

HIGH COURT OF JUSTICE.

Street, J.] *FORBES v. GRIMSBY PUBLIC SCHOOL BOARD*. [Dec. 26, 1903.
Public schools—Requisition for funds—Requisites of meetings of board and council—Notice—Adjourned meeting of council—Scope of power at—By-law—Recital of amount of debt—Municipal Act, 1903, s. 386, s.-s. 1 and s. 384, s.-s. 5.

A public school board having called upon the Municipal Council of a village to raise \$12,500 for the purpose of building a school house, the council passed a by-law for the purpose of issuing debentures to the amount required. A ratepayer obtained an interim injunction restraining proceeding thereunder which injunction was dissolved on motion to continue. The school board subsequently passed a new resolution asking the council "to pass a by-law for the issuing of debentures to the amount of \$12,500 for the purpose of a school site and towards the erection of a school house thereon" which was presented to the council on the same day and the council repealed their by-law and passed a new one for the purpose. The plaintiff (the same ratepayer) then brought an action to have the latter by-law declared invalid (1) on the ground that the meeting of the school board at which the last resolution was passed was irregular because no notice was given to the members of the board of the object of the meeting, and (2) because the council had no power to pass the by-law as no notice had been given of the object of its meeting, and as it was an adjourned meeting, it had no power to transact any business which could not have been brought before it at the meeting of which it was an adjournment.

Held, that in the absence of some rule requiring the object of the meeting to be stated in the notice calling it, it is unnecessary that the notice calling any meeting of any school board or municipal corporation should specify the business to be transacted. *The King v. Pulsford* (1828) 8 B. & C. 350 and *La Compagnie de Mayville v. Whitley* (1896), 1 C. 788, referred to and distinguished from *Marsh v. Huron College* (1880) 27 Chy. 605 and *Cannon v. Toronto Corn Exchange* (1880) 5 A.R. 268.

2. It was the duty of every member of the Council to be present at the adjourned meeting, and it was competent to the members present to transact any business which might have been transacted at the original meeting.

3. As the latter by-law was only passed to overcome certain defects in the earlier one, it might well have been passed without any new requisition from the school board.

4. The by-law sufficiently recited the amount of the debt intended to be created as it recited that application had been made by the school board to the council to raise the sum of \$12,500 by the issue of debentures, and it authorized the issue of debentures to that amount.