

QUESTION DRAWER

Subscribers are entitled to answers to all Questions submitted if they pertain to Municipal Matters. It is 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 will be published unless One Dollar is enclosed with request for private reply.

A Deficient Dog Tax By-Law.

125—M. T.—Our reeve is anxious to have your opinion on section 8 of our Dog Tax By-law, particularly to that part that is *underlined* in the accompanying extract from the by-law:

The Revised Statutes of Ontario, 1897, enact as follows: "There shall be *levied* annually in every municipality in Ontario upon the owner, possessor or harbinger of each dog therein, an annual tax of \$1.00 for a dog, and \$2.00 for a bitch."

The annual assessment by-law of this village provides for the collection of a tax on dogs as follows: Section 8—"that the village tax collector shall levy and collect the sum of one dollar from the owner, keeper or harbinger of each dog, and two dollars for each bitch within the Village of R—, *whether such are entered on the Assessment Roll or not.*" It frequently occurs that there are many dogs in the village that are not entered on the *Assessment Roll* and some that *come in after the roll is returned to the clerk* early in the year, hence that part of the foregoing section 8 in italics.

We are of the opinion that clause 8 of the by-law cannot be enforced under the circumstances. If the councils desire to pass a by-law for revenue purposes it should first pass a by-law declaring that chapter 271 shall no longer be in force.

Care of Destitute Insane—Defaulting Pathmasters.

126—C. C.—1. Some few months since a gentleman by name C. R. came to our township from Holland to visit friends here. He apparently became insane, and instead of notifying the municipality of N. they had a doctor from the adjoining township examine him who pronounced him insane and had him sent away to the asylum. Later we got a bill from somewhere, near sixty dollars, for expenses in the matter from Judge McC—, of P— S—. We have not paid it yet and want your advice on it. We never knew there was such a man in the township and were never notified in any way. We understand he was not one week in the township and it was reported he was insane when he arrived at New York. He is not resident here so we do not feel liable. We presume his relatives here paid the costs and now wish to recover the same. Tell us plainly what our course should be.

2. (a) What should be done with Pathmasters who do not order their men out to do road work on their beat. (b) And the pathmasters who do not return their lists?

1. We are of opinion that under the circumstances stated the municipality is not liable for payment of this account. In order to fix the responsibility for the amount on the municipality, application should have been made to the reeve, under sub-section 1 of section 11 of chapter 317, R. S. O., 1897, for an examination to be made and certificates given in accordance with sections 7, 8 and 9 of the Act, and if the reeve was satisfied the insane person was in destitute circumstances, it became his duty to notify two medical practitioners to make the required examination. If this had been done, the municipality would have been liable for the expenses, as provided by sub-section 2 of section 11.

2 (A and B). We do not see that anything can be done with these pathmasters, unless the municipal council has passed a by-law pursuant to section 702 of The Consolidated Municipal Act, 1903, and if it has passed such a by-law, its provisions will govern.

Township Grant to Free Library.

127—J. B. H.—What are the steps to be taken to get a grant from the council for a public library, if such a thing is possible?

Sub-section 4 of section 591 of The Consolidated Municipal Act, 1903, empowers the councils of townships to pass by-laws "for granting money or land in aid of any free library established under 'The Public Libraries Act,' or 'The Act Respecting Mechanics' Institutes and Art Schools' within the municipality or within any adjoining municipality."

Limit of Township School Levy.

128—A. S.—Has the municipal council power to raise the general school levy higher than the \$150, as the words "at least" in each case are used (see section 66 Public School Act)? We would like to raise it to \$200.

It is doubtful whether a council can under section 70 of The Public Schools Act, 1901, levy more than \$150 for each school in the municipality which has been kept open the whole year, exclusive of vacation. In the case of Regina v. Smith (16 O. R. 454), the Queen's Bench Divisional Court held that the words "not less than \$50" and "not less than \$100" in The Canada Temperance Act should be construed as "\$50 and no less" and "\$100 and no less." In using the words "at least" in section 70 of The Public Schools Act, 1901, we are inclined to think that the Legislature intended to make it clear that \$150 must be raised in each year, rather than to fix the minimum amount.

Proceedings When Drainage Scheme Initiated Under Section 75 of the Act.

129—D. D.—1. When council is proceeding with Drainage work under section 75 (without petition) is it necessary for the clerk, in pursuance of section 16, to notify all parties assessed for the work?

2. There being no petition from which dissatisfied parties can withdraw, of what use or benefit will their presence be at the council meeting when the report of the engineer is being dealt with?

1 and 2. Section 16 of The Municipal Drainage Act (R. S. O., 1897, chapter 226), requires the clerk to notify all parties within the area described in the petition, etc. When the work is being done, pursuant to the provisions of section 75 of the Act, there is no petition required, and the provisions of section 16 are inapplicable. The clerk, should, however, as soon as the report of the engineer is filed send out the notices mentioned in sub-section 7 of section 9 of the Act (as enacted by section 5 of chapter 28 of The Ontario Statutes, 1899.)

Time for Holding Meetings of County Councils.

130—R. A. F.—I see some of the County Councils are holding their first meetings this week. Do you think that their action in so doing conflicts with section 259 of the Consolidated Municipal Act?

The section quoted provides that the members of every municipal council, except county councils, shall hold their first meeting at eleven o'clock in the forenoon, on the second Monday of the *same January in which they are*