

stock company becomes insolvent can he hold his office?

2. Not having done so, is the business transacted by that council during the period of his office legal?

1. Yes.
2. Yes.

Keeping Roads in Repair—Mail Stage.

141.—J.H.—1. What power has a councillor in regards keeping roads in repair? Should one of the main roads become impassable through a snowstorm for say three days. A councillor turns out with his team engages a man in the name of the township, takes the man's bills to the council board, the council throws it to one side. Now, has a councillor power out of the council chamber to employ help to fix dangerous places, or must he risk waiting the sitting of the council, or must he fix the dangerous places and foot the bills himself?

2. Are they obliged to keep the road open for the mail stage, and let the other roads remain blocked up to the disadvantage of the public.

1. A councillor is not supposed to be interested in any contract. If he has authority to order work, and the account is a proper one, it may be collected in the usual way. Pathmasters are generally authorized to repair dangerous places in the roads without waiting for special orders and to utilize statute labor. The councillor's authority depends on the custom, circumstances or rules and regulations of the council.

2. No. There is nothing in the Municipal Act referring specially to stage roads.

Charging for Duties as Committeeman.

142.—A SUBSCRIBER.—If a member of one of the town council committees (not a special committee) goes to a town, some miles away from his own town, and does necessary business for the council, as one of the committee, can he charge for his day, (or time) i. e., is it legal to charge for this time.

Councils have a right to delegate their members to attend to the business of the municipality, and may order the payment of the expenses incurred.

Statute Labor.

143.—J.C.B.—A pathmaster legally appointed in 1895, neglects to ask ratepayers (liable to perform statute labor) to perform any work, or return them to the clerk in time to have them entered on the collectors roll that year. (a) Can the pathmaster appointed for 1896, demand the labor not performed in 1895, with the labor for 1896; (b) and if they refuse, return them undone before the 15th August?

2. Can the council, legally collect the arrears of 1895, they not being demanded in 1895?

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

Poll Clerk—M. F.—Statute Labor—Railway Drainage.

144.—R. R. C.—1. Would it be proper for a clerk, to take the poll at municipal elections in a small municipality, without a poll clerk, or any other person in the polling booth with him?

2. Would it be proper to place all persons, who are on the roll as M. F., but are not assessed for property, on the first part of voters' list?

3. Would it be proper to rate a man for statute labor, as follows: (Where the amount required is fifty per cent. higher than the amount laid down in the statute)? A man has one parcel of land seventy acres, assessed at \$300, and another

parcel containing 150 acres, in another road division, assessed at \$360. His statute labor is nine days?

4. In case a railway company, in making their road bed, had placed embankments in the waterway, or had dug out large trenches here and there, which fill up and the water remains stagnant, or should they in any way obstruct surface water, what can the parties do about it, who are injured thereby? Who must bear the expenses of letting off the obstructed water, or filling up, or letting the water out of the pools, where it remains all summer creating offensive odors?

1. Yes.
2. No.
3. Yes.

4. Assuming that the railway company is not guilty of negligence, the remedy of the injured parties, is under the arbitration clauses of the Railway Act, but the proceedings must be commenced within six months from committing the act causing the injury. There is no remedy, however, for penning back mere surface water, which does not flow in any defined channel. Where water flows in a defined channel, the owner of the land is entitled to compensation for any injury caused by any interference with the flow of water through such channel. See also sections 56 to 61, of Public Health Act.

Nomination of Councillors.

145.—INQUIRER.—At the nomination of councillors, is the returning officer bound to receive nominations of parties that are not assessed on the assessment roll, as high as the statute calls for? The law says \$200 Freehold, or \$400 Leasehold, for the district of Parry Sound.

Yes.

Corporation Funds—Place of Deposit.

146.—COUNCILLOR.—1. Is it the duty of the council to pass a resolution to instruct the treasurer to place the money of the corporation in some chartered bank?

2. If so, and the council fail to so instruct, and the money is lost, there being no safe provided, can said council be legally held responsible?

1. In counties, cities, towns and villages the treasurers are required to open an account in the name of the municipality in such of the chartered banks of Canada or such other place of deposit as shall be approved of by the council, and shall deposit the monies that shall be received by him to the credit of such account. See Municipal Amendment Act, 1893, section 5. Township councils are also required to approve of the place of deposit when they pass by-law as provided in Municipal Act, 1894, section 4.

2. It is the duty of the treasurer, without instructions from the council to keep the moneys of the corporation in a safe place, and if they are lost through his negligence he is responsible. When a chartered bank is not convenient to the treasurer, the council ought to furnish him with a safe.

Voting on Bonus By-Law.

147.—E. J. C.—What is the proper meaning to apply to the word "majority" as used in section 4, chapter 82, Ontario Statutes, 1893? We vote upon a bonus by-law on the 10th of April, 1896. Now, suppose there are 600 rate-

payers entitled to cast votes on that question, and that 450 vote "yes" and 150 vote "nay." Now, does the word "majority" as above used mean the 450 votes, or does it mean the difference between the 450 "for" and the 150 "against," which would be 300? For the purpose of this certificate should the two-thirds be calculated from the whole vote cast in favor of the by-law or only from the difference between the yeas and nays?

Under section 3 of the act, 56 Vic. chap. 82, the vote of two-thirds in the affirmative of the ratepayers entitled to vote shall be necessary in order to the carrying of the by-law, and you are required to further certify whether or not, as shown by the Voters' List, such majority appears to be two-thirds of all voters who are entitled to vote on the by-law. If 600 ratepayers are entitled to vote on the by-law and 400 vote in favor of it, the by-law would be carried.

Township Treasurer—Shortage—Separate School Supporters—Dike—Coast Roads.

148.—M. T. B.—1. (A) Can township treasurer be discharged from office without releasing his bondsmen? (B) Or if released, can Council come back to them for any shortage that may be discovered while said treasurer held office?

2. Can a separate school supporter withdraw portion of property and put it in public school section other than the one it originally belonged to before the separate school section was formed, providing the original public school trustees wish to hold it?

3. Some fifty years ago there was a public road along the coast or shore of Detroit River and Lake St. Clair. But on account of the water rising a few miles of it had to be abandoned and diverted back to the higher land. However, the water had receded several feet and there is also a dike constructed for the purpose of keeping off the river from the base of the dike since it has been constructed some seven years ago, excepting once when Detroit River was jammed with ice, and then only in places. Now three-quarters of the land owners along said dike have petitioned the council to have this coast road re-established by leveling down this dike one-half and making the road thereon. Can the council grant the petitioners the road on this dike?

4. (A) Some portions of this dike touched the original roadway. Will by-law have to be passed to re-establish?

(B) Should council accept the land for road way gratuitous as intended by petitioners?

5. The objections that some have to this road is on account of danger of large ditch on side. Will township be responsible if caution boards are erected and properly worded as a warning as to reckless driving, etc.

6. What is the law re coast roads?

7. What proceedings must be taken in order to quash by-law if passed?

8. Can petitioners force the re-establishment of this road, and what course must they take to do so?

9. Some years ago a reeve purchased road allowance adjoining his farm, it is said without passing by-law or giving proper notice of sale. It is now desired to re-open said road; can it be done?

10. (A) Can a reeve deed himself township property while in office?

(B) Give the law in this matter.

1. Yes. The treasurer may be discharged and the securities will remain liable according to the bond drawn to the time of his discharge.

2. Yes, if he gives proper notice to withdrawing property from separate school