

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 rule 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.

Qualification—Councillors—Nominations.

1.—F. J. S.—1. What are the qualifications for municipal villages, that is, incorporated villages, for reeve and councillors?

2. Does the clerk at nomination have to accept a nomination if he knows that the candidate cannot qualify?

3. Has each candidate to be present at nomination when nominated?

4. Has the mover and seconder of each candidate to be present at nomination?

1. Any male person, who resides within the municipality or within two miles thereof, and is a natural-born or a naturalized subject of Her Majesty, of the full age of twenty-one years, and is not disqualified under this Act, and who has, or whose wife has, at the time of the election, as owner or tenant, a legal or equitable freehold or leasehold, or an estate partly freehold and partly leasehold, or partly legal and partly equitable which is rated in his own name or in the name of his wife, on the last revised assessment roll of the municipality, to at least the value following over and above all charges, liens and encumbrances affecting the same: freehold to \$200, leasehold to \$400.

If such person is, at the time of the election, in actual occupation of any such freehold, rated in his own name or in the name of his wife, on the last revised assessment roll of the municipality, he shall be entitled to be elected if such freehold is rated at \$2,000 on such roll, and in this event charges, liens and encumbrances affecting the same are not to be taken into consideration. See sec. 76 of the Municipal Act.

2. Yes. It is no part of the clerk's duty to decide as to a proposed candidate's qualification at the nomination meeting.

3. No.

4. Yes.

Assessments—Tax Seizure.

2.—R. J. B.—A is assessed for property and taxes are demanded, but A has no chattels to seize, but B has a horse pasturing with A. Can collector seize and sell B's horse for A's taxes? Could B recover his horse?

A, being the person assessed for the premises on which B's horse is pasturing, and the horse being in A's possession when seized for the taxes, the seizure by the collector is legal, and B cannot recover his horse, except by paying the amount of the taxes and costs.

Re Bonus Granted Previous to Exemption.

3.—F. J. C.—Please give your opinion on subsection 4, section 3, chapter 82, statutes, 1893.

We granted bonuses previous to the passage of this Act. Do the words "Similar bonuses already granted" include bonuses granted by us before the passage of this act? In 1892 we granted a bonus to a canning factory. In 1896 we granted a bonus to a furniture factory. These two bonuses for their annual payment make fully 10% or more of our total annual taxes. Now we have granted another bonus to an upholstering factory, which for its payment will require with those already granted, about 15% of our total taxes annually. Have we power to grant this last mentioned bonus? The bonuses granted since this act was passed will not require 10% of our total taxes to meet the annual payment thereof.

We have examined the subsection you quote, and have no doubt that the words you refer to include bonuses granted by your municipality prior to the passing of the Act. If the granting of the bonus to the upholstering factory will increase the annual payments on bonus account to a larger proportionate amount than the statute allows, the grant cannot be made.

Not the Clerk's Duty.

4.—GREENY.—1. Is it a part of the duty of clerk to formulate and write out the motions for councillors at council meetings?

2. Reeve was appointed to let a job, sends a written request to clerk to write out and post up a notice, 3½ miles from clerk's residence of time of letting job. Reeve was paid by council for letting and accepting job. If this is not part of clerk's duty who should pay him, reeve or council?

3. Is clerk's duty acting as returning officer to write the nomination motion for the candidates?

1. No.

2. Neither is this a part of the clerk's duty. The reeve, having received his pay for doing this work from the council, he should pay the clerk for his trouble in doing it for him.

3. No.

Taxes—Free Grant Land.

5.—C. B.—I wish to ask a question in respect to collecting taxes from a party who is living on unlocated free grant land.

Supposing A is living on lot, con., not located and said lot is not open for location, although A has been living on said lot for a number of years and has paid taxes formerly but objects to pay this year owing to not being duly located. A has plenty of chattel property that I can distrain. What should I do in respect to the above?

The lot you refer to is land vested in the Crown. By subsection 1 of section 7 of the Assessment Act, property of this kind is exempt from taxation. Subsection 2 of this section provides that "where any property mentioned in the preceding clause is occupied by any person other than in an official capacity, the occupant shall be assessed in respect thereof, but

the property itself shall not be liable. In view of the above, A is properly assessed for the property, and being assessed is liable for the taxes payable in respect of such assessment. If A refuse to pay the taxes and has sufficient goods and chattels to meet the liability, the collector can legally distrain the same to enforce payment. However, if the taxes cannot otherwise be collected they cannot be legally returned and charged against the land.

How to Elect School Trustees.

6.—SUBSCRIBER.—We are a town voting for a mayor and six councillors by general vote. (the ward system having been abolished.) Heretofore we have had three wards and six public school trustees, two for each ward. Shall the three trustees to be elected on the 1st of January next, to take the place of the three retiring trustees, be elected by general vote the same as the mayor and councillors, or one be elected for each ward by the votes of the electors of that ward only? Section 8 of 62nd Victoria, chapter 56, which is the section in point, seems to be ambiguous, as we have always had six trustees never having more than three wards.

The trustee must be elected as formerly, that is each ward is entitled to elect its own trustee because the section to which you refer does not, in our opinion, apply to this case.

Consolidation Debenture Debt.

7.—J. M. R.—Our Municipal Corporation is proposing to consolidate the Debenture debt. No doubt you are familiar with the modus operandi of proceedings.

Would you kindly give me a general outline of the necessary preliminary proceedings leading up to the presentation of and passage by the legislature of a bill for said purpose?

To accomplish the object mentioned, the municipal corporation will have to make application to the Ontario Legislature for the passing of a special Act providing for the consolidation of the corporation debt. We refer you to chap. 79 of the Ontario Statutes, 1898-99, which is a special Act passed pursuant to a petition from the town of Simcoe to consolidate its debts.

Constitution of Township Council.

8.—G. M. B.—During the time of the last session of the legislature I noticed something to the effect that the municipal council of townships was to be composed of reeve and 1st, 2nd, 3rd and 4th councillors. Was this passed, or is it the same as last year, reeve and four councillors?

The same as last year. A reeve and four councillors.

Owner of Timber on Highways.

9.—J. B.—Does timber or trees standing in the public road, but near the line belong to the municipality, or to the person whose land is near or faces the road where such timber or trees are standing?

To the municipality—subject to the provisions of the act respecting timber on public lands. See sub-section 7 of section 640 of the Municipal Act.

Council not Liable for Approaches.

10.—T. B.—Will you be kind and answer me if municipal councils are obliged to build