

Auditor Only.

99.—R. B. W.—Can a ratepayer act as Township Auditor holding the office of Road Overseer, and receiving a small remuneration during the year from the township?

No.

Qualification of Councillor—Legality of Proceedings.

100.—J. B.—All the members of the council have been elected by acclamation. The deputy-reeve is assessed for \$600 on the last revised assessment roll, but had sold his farm previous to nomination day. He has bought another farm, but the deed is not signed. He took his seat at first council meeting, signed the declarations of qualification and office, moved and seconded motions for the appointment of officers, etc.

1. Could this deputy-reeve be disqualified and fined?
2. Is the work done at the first meeting legal?

1. No.
2. Yes.

Collector's Authority—Liquor License By-Law.

101.—CLERK.—I. To extend the time for a collector in a township to return his roll after the 14th December or the 1st of February, is it necessary to do so by by-law, or will a resolution do?

2. Can he seize for taxes after those dates?
3. We have a by-law making tavern licenses less than \$200, and wish to lower it to about \$125. In passing a new by-law can it be drafted, read and passed at one meeting, or must it be read twice at one meeting and then lay on the table until next meeting and be read the third time and passed?
4. If it has to be laid over to next meeting is there any specified time between the meetings?
5. If the Council wish it should all the license money above \$60 be paid over to the township; also two-thirds of the \$60, less expenses?
6. If so, should it be so stated in the by-law?

1. By-law.
2. Yes.
3. Yes, it may be done at one meeting.
4. No.
5. Yes.
6. Yes.

Auditors to Report on Treasurer's Security.

102.—U. P.—Is it the duty of the auditors appointed by the township council to audit the township books to find out if the bondsmen of the township treasurer are good; that is, if they are financially all right? If such be the case, please state what section or chapter of the statutes it is to be found?

Section 263, sub-section 2a, Consolidated Municipal Act, 1892.

Division Courts—Where to be Held—Town Hall.

103.—H. H.—In our township there is great dissatisfaction with the holding of Division Courts. Said courts are held in one corner of township, whereas township hall is in centre of municipality, and a more suitable building.

1. Who has the power to appoint places for Division Courts?
2. What steps should be taken to remedy the evil?
3. Is township compelled to pay rent for another hall when they have a good township hall?

1. The judge may appoint, and from time to time alter the times and places when and at which the courts shall be held.

2. Address the judge and he will answer number three.

Officers to be Appointed Annually—When.

104.—F. J. C.—Is it the bounden duty of the council to appoint its clerk, treasurer and other town officers annually?

Our solicitor claims that the council must appoint all its officers annually. I claim he has no legal right for such an opinion.

No. Only such officers as the statute requires to be appointed annually. The others hold office during the pleasure of the council.

If the by-law is properly worded, that is, by appointing the clerk and treasurer to hold office during the pleasure of the council, it would be unnecessary to consider the matter annually. It is different with auditors, assessors and collectors.

Town Line—Authority to Open.

105.—H. F.—A owns 100 acres along the boundary between two townships, and has always occupied road allowance, as far as his clearance goes back from concession, said road never being open for public travel. B owns 100 acres in adjoining township, and asks the councils of both townships to unite in passing a by-law to compel A to remove his fence, part of which is on the centre of the road, B's object being to make use of road in getting to rear of his farm.

1. Can the council compel A to remove his fence, the council having no intention of opening road for public travel?
2. If A is compelled to remove his fence, can he compel the council to open said road through from concession to concession?

Yes. But why should the council do so if it does not want to open it for public use. A can never acquire any right as against the crown, so the council may at any time open it. If A is in possession, under either of the conditions mentioned in section 552, of the Consolidated Municipal Act, the requirement of section 553 must be observed.

Occupant and Owner—Assessment—Councillor Disqualified.

