

XVIII.—*School-Rate on Non-Resident Land—Corporation in Court.*

1. A resolution of the freeholders and householders of a school section passed at their annual meeting, that the trustees should tax the property in such section to pay the teacher's salary and the expenses of the school, followed by a resolution of the Trustees, directing a rate to be levied on the rateable property of such section to raise the sum required, and the preparation of a rate-bill and warrant, is sufficient to render a non-resident, having real estate within the section, liable for the sum rated by the Trustees according to the assessed value of his real property; and that being so liable an executor representing the estate is liable in an action of the same nature to which the testator might have been subjected.

2. A corporation aggregate is not bound to appear at the trial as witnesses, under a notice served on their attorney under Statute 16 Vic. ch. 19 sec. 2. If the individual members are required to appear they may be individually subpoenaed.—4 U. C. C. P. R. 228.

XIX.—*Corporate Seal.*

1. The Trustees of a school section being a corporation under the School Act of 1850, are not liable as such to pay for a school house erected for and accepted by them, not having contracted under seal for the erection of the same.

2. The seal is required as authenticating the concurrence of the whole body corporate.*—4 U. C. C. P. R. 375.

XX.—*Boards of School Trustees and Municipal Councils.*

The communication by a Board of School Trustees to the Municipal Council of a town, of a resolution of the Board, that the chairman do order the Town Council to furnish the Board with a sum of money immediately, for the purpose of purchasing a site and erecting a school house—a copy of which resolution was sent to the Town Council—is not a compliance with the sixth clause of the twenty-fourth section of the School Act of 1850, requiring the Board to prepare an *estimate* of the sums it may require; and consequently does not render the Town Council liable to be compelled to pay the amount by mandamus.

A vote of the rate-payers is not necessary in cities, towns and villages—although it is in school sections—to authorize an application to the Town Council, or a rate by the Board.—4 U. C. C. P. R. 418.

GENERAL REGULATIONS FOR THE ESTABLISHMENT AND MANAGEMENT
OF PUBLIC SCHOOL LIBRARIES IN UPPER CANADA;

Adopted by the Council of Public Instruction, the 2nd of August, 1853.

1.—ESTABLISHMENT OF LIBRARIES.

The Council of Public Instruction for Upper Canada, as authorized by the thirty-eighth section of the School Act of 1850, made the following regulations for the establishment and management of Public School Libraries :

* "A corporation being an invisible body, cannot manifest its will by oral communication: a peculiar mode has therefore been devised for the authentic expression of its intention,—namely the affixing of its common seal; and it is held that though the particular members may express their private consent by words, or signing their names, yet this does not bind the corporation; it is the fixing of the seal, and that only, which unites the several assents of the individuals composing it; and makes one joint assent of the whole."—*Smith's Mercantile Law, B. I. c. 4.*