Quære—Whether such alteration could be made by resolution only.

Quære, also—Whether the decision of the Local Superintendent can be thus incidentally reviewed in an action to recover back the rate.—*Chief Superintendent Appellant in re Gill* v. *Jackson et al.*, 14 Q. B. R. 119.

(26) *If two Sections be united, in rearranging the School Sections of a Township, an election of three Trustees is necessary.*

In the township of Harwich, prior to February, 1854, School Section No. 1 consisted of the Town of Chatham and a part of the Township; there was also a School Section in operation, known as section No. 2½. In February, 1854, the Township Council passed a resolution dividing the Township into sixteen School Sections. No. 1 (of the new sections) was formed of that part of the Township of Harwich, which, together with the Town of Chatham, had previously been No. 1, added to the whole of 2½ as it existed previously.

In January, 1855, an election for the new Section No. 1 (as created by the resolution of February, 1854) was held, at which one trustee only was elected, and the two other trustees elected the previous year for the then section gave defendant the warrant under which he acted.

Held, That there should have been three trustees elected for Section No. 1 at the election in January, and that a warrant signed by the other two was inoperative.—*MacGregor* v. *Pratt*, 6 C. P. R. 173.

(27) *Notice should be given before the alteration of School Section Limits be made.*

Before any alteration can be made in the limits of a School Section, notice must be given to the parties interested in the proposed alteration, before the passing of the by-law authorizing the same.—*Griffiths* v. *Municipality of Grantham*, 6 C. P. R. 274. (See 21, page 51.)

(28) *By-laws for the alteration of School Sections can only be quashed within a reasonable time.*

Where a great length of time (fourteen months) had elapsed before motion was made, the court refused to quash a By-law altering School Sections, it being on its face legal, and having been acted upon, although it was doubtful whether sufficient notice had been given to interested parties.—*Hill* v. *Municipality of Tecumseth*, 6 C. P. R. 297.

(29) *Two Trustees cannot act without consulting the third.*

Two of the Trustees of a School Section are not competent to act in all cases without consulting the third, and giving him an opportunity of uniting in, or opposing, the acts of his colleagues. (See No. 39.)—*Orr* v. *Ranney et al.*, 12 Q. B. R. 377.

(30) *In selecting a Site, Trustees cannot act without consulting their constituents.*

Nor can the whole body of Trustees, without any reference to the freeholders and householders of the Section, determine upon a site for the school house, and impose a rate to meet the expense of its purchase.—(*Idem.*)

(31) *First arbitration in regard to a School Site cannot be set aside by a subsequent special meeting.*

When a meeting was held to change the site of a School house, and arbitrators appointed who met and decided the question, but their decision was not acted upon; subsequently another meeting was called, and their decision and proceedings were acted upon, and the site changed.

Held, That the proceedings were irregular, and that the trustees had not authority to change the site of the school house without the sanction of a special meeting of the freeholders and householders, and that the second meeting had no authority to alter the determinations previously made.—*Williams* v. *Trustees, No. 8 Plympton*, 7 C. P. R. 559.

(32) *School Rates must be levied upon all taxable property.*

SCHOOL RATES IN TOWNSHIPS.

When the municipal council of a Township, intending to act under the Upper Canada School Act of 1850, section 18, cl. 3, for Common School purposes, levied a rate upon the resident inhabitants of a School Section only, it was held, that under the School Act, as well as the Municipal and Assessment acts, the by-law was invalid, because the rate should be levied on all taxable property, whether real or personal, of the inhabitants resident as well as non-resident.—*In re De la Haye* v. *Municipality of the Gore of Toronto*, 2 C. P. R. 317. (See 48, page 54.)

(33) *Executors equally with the testator liable for School-Rate on Non-Resident Land.*

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 ratable property of such Section to raise the sum required, and th pereparation of a rate-bill and warrant, are 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.—*Trustees No. 2, Dunwich* v. *McBeath*, 3 C. P. R. 228. (See 43, page 53.)

(34) *A Corporation aggregate is not bound to appear as Witnesses in Court, but its Members may be Subpœnaed.*

A corporation aggregate is not bound to appear at the trial as witnesses, under a notice served on its attorney under the Statute 16 Vic., cap. 19, sec. 2. If the individual members are required to appear they may be individually subpœnaed.—(*Idem.*)

(35) *Discretion to raise a Loan for School Section purposes rests as much with the Council as with the Section.*

A by-law of a Township Council authorizing the levy of certain rates in a school section having been quashed, the council then without a second School Section meeting having been called, passed another by-law for the same purpose, it was

Held, That the discretion to raise the sum within any number of years, not more than ten, rests as much with the council as with the school meeting or trustees.

That a second meeting of the inhabitants after the former by-law had been quashed, was not necessary.

That the rate was not declared on the property assessed in a previous year; but only the amount to be raised was determined by reference to the assessed value of property in that year.—*In re De la Haye* v. *Municipality of the Gore of Toronto*, 3 C. P. R. 23.

(36) *A rate may be levied for a larger sum than is required.*

That the rate not being complained of as excessive, its being calculated to realize more than the precise sum required, did not render the by-law invalid.