

# The Municipal World

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In the Interests of every department of the Municipal Institutions of Ontario.

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During 1902 the MUNICIPAL WORLD subscription list, the largest in the history of the paper, contained the names of over two-thirds of the municipal councillors and officers of Ontario. The question drawer occupied 300 columns and contained answers to 1089 questions in reference to municipal law. There was also a large increase in the number of private questions which are not published. Subscribers have found the question drawer to be a convenient and reliable independent source from which to obtain legal and other information in reference to their duties.

Co-operation on the part of municipal officers generally with the WORLD and its supply department has, in the past, done much to improve the Municipal Government of Ontario.

Subscription orders are usually for the whole council and its officers at the expense of the corporation.

The expense is trifling when compared with the possible benefits to be derived from the special privileges extended to subscribers.

The MUNICIPAL WORLD should be in the hands of every councillor and official interested in the good government of his municipality.

The electors of the town of Owen Sound recently carried by large majorities by-laws to purchase the electric light and gas plants; and to provide for the supply of water to the town and grant free water to a large industry.

## Municipal Bank Accounts.

The recent failures of private banks in which municipal funds were on deposit directs attention to an important matter that councils are apt to overlook. The Municipal Act, section 29, sub-section five enacts that

"The treasurer shall open an account in the name of the municipality, in such of the chartered banks of Canada or at such other place of deposit as may be approved of by the council and shall deposit to the credit of such account all monies received by him.

The Act to make better provision for keeping and auditing municipal and school accounts, chapter 228, R. S. O. section 19 enacts that

"The council of any municipality may by by-law direct that moneys payable to the municipality for taxes or rates and upon such other account as may be mentioned in the by-law shall be by the person charged with the payment thereof paid into a chartered bank having an office in the municipality."

The council of any municipality may by by-law direct that moneys of the municipality deposited in a chartered bank or elsewhere to the credit of the municipal corporation shall be withdrawn therefrom only upon the cheque of the treasurer countersigned by the head of the municipality or such other person or official as may be named in the by-law.

This Legislation is sufficient to provide for the safety of municipal moneys. Councils should not neglect to consider the question, of which a former council may have been negligent. Managers of private banks are generally influential citizens but they should not be allowed to control the council in deciding where or how the bank account shall be kept.

The monies belonging to every municipal corporation should be kept in two bank accounts: One in the name of the municipality, all cheques thereon to be signed by the head of the council and the treasurer.

The collector should be required by by-law to pay all taxes to the credit of this account. County councils may require the treasurers of local municipalities to pay the county rates to a bank.

The other account should be opened in the name of the treasurer of the municipality.

The head of the council would then require to issue his cheque to the treasurer for monies required to pay accounts passed and other liabilities, and he would at all times be better acquainted with the financial position of the corporation.

When two accounts are kept in this way, the security of the treasurer need not be as large, as it is considered to be a safeguard against the use of corporation monies by the treasurer.

Municipal treasurers should be required to pay all monies by bank cheque, and arrangements should be made with the bank so that the cheques will be payable at par wherever presented. Private banks are often more convenient, and the treasurer's account may be kept in one of these

when authorized by resolution. The principal corporation account to be kept only with a chartered bank. No treasurer in Ontario receives sufficient remuneration to pay him for the risk connected with receiving monies from collectors or paying orders by cash. The bank account should show every receipt and payment by the treasurer.

## Unauthorized Submission of Plebiscite.

The judgment of Mr. Justice Britton in the recent case of King vs. City of Toronto is in accordance with the opinion on the point at issue, frequently expressed in these columns. Particularly in reference to the submission of statute labor by-laws to the electors of a municipality. The defendants purposed submitting to the electors the question of whether they favored the city contributing \$50,000 towards the erection of a consumptive sanitarium.

The injunction which was applied for by Mr. J. H. King, and which was granted temporarily, is continued by the judgment, and the city must pay the costs of the action.

The vote, the court says, to be of any value, would depend upon many other questions, as to locality, size, and cost, etc., and as to the practice of submitting questions to a vote of the ratepayers, the language of Mr. Justice Osler in Darby vs. Toronto is quoted.

The latter, in speaking of taking a vote even upon questions wholly in the power of the council to deal with says:

It is another instance of a pernicious practice which has been too frequently resorted to, of taking a plebiscite upon a subject wholly within the discretion of the council, which it is their duty to decide, and to take the responsibility of deciding themselves without putting the public to expense.

In his judgment Mr. Justice Britton says that there is nothing in the Municipal Act permitting the council to take a plebiscite, and there is no express prohibition against their doing so. The practice has obtained, and, in many cases, without objection.

"In this case," said Mr. Justice Britton, "if I could see that any advantage to the citizens at large could possibly accrue from such answers as the electors may choose to give, I would be slow to interfere at this stage. I continue the injunction. If the plaintiff does not ask anything more than injunction, this may be considered as motion for judgment, and there will be judgment for plaintiff for injunction, with costs."

Mr. T. R. Maybery has been appointed clerk of the Township of West Oxford, in the place of Mr. W. G. Francis, resigned.

At a recent meeting of the Council of the Village of Woodbridge, Mr. T. A. Agar was appointed clerk, in the place of Mr. John McClure, who had resigned.