

## 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.—ED.

S. D.—Is it necessary for councillors to take the oath of allegiance when making their declarations before taking their seats at the beginning of the year?

No. See declaration of property qualification in which councillors declare that they are natural born or naturalized subjects of Her Majesty.

CLERK.—When is first day after nomination supposed to begin and end; contested by some to begin day of nomination at 1 o'clock?

Commences at midnight after nomination meeting and ends twenty-four hours thereafter.

F. H.—Have townships the right to pass and enforce by-law for preventing skating and sleigh-riding on side walks, and for compelling owners of property and others to shovel the snow off the side walks in front of their property in unincorporated villages in townships?

No.

H. G. T.—Should one or more of the councillors of a village be disqualified by reason of not possessing the proper or legal qualification to sit in the council, is the business transacted or by-laws passed by such legal or not?

The general rule is that the business transacted under such circumstances is legal.

ROCKY.—A owns land in adjoining township, in case A. does not pay the taxes on the land can the tax collector of adjoining township go into another township which is also another county and seize for taxes before returning the amount of taxes against the land, or can he seize at all in another township or county for taxes due in adjoining township?

Can seize any place within the county only.

A. D. C.—Can a township council legally exempt from special rate, school tax, or refund the same to ratepayers who are out of school reach and are formed into a section by themselves, but unable to build or support a school, some of whom are sending children to another municipality?

Yes. See section 40, sub-section 7 and section 42 of Public School Act.

J. W.—B. is assessed as tenant on the assessment roll, but on being challenged at the polls declines the oath as tenant, but is willing to take the oath on income under section 105 A., R. S. O., 1893. Can he vote as such? He is not assessed for income and pays no taxes on any property.

Yes.

J. F.—1. At meeting of council A moves a motion which was seconded by B. C moves an amendment which he could not get a seconder to. Can C demand to have his amendment (so called) recorded in the proceedings of the council?

2. A motion is put before the council for a vote; the yeas and nays are called for. C votes nay. Can he demand to have his objections to the motion placed on the minutes of the council?

1. No.

2. No.

J. H.—Is it contrary to law for the treasurer of a municipality to accept an order from a person to whom money is due, or accruing, in favor of another? For instance, the assessor A B gives to C D an order on the treasurer against his (the assessor's) salary.

2. Would such an order, if the transaction is so far legal, be secure against any subsequent one that A B might give to a second person, say E F?

Not a municipal question.

B. G.—A burying ground is formed under chapter 177, R. S. O. A certain denomination wishes to build a church therein. Would it be legal for the trustees to allow them to do so, seeing that the burial ground is undenominational? If legal, could it be possible if a minority of the trustees or inhabitants protested against it?

It would not be legal for the trustees to allow the ground to be used for the purpose mentioned.

TRUSTEE.—The school board of an incorporated village proposes to build an addition to their school house, and have had plans and specifications drawn for the same, said addition to cost two thousand dollars and more. Is it lawful for them to apply to the council to have issued debentures for the amount required without first having submitted the same to a special meeting of the ratepayers and obtained their sanction? See Vic. 54, chapter 55, section 115.

Yes. See section 116, Public School Act.

N. I. L.—A municipal council passed a by-law to compel parties owning or occupying certain premises in the business part of the village to clear away daily the snow accumulated on the sidewalk in the front of their respective premises, and limiting said by-laws to certain blocks, other blocks adjoining on the same street not being included in said by-law. Can the council legally enforce the provisions of this by-law when others on the same street are not required to take any action in the matter?

Yes.

OFFICE SEEKER.—In your issue of February, 1895, you say, in answer to Office Seeker, "No," and refer him to

section 271 of the Consolidated Municipal Act. Now, I would ask, 1st, Does not the above-mentioned declaration bar the township clerk from being township treasurer of the same township as that of which he is clerk? 2nd, How is it that quite a number of township clerks are treasurers as well of their respective townships? 3rd, Have they been illegally appointed to one or other of the said offices? Does an appointment to a certain township office, at a stipulated salary, and an acceptance by the appointee, constitute a contract with township?

Yes. The acceptance of an office constitutes a contract. The offices of clerk and treasurer are incompatible, and cannot legally be held by the same person.

S. O. U.—57 Victoria, chapter 50, sub-section 3 of section 5.

All moneys raised by the municipal council for the current expenditure of public or high schools shall be paid to the treasurer of the school corporation entitled to receive the same in monthly instalments, on the requisition of the school corporation concerned.

A dispute has arisen between the municipal corporation and the public school board as to the true meaning of the said Amendment Act.

The corporation raised the full amount of the school requisition and deposited the same in the bank at interest intending to pay it out to the school treasurer monthly as they interpreted the said clause of the act. The school board contended that they are entitled to receive the whole amount of requisition on demand, and contending that said clause only applies to money borrowed for school purposes. Please state the true interpretation and oblige.

The whole amount of school trustees annual requisition should be paid to the treasurer of the school board. Sub-section 3 of section 5 of chapter 50, 57 Vic., refers only to the payment of school loans granted under the authority of sub-section 2.

F. J. C.—In section 135 Assessment Act, 1892, these words occur, "or instructed by the council not to collect."

Can you inform me what section confers this power on the council?

Also could the council instruct the collector "not to collect" from a person who can be made to pay. It would almost appear that the collector could return any taxes unpaid if he had been instructed by the council "not to collect," even though the party assessed had ample means from which to make collection.

See section 67 of The Assessment Act, which gives the court of revision and the council the power in certain cases to remit or reduce taxes.