

**36.** The Clergymen of all religious denominations ministering in the School Municipality, and all other persons resident therein, are eligible as Commissioners, without any property qualification; but non-residents other than such Clergymen are not eligible; and no person shall be an Assessor for School purposes unless he possesses real property in the Municipality in which he acts, to the value of four hundred dollars clear. 9 V. c. 27, s. 14,—12 V. c. 50, s. 6 & 28.

Commissioners need not have property qualification.

Qualification of Assessors.

**37.** If the choice of the School Commissioners is contested, any three electors present may demand a poll, which shall be held in conformity to the regulations established in the Law then in force with regard to the election of Municipal Councillors. 9 V. c. 27, s. 6, *part*.

Poll may be demanded.

**38.** No person shall vote at any election of School Commissioners in any School Municipality, unless he has previously paid up all contributions then payable by him for School purposes in such Municipality;—And any person so voting in contravention of this enactment, shall incur a penalty not exceeding ten dollars. 12 V. c. 50, s. 9.

Whom may vote.

**39.** All contestations with regard to such elections and to the functions and powers assumed by School Commissioners, or any of them, or their officers, or by any persons claiming to be such Commissioners or officers, may, by any person having authority as Visitor or otherwise over the Schools in the locality, or by any person assessed for their support, be brought by a petition (*requête libellée*) setting forth the case, of which a copy must have been served on the parties concerned, before the Superior Court in the District, or before the nearest Circuit Court, and shall there be determined in a summary manner on the evidence adduced. 9 V. c. 27, s. 6.

Contestation of election to be determined by the Superior or Circuit Court.

**40.** Any School Commissioner whose election has been obtained by fraud or stratagem, or by the votes of persons not qualified as electors, or any person usurping the functions of School Commissioner, or illegally holding that office, may be summarily prosecuted at the instance of any party interested, or of several collectively interested, before any one of the Judges of the Superior Court for Lower Canada sitting either in the Superior or Circuit Court in the District in which such election, usurpation or illegal detention of office has taken place, for the purpose of declaring such election or such detention of office illegal, and such seat vacant. 16 V. c. 208, s. 1.

Commissioner acting as such illegally may be prosecuted.

**41.** For all the purposes of the next preceding section, the procedure to be adopted shall be that prescribed by the chapter eighty-eight of these Consolidated Statutes. 16 V. c. 208, s. 2.

Procedure in such case.

**42.** If the office is declared vacant, or a legal election has not been had, thereby preventing the operation of the School Laws, the Superintendent of Education for Lower Canada may appoint School Commissioners to fill the vacant office, or to replace those who were illegally elected. 16 V. c. 208, s. 3.

Superintendent may appoint Commissioners in certain cases.