

## 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.

### Notice of Opening Road.

1—W. D.—Our council gave the notice required by posting and publication in a newspaper for four weeks as follows: Notice is hereby given that it is the intention of the municipal council of the township of H. at its next meeting 9th. August 1902 to pass a by-law to open up a road on the blind line between lots 6, 7, 8, 9 and 10 on the 11th concession, and lots 6, 7, 8, 9 and 19 on the 12th. concession, deviating from the said blind line where necessary.

July 7th., 1902.

W D., Clerk.

1 Is this notice all that is required by subsection a, section 632, chapter 223, or must the surveyor's description of the proposed new road be printed in the notice?

2. If the parties objecting attended meeting according to notice, and the survey had not been made and the by-law was not then passed, would it be necessary to give further notice before passing the by-law subsequently?

The new road keeps to the line generally, but deviates its width on adjoining lands in some places. The question of compensation must be settled by arbitration where parties cannot agree, but objection is made to the road being constructed, and we wish to keep to the strict legal procedure.

1. We are of opinion that this notice contained all that was necessary to comply with the provisions of Sec. 632 of the Municipal Act. It would be better, however, to insert in notices of this kind the description of the road, as it is intended to set it forth in the by-law when passed.

2. Since the by-law for opening the road was not passed at the council meeting mentioned in the notice, and from the material then in the hands of the council, parties interested could not obtain definite information as to the exact location of the proposed road, a new notice should be given, under Sec. 632, of the meeting of council at which the by-law will be considered and passed.

### Qualification of Voters in Territory Annexed to Town.

2—J. P. N.—The Ontario Government on petition have annexed a portion of the township of S. D. to the town of P., the change to take effect on the 1st. day of January 1903. Forty voters are affected thereby and we would like to know where they should vote at the next municipal elections. Some of the town officials claim that they can make a supplementary list and let them vote in town, but as they have paid their taxes in the township are on the voters list, and will be on the poll book, we think they are entitled to vote there especially as they will not be residents of the town on nomination day, December 29, when the election really begins, otherwise they would have a right to nominate a candidate in S. D. but not to vote for him and no right to nominate in P., but the right to vote. Please tell us where they should vote.

They should vote in the town. Section 96 of the Municipal Act provides

that "in case of a tract of land being added to a town, the first election, under the proclamation by which the change was effected, shall take place on the first Monday in January next after the date of the proclamation by which the change is made; but the nomination of candidates, and the election of such as are unopposed, may, and shall be proceeded with at the same time and in the same manner as if the change had gone into effect on the last Monday of the month of December preceding such first election, or on such day as the nominations may lawfully be held upon." Section 91 of the Act provides that "where any territory is added for municipal purposes to any town, etc., and an election takes place before voters' lists including the names of the persons entitled to vote in such territory are made out for such enlarged town, or before such lists are certified by the county judge then all persons who would have been qualified as electors in such territory, if the same had remained separate from the town, etc., shall be entitled to vote in the town at such election."

### Expenses of Investigating Cases of Small-Pox.—Repeal of Local Option By-Law.

3—W. D.—Will you please let me know if our local Board of Health can charge our village council for horse hire, to go and look up a case of small-pox? Our village is incorporated, in township of K. county of G. On the 9th July a report came in some way that a young girl had left who was supposed to have been visiting where there was small-pox. She was sent home from school and was supposed to have come to our village. On hearing this, the Board of Health met and ordered D. J. R., one of the board, to hire a horse and go seven miles from our village in the township of R., county S., to hunt up the girl. Can they collect pay for looking up a case of small-pox out of their town?

2. We have had a Local Option By-Law in force in our village for the last nine years. It has been voted on every three years since and is still in force. The last vote was taken on the 1st Monday of year 1899. Can the present council grant a vote to be taken in January 1903? The full three years will be up on January 5th, 1903.

1. A Board of Health has been given extensive powers by the Ontario Public Health Act in discovering and taking steps to prevent the spread of contagious diseases. It seems to us quite proper, and greatly in the interest of the public welfare, that such should be the case. It is better that a few dollars should be spent perhaps, as it may turn out, usefully, rather than that the general health of a community be endangered by the breaking out of an epidemic. If the members

of the Local Board of Health thought it necessary in order to properly investigate this case, and locate the person alleged to have been infected or affected with small-pox, to hire a horse, the Board, or any two of its members, may give an order on the Township Treasurer for what it cost, and the Township Treasurer has no alternative other than to pay it. (See Sec. 57, of the Public Health Act, R. S. O., 1897, Chap. 248.)

2. You say the last vote was taken on the "first Monday of the year 1899." The three years after the taking of this vote would therefore expire in January last (1902), and a by-law for the repeal of the by-law might have been submitted to the electors any time this year (after the expiration of the three years in January last). If the three years after the last submission of the by-law will not expire until 5th January next, the matter should be left to be dealt with by next year's Council.

### A County By Law for the Purchase of Toll Roads.

4—A. S.—Some years ago the township of B bought all the toll road within said township and paid for it herself. This year the county council of W of which B is a township, submitted a by-law to the people, a copy of which I enclose. When the vote was taken the townships all gave a majority in favor of the by-law, excepting B which gave a majority against it, for the reason that we were contributing about \$9,000 more towards the scheme than we were getting in road improvement. We also consider that the money proposed to be expended in our township is unfairly divided, as some sections are receiving from \$1,000 up to \$1,500 per mile, while other sections equally as important are receiving only \$200 per mile. Those who favored the by-law in B argued that, if said by-law were defeated, the county council would then purchase all the toll roads in the county at a cost of \$63,000, and that B could be compelled to pay her share although she had previously paid for her own toll road. The total area of county W is 272,573 acres and of township B is 69,996 acres. The total assessment of county is \$146,516 98 and of township B \$2,883,835.

1. Is there any redress for township B since the by-law has carried after B giving a majority against it?

2. If so, how should B proceed?

3. Has the county council power to purchase the toll roads in the county without first getting the consent of the people?

4. Could B be compelled to pay its share of the \$63,000 after having paid for her own toll road?

1. If the proceedings preliminary and leading up to the passing of this by-law were taken in accordance with the provisions of Chaps. 32 and 33 of the Ontario Statutes, 1901, as amended (as to the latter Act by Chap. 35 of the Ontario Statutes, 1902), we do not see that any legal objection can be taken to the validity of the by-law as passed. The mere fact that one Township in the County gave a majority against it will make no difference, so long as a majority of the ratepayers in the whole County voted in favor of it, as was the case in this instance. All the facts mentioned were doubtless before the County Council when the by-law was framed, and, in their judgment, it contains the conditions the