

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.

Collection of Dog Taxes.

411.—F. D. N.—1. Can our collector distrain for tax assessed to a tenant when he vacates premises, another occupant being the resident? 2. Can he sell owner's property or sue for dog-tax when tenant has moved away? (Think there has been legislation on this or judgment given within several years.)

3. Can a council force payment for dogs when they are assessed?

4. Our assessors make the usual spring call upon the ratepayers, dogs are scarce and bitches, well, to illustrate, one year we had 70 dogs and one bitch.

Any other information you may have will be thankfully received. Tags do not altogether answer, as it is so difficult to destroy any dog not tagged.

1. No. He should, if possible, take the proceedings provided in section 6 of chapter 271, R. S. O., 1897.

2. He cannot sell the property of the owner of the land, to satisfy the dog-tax, but the municipality could collect the amount from the owner of the dog, by an action at law (if he is worth it), after all other means of collecting it have failed, see section 142 of the Assessment Act.

3. Only as we have mentioned above, and in the ordinary way by distress of the goods of the owner, if he has any that are distrainable and liable to distress, under the statute.

4. To get over this difficulty your assessor should require each person whom he suspects to be the owner or harbinger of a dog, etc., to deliver to him a statement, in writing, of the number of dogs owned or kept by him. In case of the neglect or refusal of such owner to do so, and for his giving a false statement, sec. 4 provides for the imposition of a penalty of \$5, to be recovered, with costs, before any Justice of the Peace, having jurisdiction in the municipality.

Street Railway Law.

412.—SUBSCRIBER.—Please let me know all particulars as to council's powers in selling or leasing to any person or persons, or a company, the right or franchise to run street cars on any of the public streets in the town, also what is the form and procedure, etc., required by both parties, notices, etc.?

We refer you to section 569 and following section of the Municipal Act and chap. 208 and 209, R. S. O., 1897. If after examining these you find any difficulty, we shall be glad to give you such further information as we can upon any point you do not understand. If you will communicate with us.

Tag By-Law—Security for Costs on Application to Quash—Subscriptions to Defray Expenses.

413.—R. O. S.—1. What amount is an

applicant and his sureties held liable for under sec. 378, sub-sec. 4, of chap. 223, R. S. O., 1897? Is it only for \$50, or is it more, and how much?

2. Would the applicant have to furnish further security for costs if he appeals to a higher court against the decision of a single judge, and what amount, if any? Please quote statute.

3. Is it lawful for any person or persons to go about soliciting subscriptions of money, in order to enter an action to quash a township by-law?

The particulars are: The township council passed a tag by-law, and employed inspectors to enforce it. Subscriptions were collected, and a person having no property was used to enter an action to quash the by-law. Trial came on and the by-law was sustained. (The costs, after being taxed, amounted to \$61.82.) After a few days, notice of appeal to a higher court was filed, and affidavits on both sides put in with expectation of having another decision during November or December. But the difficulty just now is, how can the township be protected as to costs should they again win the case?

1. Assuming that the bond furnished by the applicant does not go beyond the requirements of sub-section 4 of section 378. Neither surety can be called upon to pay more than \$50. There would be no object in limiting this penalty at all if it was intended that the sureties should be liable for the whole of costs which might be incurred, no matter how much they amounted to. Though we have not the bond before us, we have no doubt but it is confined to what the law requires and if that is so, the township cannot recover more than \$50 from each surety.

2. No.

3. Yes.

Compensation for Sheep Killed or Injured—Owner to Kill Dog.

414.—P. B. R.—1. In the event of a party getting some sheep killed and others injured by dogs unknown to him, can the party collect anything from the municipal council for the sheep that are injured?

2. In case where a dog is caught in the act of killing sheep, or it can be proven, can the owner of such a dog be compelled to kill it?

1. Section 18 of chap. 271, R. S. O., 1897, provides that "the owner of any sheep or lamb killed or injured by any dog, the keeper of which is not known, may within three months after the killing or injury apply to the council of the municipality in which such sheep or lamb was killed or injured, for compensation for the injury." The municipality under this section is liable unless it has passed a by-law under section 2, that the dog-tax shall not be levied or unless it has passed a by-law under section 8, dispensing with the

application of the tax for the purpose of satisfying claims for sheep killed.

2. Yes. See secs. 13 and 16 of the above Act.

Tax Exemptions to Manufactories.

415.—H. L. B.—Please inform me how, in case you wish to grant or promise a company a fifteen-year tax exemption, it can be done? or can such an offer or promise be given to a company by by-law in any way. Chap. 223, s. 411, R. S. O., states that a ten-year exemption can be renewed, but can a company, in any way, be given assurance that by-law, if made for ten years, will be renewed for another five at the end of the time?

Section 411 of chapter 223, R. S. O., 1897, as amended by section 25 of the Municipal Amendment Act, 1899, is repealed by section 11 of the Municipal Amendment Act, 1900. Sections 8, 9 and 10 of the Act last named, now regulate and govern the subject of bonuses to be granted by municipal corporations. Clause (g) of section 10, provides that the word "bonus," when used in the Act shall include "a total or partial exemption from municipal taxation, etc." The council has no authority to enter into a promise or undertaking to renew the exemption at the end of the ten years for which it was granted. Could they legally do so the Act and its intentions would be effectually evaded.

Local Option By-Law.

416.—J. B.—Our council are asked to submit a by-law to be voted on to repeal a by-law to prohibit the sale of intoxicating liquors, which was passed on the 11th January, 1897. What I would wish to know is:

1. Has the time expired so that a by-law may be submitted?

2. It is intended that the vote will be taken on the same day as the municipal elections, which is also the day for taking the vote on the county councillors. Can the three votes be legally taken on the same day? Do you think that it might prejudice all three elections? What remedy would you propose?

1. Sub-section 2 of section 141 of chapter 245, R. S. O., 1897, provides that, "No by-law passed under the provisions of this section, shall be repealed by the council passing the same, until after the expiration of three years from the day of its coming into force, etc., assuming that your by-law number 238, (prohibiting the sale, by retail, of spirituous, fermented or other manufactured liquors, etc., in your township) was finally passed by the council on the eleventh day of January, 1897, (although in the by-law you sent us the date is given as the eleventh day of January, 1899) and that it came into force on the first day of May, 1897, the three years mentioned in sub sec. 2 expired on the 1st May last (1900). Your council is, therefore, in a position to submit a by-law for its repeal.

2. There is no legal objection to the taking of the vote on this by-law on the same day as the municipal elections will be held. We do not see how any of the elections could be prejudiced by the taking of the vote on the by-law.