

extreme urgency the Provincial Board of Health should be applied to. If, on investigation, it deems such a course necessary, the Provincial Board may issue and enforce an order closing all churches and schools, etc., in the municipality. (See section 13 of The Public Health Act, R. S. O., 1897, chapter 248.)

Township Councils May Aid in Maintenance of Band of Music.

138—SUBSCRIBER—In our township there is a society brass band. Said band petitioned our council to grant them \$50 to help pay for their instruments, members of said band being only names on said petition.

1. Has our township council power in any way to grant said bonus to this band?

2. If our council grants this bonus can they be held personally responsible for same by the ratepayers?

1. Yes. Sub-section 2 of section number 591 of The Consolidated Municipal Act, 1903, empowers councils of townships to pass by-laws "for aiding in the establishment and maintenance of a band of music."

2. Our reply to question number one renders it unnecessary to answer this.

Appointment of Truancy Officer—School Trustee Cannot Contract with His School Board.

139—H. W. E.—At the first meeting of our council one of the duties they performed was to appoint a truant officer for the ensuing year. They appointed a public school trustee to act as truant officer, his salary to be \$5.00 for the year.

1. Is this appointment legal, and can a trustee act as truant officer and can he receive pay out of the corporation as said truant officer, he being a trustee also?

2. It has been the custom of some of our trustees whenever any work has to be done at the school house to perform that work themselves and receive pay out of the school money for said work. Is it legal for the trustees to do said work and take pay for the same out of the school funds?

1. We are of opinion that this appointment was not a proper one. The Truancy Act (R. S. O., 1897, chapter 296), does not state what particular class or classes of persons shall or shall not be appointed truancy officers by a village council, but the language of the Act is such that it is evident that it was not intended that a public school trustee could be appointed to the office. For instance, section 11 of the Act provides that "it shall be the duty of the trustees of EVERY school to report to the truant officer of the municipality in which their school is situated the name, age and residence of all pupils, etc." A person in his capacity as public school trustee could not make this report to himself in his capacity as truant officer.

2. No. Section 105 of The Public Schools Act, 1901, provides that "any trustee who has any pecuniary interest, profit or promise, or expected benefit in, or from any contract, agreement or engagement, either in his own name or in the name of another, with the corporation of which he is a member, or who receives or expects to receive any compensation for any work, engagement, employment or duty, on behalf of such corporation, shall, ipso facto, vacate his seat, etc."

Time for Equalizing Union School Assessments—Township School Levy.

140—W. H. J.—There are four union schools in the municipality, which were equalized by the assessors of the different municipalities in May, 1901.

1. Should they be equalized this coming May or should they extend for five years from date of last equalization?

The trustees of union school section asked the municipal council to have debentures issued to build a new school house. This school house is on the boundary line between two counties and was built in the fall of 1902. The school has two rooms and engages two teachers for the year.

2. Are these two rooms entitled to \$150 each collected out of the general school rate, or would one only be an assistant and only entitled to \$100.

The trustees of union S. S. No. 12 made application to the municipal council asking to have the north-east half of lot No. 20, and the south-east half of lot 21, in the second concession of B—— detached from S. S. No. 5 and to have the same attached to union S. S. No. 12, due notice having been given to the trustees of S. S. No. 5. Two of the trustees were present at the council meeting, one from each school section, when a by-law was passed on the 25th day of last April, 1903, detaching the north-east quarter of lot No. 20 in the second concession of B——, and the south-east quarter of lot 21 in the second concession of B—— from S. S. No. 5, and attached to union S. S. No. 12.

3. Should the union schools be equalized this coming May or should it continue for five years from the last equalization?

4. Is union S. S. entitled to the \$150 for each school room collected out of the general school rate from both municipalities, or should one of them be called an assistant and only entitled to \$100?

5. Was the by-law legal, it taking effect on the 25th day of December last?

1. The assessment of these union school sections should be equalized by the assessors of the several municipalities interested prior to the first day of June next, and the equalization then made will answer for the following five years, as provided in section 3 of chapter 32 of The Ontario Statutes, 1903.

2. Every public school in a township municipality is entitled to have levied and collected for it by the municipal council at least \$150 and \$100 for each assistant teacher employed in any such school, no matter how many rooms the school house may contain. This school is therefore entitled to receive \$150 out of the township school levy and \$100 additional for the assistant teacher.

3. Our answer to question number one is a sufficient reply to this.

4. Our answer to question number two is a sufficient reply to this..

5. We cannot express any opinion as to the validity of the by-law. Having been passed not later than the first day of June, it was passed in time, but under the school Act such a by-law does not take effect until the 25th day of December of the year in which it was passed.

A Defective Nomination Resignation.

141—SUBSCRIBER.—At a township nomination Mr. A. was nominated for councillor. He was afterwards, at the same meeting, nominated for Reeve. There was only one other candidate for the reeveship. Within the required time Mr. A. sent to the township clerk the following resignation.

I, Mr. (name in full) of the township of ———, hereby resign the nomination for reeveship for said township.

Witness, Mr. B.

Mr. A. did not sign this resignation at the bottom and for this reason it was declared by the clerk as void, and Mr. A's name went on the ballot for a councillor.

1. Was this a lawful resignation?

2. If so, can the other man nominated for reeve hold his seat by acclamation?

1. We are of opinion that this resignation was a mere nullity, as sub-section 3 of Section 129 of the Con. Municipal Act, 1903, provides that "the resignation after the nomination meeting of any person so proposed shall be in writing, SIGNED BY HIM, and attested by a witness, etc.," and that Mr. A. therefore remained in nomination for councillor. The latter part of sub-section 2 of this section provides that if a person nominated for more offices than one, does not elect for which office he is to remain nominated, he shall be taken as nominated for the office in respect of which he was first proposed and seconded. Therefore, since Mr. A. was first nominated for councillor, whether the resignation filed was sufficient or not, Mr. A.'s name was properly on the ballot for councillor.

2. Yes.