

# The Municipal Miscellany.

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*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. NEILSON, publisher Municipal Miscellany, Arnprior, Ont.*

## Calendar for August, '91.

1. Last day for decision by court in complaints of municipalities complaining of equalization.  
Estimates from Public and High School Boards to municipal councils for assessment for school purposes due.  
Notice of trustees to municipal council respecting indigent children due.
11. Last day for service of notice of appeal from court of revision to county judge in Shuniah.  
Last day for receiving applications for admission to training institutes.
14. Last day for county clerk to notify clerks of local municipalities amounts required for county purposes.  
Last day for overseer of highways to return as defaulters to clerk of municipality who have not performed statute labor.
17. Rural Public and Separate Schools open after summer holidays.
18. Normal Schools open.
24. In cities, towns and incorporated villages Public and High Schools open after summer holidays.

## QUESTION DRAWER.

In reading your article on "the voters' list" appearing in the June number of the MISCELLANY, I notice that you direct Municipal clerks to include non resident tenants in Part II. of the voters' list. Will you kindly point out the section of the Municipal Act or other Act which entitles non-resident tenants to vote at municipal elections.

J. A. G.

The two words "or tenants" was a mistake that escaped our notice in reading the proof sheets.

**DOGS AND SHEEP.**—By R. S. O. Chap. 214, Sec. 2 (1) Councils have power to dispense with the levy of the tax on dogs. The council of the county of Carleton did pass a by-law, dispensing with the levy of the dog-tax. This section is repealed by 53 Vic. Chap. 62. Will this in any way affect the before-mentioned by-law? X. Y. Z.

In our opinion the by-law passed by the county council of the county of Carleton under the provisions of Chap. 214, sections 1 and 2, became void and of no effect, because Chap. 62 repealed those sections and the latter Act came into force on the 1st of January last. It is quite competent for the Legislature to grant certain powers to municipalities and to repeal or withdraw those powers. The Legislature enacted that a tax be placed on dogs by section 1 of chap. 214, and by the second section gave the county council the power to pass by-laws to dispense with that tax. The moment the new Act came into force repealing both the first and second sections of chap. 214, the by-law of the county council ceased to be valid just because the clauses of the Act itself which gave that by-law force was done away with. It is an important matter at the present time, as clerks will soon be preparing the collectors' rolls, and we are glad "X.Y.Z." has brought it up for discussion. There may be many other counties similarly situated with the county of Carleton in respect to by-laws dispensing with the dog-tax, and if the county

councils have not passed new by-laws under the provisions of chap. 62, we cannot help thinking that it would be the imperative duty of clerks to place the dog-tax on the roll notwithstanding any former by-law to the contrary. We consider this matter of sufficient importance to give a synopsis of the amendments in another column.

Our council would wish information on the following question through your "Drawer" if you can spare space. A by-law has been passed restraining all animals running at large in part of township according to Act for Unorganized Territory. Fence-viewers have been appointed for whole of township. Some members of our council contend that there is no use for them (fence-viewers) where by-law (restraining cattle) has been passed, while other members of council think that line-fences have to be built independent of any by-law of council. Can a by-law be passed for part of township? It seems like a monopoly to me.

M. N. T. F.

The above was received just as we were preparing to go to press with this issue of THE MISCELLANY, and we have not had time to give the matter as full consideration as we could wish. Our correspondent speaks as if the by-law for restraining animals from running at large was passed under the authority of the "Unorganized Territory Act." So far as we know that could not have been the case. The "Unorganized Territory Act" has reference mainly to court procedure, magistrates' powers, etc., but does not confer on municipal councils any authority whatever to pass by-laws or anything else. It speaks of damages sustained by cattle roaming at large, and says that the courts shall not award damages in such cases unless such cattle were running at large in contravention of a municipal by-law, but does not give any authority for passing such by-law. We must therefore look elsewhere for such authority, and we find that the township from which our correspondent writes is situated in the district of Nipissing, and the council of that township has the same authority as is given by the Municipal Act to other townships in all counties in reference to cattle running at large, regulating the height of fences, and the appointment of fence-viewers. No municipality so far as we see, is authorized by the Municipal Act to make such by-laws operative in part only of the township. The municipalities of the district of Nipissing have also power to pass certain by-laws which in the Municipal Act are in the jurisdiction of cities, towns and villages only. These latter refer to drainage, prevention of fires, appointing fire wardens and fire companies, and some other matters of what might be considered of a localized nature, and these by-laws are the only ones which may be localized and made operative in a portion of any township in the Nipissing district. This is as we understand the matter at present. We will look further into it, and if we conclude that we have taken a wrong view will take the matter up in our next. We may say that when we refer to the district of Nipissing, that the same applies to Algoma, Muskoka and Parry Sound districts, as they were all established and given municipal powers under chap. 185 R. S. O. 1887.