

of the township by-law is not required while it is under section 660. Do you think the distinction in their application is that an original allowance for road "is regarded as essentially different from a highway not being an original allowance such as a road laid out by the municipal council or dedicated in some other manner, or that the "original allowance for road" is not intended to mean a travelled or established highway?

Sections 637 confers general powers upon the councils of all municipalities, and if it stood alone there is no doubt but that the word "roads" would include the original road allowance, and that a township council could pass a by-law stopping up such a road within its jurisdiction, observing the formalities provided by section 632. The Legislature has, for some reason, considered it proper, in the case of an original allowance for road, that a by-law for that purpose should be confirmed by the county council, in order to give it validity. In a sense there is an inconsistency, as you state, but the inconsistency does not occasion any difficulty, because the law is clear enough that, in the case of an original allowance for road, the township cannot, without the consent of the county council, stop up, lease or sell, such a road. The county council represents the county at large, and it may be that the legislature thought that township councils should not have the right to close original allowances, in which other people in the county are interested, without the consent of the corporation which represents the county at large.

Tenant Voters—Reeve's Vote—Powers of Local Boards of Health.

80.—T. S.—There are a number of tenants in this municipality who are marked as such on the assessment roll, but the houses in which they live, and the land or lots which they rent are assessed to the owners thereof, so therefore these tenants are not assessed at all. I put their names on part one of the voters' list, as has been the custom heretofore, which entitles them to vote at both municipal elections and elections to the Legislative Assembly.

1. Are they entitled to vote at municipal elections for reeve and councillors?

2. Has the reeve power to vote for or against a motion? If his vote makes a tie has he authority to cast another vote on the same motion so as to break the tie? Has he two votes on the same question?

3. Has the local board of health of townships power to say when a corpse shall be buried who has died with diphtheria or any other contagious disease? Some claim they can keep the remains as long as they wish.

1. If the parties are entered as tenants on the assessment roll of the municipality and in part No. 1 of the voters' list, as finally revised, they are entitled to vote at municipal election, because sec. 89 of the Act provides that, "no person shall be entitled to vote at any election, unless he is one of the persons named or intended to be named in the proper list of voters," and no question of qualification shall be raised at any election, except to ascertain whether the person tendering his vote is the person intended to be designated in the list of voters.

2. Sec. 274 of The Municipal Act, provides that "The head of the council, or the presiding officer, or chairman of

any meeting of any council, may vote with the other members on all questions, and any question on which there is an equality of votes, shall be deemed to be negatived.

3. There is no provision in The Public Health Act relating to the burial of persons who have died from contagious diseases, but we think the act is broad enough to enable the health officers to give such direction in regard to the burial of a corpse as are reasonable for the better preservation of the public's health.

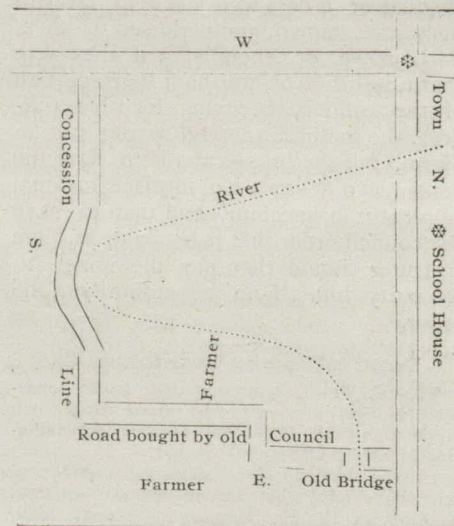
Road—Closing Old and Opening New—Bridge.

81.—About thirty years ago the council bought a roadway and built a bridge across the river to give two farms an outlet; at the rear end of these farms the concession line was sold.

1. Is it legal for the present council to do away with the bridge (it being old) and buy the concession line back and open the same as an outlet for said farmers—said farmers being opposed? Their school-house is across the river. The council does not propose to close the road leading across the river. The river is low the greater part of the year, so much so that it can be easily travelled.

2. Would it do to build a foot bridge over the river so that children could get to school?

3. Has the council power to force a road on old concession line or otherwise to give said farmers an outlet if owners refuse to sell?



1. The council may close up that part of the road upon which the bridge stands, and may open up the old concession stands, but it cannot do away with the bridge without closing the road in the manner provided by the Municipal Act. See sections 628 and 632, of the Municipal Act.

2. So long as the road remains open it must be kept in a reasonable state of repair for ordinary travel, and we do not think that the erection of a foot bridge would be a compliance with that duty, and moreover, we may say, that so long as the road remains open the corporation will be liable for all damages occasioned by neglect to repair.

3. Yes.

Road Washed Away.

82.—G. M. E.—When a river has washed away the original road allowance on its banks does the municipality have to buy a new road?

No. If, however, the council is of the opinion that the convenience of the public in the locality requires it, they can take steps to buy land for and open up a new road in the place of that washed away.

Resignation of Candidates.

83.—W. D.—I see by your issue for December you state nomination resignations must be in by 9 p. m. the following day—heretofore it has been the following day, no hour being stated. Kindly inform me what section and year this amendment was made.

This amendment was made to sub-section 2 of section 129 of The Municipal Act in 1899 by section 10 of The Municipal Amendment Act, passed in that year. (Ont. Stats., 62 Vic., chap 26.)

Clerk and Treasurer—Hiring of Assessor.

84.—C. F.—1. Can one man fill the office of clerk and treasurer?

2. Can the council engage an assessor by tender?

1. Yes. At one time we expressed the opinion that these two offices could not be held by the same person, but the legislature, in 1897, amended the law in such a manner that these two offices can now be held by the same person. If you will compare the declaration of office provided by section 312, of the Municipal Act, with the form provided by section 281, of the Con. Municipal Act, 1892, you will notice the change made. The following section was also added, namely, "(2) any person who has been elected or appointed to two or more municipal offices which he may hold at the same time, may make one declaration of office as to all the offices to which he has been elected or appointed, but the same shall be made and subscribed before he enters upon the duties of any of the said offices. See question 85, (February issue,) and 123, (March issue,) 1899.

2. No. Sub-section 2, of section 320, of the Municipal Act, provides that "No municipal council shall assume to make any appointment to office, or any arrangement for the discharge of the duties thereof by tender, or to applicants at the lowest remuneration.

Municipal Expenditure.

85.—B. S. D.—Can a municipal council legally grant a rebate of taxes in case a rate-payer having the misfortune of having his barn burnt or can they hand out the funds of the township for anything and everything that comes along that would be sanctioned by a majority of the council?

A municipal council can pay out the funds of the municipality, only as authorized by law. The council has no legal right to make the grant you mention, unless they can justify their so doing, by sub-section 2 of section 588, of The Municipal Act, authorizing councils of townships, etc., to pass by-laws for granting aid to any charitable institution or out of door relief to the resident poor.