

the same time as other taxes. Interest for two (2) years cannot be added.

Payment of School Moneys—School Requisitions—Municipal Associations.

476—G. H. S.—1. Should the treasurers of school sections have orders from the township council on their treasurer when they require money as provided by s.s. 10, section 70, Public School Act, or is the treasurer right in paying on the order of the trustees of the section only?

2. Should not the board of trustees of any section, in making their requisition for moneys, call for a sum sufficient to meet their needs for salary purposes for the year following the one in which the levy is made? Many sections in our municipality have now drawn considerably more than was levied for them, while others have still sufficient to their credit for this purpose.

3. Is there such an association in Ontario as "The Municipal Clerk's Association?" If so, give names and addresses of officers.

1. The township treasurer should not pay school moneys to treasurers of school sections in the municipality unless the latter produce to him a cheque or order from the council directing him to pay the respective amounts.

2. We do not think the trustees of a school section have any power to request the council to levy any greater sum than will meet and pay the expenses of the school under their charge for the year in which the requisition is made on the municipal council pursuant to sub-section 9 of section 65 of The Public Schools Act, 1901.

3. There is an association for the Province called "The Ontario Municipal Association." Of this Mr. J. A. ELLIS, treasurer of the City of Ottawa, is president, and Mr. K. W. MCKAY, county clerk of Elgin, secretary. There are a number of local municipal officials' associations—for example: The Oxford Municipal Clerks Association, WM. FAIRLEY, village clerk, Norwich, Ont., secretary; The Ontario Rural Municipal Association, JAMES LAIDLAW, township clerk, Guelph, secretary; The Lambton Municipal Association, JOHN FARRELL, Forest, president, and JOHN DALZIEL, county clerk, secretary, Sarnia.

Sale of Property Does Not Disqualify Councillor.

477—E. H.—A township councillor has sold all his property in the municipality and removed to another place just under two miles outside the boundary.

1. Will this disqualify him from serving as councillor the remainder of the year?

2. If so, should he resign or the council declare the seat vacant?

3. If he is disqualified will the Court of Revision at which he sat and voted be illegal, all the decisions being unanimous? The court was held a few days after the sale of the councillor's property.

1. We are of opinion that the facts stated do not disqualify the councillor from holding the office to which he was elected, or prevent his participating in the transactions of the business of the municipality as a member of the council or Court of Revision.

2 and 3. Our reply to question number one renders it unnecessary to answer these.

Councillor Should Not Contract With His Council.

478—M. J. N.—We have some money to spend in this municipality on the roads. Now one of our councillors has taken the job of spending about \$200 of this money. He thinks he is a sort of commissioner, but still is really the boss of the job and spending the money.

1. Can the job be taken away from him because he is a councillor, and how could we proceed to do so?

2. Could he be put out of office on account of spending that money, and how would we proceed?

3. Would it disqualify him from holding office another year?

4. If any councillor works for and receives money from the municipality, will it disqualify him from holding office this year?

1. Under clause (a) of sub-section 1 of section 537 of The Consolidated Municipal Act, 1903, a councillor may act as commissioner, overseer, or superintendent over any road or work undertaken and carried on, in part or in whole, at the expense of the municipality, and he may receive pay from the council for acting in that capacity. He cannot legally receive or be paid for his own use any part of the moneys the expending of which he is superintending over and above his pay, as commissioner, or take a contract for doing any part of the work, either in his own name or in the name of another. From the statement of the facts the exact position of this councillor is not clear. If he is transgressing the law as above laid down, the contract cannot be taken away from him simply for this reason, but he may be deprived of his seat in the council if proceedings be taken against him with that end in view.

2. If he is transgressing the provisions of the statute, he may be unseated. The steps to be taken to accomplish this object will be found in sections 219 to 244 (both inclusive) of the above Act.

3. Not if all his dealings with the council are fully completed previous to nomination day.

4. Yes. (See sub-section 1 of section 80 of the above Act) and he may be unseated, if the proper proceedings in that behalf be instituted against him.

Proceedings for Raising Loan for Union School Section.

479—X. Y. Z.—1. We are granting a loan to a union school section to aid in building a new school-house as per section 70, Public Schools Act. The school is to be situated in our township.

(a) Should we serve a copy of the by-law on the other township concerned, or is a notice sufficient?

(b) Should the levy, say for three years, be made on the same plan as that in drainage by-laws, and assessment placed in by-laws, or should a rate be struck each year to meet the amount of debenture and interest due?

(c) Should the township served or notified pass a special by-law in preparing to raise their amount due each year, or will it be sufficient to place the amount in the by-law to raise the estimates for the year?

(d) Is it the duty of the treasurer or the clerk to prepare the debentures?

(e) Whose duty is it to attend to the selling of the debentures?

(a) The section referred to is now section 74 of The Public Schools Act, 1901, and the amendments to sub-section 2 of this section made by section 41 of chapter 53 of The Ontario Statutes, 1906, should not be overlooked in this connection. It is not required that a copy of the by-law should be served on the other municipality in which a part of the union section is located, but the latter is required to "pay, on the requisition of the clerk of the municipality by which the debentures were issued, as they become due, its share of or their share of the loan, including interest, according to its or their liability for school purposes as determined by section 54 of the Act."

(b) The by-law should provide for the levy in each year during which the debentures have to run, of a rate, on all the taxable property of the public school supporters in the part of the union section in which the school house is situated, sufficient to meet and pay its share of the principal and interest.

(c) The council of the township in which the other part of the union section is located should annually in its by-law, providing for the levy of school rates, impose a rate on all the taxable property of the public school supporters of that part of the union section within its limits to meet and pay its share of the principal and interest of the debentures.

(d) The clerk should prepare the debentures, and the expense of his so doing is provided for by sub-section 4 of section 74 of the Act.