before us, do, in pursuance of the statute in that behalf, determine and decide the matters complained of, and to us referred as aforesaid as follows: We decide, order, and adjudge that the said by-law of the corporation of _____, No. _____, establishing a new school section, No. _____, in and for the said Township, shall * stand and remain as enacted, and the said By-law and the school section thereby formed, are hereby confirmed.

"Done in pursuance of the statute, and reported in duplicate this—day of—, 188 "

Judgment of Committee appointed under section 88, where boundaries of school section altered:—

(Follow preceding form down to * and then continue.)

As regards the boundaries of the school section thereby established, be revised and altered, by striking out of the said by-law _____, and by inserting therein _____,