inhabitant of any other part of the Province, would not be privileged.

Where the libel complained of is clearly a privileged communication, the inference of malice cannot be raised upon the face of the libel itself, as in other cases it might be, but the plaintiff must give extrinsic evidence of actual express malice, he must also prove the statement to be false as well as malicious; and the defendant may still make out a good defence by showing that he had good ground to believe the statement true, and acted honestly under that persuasion.—*McIntyre* v. *McBean et al.*, 13 Q. B. R. 534.

School Sections and Sites.

(18) *Alteration in the boundaries of a School Section does not constitute it a New Section so as to require an Election of three Trustees.*

An alteration in the boundaries of a School Section under the fourth clause of the eighteenth section of the School Act of 1850 (p. 54), does not constitute it a new section, nor make it necessary to call a school meeting to elect new Trustees. Such an alteration only involves a change of parties, from being members of one School Section, and becoming members of another School Section, and takes effect the 25th December next after. Nor is it necessary to show that the people desire an alteration of the boundaries to authorize the Council to make it.—*Chief Superintendent Appellant, in re Trustees No. 2 Moore* v. *McRae*, 12 Q. B. R. 525.

(19) *The Union of two or more Sections would require a new Election of Trustees.*

The union of two or more School Sections in the same Township into one, may take place at any period of the year, and would then require a new election of Trustees.—(*Idem.*)

(20) *Trustees must sue persons residing outside their Section.*

Trustees are bound to collect by Warrant from the *residents* of the School Section; and to sue for and recover by their name of office from persons residing without the limits of the Section and making default of payment.—(*Idem.*)

(21) *Township Councils in altering Sections are not required to give notice to parties residing outside of their Township. What is due notice.*

The Municipal Council of a Township passed a by-law, disuniting a Union Section with another Township, and uniting such part Section and two distinct Sections in its own Township into one, after a petition from certain inhabitants of the Sections concerned.

Held, That the Council was not bound to give notice to the inhabitants of that part of the Union Section belonging to the other Township—it being out of its jurisdiction; but in regard to the parties within its authority, it was required to be satisfied that *due notice* had been given. It is made the judges of such "due notice."—*In re Ness* v. *Municipality of Saltfleet*, 13 Q. B. R. 408.

(22) *Notice to parties concerned only is required in altering Sections, or their consent in uniting them.*

The authority of a Township Council "to alter any School Section already established," is one to which no restriction save *notice*, is attached; but the authority "to unite two or more School Sections into one, at the request of the majority of the freeholders or householders *in each of such Sections*," is accompanied with a restriction at once expressed; and which restriction does not, by grammatical construction, extend to the power of merely altering boundaries. In the Supplementary Act, the "restrictions in regard to alterations" are spoken of as distinct from any other expression. The intention of the fourth clause of the eighteenth section of the School Act of 1850 (p. 54), is, that in a measure for merely altering the boundaries of Sections, the Township Council may take the initiative; and can act without any previous request of a public meeting; but if they enter it of their own accord, they must see that all parties to be affected by the alteration have been duly notified of the intended step; and if they have been applied to on the subject, they are not bound to entertain it until they see that due notice has been given.—(*Idem.*)

(23) *Detaching parts of new Sections.*

The intention of the seventeenth section of the Supplementary Act, is that the Township Council may pass a by-law for bringing back exclusively to its own jurisdiction, any part of the Township united to another; and that it may make what arrangement it thinks most convenient for giving the inhabitants the benefit of the Common School laws; but it cannot do so unless it clearly appears that all parties have had due notice.—(*Idem.*)

(24) *Formation or alteration of Union School Sections can only be made by Reeves and Local Superintendents.*

The Municipality of a Township may alter the boundaries of School Sections within its township, by taking from one and adding to another, without any previous request of freeholders and householders, and notwithstanding their disapprobation of the change—provided that those affected by the alteration have notice of the intention to make it. But the Municipality has no power to alter the boundaries of a union School Section consisting of parts of different townships—such power pertaining only to the Reeves and Local Superintendents of the townships concerned.—*In re Ley* v. *Municipality of Clarke*, 13 Q. B. R. 433.

(25) *Dividing a School Section makes only one New Section.—Rate by Trustees* de facto.

On application of the resident inhabitants of a Section, the Municipality of a Township, in 1853, passed a resolution to divide the Section, by taking away a part to constitute a new Section (but no By-law was passed until 1855, when one was adopted confirming the resolution.) A meeting was called for the 16th January, 1854, to elect three new trustees for the Section. In the meantime, on the 10th of January, the ordinary annual meeting was held, and a dispute arose as to whether Trustees should not then be elected for the ensuing year? Some thought not, and left the meeting; while others remained, and proceeded with the election. The Local Superintendent being appealed to, declared the election illegal, considering the Section had become a new Section; and appointed another election to take place on the 16th, when the three defendants were appointed Trustees. In January, 1855, the dispute was renewed and elections held, so that there were two sets of Trustees claiming the office. The first elected Trustees in 1854, abstained from acting; and the defendants imposed a rate, which the plaintiff resisted.

Held, (affirming No. 18, *Chief Superintendent, in re Trustees* No. 2, *Moore* v. *McRae*, 12 Q. B. R. 525,) that the alteration did not constitute the Section a new one; but that the rate was legal, being imposed by Trustees *de facto*, who had not been removed.