

Lancaster March 1<sup>st</sup> 1889.

The Council met on Friday March 1<sup>st</sup> 1889 at 2.30 p.m.

Present: His Worship the Mayor and all of the Aldermen.

Moved by Alderman Thorne, Seconded by Alderman Chetham,

That the following be submitted to A. H. Richards. Esq. Victoria for his legal opinion of same:-

"Whereas a question of law having arisen in our Council proceedings as to whether the Mayor, who is an ex-officio member of all Standing Committees has a legal right to vote in the Standing Committees or not;

Our Procedure Act, Clause 67, provides that the Standing Committees shall consist of one member of the Council from each Ward of the City to be elected by the Council and that the Mayor shall be ex-officio a member of all Committees.

Section 69 provides that the members of each Committee shall meet and elect from amongst themselves a Chairman.

At the first meeting of our Committee all the members were present, a motion to elect a Chairman was made 3 voted in favor and 2 against it. The Mayor claimed a vote against this making a dead lock.

There appears to be no provision

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for such case in our procedure Act,  
Section 26 enacts that the law of Parliament  
shall be followed.

At the next regular meeting of the  
Council a motion was made with-  
out any previous notice of motion  
that the member whom the Mayor  
claimed to vote for in committee  
be elected the Chairman of such com-  
mittee, the Council voted on same  
5 to 5, the Mayor giving a casting  
vote in favor.

Afterwards a meeting was called  
by both Chairmen, the Mayor not being  
present.

The first act of the committee was  
to elect a Chairman, this being their  
first meeting and they claimed the  
action of the Council was altogether out  
of order.

The Chairman elected by the committee  
presided during that meeting.

At the next meeting of the Council  
both Chairmen brought in a report  
of the Committee's proceedings, the  
one elected by the Council leaving  
out of his report the election of a  
Chairman by the Committee; the  
other Chairman who was elected by the  
Committee produced a full report  
of the meeting.

The Council adopted the report of  
the Chairman they claimed to have  
elected by the Mayor's casting vote  
rejecting the report of the Committee's  
Chairman.

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- 1 Can an ex-officio member vote in electing the Chairman of a Standing Committee?
  - 2 Can an ex-officio member vote on any motion before a Standing Committee after the Chairman is elected?
  - 3 In case of a dead-lock by the ex-officio voting in Committee has the Council the right to interfere without any notice of motion and elect a Chairman for a Committee?

That the City Clerk be instructed to give minutes of Council and Committee on the points in dispute without comment and send a copy of the Charter and Procedure by law to Mr Richards with a copy of letter sent to C. C. Pooley,  
Council.

The Council then adjourned.

D. Appenkemper  
Mayor

Thos. S. McQuinn

City Clerk