

**QUESTION DRAWER.**

Subscribers are entitled to answers to all questions submitted, if they pertain to Municipal matters. It is particularly 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 answered will be published.

**Statute Labor—How Determined.**

296.—W. W. D.—I find on looking over our statute labor lists, that quite a number have not performed their work. Am told that it is because they expect by computing for it they will be the gainers, for example.

One lot is valued at \$300, given 2 days.			
Another " " 500, " 3 "	500	3	"
" " 575, " 4 "	575	4	"
" " 700, " 5 "	700	5	"
" " 875, " 6 "	875	6	"
	\$2,950	20	

\$2,950 valuation gives thirteen days, subdivided as above, twenty days. Please state which is correct?

As the number of acres in each lot is not stated, we cannot give definite answer.

The statute labor entered on collector's roll, should be calculated according to sub section 2 of section 100, Consolidated Assessment Act. The number of days is to be determined by section 93, if no by-law has been passed, fixing other ratio of service.

**Arrears must be Properly Returned—Lien Note—Second Seizure for Taxes.**

297.—CLERK.—1. Can arrears of taxes, from roll of 1895, be carried on to roll of 1896 without authorization of county treasurer?

2. Is it imperative for arrears of taxes to be returned to county in April or may they be returned at a later date?

3. Can a municipal council accept a lien note on cattle or other stock, when, for instance, the seizure for arrears of taxes has been made, and there is no one to buy the same?

4. Would the acceptance of a lien note by the council, if illegal, prevent a second seizure if necessary to obtain the taxes?

Quote authorities on above.

1. No.

2. Yes. See section 145, Consolidated Assessment Act, and section 2, "The Debentures Act" chapter 1, the Revised Statutes Ontario, 1887.

3. No, we cannot find any authority for the acceptance of lien notes for taxes.

4. The rule is, that a second seizure cannot be made, except under special circumstances. The mistake in this case, would not constitute such special circumstances.

**Remuneration of Councillors in Towns.**

298.—JUSTICE.—Have councils of towns in Ontario power to vote themselves, as well as the mayor, a salary and mileage, either or both?

The council of a town, may determine the remuneration to be paid to the head of the council, but there is no authority

for voting any remuneration to a member of the council as such. See section 232, Consolidated Municipal Act, 1892.

**Reeve - Commissioner - Disqualified - Successor.**

299.—E. G.—1. A reeve is commissioned by council to let job for building bridge and to sell a pine tree standing on roadside. Reeve gave highest bid and secured the tree for himself. Would that disqualify him?

2. Two reeves are nominated, the one elected is qualified; should the other one take his seat or should there be another election?

3. If a reeve receives pay for doing business or work for the township, other than for attending council meetings, does it mean a contract, and would he be disqualified?

1. If the reeve had any authority at all from the council, it was not to buy but to sell the tree, and therefore, what he did, does not constitute a contract with the council, so that there was no disqualification. See sections 77 and 431, Consolidated Municipal Act, 1892. See also sub-section 6, of section 550, which authorizes the council to pass by-laws for selling timber, trees, etc.

2. If the candidate who is disqualified disclaims, pursuant to section 203, Consolidated Municipal Act, the other candidate therefore becomes entitled to the seat, or the judge may, under section 198, declare the other elected, or may order a new election.

3. Yes, unless it is some business for doing, which there is express authority to remunerate him, and such contract would disqualify him. Attending council meetings is not the only business which may be legally paid for. A member may be paid for acting as an overseer. See sub-section 2, section 479, of Consolidated Municipal Act, 1892.

**Crossing over Road Ditch, Who Liable for?**

300.—R. P. H.—When it is necessary for a pathmaster to open a ditch on the side of the road in front of the roadway leading into the owner's or tenant's premises, is the owner or tenant obliged to make his own bridge over the ditch, or is it the duty of the council to make the bridge?

The owner or tenant must provide his own crossing, or do without one.

**Assessment Government Land and Occupant—Residence Qualification County Councillor.**

301.—L. S. B.—1. Is Government land liable to be assessed when it is cultivated by any person?

2. Is said person liable for the taxes of Government land, when he is assessed for it and cultivates the same?

3. A owns property in a township and cultivates it where he re-ides through the day; his family lives in a city, where he sleeps and gets his meals. Can he qualify for a county councillor in the district his property is in, under the County Councils Act of 1896?

1. No, see sub-sections 1 and 2, of section 7, Consolidated Assessment Act, 1892.

2. Yes, under sub-section 2, of section 7, a person occupying such land, otherwise than in an official capacity, is liable to assessment, though the property is not liable.

3. Yes, if he resides within two miles of the municipality in which the property,

on which he proposes to qualify is situated. See section 73, Consolidated Municipal Act.

**Reeve or County Councillor or Both—Election School Trustees.**

302.—M. E.—1. (a) Can a person be a candidate for reeve or municipal councillor and also for member of the county council? (b) and if elected can he act in both capacities?

2. Can an election for school trustees be legally held at the same time and manner as an election for municipal councillors, no notice to do so having been received by the clerk to do so this year? The election last year was same as for municipal councillors.

1. (a) Yes. (b) No.

2. No, unless notice previously given, as provided by section 58, Public Schools Act, 1896.

**Committees Should Report—Minutes Should be Confirmed.**

303.—COUNCILLOR.—Our council set apart a sum to be expended on our streets this year. The street committee claim they have the right to expend that amount just where they think it is most necessary, without consulting with the rest of the council at all.

1. Should they not make a report and submit it to the council for them to act on it or not as they see fit?

2. There was a motion passed at the council meeting before last. At the next regular meeting, when the minutes were read, some of the council wished to adopt the minutes with the exception of the motion in question. The motion in question was worded right and passed by the full board. There was no question of any error, only this motion which they wished to strike out before adopting the minutes. Must not the minutes of any meeting be adopted as they occurred and are so recorded by the clerk?

3. Would it not be the right way to adopt the minutes, and then move to rescind any part of them that were not satisfactory?

1. Yes.

2 and 3. If the minutes are correct, nothing further is required. If there is any error in them, this ought to be corrected, and confirmed as the correct minutes of the proceedings of that meeting.

**Bicycle By-Law.**

304.—M. T.—Various village municipal councils have enacted by-laws inflicting a penalty on persons riding bicycles on the sidewalks. I cannot find a statute authorizing such a by-law in any municipality with a population under 100,000 or more. See Municipal Amendment Act, 1895, section 24.

The Consolidated Municipal Act of 1892, section 489, authorizes "the council of every township, city, town or incorporated village to pass by laws regulating public morals, etc. By what authority do county councils enact similar by-laws, and can such county council by-law be successfully enforced?"

I admit that riding on bicycles on the sidewalks of a village is a nuisance, for which a remedy ought to be provided, but I cannot find that the statute gives authority to village councils to pass a by-law "for regulating and governing persons using bicycles and other vehicles not drawn by horses." In my opinion, by-laws passed by village or county councils, unless authorized by statute, cannot be legally enforced.

1. Sub-section 27, of section 496, Consolidated Municipal Act, 1892, empowers village councils to pass such by-laws.

In the case of Regina vs. Justin, it was