

QUESTION DRAWER

Subscribers are entitled to answers to all Questions submitted if they pertain to Municipal Matters. It is requested that all facts and circumstances of each case submitted for an opinion should be stated as clearly and explicitly as possible. Unless this request is complied with it is impossible to give adequate advice.

Questions, to insure insertion in the following issue of paper, should be received at office of publication on or before the 20th of the month.

Communications requiring immediate attention will be answered free by post, on receipt of a stamped-addressed envelope. All Questions will be published unless One Dollar is enclosed with request for private reply.

Proceedings at School Meetings.

132—C. J. P.—1. Is there any law bearing on the point to force a man to be chairman at a ratepayers' meeting when he is proposed three times, also trustee, secretary-treasurer and collector of taxes, and auditor, if so, where is it found and how does it read?

2. When there is a secretary-treasurer appointed by trustee^s can the ratepayers appoint a secretary for the meeting?

3. Can a man, who is working for a ratepayer, who is a British subject and who has a vote for the Dominion House, also the Ontario House, vote in a school meeting? He is not assessed.

4. Can a ratepayer who is a United States citizen be auditor when auditor issues a warrant for a British subject's things to be sold, or in other words, can a United States citizen issue a warrant to distain the goods owned by a British subject?

5. Can a contract for wood, let by the trustees and accepted by them, be brought up in an annual meeting the auditor's report has been read and accepted, or anything else that is in the auditor's report, is it not out of order?

6. If a chairman allows anything to come up at a school meeting that is out of order what can be done and where can the law on the subject be found?

1. We do not know of any way of compelling a ratepayer to act as chairman of a school meeting, if he refuses to do so. We do not think a ratepayer can be compelled to act as school trustee. If he accepts the office, however, and refuses to perform its duties, he will render himself liable to the penalty mentioned in section 109 of The Public Schools Act, 1901. Ratepayers appointed as collector of school taxes and school auditor respectively cannot be compelled to act as such, but may be held liable to a fine at the common law for refusing to accept office.

2. The secretary-treasurer of a board of school trustees is not ex-officio secretary of a meeting of the ratepayers of the section. The ratepayers at the meeting may appoint any other person they choose to act as secretary of any of their meetings.

3. No, he is not a ratepayer who is a public school supporter of the section. (See section 13 of the above Act).

4. We see no reason why an alien may not be appointed to act in this capacity.

5. If the ratepayers desire to discuss the contract under the circumstances mentioned, we know of nothing to prevent their doing so.

6. The chairman should confine the business of the meeting to that which may be properly brought before it, but if he allows anything else to come up for discussion we do not think that he is liable to any punishment.

Money By-Law—Agreement with Manufacturers—Voting on by Electors.

133—A. M.—At the municipal elections in January 1906 the ratepayers of this municipality voted and carried a by-law granting a loan of \$10,000, without interest, repayable in ten years, to a manufacturing company, upon certain conditions contained in an agreement entered into between the council and the company (this agreement was not published with the by-law in the newspaper)?

Some of the conditions of the agreement were that the company

would erect a plant with at least \$20,000.00, and execute a first mortgage to the town to secure said loan; this they agreed to have made for us on or before August 1, 1906, and also to employ a certain number of hands. Not being ready to comply with their agreement as to the date, August 1st, they asked for further time until November 1st. Nothing has been done as yet, the conditions of the agreement have not been fulfilled excepting that a building of concrete has been erected, and a few other changes.

Should they ask for further time and give reasonable assurance that on a certain day, say July 1, 1907, they would be in a position to have the buildings and plant in place; would the council be able to grant them the loan as the original agreement has not been complied with, or could a ratepayer successfully ask for an injunction from the court, restraining the council from paying the loan?

Would it be better for the council to require another vote of the ratepayers?

Should the agreement have been published in the local newspaper?

We cannot answer this question without seeing a copy of the by-law as finally passed and the agreement.

Registration of By-Law Closing Road.

134—D. McN.—The township council took proceedings as provided in The Municipal Act closing an established road and passed the necessary by-law which was confirmed by the county council.

The council sold the road to an adjoining owner who refuses to accept deed and pay for same unless the by-law is registered, is it necessary to register by-laws in such cases?

We do not think that it is necessary to register a by-law of this nature. Section 633 of The Consolidated Municipal Act, 1903, applies only to by-laws providing for the opening of roads upon any private property.

Voting Powers of Reeve.

135—S. L. C.—I want you to let me know through your paper, which we take, if the reeve has not to give his casting vote on questions brought before the board in the township interest?

Now we have a clerk and we want to discharge him and employ another and we have two applications, and two of the councillors are for one and two for the other, and the reeve is in favor of the old one and says he is not obliged to give the casting vote in this case and not any unless he likes. Now I would like to know what his position is in this case and what is the council's position and in what way we would proceed when the reeve acts so? We are a new council, unless myself, and would like to be posted? The reeve says there will have to be three votes for each of the applicants to carry the motion in his favor.

We agree with the reeve's idea of this matter. Section 269 of The Consolidated Municipal Act, 1904, provides that "when a council consists of only five members (as is the case in this instance) the concurrent votes of at least three not disqualified to vote on the question shall be necessary to carry any resolution or other measure," and section 274 provides that "the head of the council, etc., except in cases where he is disqualified to vote by reason of interest or otherwise, *may vote with the other members* on all questions; and, except where otherwise expressly provided for by this Act, any question on which there is an equality of votes shall be deemed to be negatived."