

1. Is it necessary to have a new bond issued every year or does the old bond hold good as long as the same person is treasurer? The Ontario Statute says that an officer (treasurer) holds office until dismissed or resigns.

2. Has bond, given by bondsmen, to be registered to make it legal?

1. This depends upon the form of the by-law by which the treasurer is appointed. If he is appointed for an indefinite period, or if formal by-laws are passed annually, reappointing him, it is not necessary that a new bond should be given by him each year, so long as the council is satisfied that the sureties on the old bond are sufficient. And it is the duty of the council to inquire into the sufficiency of the security given by its treasurer each and every year. (See section 288 of the Municipal Act.) In the case of *Adjala vs. McIlroy*, (9 O. R., page 580) it was held that the annual reappointments were not equivalent to removals and reappointments, but were rather a retention in office of the same treasurer, and that his sureties were not discharged in consequence thereof. On the other hand it has been held that the sureties for an officer whose term is limited to a year, are not liable beyond the year though the officer continue in office by law until his successor is appointed. (See *Reg. ex. rel. Ford vs. McRae*, 5 P. R., page 369.)

2. No.

#### Removal of Snow by Statute Labor.

156—J. S. B.—A has performed his statute labor for 1901 and has a certificate to that effect.

1. Has B, who is pathmaster, power to compel A to go out and shovel snow in December of the same year?

2. Has B power to call A out to open road in January following, he having performed his labor for 1901 and it is possible he may not be liable for labor in 1902?

1. It is not stated whether the council has passed a by-law pursuant to subsection 3 of section 537 of the Municipal Act. If such a by-law has been passed any overseer or pathmaster thereby appointed for the purpose shall have full power to call out all persons liable to perform statute labor in the municipality, to shovel snow or do such other work as he may deem necessary to keep open the roads in winter, and he may give to persons so employed certificates of having performed statute labor to the amount of the days' work done, and such persons shall be allowed for such work in their NEXT SEASON'S statute labor.

2. Yes, if the by-law mentioned in our answer to question No. 2 is in existence. The fact of his having performed his statute labor for 1901 makes no difference, as he is to receive credit for the work he does during the winter in the way of keeping roads clear of snow, credited on his NEXT season's statute labor.

#### Member of Council Cannot be Medical Health Officer

157—A. B. C.—Can a physician, who is a member of the municipal council, act as medical health officer of the same municipality, under appointment of the council of which he

is a member, where no other medical practitioner is available, without disqualifying himself as a councillor?

No. If he were appointed to this office by his council, he would be a contractor with his council, and could not legally hold his seat at the council board, unless he is willing to act gratuitously.

#### Fees of Selectors of Jurors.—Constitution of Local Board of Health.

158—J. B.—1. What are the fees that the selectors of jurors in a township municipality should get? Should the council pass a resolution awarding the amount they are to receive, or can they get the amount that they choose to charge from the treasurer without any direction from the council?

2. Is it legal for a council to appoint all the members of council a board of health? When all the council is a board of health will the business they do be legal?

3. Can they be disqualified from a seat on the council board?

1. The persons who are to be first selectors of jurors in cities, towns, villages and townships, are designated by section 17 of the Jurors' Act (chapter 61, R. S. O., 1897) and section 159 of the Act provides that "the selectors of jurors, under section 17 of the Act shall, for every selection and distribution of jurors and the report thereof made by them, be entitled to such sum of money as is authorized to be awarded to them by the council of the municipality of which they are officers." The treasurer should not pay any sum to the selectors of jurors, unless he is authorized by an order or cheque of his council to do so.

2. Your municipality being a township, the local board of health should consist of the reeve, clerk and *three ratepayers* to be appointed by the council in the manner provided by subsection 1 of section 48 of the Public Health Act (R. S. O., 1897, chapter 248). The only member of the council who can be legally also a member of the local board of health is the reeve. Unless the members of the local board of health are appointed as the statute authorizes, they have no authority to do business as a board; nor can they enforce any of their orders or resolutions.

3. We do not think the members of a council appointed also members of the local board of health would be disqualified as councillors, as their appointment to the local board of health is unauthorized and therefore a nullity.

#### Mistake in Assessment Roll.—Police Trustees Can Restrain Running at Large of Cattle.

159—W. E. H.—1. The assessor for our municipality for year 1901, assessed A for \$900 on schedule and \$1,200 on roll. Can A compel council to pay back to him the difference between roll and schedule?

2. Or has a municipal council the power to pay over the difference between roll and schedule?

3. We have a police village in our township. Have police trustees power to pass a by-law prohibiting cattle from running at large in said village?

4. Or will the council have to pass such by-law?

1. No. Section 72 of the Assessment Act, provides that, "The roll as finally passed by the court and certified by the clerk as passed, shall, except in so far as the same may be further amended on appeal to the judge of the county court, be valid, and BIND ALL parties concerned, notwithstanding any defect or error committed in or with regard to such roll, or any error, defect or misstatement in the notice required by section 51 of the Act, or the omission to deliver or transmit such notice."

2. If the council is satisfied that a mistake was made by the assessor in assessing him at \$1,200 instead of \$900 it can rectify the mistake but it may establish a bad precedent.

3. Yes. Section 52 of the Municipal Amendment Act, 1900, provides that, "The police trustees of any village may pass by-laws, applicable only in the police village, for any of the purposes mentioned in section 546 of the Municipal Act." Subsection 2 of section 546 provides "for restraining and regulating the running at large and trespassing of cattle and for impounding them."

4. Our answer to question No. 3 renders it unnecessary to reply to this.

#### Method of Keeping Treasurer's Cash-Book.

160—Would you please state what is the correct method of keeping a township treasurer's cash-book?

1. Our treasurer makes an abstract as illustrated in front page of treasurer's book at foot of each page and carries over only the balance as shown by that abstract, while the writer holds that not only the balance as shown by that abstract should be carried over but also the amounts received and paid out under the different heads as classified, so that a continual abstract would be exemplified throughout the year.

2. The auditors of this township find very few vouchers for cash received by treasurer. Should not treasurer have a proper receipt-book on stub of which is printed, "I have this ..... day of ..... deposited with the treasurer of ..... township, the sum of ..... for ..... Signed ..... depositor." The treasurer to fill out receipt and have depositor sign stub and thereby give and receive a voucher. Evidently the treasurer's book is intended for something of this kind? The town hall and the treasurer's office are seven miles from nearest bank and so far no bank account has been opened.

1. The best plan to adopt is to add up the totals for the month, and bring forward the grand totals for the previous month or months, in red ink, and add them to the totals for the month. The cash-book will then show the total receipts and expenditures for the month and to date. This saves carrying large amounts forward on each page and simplifies the additions.

2. Every treasurer should have a receipt-book, the stub of which should show amount and from whom received. He should also have on file all correspondence referring to the business of his office, and it is usual to keep all information relating to receipts with the other vouchers. The treasurer should have a bank account.