

*Held.* That the supporters of that school were not exempt from the rate.—*In re Tiernan and Municipality of Nepean* 15 Q. B. R. 87.

(43) *Testator's estate liable for School Assessment rate in the hands of devisees and executors.*

An action of replevin may be brought upon a distress for school rates, and notice of action is not necessary, where several devisees and executors were rated for a school rate in respect to the property of their testator, as "John Applegarth and brothers," which entry appeared to have been made at the instance of some of them; but two of them only had slept on the premises occasionally, although such was not their ordinary place of residence, and they had received the usual notice of assessment in that form without appealing, and the same two had paid taxes on an assessment on the township roll in their individual names.

*Held.* 1st. That the facts afforded sufficient evidence to show that the plaintiffs were "inhabitants" for the purposes of the rate.

2nd. That the parties were sufficiently named on the roll to render the rate lawful.

3rd. That a demand made by the collector on "John Applegarth," named on the roll, was sufficient to bind all the plaintiffs.—*Applegarth et al. v. Graham*, 7 C. P. R. 171.

#### CITIES, TOWNS, AND VILLAGES.

(44) *Boards of School Trustees, in Cities, Towns and Villages, not subject to the restrictions of rural Trustees in regard to the number of schools to be established.*

The School Trustees in cities, towns, and villages, have unlimited discretion, under the twenty-fourth section of the School Act of 1850, as to the number of schools to be kept up, and are not subjected to the restrictions in this respect imposed upon school section trustees in Townships.—*In re Board of School Trustees v. Municipality of Brockville*, 9 Q. B. R. 302.