

(34) *A Corporation aggregate is not bound to appear as Witnesses in Court, but its Members may be Subpœnaed.*

A corporation aggregate is not bound to appear at the trial as witnesses, under a notice served on its attorney under the Statute 16 Vic., cap. 19, sec. 2. If the individual members are required to appear they may be individually subpœnaed.—(*Idem.*)

(35) *Discretion to raise a Loan for School Section purposes rests as much with the Council as with the Section.*

A by-law of a Township Council authorizing the levy of certain rates in a school section having been quashed, the council then without a second School Section meeting having been called, passed another by-law for the same purpose, it was

*Held*, That the discretion to raise the sum within any number of years, not more than ten, rests as much with the council as with the school meeting or trustees.

That a second meeting of the inhabitants after the former by-law had been quashed, was not necessary.

That the rate was not declared on the property assessed in a previous year; but only the amount to be raised was determined by reference to the assessed value of property in that year.—*In re De la Haye v. Municipality of the Gore of Toronto*, 3 C. P. R. 23.

(36) *A rate may be levied for a larger sum than is required.*

That the rate not being complained of as excessive, its being calculated to realize more than the precise sum required, did not render the by-law invalid.

That the duty imposed on the clerk in making out the assessment list of the section in accordance with the Township by-law, was in accordance with the Statute.

That a proviso of the by-law sanctioning receipts, *pro tanto*, given to those who had paid under the invalid by-law, did not render the second by-law void—because such parties, although entitled to restitution, would have to pay *de novo*.—(*Idem.*)