

## Dog-Tax By-Law.

**305.**—J. H. S.—Cap. 271, R. S. O., 1897, is in force in this municipality, no petition having been presented under section 2. The council have, by by-law, dispensed with the application of the tax under section 8, notwithstanding sections 3, 4 and 5. Have the council power to provide by by-law

1. That the tax shall be payable on or before say 1st of June?

2. That in default the tax shall be \$1.25 and \$2.25 respectively?

3. That a special collector be appointed?

4. That the collector may in default summarily destroy the dog?

5. That in addition he may proceed against the owner, etc., to recover a penalty under the by-law?

6. With cap. 271, R. S. O., 1897, in force what power has the council under cap. 223, section 540, s. s. 1, 2 and 3?

1. No.

2. No.

3. No.

4. No.

5. No. The law as laid down in sections 3, 4, 5, and 6 of chapter 271, R. S. O., 1897, must be observed.

6. If the council procure the necessary petition required by section 2 of chapter 271, a by-law can be passed, dispensing with the levying of a tax under that act, and a special by-law can then be passed under section 540 of the Municipal Act, giving the powers which are suggested by the questions submitted.

Cost of Preparing and Registering Plan of Unincorporated Village Under Registry Act.—Of Fire Engine, etc., in Unincorporated Village.

**306.**—TOWNSHIP CLERK.—1. We have in our township an unincorporated village, which has been settled without surveying, and plans prepared for registration, and the result has been that it became almost impossible to identify the different parcels of land composing the village. The inspector of Registry Offices has requested council to cause a survey to be made and plans to be prepared for registration. This has been done, under powers vested in council by sub-section 3, section 111 of the Registration Act, R. S. O., 1897. I wish to know whether personal property or income is liable to pay its share of the cost of survey, etc.?

2. I would also like to know how the levy should be made to pay costs, whether an equal sum should be levied on each portion or subdivision composing the plan, irrespective of the assessed value. Was that the proper way to raise money to pay costs?

3. We have another unincorporated village in our township that has purchased fire engine, hose, fire hall, etc., and money has been raised by issuing debentures. Is income liable for payment of these debentures?

4. Is personal property liable?

1. We are of the opinion that the rate in this case must be confined to the lands.

2. The expenses should be levied on and collected from the lands comprised in the map or plan, according to the assessed value of such lands.

3. No.

4. No.

Tag Law and Renting of Pasture on Highway.—Council's Authority as to Fences.—Herding Cattle on Highway.—Entry of Statute Labor Division on Assessment Roll.—Farmer's Son Jointly Assessed a Ratepayer.

**307.**—F. G. J.—1. Has a township council a legal right to sell tags and rent the pasture on the public highway?

2. Has the township council the power to pass a by-law stating what a lawful highway fence shall be, as well as a division fence?

3. What authority has a township council over highway fences?

4. Can the council prohibit a man from herding cattle on the highway in front of his own place?

5. Is it the assessor's duty to mark in the assessment roll the number of the road division in which statute labor for each parcel of property is to be performed?

6. Is a farmer's son assessed jointly with the father a ratepayer?

1. Sub-section 2, of section 546 of the Municipal Act, empowers councils to regulate the running at large of cattle in the municipality by by-law. Such by-law might legally provide for the wearing of tags by cattle running at large, and for the payment of the cost of the tag by the owner of the cattle to the council. The council has no right to rent the pasture on the highway or upon any part of it to any particular individual. The highway and every part of it is for the use of the public generally.

2. Yes. See sub-section 2, of section 545, of The Municipal Act.

3. Sub-sections 2, 4 and 5, of section 545, of The Municipal Act, and R. S. O., 1897, chap. 240, (The Act Respecting Snow Fences,) will give you full information as to the subject matter of the question.

4. No. See also question No. 341 in THE WORLD for 1898.

5. No, unless he is specially required to do so by the council on his appointment. See sub-section 4, of section 13, of The Assessment Act, and the headings of column 18, in schedule D, to the Act.

6. Yes.

Statute Labor in Police Village.—Agreement Under Section 740.

**308.**—W. S. C.—1. What is the law in reference to statute labor in a police village? Can a township divide it into road divisions and appoint pathmasters?

2. If not, what authority is there for the village to collect from those who are not on the assessment roll living within the village?

3. There is an agreement spoken of in the statute to be entered into between the village and the township. What items form the basis of such an agreement?

1. Statute labor in a police village is regulated by the council of the township in which the village is situated. The council may divide the village into road-divisions and appoint pathmasters to superintend the performance of statute labor in each.

2. We assume you mean persons liable to pay commutation money or poll-tax under section 97 of the Assessment Act. These sums should be collected by the pathmasters in the several road divisions, or by such other person as the council may appoint to collect the same.

3. Section 740 of the Municipal Act provides that the rate levied for police village purposes by the council or councils of the township or townships in which the police village is situated upon the property liable to assessment in such village, shall be in lieu of such proportion of the township rate now levied for the same or

like purposes within such village as the trustees and the council may by agreement provide.

## Application of Dog Fund.

**309.**—A. B. W.—When money is collected for dog-tax, are sheep damages liable to be paid after the same has been abolished, by by-law, out of surplus or can it be applied to general fund?

Damages for sheep killed by dogs should be paid by the municipality so long as there is any sum to the credit of the dog fund, and to the extent of that sum. Until claims are made upon the council for payment of such damages, the amount from time to time at the credit of the dog fund can be used for the general purposes of the municipality. See section 7 of chapter 271, R. S. O., 1897.

## Voting at Council Meetings.

**310.**—J. L.—1. When one member of the municipal council is unable to attend council through sickness or any other unavoidable case, is the council competent to transact the ordinary business of the municipality?

2. Is the following vote legal? A motion was made in our council to alter a road-beat taking a piece of road off one beat and adding it to another. Two of the three councillors present voted for the change and one was against it. The reeve had no vote as it was a tie, and the motion was carried. The reeve protested, saying, the proceedings were not legal, yet the change has been made.

Yes, provided a quorum of the council is present at the meeting at which the business is transacted. As to the number of members constituting a quorum, see section 268, of The Municipal Act.

2. Your council being composed of five members, three of them constitute a quorum for the transaction of business. The reeve might have voted on the question had he so desired. Section 274, of the Act, provides that "the head of the council, or the presiding officer or chairman of any meeting of any council, may vote with the other members on ALL questions; and any question on which there is an equality of votes, shall be deemed to be negatived." Section 269 requires the concurrent votes of at least three of the members of the council in favor of a motion or resolution, and therefore the motion in this case failed. Moreover, we are of the opinion that the change contemplated could be made by by-law only. See section 5, of section 561, of The Municipal Act.

The Pickering News says: Since the new order of things in regard to the repairing of roads has been adopted, it is surprising to know how many road-beats have not performed work for years. We have already seven upon our list. If there was nothing to do at home, why did not a neighboring beat reap the benefit?

Why? evidently because they preferred to sneak out of it.

Mr. Colin Campbell, who resides near Stayner, was recently appointed treasurer of the township of Nottawasaga, at a salary of \$200.