There is no difficulty in carrying out to their fullest extent the provisions of the Public Schools Act with the Municipal Act as it is; and it is a well established canon of construction of statutes that where two Acts can stand and be enforced without repugnancy or inconsistency, and there is no express repealing or changing of the one by the other, both shall be given effect to. I am, therefore, of opinion that the nominations of school trustees were properly asked for by ward representation.

The second question involved is as to whether there was really an election by acclamation of a trustee for the East Ward. It is not necessary to consider the elections for the other wards, because for each of them only one candidate was proposed, or attempted to be proposed, and these candidates, in the view I have taken of the propriety of ward representation, were duly elected by acclamation. For the East Ward, it may be said that technically and according to the strict letter of the law, there was only one candidate (John McCaughey, as he is named in the paper) regularly and properly nominated. Sec. 128 of the Municipal Act requires that the person to fill each office shall be proposed and seconded, and that the nomination shall be in writing, and shall state the full name, place of residence and occupation of the candidate, and shall be signed by the proposer and seconder. To constitute a perfect nomination paper, under these requirements, I think the paper should contain a statement of the office for which the candidate is proposed, in addition to the other matters above mentioned.

The nomination paper of William Barr stated that he was nominated "for the office of School Trustee," not stating for any ward. In other respects it was substantially sufficient. The omission of the ward, according to my view of the law, rendered it uncertain as a nomination paper of a candidate for one of the wards of the town. This, according to the evidence, was not accidental. The proposer thought he should insert the ward; but the seconder was of opinion that wards were abolished, and that the nomination should be for the town and not for a ward, and the proposer accepted this view. The returning officer, after taking time to consider, decided that this nomination paper was irregular, and he rejected it, and declared Mr. McCaughey elected by acclamation. Here, I think, he made a mistake. I do not see that the law invests him with any judicial power. His duties and powers are purely ministerial, and in the face of a contention as to how trustees were to be elected, whether as representing wards or by general vote, I do not think he was authorized to decide the question. That was for the courts.

But apart from this, what I have to consider is whether on the facts as disclosed in the evidence, and about which there is no substantial difference of statement, it can be said that the ratepayers present at the nomination understood that only one candidate was proposed for the office of trustee for the East Ward, and assented to his election by acclamation. The policy and intention of the law is that the fullest opportunity shall be given to the electorate to say who shall represent them in an elective office;