

exemption from municipal taxation or the fixing of the assessment of any property for a term of years."

2. Yes. Sub-section 1 of section 756b of the above Act empowers the trustees of a police village to pass by-laws applicable only in the police village for any of the purposes mentioned in paragraph 4 of section 591 of the Act. This paragraph authorizes the councils of counties, townships, cities, towns and villages to pass by-laws "for granting money or land in aid of any free library established under The Public Libraries Act, or The Act Respecting Mechanics' Institutes and Art Schools within the municipality or within any adjoining municipality."

#### Payment of Expenses of Parties Quarantined—Opening Deviating Townline.

279—J. M.—We appointed a medical health officer in 1903. There was no salary set. The same year we had an outbreak of small-pox.

1. Who has to pay him? Is it the township or the parties whom he visited and ordered disinfection of the houses?

2. What are the duties of the medical health officer? Is he supposed to give medical treatment and charge the township for it, or has he to look to the parties quarantined?

3. What are the Board of Health's duties in a case of an outbreak of contagious disease? Can they hire constables and carriers, furnish them with doctors, and draw on the township treasurer for everything they see fit?

4. We have a deviation of the townline where there is a lake that makes it impossible to keep on the original townline. This deviation was surveyed by the Government about 45 years ago. This last year there is another party bought the land and fenced the road about eight feet wide. Can he do so?

5. We have not been able to get the field notes of the survey. We sent men to throw the fence down and the adjoining township would not take any steps in the matter. Can we compel them, and in what way, as we are likely to have trouble over the matter with the adjoining township? We would like to know the legal steps in the matter.

1 and 2. If the council specifically employs the medical health officer to attend the persons afflicted with the contagious disease, and to disinfect the premises occupied by them after their recovery, it should pay him for the services actually performed according to the tariff of fees allowed by law to physicians generally for performing similar services. If the persons afflicted are financially able to pay the amount, the council should be reimbursed for this outlay by them. If, on the other hand, these persons, owing to their poverty, are unable to pay this amount, the municipality will have to do so. (See sections 81, 82 and 93 of The Public Health Act, R. S. O., 1897, chapter 248).

3. Section 93 of the above Act prescribes the duties of a local Board of Health under circumstances of this kind, and designates the person or persons by whom the expense is to be paid.

4 and 5. The council should first assure itself that this road has been regularly established as a public highway and is located in the right place. When this has been done the person who has placed a fence on the road can be indicted for placing and maintaining an obstruction on the highway, and can be restrained by injunction from further offending. After the road has been definitely located the council should pass a by-law providing for the proceedings it purposes taking in the matter, pursuant to section 623 of The Consolidated Municipal Act, 1903, and if the other township interested neglects or refuses to pass a similar by-law, the matter should be referred to arbitration under the Act, as provided by section 624.

#### Council in Districts Should Appoint Assessor Annually.

280—X. Y. Z.—At our council meeting held on the 12th inst. our council passed a by-law adopting the assessment of the year 1903 (pursuant to section 42, sub-section 2 of chapter 225, R. S. O., 1897,) as the assessment of the township of W—for the current year.

The assessor and collector of our township are appointed annually. Both offices have been held by the same individual for a number of years. At our May meeting of the previous year, after the Court of Revision was over, our assessor and collector handed in their resignations, which were accepted by our council and a new collector appointed.

In October last year we held the voters' list court before the district Judge, when the assessor was notified to be present and perform what duties were required at that court. After the passing of the above by-law our council sent for the assessor of the year 1903, requesting him to notify the parties whose lands are liable to be sold for taxes in the year 1904, which said assessor declined to do on the grounds that he could not legally do so, as he had resigned said office, which had been accepted by our council.

1. If he is right in his contention what steps could our council take to have the duties performed, such as notifying and certifying to the list of lands to be sold for taxes (as previously stated), also attending Court of Revision and attending the appeal court before the district Judge, if such should be necessary, and any other duties that may arise that will have to be performed by an assessor?

2. Can any other party perform the above duties that should be performed by an assessor?

3. Could we appoint an assessor at a nominal sum to perform the above duties, as we do not wish to have a new assessment taken this year?

1. Since this assessor resigned last May, and the council accepted his resignation, we are of opinion that he is right in his contention. Section 48 of chapter 225, R. S. O., 1897, requires the council of every municipality in any of the territorial districts of Ontario to appoint one or more assessors as soon as convenient after their first meeting. Notwithstanding the fact that the council of this municipality has adopted the assessment of 1903 as that for 1904, it should appoint an assessor pursuant to the above section to discharge the duties he is required by law to perform other than the preparation of an assessment roll for the year. Some of these are mentioned in the introduction to these questions.

2. No.

3. Yes, and the council should do so, as required by the above section.

#### Liability of Trustees to Teacher—Trustees' Authority to Make Improvements.

281.—H. I.—A school teacher asked and was promised by the secretary treasurer a raise of salary, but neglected having the contract renewed. At the end of the term trustees would not pay the raise, although they signed and sealed annual school report prepared by teacher with the raise included. At the annual school meeting the ratepayers present authorized and requested the payment of the raise, but the trustees will not pay it.

1. Can the teacher legally collect it?

2. If so, how would the teacher have to proceed?

3. If not, would the teacher have to get special meeting advertised for payment?

4. To what extent are the trustees liable if they do not pay it?

5. Have the trustees authority to make expenditures to the amount of \$150.00 for improvements, such as putting down well, etc., without consent of the ratepayers?

1. There does not appear to have been any agreement on the part of the trustees to pay this increase in his salary to the teacher. The promise of the secretary-treasurer does not impose any legal liability on them to do so, nor does the insertion of the item in the annual report bind them to do so. The teacher should have caused the trustees to embody the proposed new arrangement as to his salary, in a resolution passed, or new agreement executed by the board. We are therefore of opinion that the teacher cannot compel the trustees to pay the increase in his salary.

2. Our answer to question number one renders it unnecessary to reply to this.

3. This is a matter as to which the trustees may exercise their judgment, and will not be bound to comply with any directions given them by the ratepayers at a special meeting called for the purpose.