

by-law of this kind does not require the assent of the electors before its final passing. But as the money required for the erection of this hall is not money required for the ordinary expenditure of the municipality, and is not to be payable within the same municipal year in which it is borrowed, the by-law providing for the issue of debentures to secure its repayment must receive the assent of the duly qualified electors before it can be finally passed by the council.

#### Division of School Section—Liability for Payment of Debentures.

289—G. K.—Our school section decided by a majority of ratepayers of the section last September to take steps to build a new school house to replace the building now in use. I, as secretary of the School Board, was instructed by the trustees to call a meeting of the ratepayers to discuss the matter. The meeting was duly held and a majority instructed the trustees to take steps to build a new school. I was then instructed by the trustees to call another meeting to decide the kind of building and the cost not to be exceeded in putting up the building, viz., \$2,000.00. The meeting by a good majority instructed the trustees to apply to the council for the amount and to issue debentures for ten years. The council had done this. The trustees thereupon called for tenders for the building and awarded a contract to the lowest tender for a sum not exceeding the amount of the loan. The contractor has laid a quantity of material on the ground and is proceeding as fast as possible in preparing to erect the building as soon as the weather permits. Now some of the minority ratepayers have presented a petition to the council asking for a division of the section, and the council at its last meeting passed a resolution instructing its clerk to send a notice by regular mail to every ratepayer of the section to attend a meeting to be held for that purpose in the school house on the 26th inst.

1. Has the council the power to step in at this stage and call a school meeting to discuss the division of the section after the trustees have the debentures issued for building a new school and the building under way to accommodate the children of the section?

2. Having no county organization, therefore no county council to appeal to, as stated in section 42, clause 1, Public School Act, in case the council should decide to divide the section, wherein lies our appeal?

3. Am I right in suspecting that the last portion of clause 1, section 41, Public School Act, viz., "A majority of the ratepayers present request to be united, or as the case may be, divided," is implied in the three clauses following.

4. If at the school meeting that takes place on the 26th inst. a majority of ratepayers decide by resolution not to divide, can the council divide the section in the face of such resolution?

5. In the case of a division would the whole section, as is now existing, be liable for the debentures or the section only that the school would be in?

6. In carefully looking into clause 2, section 41, Public School Act, I cannot see the object of the council notifying the ratepayers of the section, especially as our council has done so, and in the notification has called a meeting, but nothing stated about a vote to be taken or a report to be made to council. Can you see the object?

#### BY-LAW NO.

##### Municipality of the Township of

*A by-law to provide for the raising of \$2,000 by way of debenture for the erection of a school house in School Section No. 1 of the Township of*

Whereas, the Board of Trustees of School Section No. 1 of the Township of \_\_\_\_\_ have applied to the council of the said municipality for the issue of debentures to raise the sum of \$2,000 for the purpose of erecting a school house in said school section.

And whereas the proposal for such loan of \$2,000 has been submitted by the trustees to and sanctioned at a special meeting of the ratepayers of the said section called for that purpose.

And whereas the whole rateable property of the said school section amounts to \$51,720.00 according to the last revised assessment roll.

And whereas it will require the sum of \$110.00 to be raised annually for a period of ten years to pay the interest of the said debt, and the sum of \$166.58 to be raised annually during the said period for the payment of the debt to be created by this by-law, making in all the sum of \$276.58 to be raised annually aforesaid upon the whole rateable property of the said school section.

Therefore the municipal council of the corporation of the municipality of the Township of \_\_\_\_\_ enacts as follows :

1. That it shall be lawful for the reeve of the said municipality and he is hereby authorized to borrow the said sum of \$2,000 upon the credit of the said corporation, for the purposes aforesaid, and to issue debentures therefor in sums of not less than One Hundred Dollars each payable at the expiration of ten years from the date on which this by-law takes effect, and to bear interest at 5½ per centum per annum payable half-yearly on the first day of the months of June and December in each year during the currency of such debentures.

2. The said debentures as to principal and interest shall be payable at the office of the treasurer of the said municipality.

3. The said debentures shall bear date as of the day when this by-law shall come into force, shall be sealed with the corporate seal of the said municipality, and be signed by the reeve and treasurer thereof.

4. The said debentures shall have attached thereto coupons for the payment of the interest thereon.

5. During the currency of the said debentures there shall be raised and levied annually on the whole rateable property of the said school section the sum of \$110.00 for the payment of the interest on the said debt, and the further sum of \$166.58 for the payment of said debt, making altogether the sum of \$276.58 to be raised annually as aforesaid.

6. This by-law shall come into force on the day of the final passing thereof.

Done and passed in council this 15th day of December, A. D. 1903, as witnessed by the corporate seal of said municipality, and the hands of the reeve and clerk.

\_\_\_\_\_, Reeve.  
\_\_\_\_\_, Clerk.

1. The council has no authority to call a special meeting of the ratepayers of this school section to consider this question, but may hold a special meeting to consider the advisability of dividing the section pursuant to the petition received to that effect, after all persons to be effected by the proposed division "have been duly notified in such manner as the council may deem expedient of the proposed proceeding for this purpose, or of any application made to the council to do so. (See sub-section 2 of section 41 of The Public Schools Act, 1901). If the council deems a notice to each ratepayer sent by registered letter is expedient that is sufficient to meet the requirements of this section. If it considers it to the advantage and convenience of all persons interested to divide this section as asked, it may do so by by-law passed in accordance with the provisions of sub-section 2 of section 41, notwithstanding the fact that a new school house is in process of erection in the existing section, and that debentures have been issued and sold by the council of the municipality to pay for it.

2. There is no provision made for an appeal in a case of this kind.

3. No. The words quoted cannot be read into sub-sections 2, 3 and 4 of section 41. They are applicable only to the case mentioned in sub-section 1.

4. The council can exercise its discretion in passing the necessary by-law to divide this section, notwithstanding that a majority of the ratepayers pass a resolution against it.

5. The section as it existed at the time when the loan for building the new school house was effected will continue liable for the payment of the debentures until they have been fully satisfied. (See sub-section 3 of section 74 of the Act).

6. Sub-section 2 of section 41 constitutes the members of the council judges as to what notice is expedient to be given to all parties interested in the passing of a by-law of this kind before the holding of the meeting at which it is to be considered. As we have stated above, the council has no authority to call a general meeting of the ratepayers to consider this question.

THE MUNICIPAL WORLD is regarded by those directly interested in local government as indispensable.