

to consider the new school site selected by them, decided against its adoption, and that meeting having so decided there was no power to hold a poll, and that at the polling the adoption was carried by reason of persons entered on the assessment roll only as "farmers' sons" being allowed to vote in its favour.

The present Public Schools Act is ch. 39 of the statutes of 1901 (1 Edw. VII. ch. 39), which has not been amended in any respect affecting this question.

The difficulty arises over the use of the word "ratepayer" in the 24th section as to changing site, and its definition in sec. 2, which does not include "farmers' sons," and the fact that by sec. 13 not only every ratepayer, but "every person qualified to vote as a farmer's son under the Municipal Act," is entitled to vote at any election for school trustee or on any school question whatever. The plaintiff urges that only ratepayers as defined in sec. 2 are entitled to be heard under sec. 34. The defendants say that under sec. 13 and sub-sec. 4 of sec. 15 the votes of farmers' sons were properly received.

The present Act is in these respects the same as the Public Schools Act of 1896 (59 Vict. ch. 70), which consolidated the Public Schools Act to that date. In the previous consolidating Act of 1891 (54 Vict. ch. 55) no such difficulty arose. "Ratepayer" was there defined as at present, but there was no provision as to farmers' sons: see secs. 2, 15, 16, 22, 64, 66. The Act of 1896 introduced the provision enabling "farmers' sons" to vote, and altered the form of declaration required to be made by a voter at the poll so that it could be made by that class, and also qualified them if resident to be trustees: see secs. 2, 9, 14, 31. It would thus seem as if their qualification to vote or to be a trustee was an innovation in 1896. But going back to the Public Schools Act in the Revised Statutes of 1887, ch. 225, in sec. 2 the word "ratepayer" was at that time defined as including "any person entered on the assessment roll as a farmer's son," and in sec. 21 the voter could declare himself qualified as a farmer's son. The Act of 1896 was therefore merely a return to the policy of allowing that class to vote which had been omitted or discarded in 1891.

The words used in sec. 13 of the present Act are very broad, and give the right to vote "at any election for school