

Question Drawer.

Subscribers are entitled to answers to all Questions submitted, if they pertain to Municipal Matters. It is particularly 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 stamp addressed envelope. All Questions answered will be published unless \$1 is enclosed with request for private reply.

Addresses of Guarantee Companies.

122.—R. J. B.—Will you kindly give me the addresses of some Guarantee Companies that will give bonds to Municipal Treasurers?

The London Guarantee & Accident Co.—D. W. Alexander, Toronto, General Manager for Canada.

Employers' Liability Co.—F. Stanliffe, Manager, 1722 Notre Dame St., Montreal.

W. J. Woodland—23 Toronto St., Toronto, Ont.

Guarantee Co. of North America—Y. M. C. A. Building, Dominion Square, Toronto.

American Surety Co.—56½ King St. E., Toronto.

Maintenance of Bridge Between Township and Indian Reserve—Furnishing of List of Patented Lands by Crown Lands Department.

123.—J. H. M.—1. At the west boundary of our municipality is a river. The bridge on said river is in a dangerous condition. On the west side of said river is Indian land. Now what we want to know is if our municipality is liable for any damage which may happen on the bridge, or is the Dominion or Provincial Government liable, the adjoining lands being Indian territory? The Provincial Government has a Road Inspector at S——, but he doesn't seem to pay any attention to it.

2. How can we compel the Indian Land Agents, also Crown Land Agents, to make yearly reports to our clerk of lands sold in our municipality so that we can have same put on assessment roll? We have written to them time and again, but we cannot get them to report, consequently there are sales made and lands owned for maybe a couple of years before we know it.

1. We must have further information before we can give a definite answer to this question. We should know whether this bridge is one vested in His Majesty within the meaning of Section 627, of the Municipal Act, by whom it was originally constructed, and by whom it has been since maintained. We should also know how the municipality came to have any interest in or control over this bridge. We may say, however, that we do not know any statute which imposes any liability upon a municipality to maintain or assist in maintaining a bridge except when the bridge is either within the municipality or on the boundary line between itself and some other municipality in which latter case the duty would be a joint one.

2. We do not see how, under the authority of the present law, you can compel the Commissioner of Crown Lands to perform this duty. Sec. 150 of the Assessment Act, and Sec. 28 of Chap. 28 R. S. O., 1897, require the Commissioner of

Crown Lands in the month of February in each year to transmit to the Treasurer of every COUNTY a list of patented lands. Since your municipality is located in a district having no county organization these sections do not apply to your case, and nowhere in the Statutes is the Commissioner required to send a statement of this kind to the CLERKS of local municipalities.

Chairman of School Meeting has Casting Vote Only.

124.—J. C.—At an election of a public school trustee a poll was demanded and one of the contestants elected by a majority of one. It turned out that one of the majority was found to have no right to vote and the Inspector declared the election void. Had he a right to do so? Should he not have permitted the chairman to exercise his franchise thus giving a majority to one of the two candidates? Or should a chairman have the right to vote where a poll has been demanded?

We think the ruling of the Inspector as to the right of the chairman of the school meeting to vote in this instance quite right. Sub-section 4 of section 14 of the Public Schools Act, 1901, provides that in case of an equality of votes (that is at an election of a school trustee, or on any school question coming before the ratepayers at their annual meeting,) the chairman shall give the casting vote, but no OTHER VOTE. This applies where a poll has been demanded for the election of a trustee or trustees as well as to an election held in the ordinary way. After the meeting was over the chairman's rights were exhausted and any complaints in regard to the validity of the election would have to be made to the Inspector.

Duties of Sanitary Inspector as to Abatement of Nuisance—Payment of His Expenses.

125.—T.—Some rubbish was deposited or allowed to accumulate on the side of the road in an unincorporated village in a township. No complaint was made to the Board of Health. The Sanitary Inspector instituted proceedings against the party supposed to have deposited said rubbish, also engaged a man to remove the rubbish from the ditch and caused it to be piled up on the centre of the highway opposite. All was done without consulting the Board of Health. He now asks that his expenses be the same be defrayed.

1. Can a Sanitary Inspector of his own motion institute proceedings against persons he supposes violate the Health Act?

2. Should he not receive his instructions from the Board of Health?

3. If said rubbish was a menace to the public health (which is not admitted) was it proper for the Sanitary Inspector to have the same conveyed from the ditch and piled upon the centre of the highway opposite, where it would be stirred up by each passing vehicle?

4. Should accounts for such work be paid for? If so, by whom, Board of Health or Township Council?

Some suppose that a little ill-feeling between the Sanitary Inspector and the person was the cause of action, which causes the Board of Health or Council reluctance in establishing a precedent by paying cost of work, etc.

1. Yes, and it is his duty to do so under the authority of Sec. 5 of the By-law set forth in schedule B appended to the Public Health Act. This by-law is in force in every municipality.—(See Sec. 122 of the Act.)—except in so far as it may have been altered by a by-law of the municipality. Of course we are answering this question on the assumption that no by-law has been passed by the council of this municipality amending the by-law in schedule B in respect of the question under review. The Sanitary Inspector should, however, be careful to strictly observe and carry out the provisions of section 5.

2. Not necessarily. Section 5 of the by-law above mentioned makes it the personal duty of a Sanitary Inspector to attend to the prompt and effectual abatement of nuisances.

3. This is a question of fact, and we cannot say whether this rubbish would be a greater nuisance on the road than in the ditch, without a more accurate knowledge of the nature of the deposit, local conditions, and other surrounding circumstances.

Township By-Law to Raise Money Under Act for Improvement of Highway Must Receive Assent of Electors.

126.—R. E. C.—Under Sec. 9 of the Act for Improvement of Public Highways is the council of a township required to have the assent of the ratepayers to raise by debentures the sum necessary to meet the expenditure incurred through taking advantage of the Act?

Yes. This section provides that the municipal council of any township, &c., may raise by debentures, &c., AS PROVIDED BY THE MUNICIPAL ACT such sums, &c. The manner provided by the Municipal Act will be found in section 338 and following sections of the Act.

Duties of Clerk in Regard to Disqualified Councillors.

127.—J. S. B.—Two of our newly elected councillors are also school trustees or were so up to Dec. 31st last. These men were not able to attend first meeting of council, and have not yet made declarations of qualification and of office. Have I, as Clerk, or has any person any right to object to them making declarations? What words, if any, should be added to the usual form of declarations?

It is no part of your duty as clerk of the municipality to raise any objection to the making of the declarations of office and qualification by these two councillors. Since they were disqualified at the time of their election, under the provisions of Sec. 5 of Chap. 29 of the Ontario Statutes 1902, any candidate at the election, or any elector who gave or tendered his vote thereat, or in case of an election by acclamation, any elector entitled to vote at a municipal election for the municipal-