

QUESTION DRAWER.

SUBSCRIBERS are entitled to opinions through the paper on all questions submitted if they pertain to municipal matters. Write each question on a separate paper on one side only.

R. K. ORONO.—“In dealing with claims presented to the council, many are simply read, passed, and ordered paid, while others are dealt with by separate resolution. Is a separate resolution necessary in any case, if so, in what classes of claims, and why?”

All claims presented to a municipal council should be dealt with by resolution. The only legal authority to the treasurer of a municipal corporation to pay is an order or cheque issued on him pursuant to a resolution duly passed by the council. We refer only to claims properly presented to the council, and not such claims as the statutes, or a by-law authorizes the treasurer of the corporation to pay on orders from other sources.

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J. G. PORT STANLEY.—The village council receives a requisition from the public school board every month for amount required to pay teacher and other expenses of the school. The section is a union one. The council has heretofore borrowed the money and paid the interest. Can the school board be required to pay the interest.

We are of opinion that the school board should pay the interest under the circumstances mentioned by our correspondent. Sub-sec. 3 of sec. 109, of chap. 55-54 Vic. Ont. statutes, directs municipal councils of townships to collect from the taxable property in each section such other sums, in addition to those mentioned in sub-sec. 1 of the said section, as may be required by the trustees thereof for school purposes, and sec. 110 of the said act directs the municipal council of every city, town and incorporated village to levy and collect upon the taxable property of the municipality such sums as may be required by the public school trustees for public school purposes, subject as therein mentioned. If the school trustees of a section under estimate their probable expenditure, and request the municipal council to levy and collect a sum, which they (the trustees) afterwards find to be insufficient for school purposes in their section, it is unreasonable to expect the municipal council to borrow the amount necessary to make up the amount and pay the interest thereon.

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J. B.—Chap. 45 of 54th Vic. gives the authority to municipal councils to pass by-laws imposing and levying an annual business tax, etc.

If the council have not passed such a by-law, is it the duty of the assessor to tax the merchandise in the ordinary way?

Sub-sec. 1 of sec. 1 of the statute in question does not repeal or otherwise affect the provisions of the Assessment Act relating to the assessment of personal property in a municipality, unless the council of the municipality exercise the power thereby conferred of passing such a by-law or by-laws as in the said subsection mentioned. Only in the event of a

council passing such a by-law or by-laws is the personal property in the municipality, belonging to the business in respect of which the tax is imposed, exempt from assessment and taxation as formerly.

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W. N.—When a person is nominated for Councillor, and is then nominated for Deputy Reeve, what time has he to withdraw the nomination for Councillor and stand for Deputy Reeve. Must he withdraw during the hour of nomination, or can he wait for some days?

The person referred to should resign his candidature for either of the offices mentioned at the nomination meeting, or at any time within two days thereafter, and in default of his doing so he shall be taken as nominated for the office in respect of which he was first proposed and seconded. If the resignation should be after the nomination meeting it should be in writing, signed by the person resigning and attested by a witness, and should, within said two days, be delivered to the clerk of municipality. See sec. 117, chap. 184, R. S. O., 1887.

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W. N.—At the last Court of Revision in our Township the voter's list was confirmed by said Court and it was understood that there was no appeal from said Court, but when the election for municipal purposes came on, the clerk added several names to the voter's list. Some as owners of other men's property, and others as income owners who were not assessed as such, and are only laborers, and when asked why he had done so, he replied that some time after the Court of Revision and after the thirty days had expired, that the County Judge who is also Revising Barrister for the Dominion list, wrote to him that on looking over the voter's list that voters had been placed on the list in the wrong polling subdivision, and that he, the Clerk, must appeal to him against said list, and that he did and that the Judge sent him a certified voter's list with the added names, and informed him, the Clerk, that on looking over the Dominion list he found these voters should be on for municipal purposes and that there was no other evidence.

We are very loathe to believe that any township clerk would be guilty of the act alleged by our correspondent, especially in view of the penalty mentioned in sec. 36 of the Ontario Voters' List Act, 1889. If the above statement of facts is correct the conduct of the clerk was wholly at variance with and in contravention of the provisions of the said act. We assume that the court of revision referred to was a court held by the county judge, for the revision of the voters' list of the municipality duly held, as provided in the said act.

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M. E.—A piece of ground is purchased for a Town Hall site and to erect a Town Hall, the electors voting \$6,500 by by-law payable in twenty years. The Town Hall erected and debentures sold. Can the council establish a market on the said Town Hall site without the consent of the Freeholders, or use the site for any other purpose than that for which the assent of the electors were given?

Sec. 340 of the Municipal act, sub-sec. 6 enacts that the object for which the debt is to be created shall be recited in the by-law. The establishing of a market was not recited as one of the objects for the crea-

tion of this debt in this by-law, and, therefore, no part of the money voted could be raised for market purposes, especially in view of its being possible that the electors would not have consented to the establishment of a market on the site selected for the town hall. There is judicial authority for saying that “where the money is borrowed for one purpose it cannot, in general be applied by the council to a different purpose.” Money expended by a municipality in establishing a market is not money required for its ordinary expenditure, and a by-law to raise money for this purpose would require submission to and the assent of the electors.

We would suggest, however, that if attended with no inconvenience to the public and the use of the land selected as a Town Hall site would not be thereby impaired or prejudiced, a market might be established on the land in question with considerable advantage and saving of money to the ratepayers.

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R. R. INVIRARY.—I am Township Clerk. We vote on a by-law prohibiting the sale of liquor on the day the votes are to be summed up, I want to be away on other business. Am I justified, under Sec. 246 of Municipal Act to appoint some one to act for me as therein stated, or would it be better for the council to appoint one.

Can a Township Clerk vote on a by-law, as he has no casting vote in case of a tie?

1. A careful perusal of Sec. 246 of the municipal act will lead our correspondent to conclude that a resolution of council is necessary whether the substitute is to be named in the resolution or to be appointed under the hand and seal of clerk.

2. Sec. 306 of the municipal act enacts that the provisions of sections 120 to 176 inclusive of the said act, so far as same are applicable and except so far as is in the said act otherwise provided shall apply to the taking of votes at the poll under the circumstances mentioned by our correspondent and to all matters incidental thereto.

Sec. 157 sub-sec. gives the clerk a casting vote in case of a tie at municipal elections and sub-sec. 2 deprives the clerk of the right to vote otherwise.

Sec. 319 deprives the clerk of a casting vote under the circumstances in question, but neither this, nor any other election gives him the right to vote otherwise. It would seem therefore that the clerk would not have a right to vote under the circumstances mentioned by our correspondent.

The by-law granting a bonus to the Brockville Carriage Company for the establishment of works and the erection of buildings, carried by the ratepayers by a large majority, is to be tested in the courts.

It is stated that to evade the law prohibiting civic grants to established industries the company to be benefited will go into liquidation and remove from its present location to Brockville. If this practice became general it would be better for all parties interested that bonuses were prohibited altogether.