106.—J. W. H.—I. A settler has lived on a lot in Limerick some twenty years, has improved the lot and got it pretty well cleared up, but has no deed for the lot. Some ten years ago a company, by some way, got a deed for the said lot. It is disputed property. The settler requires his name on the roll for the lot, and the company will not accept their assessment bill unless the lot is included in the assessment. The settler settled under the Free Grant Act; has been located, but cannot get his deed. Now the question is, has the assessor a right to assess both parties? If not, which one of the parties?

2. A ratepayer is bondsman for the collector on roll of 1895. The roll is not all collected yet. On nomination day the bondsman was nominated for councillor, was elected and has taken his seat. On the 15th February the council authorized the collector to strike his name off the bond, and leave the collector with the one bondsman. Now, is that man qualified to sit as a councillor this year or not?

1. Without further information, we cannot do better than refer you to sections 17, 18, and 19, Consolidated Assessment Act, 1892. The case is probably within section 17, which provides that if the owner of land is not resident within the municipality, but within the Province, then if the land is occupied, it shall be assessed in the name of, and against the occupant and owner, etc. If the facts of the case, bring it within this section, let the assessor assess the lands according, and if either party is dissatisfied, let them appeal to the Court of Revision, and the Judge.

2. He is disqualified, but the time for moving may have expired. See section 188, Consolidated Municipal Act, 1892.

Collector's Percentage—Weigh Scales not to be on Highway.

107.—J. W. S.—I. Collector returns list of taxes uncollected, and demands the same per cent. on them as if collected. Can he do it legally? By-law appointing said collector reads that he shall receive 5 per cent. of all taxes he collects.

2. Can a village council pass a by-law regulating the amount of rent parties have to pay for the use of road they occupy with a weigh scales within their municipality? Or can they give parties a license to operate the same at a given sum?

1. No.

2. No. The council may erect and maintain weighing machines in villages, and charge fees for the use thereof, not contrary to sub-section 8, section 497, Consolidated Municipal Act, 1892, but we cannot find no authority to place such weighing machines on any public highway, the whole of which is for the use of the public to travel on.

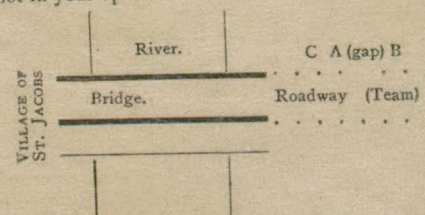
No Authority to License Theatre or Minstrel Shows.

108.—RIDEAU.—I am introducing a by-law in our council to put a tax on shows, such as operas, theatres, minstrel troupes, etc., but we cannot find anything in the statutes to justify us in doing so. Will it be legal to impose such a tax on such shows coming to our town? If so, how much would be about the proper amount?

We are of the opinion that there is no power given to municipalities to impose a tax on such shows.

Accident—Liability of Township.

109.—L. B.—The plan on this page represents bridge and roadway. The spots represent railing and posts with a scantling on top and a plank about half way up posts. A few years ago a railroad bridge was built near the village, and in taking some material to bridge through gap between posts A and B, the gap was small and they either tore out post A or took it out, which made gap six or eight feet wider, and the railings were off to post C. Said gap has always been open, and is used by village to go to river flats and other purposes. A resident of the village was driving towards the bridge with one horse in a roadcart and the horse got scared at something, he thinks a load of hay, and made a jump and in doing so tore the harness and began to run and became uncontrollable. Said driver got him turned to left side of bridge, so as to pass team on right side of bridge, and tried to keep horse on left side of road so as to pass team at gap. When he got to gap, horse bolted and run with breast up against post B and stopped suddenly, throwing out driver on ground and bruising him considerably, also breaking cart shaft and bruising horse on breast. Horse has run away before, and on one occasion bolted through gap, but had lost rig before he came to gap. Driver claims that if post A had been in, horse would not have bolted so soon, and would have got past post B, and probably got horse stopped ultimately. He therefore claims damages from township. Is township liable or not in your opinion?



We do not consider the township liable. We assume that the posts and railing were