

ONTARIO LEGISLATURE.

Third Parliament—Third Session.

LEGISLATIVE ASSEMBLY,

Friday, Feb. 15.

ELECTION OF SCHOOL TRUSTEES.

Mr. ROSS moved the second reading of his Bill respecting the election of School Trustees in cities, towns, and villages. He said that the want of a nomination was felt, as under the present style of election names could be sprung upon the public. He proposed that the candidates should be nominated at the same time as town councillors. There were too many elections, and school trustee elections were allowed as it were to go by default. Not one-tenth of the electors ever cast a vote for school trustees. Were the voting concurrent with municipal elections he expected that a better class of trustees would be got. He did not think that there was much force in the objection raised of there being a probability of the introduction of municipal politics. He thought that the people were sincerely desirous of having the elections separate from politics. By the ballot there would be a better prospect of getting good men. This new method would be more economical than the existing plan. The interest taken in the elections would certainly be greater. He therefore moved the second reading of the Bill.

Mr. CROOKS said his hon. friend from West Huron had supported his motion with strong arguments, as he usually did support anything that emanated from him. But it had not yet appeared that there had been any such general expression on the part of those interested in our school system as to make it necessary in the present state of public opinion on this subject. He had an aversion to making changes, particularly in the law relating to education, unless the mind of the public was clearly expressed in favour of such changes. With reference to the School Boards themselves, he had not observed that any of them had moved in the matter, with the exception of the Toronto Board, which had passed a resolution deprecating the change now suggested. The Executive Committee of the City Council had, however, passed a resolution to the reverse. The great reason why it was at first decided that the election of school trustees should be held on different days from that of councillors, was that the interests of municipal bodies were entirely different from those of school boards. The question of changing the system of open voting for the ballot in the election of school trustees had not yet been thought necessary. He had never yet assented to all the virtues that were usually ascribed to the system of secret voting. After alluding to one or two other features of the Bill, which he considered objectionable, he said that apart from the strong arguments advanced in favour of his Bill by the hon. gentleman who proposed it, he could not see that the mind of the public had been so clearly expressed as to make it a duty of the Government to assent to the Bill. He presumed, however, that the mover had obtained one of his objects in bringing the Bill before the House.

Mr. FRASER directed the attention of the House to the fact that the Confederation Act did not give this Legislature the power to change the law with regard to the election of Separate School Trustees, which the proposed Bill might affect. Both at Belleville and at Toronto recently there had been a dispute as to whether Separate School Trustees were compelled to hold their election on the same day, at the same place, and with the same returning officer, as the election of Public School Trustees. If this Bill passed, the question would arise as to whether Separate School supporters would not be bound by its provisions. If, on the other hand, they were not bound by this law, there would have to be an additional election for school trustees. All this went to show that there ought to be further consideration of this question, and the delay might be a proper and beneficial one under the circumstances.

that they varied from \$23 to a little more than \$100. The average costs per case during 1876 amounted to \$85 41, and in 1877 to \$87 78. This class of cases was not affected by this Bill, while the costs in unmitigated cases were usually not so large. He pointed out several objections in the Bill, saying that it was entirely in favour of the mortgagee, and would practically result in the forfeiture of the estate. Although his hon. friend had, no doubt, spent considerable time and pains in preparing this Bill, he thought it would be of no benefit either to the honest mortgagee, the mortgagor, or the general public. He himself purposed, during the recess, to study the English legislation on this subject, and if his colleagues agreed with his views he should probably be able to submit a measure to the House at the next session. (Cheers.)

Mr. DEACON said that he thought that the Bill under consideration did not even possess the merit of lessening the costs. The sheriff's fees alone would vastly exceed the costs of foreclosing in the Court of Chancery. The law upon the point is now very clearly settled, and there are no difficulties in the operation of it. He thought the hon. member should withdraw his Bill, or consent to have all but the first two lines struck off.

Mr. SCOTT said he was opposed to change without mature consideration. This Bill, he thought, would only give the mortgagee a greater influence than was desirable over the property of the mortgagor. Section 18 gives the mortgagee power over the property of infants. He likewise took exception to section 13, and asked the hon. member to withdraw his Bill.

Mr. MEREDITH said that the Bill was a transcript of an American Bill, and that there did not exist here circumstances such as would warrant the adoption of the Bill. He hoped that the hon. the Attorney-General in considering his measure would devise some simple means of taxing the costs and also of registering proof of sale.

Hon Mr. CURRIE said that possibly two-thirds of the freehold land in the Province was held under mortgage. By this law it was intended to admit of the mortgagee getting possession of his property from the mortgagor more easily than at present. He went on to explain how notice should be given of foreclosure by sale, posting of notices, &c. It would not be compulsory to proceed under this Bill. He then went on to explain the operation of the Bill, and said that while not expecting the strong opposition he had met with from the hon. the Attorney-General, he would let hon. members have an opportunity of voting upon it. When in Committee he hoped it would be improved.

Mr. WILLIAMS, who seconded the motion, hoped the hon. member would withdraw his Bill, and expressed the hope that if voted upon the House would vote the Bill down.

The Bill was lost, Hon. Mr. Currie being the only one to vote for it.

[The remainder of this report is unavoidably held over for want of space.]