

in each ward, as has heretofore been the case ; that the effect of the Municipal Amendment Act, 1898, has been to abolish the representation of wards in the school board in towns, such as Cobourg, where a division into wards exists, and where the proceedings under section 58 of "The Public Schools Act" have been taken to require the election of school trustees to be held by ballot on the same day as municipal councillors are elected. This contention is based on the provisions of sub-section (3) of section 58, which directs that in such cases the election shall "be held at the same time and place, and by the same returning officer or officers, and conducted in the same manner as the municipal nominations and election of aldermen or councillors are conducted ; and the provisions of the Municipal Act respecting the time for opening and closing the poll, the mode of voting, corrupt or improper practices, vacancies and declarations of office, shall mutatis mutandis apply to the election of public school trustees." I cannot agree with this contention.

The provisions of The Public Schools Act indicate clearly the policy of the Legislature to be that in urban municipalities divided into wards, the representation of the ratepayers shall be by wards ; and the same policy is applied to rural public schools. See s. 9, s-s. (2). In the case of urban municipalities, section 55 provides that "For every ward into which any urban municipality is divided there shall be two school trustees ;" sub-section (2) speaks of one of the trustees "in each ward" retiring annually, "after which one trustee shall be elected annually for each ward."

In my opinion, all this cannot be held to have been impliedly repealed and abolished by the provisions of The Municipal Amendment Act, 1898, the language of which is confined to the election of the mayor and councillors by a general vote. If such had been the intention of the Legislature it could have been expressed in a very few words. I think the expressions "in the same manner as the municipal nominations and elections . . . are conducted" and "the mode of voting" used in s-s. (3) of s. 58, merely apply to the manner or mode of conducting an election by ballot ; and that these provisions are simply for convenience and for the avoiding of the expense of two separate sets of officers and polling places and appliances for taking the vote. They could not have been intended to entirely change the constituency which trustees should represent and the electorate which should appoint them. The strict reading of these words contended for might as well be extended to embrace the qualifications of voters and trustees. It is admitted that in towns where the election by ballot has not been required, and the proceedings are governed by s. 57, the representation is to be by wards. This being so we might have presented, if the Municipal Amendment Act of 1898 is applicable under section 58, the anomaly of ward representation in the school board of one town and its abolition in an adjoining town, merely because the latter had provided for the election of its trustees by ballot. Surely this could never have been intended.