

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 stamped addressed envelope. All questions answered will be published, unless \$1 is enclosed with request for private reply.

Voter on By-Law to Have Right to Vote in Each Ward Where Qualified.—Qualification of Voters.

457.—J. M.—1. Can a property owner in a town voting on a money by-law vote in each ward in which he owns property?

2. What is the qualification?

1. Yes. See Section 355 of the Municipal Act.

2. (a) Every ratepayer, being a man, an unmarried woman, or a widow, who, at the time of the tender of the vote is of the full age of twenty-one years and a natural born or naturalized subject of Her Majesty, and who has neither directly nor indirectly received, etc., and who is at the time of the tender a freeholder in his or her own right or (if a man) whose wife is a freeholder of real property within the municipality of sufficient value to entitle him to vote at any municipal election and is rated on the last revised assessment roll, as such freeholder, provided such person is named or intended to be named, on the Voters' List. See Section 353, sub-section 1.

(b) Every ratepayer shall be entitled to vote on any by-law requiring the assent of the electors, who is a man, an unmarried woman, or a widow, and is named, or intended to be named, in the voters' list, and at the time of tender of the vote is of the full age of twenty-one years, and a natural born or naturalized subject of Her Majesty, and who has neither directly, or indirectly received, nor is in expectation of receiving any reward or gift for the vote so tendered, and is resident within the municipality for which the vote is taken for one month next before the vote, and who is, or whose wife is, a leaseholder of real property within the municipality of sufficient value to entitle him to vote at a municipal election, and who is rated on the last revised assessment roll therefor, provided he has in his lease covenanted to pay all municipal taxes in respect of the property leased (other than taxes assessed for local improvements), and, in the case of a by-law for contracting a debt, provided the lease extends for the period of time within which the debt to be contracted or the money to be raised by the by-law is made payable. See section 354, sub. sec. 1.

Voter on By-Law to Have Right to Vote in Each Ward Where Qualified.

458.—F. J. C.—As you are aware that we are going to vote on a Bonus By-Law under authority of chapter 82 Statutes 1893. I would like your opinion as to whether or not a voter is entitled to vote in each ward in which such voter has a proper property qualification, or is each voter limited to only one vote on the question.

Section 7 of chapter 82, Ontario Statutes, 1893 (56 Vic.) provides that sections 293 to 319 inclusive of the Consolidated Municipal Act, 1892, and their sub-sections shall be taken and considered as part of the Act. Section 309 a of the Consolidated Municipal Act, 1892, provides that "Where a municipality is divided into wards, such ratepayer shall be entitled to vote in each ward in which he has the qualification to entitle him to vote on such by-laws." Section 355 of the present Municipal Act is substantially the same as the section last quoted. If the voter has the requisite property or other qualifications he can vote on the by-law in each ward in which he can qualify under the act.

Polling Day, 1st January, 1900.

459.—J. B.—This year Christmas happening to be on the last Monday in the year, Nomination day will be on the preceding Friday, but what day will be polling day?

On Monday, the 1st day of January, A. D., 1900.

First Election in Town.—Number of Councillors.—Reeve.
—Nomination Day.—Who to be Nominated.

460.—W. A. H.—We will be a town from the 1st January, 1900, inclusive. No wards. We have a population of 2200. We will be entitled to a mayor then.

1. How many councillors?

2. No reeve I suppose?

3. Now what I want to know is, as we will not be a town municipality until the 1st January inclusive and not to be divided into wards, is there to be a nomination?

4. If so, what am I to do about the nomination to be held on Friday, the 22nd December, 1899?

5. And who is to be nominated in this case?

1. Your town is entitled to elect a mayor and six councillors. Section 71a of the Municipal Act (enacted by section 2 of the Municipal Amendment Act, 1898), sub-section 1, provides as follows:—"The council of every town having a population of not more than 5,000 by the last Canadian census shall consist of the mayor, who shall be the head thereof, and of six councillors, to be elected by a general vote."

2. No reeve.

3, 4 and 5. Section 96 of the Municipal Act will answer these three questions. It provides that in case of the election of a village into a town, etc., the first election under the proclamation or by-law, by which the change was effected, shall take place on the first Monday in January next after the date of the proclamation, or after the passing of the by-law by which the change was made; but the nomination of candidates and the election of such as are unopposed, may, and shall be proceeded with at the same time and in the same manner, as if the change had

gone into effect on the last Monday of the month of December preceding such first election, or on such other day as the nominations may lawfully be held upon. (i. e. this year, on Friday the 22nd December.)

Deed to Municipality of Land Purchased for Road.

461.—REEVE.—Our township purpose buying a strip of land one rod in width so as to widen the road, it being now only 40 feet.

1. Is it necessary that a deed should be made conveying the same to the municipality.

2. Or can it be legally taken over in some other way, all parties agreeing to the price of the land.

1 and 2. All parties being agreeable, the proper method of vesting the land to be purchased in the township, is by having the Vendors of same, execute deeds of the land owned by each (if more than one) to the municipality. Care should be taken that accurate descriptions of the parcels of land by metes and bounds, are filled in in the deeds before they are executed.

Mandamus—Township Council—Drain.

462.—SUBSCRIBER.—Will you please inform me what the procedure is in moving for a mandamus to compel a township council to repair a special drain under the provisions of the Ontario Drainage Act, with probable cost of securing said mandamus? See Section 73, Drainage Act of 1894.

The present Drainage Act is Chapter 226 of the Revised Statutes of Ontario, 1897. Section 73 of the Act sets forth the proceedings to be taken in obtaining a mandamus to compel the municipality liable, to execute the work. It would be useless for us to set forth the procedure necessary to obtain a mandamus, under this section, because the application must be made to the court and in order to make the application properly the services of a solicitor will be necessary. We would therefore advise you to consult some solicitor who will be able to tell you what the probable cost will be.

Railways and Ditches and Water Courses Act.

463.—J. K. C.—1. Belleville, Nov. 2, 1899. J. K. CAIRNS, Esq.,

Clerk Township of Plympton, Camlachie, Ont.

DEAR SIR,—I have received a notice purporting to be made under the provisions of the Ditches and Watercourses Act, 1894, signed by James McMahan, notifying the company and requiring some one to attend at a meeting to be held on the 16th November next, on the west half lot 13, concession 1. My object in addressing you is to call your attention to the fact that the provisions of the Ditches and Watercourses Act do not apply to the land of the Grand Trunk Railway. The question has been decided in our courts several times, and I will be greatly obliged if you will notify Mr. McMahan and other parties interested to this effect, and that no one on behalf of the company will attend the proposed meeting. The railway company is always ready to oblige their neighbors in the matter of drains, but that is a very different thing from being ordered to construct or pay for a drain under the provision of an Act which does not apply to them at all. If Mr. McMahan or other parties interested have anything further to say about this matter I will be very glad to hear from them.

Yours truly,
JOHN BELL, G. T. R. Solicitor.