

Under sub-section 5 of section 550, cap. 223, R. S. O., 1897, the council may compel the use of water supplied by the waterworks of the municipality within certain defined areas, and for prohibiting the use of spring or well water in such areas. These provisions are for health preservation.

Fence Rubbish on Road Allowance.

**370.**—M. C.—Can a ratepayer, whose line fence is on the road, remove stones and other rubbish from off his farm to the side of fence, and afterwards remove the fence to proper line and leave the stones on the highway without removal?

No. The council may pass a by-law under section 557, subsections 3, 4 and 5, R. S. O., cap. 223, for the removal of obstructions, and under such a by-law the pathmaster may compel the removal of the obstructions or have them removed at the expense of the party who placed them there.

Township Wards Abolished for Election Purposes.

**371.**—SUBSCRIBER.—What is the new statutes about wards in townships? Is the ward system abolished in townships, or is it for cities or towns and not for townships?

Section 73, cap. 223, R. S. O., 1897, was amended by 61 Vic., cap. 23, section 4, so that it reads, "The council of every township shall consist of a reeve, who shall be the head thereof, and four councillors who shall be elected by a general vote." The effect of this is to abolish ward representation in townships. That part of section 73 which entitles a township to a deputy-reeve for every 500 votes has been struck out. Cap. 24 of 61, Vic., provides that elections held for the present year shall not be invalid by reason of the non-election of deputy-reeves and declares that the candidate having the highest number of votes shall be first deputy-reeve, as cap. 24 is confined to the elections for the present year. We think that the amendment of section 73 abolishes ward representation, notwithstanding section 100, which provides: "Except in the case of deputy-reeves and councillors in townships divided into wards the election in townships and villages, of reeves, deputy-reeves and councillors shall be by general vote, etc." It will be observed that the election was by general vote under this section where the township was not divided into wards. The amendment under 61 Vic., either applies to townships divided into wards or it effects no change in the latter. Being later it must be taken to express an intention on the part of the legislature to effect a change in the law.

Trustees' Requisitions, Protestant and Separate Schools.

**372.**—J. B. P.—Referring to questions 303 and 333 the Board of Trustees of said Protestant Separate School has sent in his requisition as provided by section 16, sub-section 9, chap. 294, R. S. O., 1897.

1. Does your answer to sub-question 3 of 303 refer to said A and B or to all supporters of said Protestant Separate School?

2. Should the municipal council collect the rates for the Protestant Separate Schools as

well as for Roman Catholic Separate Schools? (Sec. 58.)

1. Question 303, in our July number, is as follows: "Could the council levy and collect the taxes of said Protestant separate school if requested by the trustees?" Our answer was "No." As will appear more fully from what we say in reply to your second question (2) there appears to be no power to invoke the aid of the municipal council to collect the rates in the case of Protestant as there is in the case of Catholic schools. Our answer to number 303 referred to those persons who are supporters of Protestant schools and not to other persons who, though liable to pay school rates, are not supporters of Protestant schools under the act.

2. You will observe that section 16 of the Separate Schools Act expressly provides that sections 28 to 35, and 37 to 41 inclusive, shall apply to the trustees and teachers of such separate schools, that is trustees of Protestant and colored separate schools. This provision indicates that other sections under the head of Roman Catholic separate schools do not apply to Protestant or colored separate schools. Section 17 impowers the trustees of Protestant and colored separate schools to impose levy and collect rates. Roman Catholic separate school trustees have the same powers under sec. 55, but they have the additional right to have them collected by the council under sec. 58.

Powers of Trustee Board.

**373.**—W. E.—Can two of the board of trustees engage a teacher, also raise her salary \$50.00 against the majority of the ratepayers, also against the one trustee wishes, the two trustees that hired such teacher have not taken their declaration of office and have been acting as trustees for one or two years, one of them has not attended a meeting for the last year?

2. The ratepayers have elected a new trustee. Can the two trustees that are acting in accordance with the ratepayers, wishes engage a new teacher, and how long notice would they have to give to the other teacher before they could dismiss her?

Quite a number of pupils passed at the public school leaving examination, which was held in June last, the examiner told them they would get a certificate to teach for one year. Some of them got schools to teach, and then wrote to the school inspector for their certificates but could not get any. The inspector informed them that he was notified some time ago by the Department not to grant them any. What I would like to know is, Who is to blame in this matter? Is it the Minister of Education or the inspector? Should this not have been made known before the pupils who passed the examination had been put to such trouble and expense? Also a disappointment to the trustees who hired him.

4. What causes such delays in finding out what pupils have passed, the examinations were in June and the pupils received no answer as to whether they had passed until the first week in August, only about eight days before the schools opened, thus giving them scarcely any time to procure a school. Who is the right party to lay this grievance before?

1. The question of salary is one for the trustees to deal with. The ratepayers have no voice in the matter at all. A majority of the trustees governs. The two trustees therefore had the power to

engage the teacher and to determine the salary to be paid.

2. The two trustees may engage a new teacher as soon as there is a vacancy, but we cannot say what length of notice the trustees will have to give the present teacher because we do not know the terms of the agreement between the teacher and the trustees. If the agreement does not provide that the trustees may terminate it by notice they cannot do so and the teacher will be entitled to complete the term of her contract.

3 and 4. We would suggest that you communicate with the Inspector and the Education Department, and in doing so we would advise you to confine yourself to the case or cases in which you are interested so that the information you obtain will refer to these particular cases. We have no doubt but that the pupils who wrote for certificates would have received them if they had been entitled to them. In regard to the alleged delay in giving the result of the examinations we are not in a position to give you any information because we have no knowledge of the amount of work which the examiners had to do. The Department will, no doubt, be able to give the reason for the delay.

Formation of Union School Section.

**374.**—E. W.—This is an incorporated village, one public school with three teachers and an average attendance of about sixty scholars. Pupils are fitted for third-class certificates, the larger proportion of which are from adjoining sections. These sections have about the average attendance of ten to twelve in each section, all in another municipality. School house within three to four miles of the village. It is proposed to unite them in one and have the children transferred to the village by conveyance at the expense of the joint schools. The village school is maintained at the expense of about \$1,500 per year.

1. Would legislation be required to unite?
2. Are you aware of any instances where such a plan is adopted?
3. Where could information be obtained?

1. The procedure for uniting parts of one or more townships and an adjoining urban municipality are contained in section 43 of the Public Schools' Act, cap. 223, R. S. O., 1897. This is the only provision for forming such a union. There is no provision for transferring the children to the village by conveyance at the expense of the joint schools.

2. No, except that there are numerous instances of union school sections composed a village and parts of one or more adjoining municipalities.

3. We are not aware of any place where you can obtain any more information than we have given above.

School Section By-Law.

(See No. 344.)

**375.**—X. Y. Z.—In further reference to school by-law under above, by-law was passed on May 27th; was signed at June meeting. The councilman who put the matter through was unavoidably absent at the June meeting. Clerk pointed out to council that there was an error, in which all agreed. Reeve desired that signature to by-law should be postponed until