

# The Municipal Miscellany.

VOL. I.

ARNPRIOR, ONTARIO, JUNE, 1891.

No. 6.

*The Municipal Miscellany, devoted to the dissemination of useful information relating to Municipal and other local Institutions, published monthly, at \$1 per annum; six copies for \$5. Address all communications to G. E. NEILSON, publisher Municipal Miscellany, Arnprior, Ont.*

## Calendar for July, '91.

1. Dominion Day.  
Last day for county councils to pass by-laws that nominations of members of township councils shall be on last Monday but one in December.  
Last day for revision of rolls by county councils for equalization.  
Last day for county treasurer to return to local clerks an account of arrears due in respect of non-resident lands which have become occupied.  
Legislative grant payable to Public Schools by Provincial Treasurer.
2. Entrance Examinations to High Schools begin.
3. High, Public and Separate Schools close for holidays.
5. Last day for service of notice of appeal from court of revision to county judge, except in township of Shuniah.
7. Semi-annual reports of High School trustees to Department due.
13. Annual meeting of the Ontario Teachers' Association at Toronto.
14. International meeting of the National Educational Association of the United States at Toronto.
15. Reports of examiners to the Department on the Entrance Examinations due.
20. Last day for performance of statute labor.
31. Last day to which county court judge may defer judgment on appeals from court of revision, except as to townships of Shuniah.

## QUESTION DRAWER.

What is the shortest notice required to be given by the mayor of a town to hold a special meeting of the council, so that the meeting may be legally called? When issuing the notices for such special meeting, is it necessary that the clerk should specify the particular business? How long after a motion is defeated must intervene before the same business can again be legally brought up? M. C. D.

Section 236 of the Municipal Act reads as follows:—  
“The head of every council shall preside at the meetings of council, and may at any time summon a special meeting thereof.” “Any time” would mean a reasonable time after notice given to the other members of council. It might happen that the interests of the inhabitants required action on the part of the council in some sudden emergency, when it would be necessary to call an immediate special meeting, even if all of the members through absence or other unavoidable cause could not be notified, and it is very doubtful if any court would interfere with the business then transacted if shown to be in the public interest and unavoidable. If all the members were not present through want of sufficient notice, it would be well to have the proceedings ratified at a future meeting, by a formal resolution or by-law to that effect, although no doubt the reading and confirmation of the minutes of the special meeting might be considered as approval. The statute does not define the number of days or even hours that must elapse after notice to the members, leaving that discretionary with the head of the council, but the intention of the Act is clearly that this latitude should be exercised in the public interest. It would not do to call a special

meeting on such short notice as to prevent certain members from attending, and to take advantage of their absence to put through business that it was known they were opposed to. Such members would have good reason to complain and seek redress. A majority of a quorum present at a meeting of a town or city council is not necessarily a majority of all the council. In villages and townships having but five members of council, three would be a quorum to transact business, but the law provides that no business shall be done without the concurrent vote of three members, so that there would always be the safeguard of a majority vote in that case. But not so in cities and towns, and therefore it would be safer to formally ratify proceedings of a special meeting called in a hurry and at which in consequence of short notice some members could not be present. It would not lie with any of those who attended to seek redress, as their attendance is proof that they had sufficient notice. Whether the notice is to be written or verbal is not stated in the Act, nor would it be material so long as it could be shown that notice from the clerk or person competent to give notice was given, but a written notice is to be preferred in which the business to be brought up should be stated, and if it is thought that other business may come up it would be well to add “and for the transaction of other business.” If special business is alone stated in the notice it would not be advisable to transact any other business, as the notice would be misleading, and it would have been better not to have stated the nature of the business at all. While the statute does not define explicitly certain matters of procedure it is always well to consider fully the intention of the law, and as the intention is clearly to give every member of council an opportunity of being present at each meeting, reasonable notice should in all cases be given. Councils might frame rules for guidance in calling special meetings, and allow say twenty-four hours' notice to be given before a special meeting, but while a compliance with such a rule would relieve the head of the council from the onus of blame, yet if in an emergency he called a special meeting at an hour's notice it would be legal enough if all the members had notice and had attended or could have attended if they wished. As the law does not limit the time for notice, objectors would have to show strong reasons before they could set aside the business transacted because of informality in the matter of insufficient time given after notice.

Public meetings called by the sheriff, mayor or two justices of the peace, on the requisition of twelve or more inhabitants, require three days' notice before day of meeting.

Where councils have made no provision by rules, there is nothing to prevent a reconsideration at the same meeting of any motion passed, provided all the members who previously voted were present. It might sometimes happen that information might be forthcoming after passing a resolution which would materially alter the views of some of the members, and it would not be in the public interest