

a school meeting (except the Chairman in giving a casting vote), but they can elect whom they please to preside at their annual meeting.

Challenging Voters at School Meetings.—If any person offering to vote at an annual or other school meeting, shall be challenged as unqualified, by any legal voter in such section, the Chairman presiding at such meeting shall require the person so offering, to make a declaration.* In the *Revised Statutes*, which have been proclaimed, and which came into force on the 5th of December, the Commissioners for Consolidating the Statutes recommend that this declaration read as follows:

"I do declare and affirm that I have been rated on the assessment roll of this Section as a freeholder or householder [as the case may be], and that I have paid a public school-tax within the last twelve months, and that I am legally qualified to vote."

The vote of any person refusing to make this declaration shall be rejected; but any person convicted of making a false declaration of his right to vote, is liable to fine and imprisonment for misdemeanour; and should any illegal votes be allowed by a chairman of a school meeting, a complaint can be made to the Local Superintendent within twenty days, and he can set aside the election, as empowered by law.

Right of Trustees and Teachers to Vote.—Trustees and Teachers, if freeholders or householders in School Sections, have the same right to vote at the annual or any other school meeting as have any other freeholders or householders in their section. A person's being a Trustee or Teacher does not deprive him, if a rate-payer, of his rights as a freeholder or householder, any more than it deprives him of his elective franchise.

Annual election of one School Trustee.—In all School Sections (except in Cities, Towns, and Incorporated Villages, and new School Sections,) one Trustee shall be elected to office at each annual school meeting, in place of the one who shall have been three years in office. The same individual, if willing, may be re-elected, but no School Trustee shall be re-elected, except by his own consent, during the four years next after his going out of office.

Penalty for refusing to serve as Trustee.—If any person chosen as Trustee, shall refuse to serve, he shall forfeit the sum of five dollars; and every person so chosen, and not having refused to accept, who shall at any time refuse or neglect to perform the duties of his office, shall forfeit the sum of twenty dollars; which sum or sums may be sued for and recovered by the Trustees of the school section, for its use, before any Justice of the Peace; but any person chosen as Trustee may resign with the consent of his colleagues in office and of the Local Superintendent, expressed in writing.

Choice of Trustees.—The householders and freeholders in a School Section can elect whom they please as Trustee, whether he be a householder or freeholder in the section or not; and any person thus elected has a right to act as Trustee, whether he be an elector himself or not.

Legality of Trustees' Election.—The legality of the proceedings of an annual school meeting cannot be called in question if deferred until twenty days after their occurrence, any more than the election of a Member of Parliament can be called in question unless the protest be made within the period authorized by law.

Investigation by a Magistrate.—A Magistrate has no right to dismiss a Trustee from office, or decide whether a Trustee is lawfully elected or not. The law directs a Local Superintendent, but not a Magistrate, to investigate such matters. The fining of a Trustee does not in the least degree disqualify him for office, or lessen his obligations or powers.

Reconsideration of Proceedings.—The Trustees can call a special meeting to reconsider the proceedings of the annual meeting, as to the mode of providing for the support of the School. Should a rate-bill be adopted, and only a few

children attend the School, the Trustees can levy and collect from the assessed property of the section, all that is necessary to pay the salary of the Teacher and the expenses of the School, over and above the small amount of the rate-bill.

NO. 2. RIGHTS AND DUTIES OF RURAL TRUSTEES.*

Non-Resident Trustees.—A Trustee who may have removed a mile or two out of the limits of the School Section, is as much a Trustee as he ever was, and has a right to exercise all the powers of a Trustee until his successor is elected; and it is at the discretion of the other two Trustees whether or not they will call a meeting for the election of a Trustee in his place, or whether they will leave him to act until his legal period of office expires. The provision of the law enables the two remaining Trustees to call a special meeting for the election of a Trustee in place of one who has removed; but it does not require them to do so; and in very few cases is the vacancy filled up before the annual meeting. School electors can, at their discretion, elect a non-resident as a Trustee, if they please.

Power of Trustees to erect School Houses.—In regard to the erection of a school house, and everything appertaining to it, the power is vested in the elected Trustees, the same as the power of making laws is vested in the Legislature; and not in any public meeting in the one case any more than in the other. The Trustees may call a public meeting to consult on the subject, but the legal decision is with the Trustees. The only power of a public meeting in such a case is to decide upon the manner in which the sums requisite to purchase a school site, or pay for a school house, or support the school, shall be provided; but the amount required in all cases, the kind of school house to be erected, or kind of teacher to be employed, is with the Trustees; and if a public meeting does not provide for all the sums required, the Trustees can provide the balance by rate on the property of their section.

Obligations of Trustees in regard to keeping open a School.—Unless a school be kept open six months of the year it is not entitled to share in the School Fund at all; but if the Trustees close it six months of the year, they forfeit and lose to the School Section one half the amount of the School Fund, which they would receive did they keep the school open the whole year, and they are personally liable to pay to the School Section (on the complaint of any resident in it) the amount they thus forfeit and lose by their neglect. The very object of the law on this subject is to compel reluctant Trustees to provide a school all the year round, for the youth of the section in which they have been elected School Trustee guardians of such youth.

Rights of Trustees as between themselves.—The law knows no difference between the Senior and Junior Trustees of a School Section. All the Trustees of a School Corporation ought to be notified of each corporate meeting; but any agreement made, or meeting called under the signature of a majority of the Trustees, and attested by the corporate seal, is legal and binding.

Official Acts of a Trustee de facto.—If a person is returned as elected Trustee, and his election is afterwards set aside, his acts before the decision on his case, were as lawful acts as if his election had been confirmed instead of having been annulled. Thus a person may be elected member of Parliament, and his election may be protested against, and, after investigation, set aside, yet until his election is set aside, he has a right to vote in the Legislature, and the acts passed by his vote are lawful.

Appointment and change of Secretary-Treasurer.—The Trustees can change and appoint a Trustee Secretary-Treasurer as often as they please; and if one who has been a Treasurer refuses to give up any papers, money, &c., which came into his hands as such, the other two Trustees can proceed against him as directed by law.

Using the School House for Public Meetings, &c.—If there be a provision in the deed of a site on which the school house is built, requiring the Trustees to open it for all kinds of public or

* Supporters of separate schools have no votes at public common school elections.

* For Rights of Trustees in Cities, Towns, and Villages, see No. 7, page 180.