

[HUTCHINSON, C.J. AND TYSER, J.]

HUTCHINSON, C.J.
&
TYSER, J.
1906

BETWEEN THE

COMMITTEE OF THE GREEK CHRISTIAN SCHOOLS
OF NICOSIA, *Plaintiffs,*

AND

ANTONI THEODOTOU AND OTHERS,

Defendants.

June 8

EDUCATION LAW, 1905, SECS. 19 AND 20—SCHOOL COMMITTEE—REPORT OF
PRESIDING OFFICER—VALIDITY OF ELECTION.

A Committee is not validly elected under the provisions of Secs. 19 and 20 of the Education Law, 1905, unless a report of the election is made by the Presiding Officer to the Commissioner of the District fulfilling the statutory requirements prescribed by Sec. 19.

After a meeting held for the election of a School Committee for the town of Nicosia, at which the Plaintiffs claimed to have been elected as the Committee, the Presiding Officer addressed a letter to the Commissioner of the District reporting the result of the election but not stating the number of tax-paying inhabitants who attended the meeting. The Commissioner therefore summoned a meeting of the District Committee, who selected the Defendants as the School Committee.

HELD: that the letter of the Presiding Officer was not a valid report, and that the Defendants were duly selected.

This was an appeal from the Judgment of the District Court of Nicosia.

The facts of the case were of some complication, and raised various issues which owing to the course the case took were not decided. For the purpose of this report it has only been thought necessary to report so many of the facts as relate to the point dealt with in the judgment.

On the 23rd June, 1905, a meeting was held at Nicosia for the purpose of electing a School Committee under the provisions of Sec. 19 of the Education Law, 1905. The Archimandrite of the Archbishopric of Nicosia (purporting to act as the "representative" of the Metropolitan of the diocese) addressed to the Commissioner of the District a letter purporting to state the result of the election. The latter did not comply with the statutory requirements of the "report" prescribed by Sec. 19, inasmuch as it did not state "the number of the tax-paying inhabitants who attended the meeting."

The Commissioner therefore, purporting to act under the proviso to Sec. 20 of the law summoned a meeting of the District Committee. The meeting took place on June 29th, 1905, and selected the Defendants to form the School Committee for the town of Nicosia.

The Plaintiffs who claimed to have been elected as the School Committee at the meeting of the 23rd June brought this action claiming "that the Defendants be ordered to cease from interfering with the elementary schools of Nicosia by unlawfully acting as Committee for these schools, and by apportioning the school fees, and generally by assuming rights which belong exclusively to the Plaintiffs, who are the lawfully elected Committee of the Schools."

The District Court held that the letter of the Archimandrite was not a valid "report" and that the Defendants had been duly selected as the School Committee, and accordingly dismissed the action.

HUTCHIN-
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COMMITTEE
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The Plaintiffs appealed.

Chacalli for the Appellants.

Theodotou for the Respondents.

Judgment: Several objections have been made by the Defendants to the so-called report of the Archimandrite. The only one which we need consider now is that it does not state "the number of tax-paying inhabitants who attended the meeting."

The law expressly requires that that shall be stated by the Presiding Officer when he reports the result of the election; and the letter of the Archimandrite does not state it. We are asked by the Plaintiffs to hold that it is not necessary; that it would be difficult or useless to state the number of tax-paying inhabitants present, and therefore that the Legislature cannot have intended that it should be essential for the report to contain that statement. When the language of a Law seems to be meaningless or contradictory, or to lead to results which it is very unlikely that the Legislature intended, the Court should give an intelligible and reasonable construction to them if it possibly can. But where the language and meaning are clear and admit of only one interpretation the Court is bound to obey the enactment. We are sorry to have to decide this case on what seems a mere technicality. But it is for the Legislature to make the Laws and for the Courts to administer them. When the Legislature enacts distinctly that a certain thing shall be done, the Courts cannot rule that that thing need not be done. The Legislature has enacted that the report shall contain a certain statement; the Court cannot hold that it need not contain that statement. Perhaps many reports from Presiding Officers at elections have been passed without objection by District Commissioners although they did not comply with the Law; but when the objection is taken that a report does not comply with the Law we do not see how the Court can rule that it need not comply with the Law. In our judgment a report which does not state the number of tax-paying inhabitants who attended the meeting does not comply with the Law and is not a report such as the Law requires. Whether that was the reason why the Commissioner acted as he did we do not know. But in our opinion he was bound, on reading this report, to hold that it was not a report such as the Law requires; and it was then his duty to summon the District Committee, as he did; and the District Committee when so summoned was bound to select five of the tax-paying inhabitants of the town to form the Village Committee of the town. And in our opinion the minutes of the meeting of the District Committee of 29th June show that the Defendants were elected to form the Village Committee. And it is not alleged that they are not tax-paying inhabitants of the town.

The action therefore was rightly dismissed and this appeal should be dismissed and the Plaintiffs must pay the Defendants' costs of this appeal.

Appeal dismissed.