

islative Assembly of the Territory to abrogate any law of Congress defining the qualifications of voters, and section 37 of the school law, in so far that it provides that persons may vote at any election provided for in that law without taking the oath prescribed by the Edmunds-Tucker act, is void.

In view of the conclusion already reached I deem it scarcely necessary to discuss the point made by counsel for the defendants to the effect that the provisions of the school law are so repugnant to each other that no election can be held thereunder, and attention is called to the fact that while sections 102 and 103 provide that the City Council shall appoint three judges from each municipal ward and that all elections shall be held in the several wards, of which there are five in this city, making in all fifteen judges, while section 124 of the same act provides for only three judges of election and they to be appointed by the Board of Education, necessitating but one polling place in the city.

If this were the only difficulty in carrying out the provisions of the statute it could easily be removed, the rule in such cases being that the later act or provision in date or position has full force and displaces by repeal whatever in the precedent law is inconsistent with it.

"Sutherland on statutory construction, section 133 and cases cited.

"For the foregoing reasons the application for the writ of prohibition is denied."

Judge Sutherland gave notice of appeal, which the attorneys for the Commission accepted.

#### WAKEMAN'S WANDERINGS.

My hosts, guides and companions at Rugby have been one of the marshals and a young English friend, a lad in the "Lower Middle" form, Modern Side; and some of the things learned about the famous school are worth telling.

All the boys at Rugby School must enter between the ages of 12 and 15 years, and must leave the school at the end of the next term after they have reached the age of 19 years. There are 96 boys who are schooled free, or, actually so, on behalf of the Laurence Sheriff foundation fund. These 96 boys form three classes known as "old-foundations," "major" and "minor" "foundations." The old-foundations number 50, and they must be the sons of persons who have lived in or within five miles of Rugby since 1868. These receive instruction free of all charge. The major foundations are twelve boys selected, on examination, from the townsfolk and people living within the five-mile limit, and qualified by attendance at the subordinate school, who, like the old-foundations, receive their instruction free. The 24 minor-foundations must have the same qualifications as to residence and preparation as the majors. These secure their tuition for one half the usual fees. The 96 foundations may compete with all other students for the many Rugby prizes.

Probably no other boys' school in the world offers so many and such varied prizes. To name them in the briefest manner would require more than a column's space in this paper. Aside from the Queen's gold medal prize for an English essay on some historical subject, I have had counted out to me by my companions upwards of 75 prizes, the value of the lowest of which

is two guineas. On the line of excellence in scholarship there are numberless gradings and distinctions. The great goal to be reached in Rugby school life is the "Sixth Form" of the upper school, and the life of a preceptor in that. There are fifteen preceptors. These constitute the "upper bench" of the upper or highest school in Rugby. The dignity and privileges obtaining are alone secured through splendid scholarship; and all Rugby traditions warrant the lad who has reached this eminence through intellectual pluck in the free and ungrudged exercise of his rights to "fag" those beneath him to the very limit of his inclination. It is not carried to the same extent it was in "Tom Brown's" time; but his experiences, though somewhat exaggerated, give the best description extant of the every-day workings of the system in Rugby school. The next and the highest reward bestowed upon superior scholarship at Rugby is that of "Exhibitioner." It is not only a great honor in English school life to be known as a "Rugby Exhibitioner," but it is by no means an empty honor. There are two classes, major and minor "exhibitions;" and three "majors" and four "minors" are awarded each year, on election by "external examiners" appointed by the Rugby governing board. Every major exhibitioner receives £60, and every minor exhibitioner £30, per year; each "exhibition" holding good for four years after election—provided the holder leaves Rugby and pursues his studies at any university of the United Kingdom, or at other approved place of preparation for a profession or occupation. They are practically \$300 and \$150 per year scholarships, good anywhere that proper use may be made of them for four years; their full value therefore being respectively \$1,200 and \$600. Oxford and Cambridge secure these splendidly-trained youths in about equal numbers.

In investigating all these more serious matters about Rugby School, the most delightful thing which everywhere impresses one new to its government and policies is the utter absence of what we Americans term flunkytism and aristocratic exclusiveness. Its trustees and governing board comprise great and titled men, but the patronage of the school, and the actual practical regime and discipline which have been enforced from the days of the famous Dr. Arnold to the present time under its equally wise and unswerving Head Master, Dr. Percival, have been grandly democratic to the core. Among the thirteen trustees are three earls, one marquis, three lords, two right honorables, two members of parliament, one archdeacon, one canon; while the government board of twelve comprises equally as many from among the great and titled of England. But Rugby students are from English middle classes, the backbone of the realm. I personally know many whose parents, while not people of poverty, are very humble folk indeed. Occasionally a lord or an earl may send a stripling down here to Rugby for the very discipline afforded; but these findlings cannot form a "set;" are in no wise toadied to; have never yet cowed their inferiors in wealth and station; and in every instance where they have not immedi-

ately adjusted themselves to the "fair-play," equal rights atmosphere of the school, they have had the over-fine skin kicked from their lordly little shins and the superfine hauteleur cuffed out of their disdainful little faces in very short order; with a genial and dreamful inattention on the part of the masters, inexpressibly dear and delicious to every Rugby boy of the "right sort."

In what we would term the "faculty" of Rugby school there are twenty-seven resident masters, or "professors" as we would call them, exclusive of the Head Master, the Rev. J. Percival, LL.D. Besides these, there are seven resident tutors. Every school has its ogres—beings dreaded, hated, preyed upon, endlessly the butt of all devilish ingenuity in boyish malevolence. These are known at Rugby as "marshals," and there are two of them. "Mr. Blake (our companion) is all right—that is for a marshal!" concedes my Rugby-boy friend in an explanatory whisper; but "old Patey" the other one's a regular old grump, he is. He hates to have boys live, he does! These marshals are a sort of bailiffs or high constables who, keep very sharp eyes on the goings and comings of these hundreds of lads. They secretly report misconduct, and are the dread bearers of the awful summons "to the Doctor's chambers."

As was noticed in my preceding article on Rugby, Dr. Arnold, as long ago as 1828, removed all the irresponsible boarding-house vampires who fattened upon Rugby scholars and put in their places masters of the school. This not only created direct responsibility, but insured good treatment to the boys. The more popular a master made his house the higher he stood socially in Rugby with the students, with the governing board; and besides, it increased his profits through an increase of boarders. The system has been maintained, and from time to time commodious beds have been built. There are now seven of these, exclusive of the "School House" proper; and the boys living at each house are distinguished by their "colors;" and each house takes the name of the master in charge; while the boys of each boarding-hall receive the house-name as a general appellation. To illustrate: White-laws, purple and white; Donkin's, red and black; Collins', light blue and white; Morice's, green and white; Mr. Bowden Smith's, blue and black, on hat; Mr. Scott's, yellow and black, on hat; Mr. Michell's contingent being "fellows;" and the boys are individually pointed out in Rugby streets as a "Donkin's houseman," a "Bowden Smith's houseman," a "Scott's houseman," etc.

I give the every-day routine at Rugby just as my young "Lower Middle" friend rattled it off to me: "Well, the 6:15 morning bell wakes us, but we don't want to get up. Then another bell rings at ten minutes of seven for five minutes. We've got to get in our places in chapel in that time to be called over; and if we're too lazy to make it, it means a 'licking,' that's all. After service we marched in order to our different 'form' rooms, and say lessons till 8:15. Then we have fifteen minutes to buy any little luxuries, like penny-loaves—the house-bread's pretty