

## 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.

### Collection of Statute Labor Commuted.

95.—W. L.—In this township the commutation tax for default in performing statute labor has always been placed in the collector's roll the same year it was returned to the clerk. Is it illegal to place it in the collector's roll for the same year the default was made, and could a ratepayer refuse to pay it if placed in the roll the first year instead of placing it in the collector's roll the following year? It seems to me there is something wrong if a road division would have to wait until the third summer before they would get their commutation tax to expend on the road, as it wouldn't be collected the second year until it would be too late, as the taxes are generally collected in the month of November and December.

Sub-section 1 of section 110, of the Assessment Act, as amended by section 9, of the Assessment Amendment Act, 1899, provides as follows: "Where a resident owner, tenant or occupant, who has been entered upon the Assessment Roll, after notice or demand, makes default in performing his statute labor or in payment of commutation for the same, the overseer of the highways in whose division he is placed, shall return him as a defaulter to the clerk of the municipality before the 15th of August, and the clerk shall, in that case, enter the commutation for statute labor against his name in the *Collector's Roll of the following year* and the same shall be collected by the collector." The course provided by this section must be adhered to.

### Liability for School Rates—Notice of Council Meeting.

96.—S. C.—1. A man has property where he resides, three miles in a straight line from the school but does not reside within the school section boundary line as first surveyed when the school was built, and as limited by the inspector and others interested in the township. Is that man obliged to pay school rates?

2. Is the clerk obliged to post up three public notices everytime a municipal council is to meet when he notifies the councillors personally?

3. What do the following contain: (a) Packet complete for municipal officer? (b) Packet complete for municipal clerk? (c) Packet required by deputy-returning officer at close of poll?

1. Sub-section 3 of section 24 of the Public Schools Act (R. S. O., 1897, chap. 292,) provides that "any person, whose place of residence is at a distance of more than 3 miles in a direct line from the site of the school-house of the section, shall be exempt from all rates for school purposes, *unless a child of such ratepayer attends such school*; but this exemption shall not apply to lands liable to taxation for school purposes *owned by such person within the distance of three miles.*

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.

2. No. After a council has finished all its business at any meeting, a resolution to adjourn should be passed stating the time to which the council adjourns; this of itself is sufficient notice to the councillors of the date of the next meeting of their council.

3. The packets you mention all contain forms for *County Council* elections. Since your neighborhood is without county formation, municipal officers there would have no occasion to use them.

### Road Commissioner Disqualified.

97.—A. P. A.—Our township has recently passed a by law commuting the statute labor. Can a person, against whose property the municipality holds a mortgage, legally act as road commissioner?

The mortgage held by the municipality is an "interest in a contract with or on behalf of the corporation," and the person having such interest cannot be appointed road commissioner of the municipality. Every road or street commissioner before entering on the discharge of the duties of his office must make and subscribe the declaration set forth in section 312 of the Municipal Act.

### Township Seal—Advertising Minutes of Council Meeting.

98.—I. F.—1. Who furnishes seal for township, and where procured?

2. Have minutes of council meeting to be advertised?

1. The municipal council of the township, and it can be procured from THE MUNICIPAL WORLD (supply department).

2. No.

### Treasurer's Bond.

99.—A. B.—When a treasurer is appointed for a municipality for one year, and at the end of that time is re-appointed, will his bonds hold good without being renewed for the second year?

To enable us to answer this question satisfactorily, we should have a copy of the bond. If the liability of the sureties is by the bond limited to the year for which the treasurer was originally appointed, then on his reappointment the treasurer should give a new bond. If, however, the sureties covenanted to become and be responsible for the faithful performance of the duties of the treasurer. So long as he continued in office, a new bond would not be necessary. The council should, however, enquire into the sufficiency of the security given by the treasurer, and report thereon. See section 288 of the Municipal Act.

### Absence of School Trustee.

100.—H.—In a union school section formed of a village and part of an adjoining township the trustee board composed of six members, three of which members retire each year and are replaced by three to hold the office for the ensuing two years. For 1900 and 1901 the three new members were elected by acclamation, and at the first meeting of the school board only two of the new members attended with the old members, although written notice of the meeting was served at the residence of each member. It now transpires that a few days after the election one of the newly elected members had left the school section on a temporary absence of two or three months, and at the second meeting of the trustee board (through an agent) the absent member writes to the board asking that he be granted three months' leave of absence.

1. Can the board grant the absent member leave of absence, he not having taken his seat at the board and not likely to return before April or May?

2. If not should the board declare the seat vacant and call for the election of a new member to fill the vacancy?

1. Sub-section 7 of section 14 of the Public Schools Act provides that, "the Secretary of every school meeting at which any person or persons were elected as school trustees shall forthwith notify in writing each of such persons of his election, and every person so notified shall be considered as having accepted such office, unless a notice to the contrary has been delivered by him to the chairman of the meeting within twenty days after the date of the election." We assume that in this case, the provisions of this sub-section were complied with.

2. If a trustee absents himself from the meetings of the board for three consecutive meetings, without being authorized by resolution, entered upon its minutes, etc., he shall *ipso facto* vacate his seat and the remaining trustee or trustees shall declare his seat vacant and forthwith order a new election. See section 99 of the School Act.

### Removal of Weigh-Scales.

101.—W. H.—Can a ratepayer compel the council to remove a set of private weigh-scales from in front of his village lot, which he claims is a nuisance to him, as hay and straw are blown over his lawn. It also shuts off ingress to his property from the main road, but he has ingress from a side road. The scales are on the road. The private owner of the scales claims they have been there for forty years and thinks he has possession of the road. Should the owner of the lot sell his lot at a sacrifice of one or two hundred dollars, and could prove that this was actually the case, could he hold the township for the balance, as he has notified the council to remove the nuisance? Has private or public scales any business on the public highway without the council passing a by-law permitting the same to be placed there?

Section 582, of the Municipal Act, empowers councils of townships, etc., to pass by-laws for erecting and maintaining weighing machines, in villages or other convenient places, and charging fees for the use thereof, etc. This enactment does not authorize the councils to pass by-laws permitting the erection of such scales, public or private, on a highway, and we are of opinion that such scales cannot be so legally placed. In the case of an obstruction upon a highway a private individual