

A—F	lot	1	\$ 200
A—F	"	2	200
B—T	"	3	200
A—F	"			
C—T	"			

And statute labor should be calculated on each assessment separately according to the ratio in vogue in the municipality.

Proceedings at Nomination Meeting.—Time for filing Resignations.—Qualification of Auditor.—Disqualified Councillors' Capacity to do Business.—Qualification of Public School Trustee.

91.—D.C.M.—1. In the January No. of the WORLD for this year on page 17, Ques. 46, re-nomination for municipal councillor for 1903, I find you define the duration of the nomination meeting to be one hour, which I believe is the true construction of the Statute. This may suit alright in towns and villages but in municipalities it will not as the ratepayers, many of whom travel ten or more miles to the meeting would not as the saying is, be content to buy a pig in a bag or in other words would not come to another meeting as they want the business done in the one day as they consider this day their own and they demand an account of their stewardship of the old board and if they do not render a good account of the manner in which the business of the township was conducted they may as well step down and out. At our nomination meeting from one to two o'clock is fixed by by-law, I received no less than sixteen nominations of candidates for municipal honors. None of the parties nominated resigned within the hour. As soon as the hour of two o'clock came, I closed the nominations but the meeting did not adjourn as I was moved and seconded to the chair immediately after I announced to the electors the names of the candidates nominated. The speaking by the candidates continued without interruption and they resigned all but six candidates for councillors. Three parties were nominated for reeve and two of them resigned consequently I declared the remaining candidate elected by acclamation. One of the councillors nominated is now moving to set aside the proceedings as irregular for the reason as he claims that I did not put his name on the ballot. The situation was as follows. This man came to me and asked to resign his nomination and I announced from the chair that he had resigned. In about twenty minutes after his resigning he came back and said that his friends were pressing him to run and he declared his intention of being a candidate again. He is going back on his resignation simply because it was not in writing. Now I announced to the electors that I would accept resignations of candidates at that meeting without the consent of the mover and seconder verbally by the candidates but if not made at the meeting they would have to be in writing and attested by a witness and delivered to me by the time prescribed by law. The amendment to Sub-Sec. 1 of Sec. 128 fixes the hour but our nominations heretofore were always conducted as I acted in this one and there was no other irregularity complained of in the taking of the vote or otherwise.

2. The party complaining was appointed auditor at the first meeting 1902 and audited the books of the treasurer for 1901 and did not resign before his nomination. Would that disqualify? Or would his resignation now enable him to be a candidate if the election were voided?

3. At our meeting yesterday the new council organized and made the declaration of office, etc., and appointed their officers and also appointed commissioners under the commutation of statute labor by-law. I was also appointed clerk. Can these officers hold office during this year or can they be changed by a council if election voided?

4. Sec. 80 Chap. 223 R. S. O. (1897) is amended by Sec. 5 Chap. 29, Ont. Stats., 1902, as fol-

lows and no member of a school board for which rates are levied but this amendment shall not apply so as to disqualify any person elected prior to the passing of this Act. A trustee is elected for three years and being elected last year prior to the passing of the Act would a councillor be disqualified if again elected this year or in other words would a councillor be disqualified this year or would he have to resign his trustee office?

Section eight of the Municipal Amendment Act, 1902, requires all nomination papers to be filed with the returning officer or other chairman of the meeting within one hour from the time of its opening. Therefore when the hour has elapsed the meeting is at an end as an *official nomination meeting*, and appears to have been so declared in this instance by the returning officer. The meeting subsequently held with the person who had acted to receive nominations at the official nomination meeting in the chair, was simply an ordinary public meeting of the ratepayers of the municipality for the discussion of municipal affairs. All resignations therefore filed after the lapse of one hour from the opening of the nomination meeting, must be in writing, signed and attested in the manner required by sub-section 3 of section 129 of the Municipal Act. Therefore any candidate nominated who does not resign until after the lapse of the hour, must do so in writing as required by sub-section 3 of section 129, and if he does not so resign his name must go on the ballot. The question to be considered is not what the law was that governed previous nomination meetings, but what it is now in view of the enactment of section 8 of the Municipal Amendment Act, 1902.

2. If a new election becomes necessary by reason of the voiding of that held on the 5th. of January last, and this person resigns his office of auditor of the municipality, and such resignation is accepted by the council prior to the day fixed for holding the nomination of candidates for the new election, he is eligible as a candidate for election, so far as this particular qualification is concerned. We may say however that if he has completed his work as auditor and has been paid for his services as such auditor, the disqualification which might otherwise exist has been removed.

3. Until the election of the new council has been voided as the result of proceedings successfully taken against its members with this end in view, they are legally competent to discharge the business of the municipality such as appointing officers, etc. The officers appointed at the first meeting of the new council are in the same position as to the tenure of their respective offices, as would have been the case had no objection been taken to the election of its individual members. This depends on the terms on which the officers were appointed, whether for a time certain or indefinitely.

4. The "person elected prior to the passing of this Act" referred to in this section is a person who was elected a

member of a municipal council in January, 1902, and was a member of a school board for which rates are levied, at the time this section was enacted. But, in order to render himself eligible as a candidate for membership in a municipal council at the elections held in January last, the intending candidate should have resigned his office as a member of such a public School Board and had his resignation accepted by his colleagues on the Board, prior to NOMINATION day.

This Township Clerk Can be a High School Trustee.

92.—J. K.—Am I as clerk of the township of N. G. eligible for the office of high school trustee? The high school in question is in our county, it is in the village of G., the township of N. G. of which I am clerk is not in the high school district.

We are of opinion that you can legally fill the office of high school trustee under these circumstances.

More Than One Assessor Can be Appointed in Village.—Collector Can be Assessor.

93.—W. D. W.—1 Can more than one assessor be legally appointed to assess an incorporated village not divided into wards to act as a unit in making the assessment?

2. If so, can the collector of rates for the year be one of the assessors?

1. Yes. Sub-section 1 of section 295 of the Municipal Act provides that the council of every city, town, township and VILLAGE shall, as soon as may be convenient, after the annual election, appoint as many ASSESSORS and collectors for the municipality as they may think necessary, etc.

2. The offices of assessor and collector are compatible, and the same person can hold and perform the duties of both offices at the same time. The language of the form of declaration of office to be taken by assessors and collectors, contained in section 312 of the Municipal Act, confirms this opinion.

Dismissal and Payment of Negligent Engineer.

94.—A petition was presented to the council about two years ago, and signed by a majority of the interested parties, praying to have . . . Creek widened, deepened and improved under the Municipal Drainage Act so the council appointed A. B. to carry out the work. He had six months to finish the work and file his report, but he failed to file his report within the time and asked for an extension of time, but the time had expired two or three weeks before the council met to extend the time and they have granted several extensions since and still the work is not done. The time expired on the 19th of October last and the council refused to extend the time again.

Is the council acting legally in extending the time after it had expired and can the engineer collect his fees for the work he has done when the council refused to grant another extension, the work being all done except adjusting the assessment on the land. The engineer's fees and expenses up to the present are about \$1,300 and would it be legal for the council to grant another extension so that he could complete the work and make the assessment and if the council will not grant another extension, can he make the council pay for what he has done?