

## Tavern License.

**103**—W. L.—Under Liquor License Act, the clerk is to certify to petition asking to have tavern license issued to new tavern.

1. I find name Geo. S. Young on the petition; on the certified voters' list, I find name Geo. Young.

2. I find H. Munn on petition but on certified list I find name Henry W. Munn.

In first instance, should I certify Geo. S. Young as qualified to sign petition?

In second instance, should I allow H. Munn to remain as qualified to sign petition?

1 and 2. We presume that a dispute has arisen as to whether the petition has been signed by the number of electors entitled to vote at elections to the legislative assembly, required by subsection 14 of section 11 of the Liquor License Act, (R. S. O., 1897, chapter 245.) This being the case, the clerk is empowered by clause (a) of the subsection, to "take evidence upon oath or otherwise, and determine the question in dispute." If the clerk is satisfied that the persons who signed the petition are the same persons whose names are on the voters' list as "G. Young" and "Henry W. Munn" respectively, in the polling subdivision in which the premises sought to be licensed are situate, as duly qualified electors, or ascertains this to be the case, upon investigation, he should so certify to the board of license commissioners. Both these persons, if their votes were objected to at an election for the legislative assembly, could take the oath contained in form 16 appended to the Ontario Voters' List Act. (Chapter 9, R. S. O., 1897.) See particularly the language of clause 1 of this oath.

## Payment of Constable at Election.

**104**—TOWNSHIP CLERK.—At a municipal election for 1902, after the result of the election was declared, an altercation ensued between two of the opposing parties. I ordered the constable (who happened to be there, and who is paid by the county council) to stop it, which he did not do—friends of each side taking parties aside and quieting them. He then charges me, as returning officer, with \$1.50, which I refused to pay, on the ground that it was a full day's pay, that I did not call him there, etc. Can he collect the full charge or not? Give authorities when replying.

Under the circumstances stated we do not think you have incurred any liability to the constable.

## Voter Misnamed or Whose Property is Wrongly Described Can Vote.

**105**—CLERK.—In describing a ratepayer's property in the voters' list, I inserted concession 2 instead of concession 3. All the other particulars are correct.

1. Will the above error deprive him of a vote at the election to the local legislature?

2. If sworn, what oath will he have to take?

3. Another voter, who is assessed jointly with his father in the voters' list as Alfred F. King when he should be Alfred T. King, all other particulars being correct, will that deprive him of a vote? There is no other person in the township of the same name.

1. No.

2. The oath set forth in form 16 appended to the Voters' Lists Act (chap. 9, R. S. O., 1897), clause 1 of which

requires him, if his vote is objected to, to swear that he is the person named, or *intended to be named*, by the name of (*inserting* his name as entered on the voters' list used at the election) in the list of voters then shown to him in the poll-book.

3. No, for the same reason we give in our answer to question No. 2.

## A Partner of Contractor with the Council Disqualified as Councillor.

**106**—T. A. C.—A and B, a firm, two brothers, own a hall. A was councillor in 1901. B rents the hall to the corporation for \$25.00 till the first meeting of the new council for 1902. A is elected reeve for 1902. B again rents the hall to the corporation for \$50.00. The order for rent has been made payable to B. Does this disqualify A from being either reeve or councillor, as A's partner has a contract with the corporation?

A is certainly "a person having by himself or his partner an interest in a contract with or on behalf of the corporation" of which he is reeve this year and was councillor last, and he was in that position at the time of his election this year. He is therefore, under section 80 of the Municipal Act, disqualified from being elected or sitting either as reeve or councillor of the municipality for the current year (1902).

## Township Council Cannot Pay These Costs.

**107**—ENQUIRER.—A of township No. 1 has B of township No. 2 indicted for obstructing the towline between townships Nos. 1 and 2. The case was tried as a criminal case and B was found guilty and directed to move his fence back to the line. Now can the council of township No. 2 legally pay the law costs of B?

No.

## County Council's Borrowing Powers.

**108**—W. T. G.—Our county is making county improvements to the amount of \$25,000, which is the amount now proposed to expend for said improvements, but will easily reach \$30,000 when completed. They propose to float debentures for \$20,000 which the law permits, and the levying on the county for the payment of the remaining five or ten thousand dollars in the way of ordinary expenditure. Can they do so under the Act in that behalf?

2. If not, who is responsible, those opposed demanding the yeas and nays? Please set out the power of county councils as to floating debentures in your next issue.

1 and 2. The purpose for which your county council proposes to borrow this \$25,000 or \$30,000 does not appear to be "ordinary expenditure" within the meaning of section 388 of the Municipal Act. Unless the money is required for the purposes mentioned in subsection 2 of section 389 of the Municipal Act, the council cannot pass a by-law for the purpose of borrowing more than \$20,000 without submitting such by-law to the electors. If the council borrows \$20,000, for purposes other than "ordinary expenditure" it can do so only once during the term for which such council has been elected, and previous to passing its by-law for the purpose, the conditions prescribed by section 390 of the Act must be strictly observed. If the council pass a by-law for the purpose you mention, to borrow more than \$20,000 without submitting it to the electors of the county, it can be quashed. See sections 384, 386, 429 and following sections re debentures.

## Township of Sidney.

## Commutation of Statute Labor a Success.

The council of Sidney township, Hastings county, passed a by-law at their first meeting in 1900, commuting the statute labor at fifty cents per day and placed the roads and bridges of the township under the supervision of one competent man.

The township was divided into five divisions and the road surveyor went over the roads of each division in company with a councillor of that locality and divided the roads into minor divisions and made an estimate of the amount necessary to be expended on each minor division. The surveyor then proceeded to engage competent men to superintend the work of each minor division. These men proceed to employ men within the division if possible and proceed with such work as the road surveyor directs; each man being required to work ten hours and those engaged to haul gravel or stones to have suitable boxes to hold one cubic yard. All grading and repairs are performed with a view to good drainage and general permanency.

After two years of experience with this system of road maintenance it is generally considered a success, although improvements will probably be made on minor points as opportunities present themselves.

Under the old system the scale in use gave the township 4,008 days work and a commutation price of sixty cents per day was allowed, if paid to the pathmaster, or seventy-five cents per day if allowed to be collected with taxes.

To this the council usually added from \$700 to \$1,000 per year for special work, such as cutting down hills, building new roads and building and repairing bridges.

In 1901, the second year of the new system, the amount expended on roads and bridges exceeded the amount raised from statute labor and the usual grants of former years; but was less than an amount that would have been raised at the former commutation price, viz.: sixty cents.

Considerable dissatisfaction was expressed by numerous ratepayers at the time the change was proposed, due largely to an incorrect idea of the system of maintenance that would be adopted. All the members of the council that passed the by-law and with the assistance of a road surveyor framed the present system, have been elected twice since by acclamation which is rather conclusive evidence that the intelligent ratepayers of Sidney are not favorable to a return to the old system.

SIDNEY.

N. B.—We hope that the representatives of other townships in which commutation has been adopted will give our readers the benefit of their experience.—EDITOR.

On the 7th January last, the electors of Barrie passed a by-law providing for the return of the system of electing councillors by wards.