

- (40) *An undivided Lot must be in the same Municipality. Municipal Boundaries Divide Lots.*

Certain property, through which ran a municipal division line between a Town and Township, was assessed by the Trustees of a School Section in the Township, according to the value of that portion of it lying in their section, and outside the town. The owner refused to pay, and was sued by the Trustees as a non-resident, in accordance with the provisions of the School Law. The Judge of the Division Court decided against the Trustees, on the ground that the proviso in the 15th section of the Supplementary School Act of 1853, referred to undivided lots within different municipalities, as well as within but one municipality. The Chief Superintendent appealed the case, and it was

*Held*, That the Trustees acted rightly,—they being guided by the assessment roll of their municipality ; and that the proviso referred to applies only to the case of an undivided property extending into more than one School Section of the *same* municipality, and not where the land lies in different municipalities. Hence municipal boundaries divide lots.—*Chief Superintendent appellant in re Trustees No. 4, Hallowell v. Storm*, 14 Q. B. R. 541.

- (41) *Trustees can levy a rate for the erection of a School-house without consent of a public meeting.*

Under the School Act of 1850, Trustees are authorized to levy a rate for the erection of a school-house in their section. This authority is more clearly and definitely expressed in the sixth section of the Supplementary School Act of 1853.—*Chief Superintendent Appellant, in re Kelly v. Hedges et al.*, 12 Q. B. R. 531.

- (42) *Trustees can levy rate for defraying costs of defending a groundless action.—Separate school supporters, when exempt.*

A rate may be levied to reimburse School Trustees for the costs of defending a *groundless* action brought against them (See 8, page 164). Where such charge was incurred before the establishment of a separate Roman Catholic school :