

December, p. 183, where I have treated at large respecting the powers and duties of Trustees and of public meetings, you would have had all needful information on the matters to which I have briefly referred in this letter."

## NUMBER 11.

The authority of Trustees to collect rates to pay a debt contracted in 1850 is denied and they are threatened with a prosecution for neglect of duty; and they apply for information on the subject. The following is the answer to their inquiries:

"The law does not limit the Trustees as to the *time* when they shall collect school rates required, for any particular purpose; so that you have the same authority to levy and collect the school rates to pay a debt contracted in 1850 and 1851, as if you had levied them the day after the holding of the School Meeting which decided on paying the salaries of the Teacher to a rate on property.

"I think it very desirable that the demands against a School Section should not be allowed to remain unpaid. It is not a good plan to get into debt; but I do not see in your case any neglect of duty that would render the Trustees personally liable, or subject them to reproach and opposition from any quarter."

## NUMBER 12.

The Chairman and majority of persons present at an annual school meeting, declared themselves opposed to keeping the school of the Section open at all by rate on property, or by subscription; but the Trustees, in communicating the facts, and asking advice, do not say whether or not it was resolved to support the school by rate bill. The following is the answer returned:

"If the school meeting to which you refer specified in its resolution the amount per month or per quarter, which should be paid for the attendance of each pupil at school, you ought to impose that sum; and then if the sums thus imposed, together with the apportionment from the School Fund, did not pay the salary of your Teacher and all the other expenses of your school, you would, under the authority of the 7th clause of the 12th Section of the Act, have authority to assess the property of the School Section for the balance.

"If the school meeting did not resolve upon any particular sum to be paid for the attendance of each child, then you as Trustees ought to levy the rate-bill per child attending the school at the sum you have usually levied, and then assess and collect whatever balance you may require to pay your Teacher's salary and other expenses of the school as authorised by the latter part of the 7th clause of the 12th Section of the Act referred to.

"I refer you to the *Journal of Education* for October and December, pp. 152 & 183, where I have treated at large of the powers of Trustees. By the 4th and 5th clauses of the 12th Section of the School Act, you will observe that it is the Trustees, and not any public meeting, that have the right to determine every thing as to keeping open the school, employing the Teacher and determining the amount to be raised and expended for school purposes in their Section."

## NUMBER 13.

The legality of the proceedings of an annual school meeting were objected to because the Trustees had not specified the objects of it, and because the attendance of electors was very small. The following is the reply:

"I refer you to the *Journal of Education* for December, p. 183, where I stated in suggestions to Trustees in regard to their notices of the then approaching annual school meetings, that it was not necessary to specify the objects of an Annual School Meeting, as the School Act defined them; and no subject not specified in the Act could be considered at an Annual School Meeting, any more than could any subject be considered at a Special School Meeting not specified in the notice calling it. The Trustees therefore to whom you refer, fully performed their duty in simply giving notice of the Annual School Meeting—the law having determined the objects of it, as you will see by referring to the several clauses of the 6th Section of the School Act.

"Then if there are only three persons present at an Annual School Meeting, they have the same power to act for the whole

Section as if there were one hundred present. All the electors of a County, or Township, or School Section have a right to vote at the elections held for each; but if many electors do not attend to exercise their right, they cannot complain of the result of any such election."

## NUMBER 14.

Objections was made against the taxing of certain lots of land for the erection of a school house, because parts of them lay without the limits of the Section for which the house was built. The Trustees ask how they are to know what property to assess in their Section. The following is the answer returned:

"The Assessor or Collector's Roll is your sole guide as to the property you will assess in any School Section. It makes no difference whether one half or the whole of a property lies in a School Section, if it appears on the Roll included within the limits of one School Section, it is all liable to be assessed for the school purposes of such Section, and, of course, not for those of any other School Section."

## NUMBER 15.

Objection is made to the lawfulness of two Trustees of a School Section agreeing with a Teacher in the absence of the third Trustee. Also the majority of a school meeting resolved that all the expenses of the school should be defrayed by parents and guardians sending children to it. An appeal is made for an opinion on the lawfulness of these proceedings, and the authority of the Trustees in such circumstances. The following is the answer given:

"By the Interpretation Act 12th Vic. ch. 10, Section 5, clause 24, it is expressly provided that the majority of the members of any Corporation whatever have authority to act in behalf of such Corporation and bind the minority by their acts. Two Trustees therefore have authority to contract with a Teacher and determine the amount of his salary and the terms of paying it.

"In reference to the resolution proposed at the late annual meeting of your School Section, stating that the Teacher's salary be collected by rate-bill from the parents and guardians of scholars attending the school during the year 1852; I remark that it is contrary to certain express provisions of the School Act, especially the latter part of the 7th clause of the 12th Section. The majority of a school meeting may determine within the limits prescribed by the Act the manner in which their school shall be supported; but they have no authority to say that a certain portion of the inhabitants of their Section shall pay all the expenses of their school.

"You, as Trustees, will have authority, under such a resolution, to levy the rate-bill you have been accustomed to impose upon parents sending children to the school, and provide for the balance (if there should be any) of the Teacher's salary and other expenses of your school by assessment on the property of your School Section, as prescribed in the latter part of the 7th clause of the 12th Section of the Act."

## NUMBER 16.

A resolution is adopted at a school meeting to tax each inhabitant of the Section according to the number of his children of school age, at a certain sum per child, without reference to his attending the school; and that if the sum thus raised was insufficient to pay all the expenses of the school, the balance should be paid by persons sending to it. An appeal is made on these points, as also inquiry in regard to the number of teaching days in each month. The following is the answer returned:

"In respect to the resolution of a school meeting, a copy of which you enclose, it is contrary to law, as you will see from my remarks on the subject in the *Journal of Education* for December, p. 183. No school meeting has authority to tax a man according to the number of his children of a certain age; nor has any school meeting authority to say what description of landholders or freeholders shall be taxed for school purposes. Whatever sum or sums are raised in a School Section for school purposes, otherwise than what may be raised by subscription and rate-bill on parents sending children to the school, must be raised by rate on all the property of the School Section as given in the Assessor or Collector's Roll. See 9th clause of the 12th Section of the Act.