

QUESTION DRAWER

SUBSCRIBERS only 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. When submitting questions state as briefly as possible all the facts, as many received do not contain sufficient information to enable us to give a satisfactory answer.—E.D.

J. S. H.—1. Owing to court of revision in court of appeals to judge not being confirmed till July the 6th. in each year, and rate not struck until August, how could semi-annual tax collection be made?

2. There is nothing in the act as far as districts are concerned, to prevent a clerk being also treasurer. Can the taxes (by a by-law) be paid in to treasurer, commencing to be paid in, say October 1st in each year without a collector being appointed, and all parties not paying in, that constable collect same with distress fees or percentage, and what date would be the limit before constable collects? December 14th, or could it be an earlier date?

3. Can we (by by-law) collect all road labor by a proper rate on assessment in cash, say June 1st in each year, or must we stick to the old way till legislature amends it?

4. Is there a law to fine people driving horses and sleighs without bells?

1. If your municipality is a township municipality we do not think there is an statutory provision, or otherwise, for the semi-annual collector of taxes; nor do we see that it is practicable.

2. It is our opinion that neither the letter nor the spirit of the statutes permit of the holding of the offices of clerk and treasurer of a municipality by one and the same person at the same time, as the offices are incompatible. Our correspondent will find this subject fully discussed in the January and February numbers, of Vol. 2, of the WORLD. Distress for taxes cannot be made until after 14 days after the giving of the notice or making the demand mentioned in sec. 123 of the Consolidated Assessment Act, or after the day appointed for payment by any by-law passed under sec. 53 of said Act, whichever shall last happen, except in the case provided for by sub-sec. 2 of sec. 124 of the said Act.

3. Sec. 94 of the Consolidated Assessment Act provides that "the council of any township may, by by-law, direct that a sum not exceeding \$1.00 a day shall be paid a commutation of statute labor, for the whole or any part of such township, in which case the commutation tax shall be added in a separate column in the collector's roll, and shall be collected and accounted for like other taxes.

4. Yes. See sec. 6 of chap. 195, R. S. O, 1887. The penalty for the offence is mentioned in sec. 10 of said Act.

G. C.—1. How should a person be assessed who lives in a house on his father's farm, and has an interest in said farm, and also owns property in said township independent of his father?

2. A person is appointed deputy-returning officer for municipal election. Does such appointment disqualify him from being elected reeve?

1. This person could be assessed as an owner of the land of his father jointly with his father, and as owner of the other land belonging to him.

2. We assume that the appointment mentioned was accepted by the person referred to and his duties as such deputy-returning officer were performed at the election at which he was a candidate for the office of reeve. If so, he is disqualified.

M.—Does all property or territory, included within the limits of an incorporated village, belong to the village school section for all purposes? The answer I saw was to the effect that it does, but the Public School Act does not seem to bear out that condition. It would appear by the act that certain proceedings have to be taken in order to change the boundaries of the sections.

For instance, a certain portion of a school section adjoining a village was included within the boundaries of a village when first incorporated, and no other steps taken to change the boundaries of said adjoining section. Will the council of the village be obliged to collect the rate, or a similar rate to that levied in that portion of the section not taking into the incorporation, and then pass those collected taxes over to the trustees of the portion of the section not included in the village?

We would refer our correspondent to sec. 99 of the Public Schools Act, 1891, which section provides that "In case any unincorporated village becomes incorporated and the trustees having jurisdiction over the school property situated within such village prior to its incorporation shall exercise all the powers conferred by this Act upon the trustees of incorporated villages, etc., until a new election of trustees is held, etc., and this section also provides for the calling of a meeting for the election of a new Public School Board. Sec. 107 sets first the duties of the trustees. We do not think it necessary that the steps mentioned in the said Act for the alteration of school boundaries should be taken in order to vest the property or territory in the village school section for all school purposes.

INQUIRER—1. What fee or allowance if any, would the municipal clerk be entitled to under the municipal and plebiscite elections just past?

2. The by-law appointing the clerk says nothing as to fees whatever, is silent on that point, but a report of the finance committee passed on the evening when the appointment was made in February 1892, has these words in reference to the appointment of the clerk: "And he shall perform all the duties pertaining to the office of the clerk and secretary of the board of health, without any extra pay or fee of any kind whatever, and all fees whatsoever accruing from the office of clerk to be paid to the treasurer, and to from a part of the funds of the corporation."

3. In January 1894, a by-law in the following words was passed, "that the salary to be paid to the town clerk shall be the sum of \$400.00 per annum, together with such other fees or allowances as may be allowed by statutes, by-laws, resolutions of the councils. Salary payable monthly.

1. Unless the by-law of the council appointing the municipal clerk provides that the salary to be paid him is intended to cover all fees and allowances he might otherwise be entitled to under any statute or resolution, we think him justly entitled to a reasonable extra allowance, above his salary as clerk, for the performance of services in connection with the matter mentioned by our correspondent.

B. C. D.—1. An owner made application to the clerk for an engineer under the Ditches and Watercourses Act. The engineer notified the

owner and clerk that he would attend upon a certain day, the other party was not notified. Who was responsible for the notifying of the other party?

2. If a council instructed the treasurer to deposit the township funds in a chartered bank, would it interfere with the treasurer's sureties, and if the bank failed would he lose? The council or treasurer?

1. It is the duty of the owner making the application, referred to by our correspondent, to ascertain from the clerk the day the engineer has appointed, and he (the owner) is responsible for the notification of the parties.

2. The council.

W. H. M.—1. Have municipal councils power of themselves by by-law, to prohibit the sale of liquor in the township, without submitting it to a vote of the people?

2. If a councillor elected does not take the declaration, and absents himself from the council meetings two or three months after election, does his seat as a consequence become vacant in the council?

3. Has the truant officer to see that all children (of which he has been notified of being absent from school) attend or give satisfactory reasons for not doing so?

4. After notifying the parents to send such children to school, what are the truant officers next and further duty?

5. A employs a lawyer to draw up a deed of land and pays him for his services. To assure himself that the work has been properly done, A hands deed over to lawyer number two with instructions to examine it, and also hunt registry office to see that title is perfect. What can lawyer No. 2 charge for his services?

1. No, and even if submitted to the electors, and the majority favors the passing of the by-law, the power to do so is a doubtful one.

2. Sec. 177 of the Consolidated Assessment Act, 1892, provides that "if, after the election of a person as member of a council, etc., he absents himself from the meetings of the council for three months without being authorized so to do by a resolution of the council entered in its minutes, his seat in the council shall thereby become vacant and the council shall declare the seat vacant, and order a new election."

3. Yes, provided the children are between 8 and 14 years of age, and are not excused under the provisions of sec. 4 of the Act respecting truancy and compulsory education.

4. After notifying the parent, guardian, or other person having the charge or control of the child in the manner provided in sec. 8 of the said Act, it is the duty of the truant officer to lay a complaint against such parent, guardian, or other person before the police magistrate or a justice of the peace having jurisdiction pursuant to sec. 9 of said Act, with the view of having such parent, guardian, or other person punished in the manner set forth in the last mentioned section.

5. We do not consider that an answer to this question would be of any interest or benefit to those giving their attention to municipal affairs, and would advise our correspondent to consult his solicitor.