

in the official lists at his prices, and not those at which the same books can be procured at the Education Department. On the other hand, my view is, that such a procedure would make the Council of Public Instruction a mere advertising agency for certain booksellers to sell their books at their own prices, to be half paid for out of the public revenue, whereas the Legislature never intended that the prices of books for libraries and prizes in the public schools should be increased beyond cost prices to the Municipal and School Corporations, and that those cost prices must be determined by the Chief Superintendent, or by the Council of Public Instruction, who have nothing to do with the prices at which booksellers may dispose of their books, but who must determine the prices in the authorized printed catalogues at which the books can be procured at the Depository of the Education Department.

As the new law does not clearly define as to whether the prices of the books on the official catalogues are to be determined as heretofore, or by the Council of Public Instruction, I have thought proper to refer it to the Council to fix the prices, as well as authorize the books, and suggesting the appointment of a committee to report upon the principle and scale of prices at which the books authorized may be procured at the Department. That Committee reported as follows:—

"The Chairman presented the report of the Committee appointed at the last meeting in reference to the principles on which the prices of books are fixed."

"The Report was to the effect that, the Committee felt that there were certain preliminary difficulties in the consideration of the question submitted to them and agreed that it would be unwise to proceed further in the enquiry until the Chief Superintendent had obtained an authoritative decision as to the meaning of the terms "cost," "prices," and "grant," which occur in the sections of the Act which refer to supply to the schools of the books sanctioned by the Council of Public Instruction."

Under these circumstances, and in accordance with this recommendation of the Committee, I submit for your opinion the questions involved.

In order that you may examine the whole subject from the beginning, as far as you may think proper, I have requested the Deputy Superintendent (Dr. Hodgins,) to prepare a memorandum, giving extracts from the Laws, and Reports, &c., in which the words "cost," "prices," and "terms" have been introduced and repeated in successive acts, and other official papers. This memorandum will show the immense pains which I have taken to advance, step by step, and avail myself of the best experience and Counsel of Europe and America, to mature this important branch of our educational system, and in what sense all the terms submitted have been employed and applied from the beginning. On the the 20th, 21st, 22nd and 23d pages of this memorandum will be found a succinct recapitulation of the question on which your opinion is solicited.

I have, &c.,

(Signed) E. RYERSON.

THE HONOURABLE
THE CHIEF JUSTICE OF ONTARIO.

CASE.

Submitted by the Chief Superintendent of Education to the Honourable Chief Justice Richards, of Her Majesty's Court of Queen's Bench, under the authority of the 3rd clause of the 32nd section of the Consolidated School Act, 37th Vict., chap. 27, as follows:—

32. The Chief Superintendent of Education shall have authority, should he deem it expedient:

3. To submit a case on any question arising under the High or Public School Acts, to any judge of either of the Superior Courts, for his opinion and decision, or with the consent of such judge, to either of the Superior Courts, for their opinion and decision:

In construing the words "prices" in sub-section 26, and clause c of sub-section 27, of section 27 of the above quoted Act, taken

in connection with the same words in sub-section 27, and No. 4 of clause a of sub-section 29, of section 31 of the same Act; and in construing the words "cost" in sub-section 29, and Nos. 3 and 4 of clause a of the same sub-section, two questions arise:—

1. Whether (a) the Council of Public Instruction, (b) the booksellers (or other parties) sending books for the approval of the Council, or (c) the Chief Superintendent, has the right to fix the prices at which the books shall be supplied to the schools.

2. Whether the words "prices" and "cost" used in the above quoted sections are convertible terms, and mean the same thing, or whether the meaning of these words: "prices and cost" is not affected by the phrase "upon the same terms," used in sub-section 9, of section 33 of the Act, which originally occurs in the School Act of 1855, but which was inserted in the Consolidated School Act of 1859, and also in this Consolidated and Amended Act of 1874.

The portions of the School Act of 1874, quoted above are, as follows:—

8. POWERS AND DUTIES OF THE COUNCIL.

27. It shall be the duty of such Council, and it is hereby empowered:—

D. *Text, Prize and Library Books—Superannuated Teachers—Annual Report.*

24. To examine, and at its discretion, recommend or disapprove of text-books for the use of schools, or books for school libraries and prizes;

25. To make regulations in regard to school libraries;

26. To examine, or cause to be examined from time to time, any books, the names of which have not heretofore appeared in the catalogues of the Educational Department, and which may be forwarded (with a statement of their prices) to the Department by booksellers or other parties, who may have the same for sale;

27. To determine whether such books ought or ought not to receive the sanction of the Council for libraries or prizes in the Public and High Schools, and Collegiate Institutes;

(a) The decision of the Council in respect thereof is, without delay, to be communicated to the said booksellers or other parties concerned;

(b) The books so forwarded are, on application, to be returned to the persons forwarding the same;

(c) The names and prices of the books when sanctioned shall be published in the next number of the *Journal of Education*, with the dates respectively at which the books were received at the Education Department and laid before the Council for examination.

2. DUTIES OF THE CHIEF SUPERINTENDENT OF EDUCATION.

31. It shall be the duty of the Chief Superintendent of Education:—

26. To submit to the Council of Public Instruction, all books or manuscripts which are placed in his hands, with the view of obtaining the recommendation or sanction of the Council for their introduction as text, library or prize books;

27. To cause to be printed from time to time a catalogue, showing the names and prices of all the books which are or may be sanctioned by the Council of Public Instruction for libraries and for prizes in the Collegiate Institutes, High and Public Schools;

28. To cause to be printed each half year, a catalogue of any additional books which may be sanctioned by the Council for said purposes;

29. To authorize the payment, out of any moneys appropriated by the Legislature for that purpose, of one-half of the cost of any prize or library books sanctioned by the Council of Public Instruction, for Public and High Schools and Collegiate Institutes, which may be purchased by a Municipal or School Corporation from any bookseller or other parties, instead of at the Depository of the Education Department;

(a) Such payment shall be made to the order of the Corporation purchasing any of the books specified in the catalogues or lists sanctioned by the Council, on the following conditions:—

1. The Chief Superintendent shall be duly certified of the facts;

2. He shall be furnished with the usual guarantee as to the proper disposition of the books, which may be purchased elsewhere than at the Depository;

3. He shall be furnished with certified vouchers of the cost, edition, and binding of the books so purchased elsewhere;

4. He shall not pay more than one-half of the cost of the books so purchased elsewhere, according to the prices specified for them in the printed catalogues or in the authorized lists of such books published in the *Journal of Education*.