

Voting in Town in More Wards Than One.

37. W. C. M.—Would you kindly tell me whether a voter owning property in several wards, in a town (when the voting is not done by wards but a general vote) can vote twice or more for a councillor? They cannot do so for mayor or reeve but am not sure as to councillors.

The voter can vote for councillors in each ward in which he possesses the necessary qualification Section 158 of the Municipal Act, as re-enacted by sec. 13 of the Municipal Amendment Act, 1899, as amended by section 6 of the Municipal Amendment Act, 1900, provides as follows: "In towns and cities in which the councillors or aldermen are elected by wards, or in two divisions or by a general vote, every elector may vote in each ward in which he has been rated for the necessary property qualification for councillors or aldermen, but the elector shall be limited to one vote for mayor of a city or town." This legislation is incomplete as it does not make provision for any change in the form of ballot or oath given in the Act.

Voting for Township Councillor in More Wards Than One.

38.—ENQUIRER.—Can parties, who own property in various wards, in the same municipality, vote for township councillor in each of such wards? Or if not, please give reference to amendment.

The law now is that township councillors are elected by general vote. See section 73, chapter 223 R. S. O., 1897. The legislature has not abolished wards in townships and therefore an elector is entitled to vote for councillors in every ward in which he is qualified as a voter. See section 159 of the Act.

Time for Filing Resignations.

39. F. J. C.—Next Monday is nomination day. Now if more candidates are nominated than are necessary what time can resignations be received or can resignations be accepted after 9 o'clock p. m. or on New Year's Day or must resignations be accepted until 12 o'clock noon on the day after New Year's or the 2nd day of January? See section 129, Municipal Act, as amended by section 10, on page 99, statutes of 1899.

The day following nomination day this year, is a public holiday, namely, New Year's Day—therefore resignations of candidates nominated on Monday the 31st December, 1900, can be received until 12 o'clock noon, on Wednesday the 2nd January, 1901.

Time for Filing Resignations.

40.—C. H. S.—In looking over the last issue of your valuable paper I find an article stating that all resignations must be made before 9 o'clock p. m., the day following the nomination. In looking over the statutes I cannot find any time specified. Sections 129 and 135, says simply the following day. Would not that mean 12 o'clock p. m. Kindly refer me to your authority for stating 9 o'clock.

Section 10, of The Municipal Amendment Act, 1899, provides that "sub-section 2, of section 129, of the said Act, is amended by inserting after the word "or," in the first line the words "at any time before nine o'clock, p. m." It will be observed that the amendment does not

apply to section 135. So candidates for county councillors have until twelve o'clock midnight on the day following nomination day within which to file resignations, or if such day following be a holiday, as it was this year, then until twelve o'clock midnight of the next subsequent day.

Time and Mode of Appointment of Officers of Municipal Corporations.

41. M. R.—1. Can the incorporated villages appoint their officers at first meeting in January? If not, why not?

2. Can officers be appointed by resolution instead of by-law?

1. Yes.

2. No. A by-law of the council should be passed appointing all officers.

Railway Crossing—Exemption of, and Taxes on Agricultural Hall—Motion Legal.

42.—D. C. M.—1. A's and B's lot is on sideroad. Over half of their lots is swamp and they cannot make a road out to concession without considerable expense. Council gives A and B permission to perform statute labor, for the last three years on sideroad. In winter A and B can travel the sideroad, but when they come to the next concession the railway company has filling fifteen feet high and a wire fence across the sideroad. Council notified railway company to put a crossing on the railway, so as to give A and B a road to go into his place. Railway Co. refuses to comply with the township's demand, saying that the law does not compel them to put a crossing on every sideroad. What government has control of this railway, (C. A. R.), the Dominion or Provincial?

2. What is the proper way to compel them to let A and B out?

3. We have an agricultural hall and show grounds. We get aid from the government. One of the directors holds a mortgage on property. The directors rent hall every chance they get and it is often occupied. Can they claim exemption from taxation?

4. Are they entitled to taxes paid in the past?

5. A files a bill for overpaid taxes with clerk for \$40. A owes \$20 which was paid him five years ago by a ratepayer, when A was treasurer of township, but A failed to charge himself with the \$40 as treasurer. A is not treasurer now but refuses to pay council the \$20. Three of the council voted to pay A's claim in full and then sue him for township claim. Reeve and one councillor objected to pay A in full but to hand him the difference after deducting township claim (\$20) from the \$40. Reeve objected to sign motion. One councillor moved that the reeve vacate the chair. Had the reeve any right to leave chair? 6. Is the motion legal that was voted by the three councillors with the reeve's signature?

1. The Dominion government.

2. The matter should be laid before the Dominion Railway Commission for settlement by them.

3. Yes. See sub-section 11 of section 72, the Assessment Act.

4. No. Unless the payment was involuntary and made under protest.

5. The reeve should vacate the chair if requested by the majority of the council to do so.

6. Yes. See sec. 269 of the Municipal Act.

Council Should Authorize Payment—Railway Crossing—Clerk's Duties.

43.—P. B. J.—1. Should any of the following motions be again endorsed by council before payment is made by treasurer?

(a) To John Smith,

Sir,—You are empowered by by-law No. 5, of Victoria township council, to expend \$50 in grading road at lot 7, con. 7 of said township.

JOHN BROWN, Clerk.

(b) To John Smith,

Sir,—You are instructed, by motion of council, to expend \$50 in grading road at lot 7, con. 7, payment made when taxes are collected.

(c) Moved by John Smith and seconded by T. Brown, that James White, councillor, be commissioner to expend the sum of \$50 on con. 7, lot 7.—Carried.

2. A railway passing through a township crosses a concession line that is not open for traffic by the township and no crossing is put in by the railway company. The time comes when the township wished to use the concession. What steps are needed to be taken to procure the crossing, supposing the railway company demurs and asks township to first grade up to level of their right of way on each side of concession 8 when township can only grade one side till the railroad company makes crossing? Can township compel railway to go on and make crossing as it was the company who blocked the township's roadway?

3. Part of a township's school section is an incorporated village section. The village clerk asks the township clerk every year to supply him with names of those in the union S. S. that are qualified to vote in the village election of school trustees also his certificate as to correctness of said list. What remuneration, if any can the township clerk collect for said service?

1. The council should pass a resolution after it is satisfied that the money has been expended as intended, authorizing the treasurer to pay the money to the person entitled to receive it.

2. If the railway is one under the jurisdiction of the Dominion Parliament they should apply to the Railway Committee for an order directing the railway company to do what is proper in regard to the crossing. The council should, however, apply to the proper officer of the railway company first, because the railway company may be quite willing to do its duty without any application to the Railway Committee.

3. There does not appear to be any provision in the School Act, making it the duty of the clerk, to supply a list of the electors in the township who are entitled to vote at the school election. The board of trustees must procure the information itself and have the list made out for the purpose of the election.

D. R. O. Should not Refuse Vote.

44.—CLERK.—Would a D. R. O. be justified in refusing to furnish a ballot paper to a person knowing that the said voter has a vote in another municipality, within the same county council division, that is when coming from said municipality to cast his vote in the one that he is not a resident of?

No. If a person who tenders his vote appears, according to the voters' list, entitled to vote, the deputy returning officer should give a ballot. He incurs great risk if he refuses to give him a ballot. Deputy returning officers should not assume to decide the question of the voter's right to vote by reason of any knowledge which they may think they possess but which does not appear on the list.