

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 stamp addressed envelope. All Questions answered will be published unless \$1 is enclosed with request for private reply.

Expenses of School Board Election.

41.—J. C. G.—Our council were all elected by acclamation, but we have an election for school board. Who pays the expenses of this election? There are portions of two townships and the village in the section and the board have notice to have the trustees elected in the town hall at the same time as the councillors.

The Public Schools Act does not appear to make any provision for payment of the expenses of an election of trustees under the circumstances you mention. Sub-sec. 3 of section 58 of the act makes provision for the mode of holding such elections, and names the officers who are to preside.

Where a board of trustees gives the notice required by section 58, it then becomes the duty of the council to conduct the elections at the time and in the manner in that section provided and as the School Act does not provide that the expenses incurred, shall be borne by the trustees; they must be borne by the municipality. Section 67 makes it the duty of the council of the municipality to raise such sums as may be required by the trustees, but the trustees cannot require the council to provide under this section moneys which they have not paid.

Marking Ballot—Qualification of Councillor.

42.—M. C.—1. At our municipal election for the council, one voter marked his ballot for two of the councillors only. He put two crosses opposite each name. Should his ballot be counted spoiled or good?

2. Is a public school trustee qualified to run as a councillor?

1. It has been judicially held that the ballot marked with two crosses opposite the name of the candidate for whom the voter wishes to vote is a valid ballot. The ballot you refer to would therefore be a good ballot, and would mean one vote each for the candidates opposite whose names the double crosses were made.

2. Yes, if he has the qualification required by section 76 of the Municipal Act. Section 80 of the Municipal Act disqualifies a high school trustee, but a public school trustee is not mentioned in that section and is therefore qualified.

Wrong Election Day.

43.—CLERK.—As nomination day this year came on the Friday before Christmas we held our election on the following Friday the 29th.

We now think that Monday the 1st January is the proper polling day, but as all the requirements of the law was complied with and the election duly advertised will the members so elected be entitled to hold office if election is not protested within the proper time?

Monday the first day of January, 1900, was the proper day for holding the municipal elections this year, (see sec. 95

of the Municipal Act) and Friday the 22nd December, 1899, the proper day for receiving nominations. See sec. 124 of the act. If your election was conducted in all other respects in accordance with the provisions of the act and the mistake or irregularity did not effect the results, the election would be held valid under section 204 of the act.

Bonus to Grist Mill—Proceedings at Elections.

44.—P. S.—The owner of the only grist mill we have in this municipality (which is only a stone mill) intends to add a roller plant to his mill if the municipality will either grant him a bonus of \$600, or make, or guarantee him a loan, to assist him in raising the means required to effect the much desired improvement in his mill.

The addition of a roller mill would be a great benefit not only to the farming community of the surrounding country but also to the tradesmen and mechanics in the vicinity and a large part of the ratepayers as well as a majority of the municipal council are in favor of granting pecuniary assistance in some way, if it can be done legally, while some of the ratepayers are opposed to any assistance being granted by the municipality, and claim that neither a loan nor a bonus can legally be made or given.

1. Has the township council the power to grant a bonus under the circumstances described, and if so, what steps will have to be taken and what conditions complied with?

2. Can the council make or guarantee a loan to the proprietor of the mill, and if so what preliminaries are required?

3. Can you suggest any other legal way for the council to assist and encourage the enterprise?

At our last nomination meeting only one candidate was nominated for councillor. On the day following one of the councillors for 1899, who was not present at the nomination meeting, forwarded to me a written conditional resignation, in which he stated that in order to save cost and trouble of an election he would resign his seat in favor of the newly nominated candidate, unless the latter should resign or not be able to qualify, in which case he (the councillor for 1899) would retain his office as councillor for 1900. The newly nominated candidate, however, is one of our present tax collector's sureties, and as such is disqualified from accepting the office of a member of the municipal council for this year, and therefore the reeve and councillors for 1899, including the councillor who had resigned as stated to-day at the ordinary first meeting of the council again subscribed and took the oath of qualification and office and constituted themselves as the municipal council for 1900.

4. Was this strictly legal or could any ratepayer object to or protest against any action of the council on account of the resignation referred to?

5. If it is not the most legal and correct proceeding what should have been done under the circumstances?

6. Was it necessary for the members of last year's council to again take the oath of qualification and of office, or could they legally have continued to hold office without doing so?

1. No. 2. No.

3. Your council may, by by-law, passed in the manner provided by section 25, of the Municipal Amendment Act, 1899,

exempt the grist mill from the payment of all taxes, except school taxes, for a period of not more than ten years.

4. The councillors for 1899, or a majority of them, have the right to appoint members of the council for 1900; and if they have not done so they should do so under the authority of section 218, of the Municipal Act. The candidate who was nominated is entitled to his seat as having been elected by acclamation. Unless he resigns his seat, and such resignation is accepted by the council as provided in the Municipal Act, or is unseated, as a result of proceedings taken against him for the purpose, under the Act.

5. What we have said in answer to question No. 4 is a sufficient reply to this question.

6. After the members of the council are appointed pursuant to section 218, they should then take the usual oaths of office.

Hiring Municipal Officers by Tender.

45.—F. D. N.—We have several tenders in hand for municipal officers' positions. We understand the council are not held by any bids they have not asked for. Can you refer us to any Act relating to the matter?

Sub-sec. 2, of sec. 320, of the Municipal Act, provides "No municipal council shall assume to make any appointment to office, or any arrangement for the discharge of the duties thereof by tender, or to applicants at the lowest remuneration." The council should appoint to each office a competent person at what they consider a reasonable and fair remuneration for the duties to be performed.

Clerk's Duty.

46.—SUBSCRIBER WISHES TO KNOW.—Whose duty is it to write the orders as they are passed by the council? As there is a dispute between our reeve and clerk as to whose duty it is.

It is the clerk's duty.

Constitution of Board of Health.

47.—In your December number of THE WORLD, in answer to an enquiry on page 199, "Can a member of the local health board qualify for a member of the township council? You answer, no. If he should desire to be a member or a candidate for membership of the township council his resignation as a member of the board of health should be delivered to and accepted by the council before nomination day." Will you please tell me where you got that law? Section 48, of the Public Health Act, provides that a township board of health shall be "composed of the reeve, clerk and three members." Your early reply will very much oblige a constant subscriber to THE MUNICIPAL WORLD.

You draw an erroneous inference from our answer to the question you quote. Although we have come to the conclusion that a council may appoint one of themselves to the position of a member of the board of health, yet the point is not one free from doubt, and that is the reason only as a matter of precaution we advised a resignation. See question 28, in the January number of THE WORLD.

Senior Member has Casting Vote.

48.—A. S.—In case of a tie vote for school trustee in recent elections—same having