

The Municipal Miscellany.

VOL. I.

ARNPRIOR, ONTARIO, MARCH, 1891.

No. 3.³

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. NELSON, publisher Municipal Miscellany, Arnprior, Ont.

Calendar, April, '91.

1. Last day for Free Library Board to report estimates to Council.
- Last day for Boards of Park Management to report estimates to Council.
- Last day for Petitions for Tavern and Shop Licenses to be filed with License Inspector.
- Last day for License Commissioners to fix day for considering applications for licenses.
- Last day for Removal of Snow-fences erected by order of Councils.
- Last day for Candidates for First-class Teachers' Certificates to file applications with Education Department.
- Last day for return by clerks of counties, cities and towns of populations to Department.
7. Last day for Treasurers of local municipalities to furnish County Treasurer with a statement of unpaid taxes and school rate.
8. Last day for Collectors to return to Treasurer the names of persons in arrears for water rates in municipalities passing by-laws in that behalf.
20. Last day for non-resident land owners to give notice to Clerk that he requires his name on the resident roll.
25. Last day for Clerk to make and deliver to Assessor a list of persons requiring their names to be entered on roll.
30. Last day for completion of roll by Assessor.
- Last day for non-residents to complain of assessment to proper municipal council.
- Last day for License Commissioners to pass resolutions limiting licenses, etc.

QUESTION DRAWER.

Is it necessary for assessors to give a notice or schedule of assessment to both owner and tenant when they are both bracketed on the roll? F.

Yes. Section 47 of the Assessment Act makes it necessary to have a schedule containing "the sum at which his real and personal property has been assessed" to "every party named" on the roll. The same is to be mailed to non-residents placed on the resident roll. This would not appear to make it necessary to send notices to any placed on the roll under the Manhood Franchise Act, as they are not assessed for any property. The Franchise Assessment Act of 1889, however, requires those entered on the roll as farmer's sons to be included in the notice given to the farmer himself.

Has the municipal council of a village any legal right to vote themselves say \$20 each for their services as councillors or as a road and bridge committee? If they have not this right, and have done so, by what process of law could it be recovered from them? T. W. T.

The law provides that the head of a village council may be paid such annual sum or other remuneration as the council may determine. It does not make provision for the payment of any other member of a village council acting as councillor, but permits any member to act as commissioner, superintendent or overseer of any road or other work carried on by the municipality and to be paid for such services. To answer the latter part of our correspondent's query is outside of our functions. Our aim is rather to assist in interpreting local laws in order that councillors and officials may be enabled to comply with

their requirements, which we are satisfied all desire to do.

Is it necessary to appoint all municipal officers both by a resolution and by a by-law? In any case would a by-law be sufficient? Both treasurer and collector give bonds, and in their case would it be necessary for them also to make declaration of office? When a member of the council board is appointed commissioner or to any other office in townships, would it be necessary for him to make declarations for each and all such offices? G. A. A.

Municipal bodies being creatures of the legislature, have only power to do what the statutes give them authority to do, but there are things that may be in the public interest to do which the statutes do not mention or forbid, and no doubt inferentially they are to be considered as being legally permissible. Section 282 of the Municipal Act says: "The power of the council shall be exercised by by-law when not otherwise authorized or provided for." The appointment of certain officers, such as clerk, treasurer, assessors, collectors and auditors, are authorized, and in fact obligatory by statute, and such officers could legally be appointed by a mere resolution, but if the council desire to define their duties in any measure additional to the duties prescribed by statute, or make provision for their salaries, then a by-law would be proper. At the same time we believe that a resolution specifying the amount of salary to be paid would be binding on the council. The statute would not compel the appointment of an officer and require certain services without upholding that officer's claim to remuneration, and as the statute does not distinctly require these appointments to be made by by-law, it seems clear that it is open to the council to make these appointments by resolution and provide for their salaries in the same way. While such is the case, there is nothing in the Municipal Act to prevent the appointment being made by by-law, and the general rule should be to do so. It would not be necessary to have both a resolution and a by-law. A by-law may be said to be only a formal resolution, with the addition of the corporation seal and signatures of the head of the council and clerk. It is necessary for both treasurer and collector to make declaration of office, but as it is not necessary to re-appoint these officers annually the declaration once made would be sufficient for the whole term of their appointment. If a member of council is appointed a road commissioner it would be necessary for him to take the same declaration as had been taken as member of council, except that he would substitute for councillor the office of commissioner.

I notice your reply to N, a non-resident owner, on page 7 of the January number of your interesting paper, and consider your answer full and conclusive. But to carry the matter a little farther:—Suppose N neglected to pay the taxes on the 100 acres of land, and that said land continued to be occupied, and further that a judgment against N was no good if you could not collect anything from him, by what means are the taxes to be assessed and collected? T. G. F.

If we understand our correspondent aright, he means