

LEGAL DEPARTMENT.

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Nominations and Elections.

Reeves—Deputy-Reeves—Councillors—School
Trustees—Wards.

In the October number of THE WORLD, we discussed the question, whether Deputy-Reeves were to be elected in townships and villages at the ensuing elections or not and we expressed the opinion that they were not. The more we examine the Municipal Act, the more patent it becomes, that the Legislature did not make the necessary amendments of other parts of the Municipal Act to make it harmonize with the Municipal Amendment Act, of 1898. Section 101, for example has been allowed to remain as it was and provides that in townships divided into wards, the councillors shall at their first meeting elect from among themselves such deputy-reeve or deputy-reeves. For the reasons stated by us in the October number, no deputy reeves are to be elected in villages or townships. By sections three and four of the Municipal Amendment Act, of 1898, sections 72 and 73 are so amended that the basis of representation for deputy-reeves has been taken away. By section 71 of the Municipal Act, there was provision for the election of deputy-reeves if there were sufficient names of persons entitled to vote. By the Act of 1898, section 71 a (1), was added, which is as follows: "The council of every town having a population of not more than 5,000 by the last Canadian census, shall consist of a mayor, who shall be head thereof, and of six councillors to be elected by a general vote."

DEPUTY-REEVES IN TOWNS OVER 5,000
POPULATION NOT SEPERATED FROM
COUNTY.

In the case of towns having a population of over 5,000 which has not withdrawn from the jurisdiction of the council of the county, a reeve is to be added and also deputy-reeves for every 500 persons entitled to vote. What reason the Legislature had for preserving to such towns alone the right to elect deputy-reeves, we do not know. Section 74 of the Municipal Act is amended by section 5 of the act of 1898, so as to read "in counting the names of voters referred to in section 71 the name of the same person shall not be counted more than *once in any municipality*, whether the name appears upon the voters' list only once or more than once." This section, though very general in its terms, must be construed as applying to the election of mayor, reeves and deputy-reeves, if any, and not to the election of councillors. The same person may be entitled to vote for councillor in every ward. Owing to the fact that the provisions relating to the time and place of holding the elections have not been amended so as to fit the changes made by the act of 1898,

there is some doubt as to the manner of conducting elections in those townships which have been divided into wards and in which ward representatives were formerly elected. Some persons are under the impression that nominations should be held in each ward as in the past, though the candidates nominated must be voted for by the whole electorate of the municipality. We do not, however, think that the Legislature intended this, but that the procedure should be the same as the manner of conducting elections formerly in those townships which were not divided into wards. See section 119 of the Municipal Act, which provides for the holding of nominations in townships not divided into wards at the town hall or at such place therein as may from time to time be fixed by by-law. The Act of 1898 does not as some persons think abolish wards. It simply provides that in certain municipalities the election shall be by general vote thereby ignoring the division of certain municipalities into wards, so far as the election of mayor, reeves and councillors in those municipalities is concerned. Another difficulty which the Act of 1898, has raised in the minds of some people is in regard to the elections of school trustees. It is thought by many that the election of trustees must in some cases, at all events, be by general vote, and this view is based upon the provisions of section 58 of the Public Schools Act, sub-section 2, of which empowers any board of trustees to require elections to be held by ballot, and sub section 3 of which provides that in every case in which notice is given as directed by the act, requiring the election of public school trustees to be held by ballot, such election shall thereafter be held at the same time and place and by the same returning-officer and conducted in the same manner as the municipal nominations and elections of aldermen or councillors are conducted. We are of the opinion, however, that the Legislature did not intend to make this supposed change in the law in the case of trustees. It was dealing with the election of certain municipal officers and not with the election of school trustees, and, therefore, the provisions of the act of 1898, ought not to be read into the School Act so as to make the elections of school trustees by general vote of the whole municipality.

The County Council of Leeds and Grenville will petition the Legislature praying that more express provision be made for regulating in rural districts the use by wheelmen of pathways or sidepaths used or set apart for pedestrians, such provision as will permit persons using bicycles to travel thereon without let or hinderance (say outside of a half a mile from the limits of any incorporated municipality) provided that on meeting or passing a pedestrian on any such pathway or sidepath the wheelman be in every case obliged to dismount and allow such pedestrian undisturbed right of way.

The Public School.

By W. Atkin, Esq., Inspector of Public Schools,
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VII.

REVENUES OF SCHOOL SECTIONS.

Since 1841 it has been an accepted principle in the Province of Ontario, that all its property is taxable for the public school education of its people.

The unit of taxation for school purposes is the school section, although there are other sources of revenue for public school moneys than the direct tax on the section property, asked for by the section trustees.

The township council is required to raise, by uniform rate on the whole township, a sum sufficient to pay to each school section the sum of \$150, and an additional sum of \$100 for each assistant teacher in the school.

The Legislature annually votes a grant, out of the provincial revenues, for public schools. This grant is apportioned among the municipalities according to their population. Each municipal grant is then apportioned to the schools of the township in proportion to their average attendance for the preceding year.

The Government also makes grants to public schools doing advanced work. Continuation class schools in class A receive \$100, in class B \$50, and in class C \$25, and schools doing public school leaving work receive the sum of \$5 for each successful candidate at the examination.

All sums, in excess of the sums already mentioned, necessary for the maintenance of a public school must be obtained by the trustees, through the township council, by direct tax on the rateable property of the school section.

The Simcoe County Council devoted considerable attention to the House of Industry at their closing session. The building farm, etc. has cost about \$37,000. It is situated at Beeton. The officials will consist of an Inspector, Keeper, Ma'ron and Physician and a Committee of three members of the Council to supervise the management; to examine into the state of all matters pertaining to the support and employment of the inmates; audit all accounts quarterly and prepare for the June session each year an estimate of the amount required for the ensuing year; the committee shall have power to discharge any inmate considered an improper person to be kept at the county's expense; and may also admit any person if they deem it expedient, (b) they shall keep a general supervision over the institution, (c) keep a full account of all expenditure, (d) purchase supplies by tender or otherwise, (e) investigate all charges against any official of the House and have the power to suspend on sufficient evidence. The committee must meet quarterly for the passing of accounts between the 1st and 5th days of January, April, July and October.