

the freeholders and householders of their section to consider the matter; and if a majority of such freeholders and householders present at such meeting, differ from a majority of the Trustees as to the site of a school house, the question shall be disposed of in the manner prescribed by the [preceding] eleventh section of the said Upper Canada School Act of 1850."

After the site, however, has been selected in the manner prescribed, the same sixth section of the Supplementary Act enacts:

"That the Trustees of each school section shall have the same authority to assess and collect school rates for the purpose of purchasing school sites and the erection of school houses, as they are now or may be invested with by law to assess and collect rates for other school purposes." *i.e.* By the seventh and ninth clauses of the twelfth section of the School Act of 1850, as follows:

The seventh clause declares that, it shall be the duty of the Trustees "to provide for the expenses of the school in such manner [*i.e.* By rate bill, school rate upon property, or voluntary subscription,] as may be desired by a majority of the freeholders or householders of such section, at the annual school meeting, or a special meeting called for that purpose, and to employ all lawful means, as provided for by this Act, to collect the sum or sums required for such * * * expenses; and should the sums thus provided be insufficient to defray all the expenses of such school, the Trustees shall have authority to assess and cause to be collected any additional rate in order to pay the * * * expenses of such school."*

Should the Trustees prefer to have the amount required raised by Municipal authority, the ninth clause of the same (12th section) gives them authority "to apply to the Municipality of the Township, or employ their own lawful authority, as they may judge expedient, for the raising and collecting of all sums authorized in the manner hereinbefore provided, to be collected from the freeholders and householders of such section, by rate, according to the valuation of taxable property, as expressed in the Assessors or Collector's Roll; and the Township Clerk or other officer having possession of such roll, is hereby required to allow any one of the Trustees, or their authorized Collector, to make a copy of such roll, as far as it shall relate to their school section."†

To enable the Municipal Council to give effect to this application from the Trustees, the eighteenth section

* These "expenses" may, in addition to the cost of purchasing a school site and the erection of a school-house, be "for any lawful purpose whatsoever" (see eighteenth clause), and may therefore include Collector's fees, law costs incurred in maintaining or defending suits, or any other incidents connected with the office of Trustees. While Trustees are bound to carry out the lawful decision of their constituents, no public meeting can limit or deprive them of the authority conferred by the latter part of this (seventh) clause.

† Property rates must be levied equally on all taxable property whether of residents or non-residents. The 17th section of the Supplementary School Act of 1853 restricts this (ninth) clause in its special application to Trustees of rural school sections.

[NOTE.—The fifty-second section of the consolidated Assessment Act of 1853 authorises the County Treasurer to report to the Township Clerk any land liable to assessment, but which has not yet been assessed; and the Clerk shall enter such land on the Collector's roll of the following year. The Treasurer is also authorised to correct any palpable error, as certified by the Township Clerk.]

of the School Act of 1850 enacts; "That it shall be the duty of the Municipality of each Township in Upper Canada:

"*Firstly.* To levy such sum, by assessment, upon the taxable property in any school section, for the purchase of a school-site, the erection, repairs, renting and furnishing of a school-house, the purchase of apparatus and text-books for the school, books for the library, salary for the teacher, and shall be desired by the Trustees of such school section, on behalf of the majority of the freeholders or householders at a public meeting called for such purpose or purposes, as provided for by the twelfth section of this act.* Provided always, that such Municipality may; if it shall judge expedient, grant to the Trustees of any school section, on their application, authority to borrow any sum or sums of money which may be necessary for the purposes herein mentioned, in respect to school-sites, school-houses and their appendages, or for the purchase or erection of a teacher's residence, and cause to be levied upon the taxable property in such section, such sum in each year as shall be necessary for the payment of the interest thereon, and as shall be sufficient to pay off the principal within ten years."

In regard to the time when the application from the Trustees should be laid before the Council the seventeenth section of the Supplementary School Acts declares, "That no Township Council shall have authority to levy and collect in any school section during any one year, more than one school section rate, except for the purchase of a school site or the erection of a school-house; nor shall any such Council have authority to give effect to the ninth clause of the twelfth section of the Upper Canada School Act of 1850, for the levying and collection of rates for school purposes of any school section in any one year, unless the Trustees of such school section make application to the Council at or before its meeting in August of such year."

Should the Council, however, deem it expedient to raise the necessary funds itself, either to erect school-houses or to assist weak and poor school sections† the third clause of the thirty-first section of the Municipal Corporations Act (12th Vict., chap. 81), enacts, "that the Municipality of each township shall have power and authority to make a by-law or by-laws * * * for the purchase and acquirement of such real property as may be required for common school purposes, for building common school-houses, and for the sale and disposal of the same when no longer required, and for providing for the establishment and support of common schools, according to law."

* By this clause (restricted, however, in its application to school sections by the seventeenth section of the Supplementary School Act of 1853) it is imperative on Township Councils to levy and collect, by a general rate upon the property of the Municipality, such sums as may be desired by the School Trustees, according to an estimate prepared and laid before such Council,—or grant the necessary authority to the Trustees to borrow the amount necessary for their purpose—the Council providing for the repayment of the principal and interest. In case of refusal, application can be made to the Queen's Bench for the issue of a mandamus to enforce compliance.

† The first clause of the twenty-seventh section of the School Act of 1850 states that the County Municipal assessment "may be increased at the discretion of the County Council, either to increase the county school fund, or to give special or additional aid to new or needy school sections, on the recommendation of one or more local Superintendents."