

Councillors considered most favorable to the interests of the several municipalities concerned. In adjusting the liability to pay for the purchase of the toll roads amongst the different municipalities, the County Council made provision for the payment of \$2,100 to the Township of B., as authorized by Sec. 9 of Chap. 33, as enacted by Sec. 2 of Chap. 35, of the Ontario Statutes, 1902. This fact is not mentioned in your questions, but it appears in the by-law.

2. Our answer to question No. 1 renders it unnecessary to reply to this.

3. Yes. See Sec. 2 of Chap. 35, of the Ontario Statutes, 1902.

4. Yes, and in this case the County Council appears to be paying this Township \$2,100 to aid them in doing so.

#### Powers of Council to Remit Taxes—Personal Liability of Councillors.

5—J. W.—A certain party in the township appealed to the court of revision against some parties being assessed too low. The court thought they were assessed as high as the rest of the township and did not raise them. He then appealed to the county judge of their being assessed too low and the judge raised them. Now, the parties want the council to remit the taxes levied on the amount raised.

1. Is it lawful for the council to remit it?

2. If they remit it and the party enters an action against the council for remitting it and gains the suit, would the municipality or the council personally be at the loss and have to pay the costs?

1. No.

2. The council has no right to remit these taxes and if they do so they would probably be held liable as for an illegal payment of corporation funds. If a council can do that sort of thing a county court judge's decision would be practically worthless. Costs are usually in the discretion of the judge who tries a case and we cannot anticipate what disposition the judge who tries the case would make of the costs. If the suit were brought against the municipality and was successful it would be for the judge to say whether the municipality should pay them or not. He would have no power to order the councillors to pay them unless they were made parties to the suit, that is sued along with the municipality.

#### Payment of Commutation Money by Persons Unassessed.

6—X.—Our municipality, a rural township, intends to pass a by-law to commute statute labor by which all ratepayers will be charged forty cents instead of each day's work and the amount placed on the collector's roll same as other taxes.

1. How will we get at those who are assessed for one day's work each under the Manhood Franchise or Suffrage Act?

2. Should the forty cents be accepted from them in lieu of the day's work or should they work out their poll tax under the commissioner?

1. We presume you refer to parties in the township liable to one day's statute labor on the roads and highways under the provisions of section 100 of the Assessment Act. The enforcement of

payment of the commutation money is provided for by sub-section 1 of section 107 of the Act.

2. The 40 cents should be accepted in lieu of the day's statute labor.

#### Village Treasurer May Also be Clerk.

7—C. E. M.—Can the treasurer of this village hold both office of treasurer and clerk?

Yes.

#### Payment of Purchase Money for Toll Roads.

8—W. P.—A county is required to pay \$4,000 by an arbitrators award under the Toll Roads Expropriation Act 1901-2 for a very small portion of a toll road which is not used by ratepayers except by residents of one or two townships. Will it be legal if the county pay the amount of the award and reimburses itself by subsequently levying special rates on the townships interested? If not, what course would you recommend?

It is not stated whether the arbitrators in their award, reported "whether, in their opinion, the by-law of the county council should be a SECTIONAL by-law applied to such of the municipalities as, in the opinion of the arbitrators, should pay for the road." If the arbitrators have so reported, section 10 of chapter 33 of the Ontario Statutes, 1901 (as amended by section 3 of chapter 35 of the Ont. Stats., 1902) provides that in such case the by-law of the council for raising or providing money for the purchase next herein after mentioned, may, if the council think proper, name the municipalities, or portions of municipalities, which shall be liable to repay to the county the amount paid for the purchase of the road or abolition of tolls, and may also fix the amount for which each said municipality shall be liable. Such by-law shall provide for assessing and levying upon all the rateable property in such respective municipalities or portions of municipalities, the annual sums necessary to meet the debentures and interest thereon as the same fall due, and, if necessary, to form a sinking fund for that purpose, and may be passed by the county council without submitting the same for the assent of the electors." If on the other hand the arbitrators did not report in the manner provided by section 10 we do not think the council can name the municipalities which shall be liable to repay to the county.

#### Council Should Either Build Bridge or Close Road.

9—H. C.—We have a river running through our township and there is a bridge on every road but one. Can the people living on that road compel the corporation to build one or not? There is a good road down to the river and people who don't know drive down and have to turn back. There are farmers that have land on each side of the river and when the water is high they have to drive around five miles to get to it.

The people residing upon this road cannot compel the Council to build this bridge. It is optional with the Council whether it does this or not. If, however, the Council does not deem it necessary or advisable in the general public interest to build this bridge, it should take steps

under Secs. 632 and 637 of the Municipal Act, to close the road leading to it. As long as the road remains open it is a tacit invitation to the public to use it, and the municipality would be responsible in damages to any person who sustains injury by reason of the absence of the bridge.

#### Rights of Natural Gas Co. to Use Highways—Qualification for County Councillor of Inspector of House of Industry.

10—NATURAL GAS.—1 A natural gas company applied to council of township for franchise to pipe gas across streets and out of said township. Reeve claimed solicitor informed them that they could not prevent them taking gas across streets and out of township. Could the council prevent said company from piping across the streets or could the company force a right of way by the courts?

2. Inspector of House of Refuge appointed by by-law of county council, salary \$100 per annum. Inspector gets county council to pass resolution as follows:

Moved by .....

Seconded by .....

"That in case of a vacancy occurring in the inspectorship of the County House of Refuge the standing committee shall have power to appoint another inspector temporarily until first meeting of county council. Inspector is candidate for county council and resigned to standing committee about a month ago. Can he be a legal candidate? If so, to whom should he hand his resignation? Does the resolution simply give committee power to make appointment in case of death?"

1. Sec. 1 of Chap. 200, R. S. O., 1897, provides for the formation of companies for supplying natural gas for the purpose of light or heat in any city, etc., township or other municipality. Sec. 3 of this Act provides that "every such company may construct, etc., works for the production, sale and distribution of natural gas, etc., for purposes of light, etc., and may conduct the same by any means through, under and along the streets, highways and public places of the city, town, or other municipality, but as to such streets, highways and public places only upon and subject to such agreement in respect thereof, as shall be made between the company and the municipality, and under and subject to any by-law of the Council of the municipality passed in pursuance thereof."

2. We do not know whether the contract between the Inspector and the Council entitles him to terminate it. If it does not, he must get rid of it before nomination day in order to be eligible as a candidate, and if the terms of the contract do not enable him to put an end to it, he must get the consent of the Council to do so, and it must be terminated before nomination day.

#### Candidate May Resign Without the Consent of His Mover or Second.

11.—J. W. S.—If a ratepayer is nominated for reeve or councillor and does not wish to stand and wishes to withdraw his name, can he do so without the consent of the mover and second, or is it necessary for them to consent to his withdrawal?