

lature does not say a majority of the ratepayers, but a majority of the votes. Where the legislature speaks of one-third of the ratepayers we are perfectly satisfied that the clerk has no right to multiply a ratepayer who is a voter in each of three wards by three and thereby make three ratepayers out of him. We are not concerned with what was really in the mind of the legislators who had this enactment placed upon the statute book nor with the question as to whether it is fair to count individuals only in one case and votes in the other case or not. We have simply to ascertain what the legislature meant by what it has actually said.

#### Damages by Sheep Running at Large—Building Fence Along Highway.

**470.—SUBSCRIBER.**—Sheep run at large in township. They are not enumerated in the list of animals in the by-law respecting pounds.

1. If sheep break through the fence from the highway and destroy my crop, what redress have I?

2. Can I be compelled to build my fence along the highway?

1. You have a right of action for the amount or value of the injuries or damages you have sustained against the owner of the sheep.

2. No.

#### Member of Board of Health or Councillor—Borrowing Powers of Council—August Meeting.

**471.—JUNO.**—1. Can a member of the Local Health Board qualify for a member of the township council?

2. Can a council create a debt of say seven hundred dollars to build a bridge and extend the payment of it for say five years, without first submitting a by-law to the electors? If it can be done state section of statute.

3. Can the council legally hold the August meeting to fix the rate before the 15th of the month?

1. If a member of a Board of Health desires to be a candidate for membership in the township council his resignation as a member of the Board of Health should be delivered to and accepted by the council before nomination day.

2. No. See section 389 sub-section 1 of the Municipal Act.

3. Yes.

#### Purchase by Council of Road for Private Party.

**472.—T. E. C.**—Algoma District.—A owns land along river; government road runs across same. B owns land back of A's land, with no road to get out from same, no road allowance left in government survey.

1. Can B compel the council to buy a road from A across his land to let B out? It would be about half a mile across A's land to government road.

2. A offers to lease the council a road for B across his land for nine years. If the council leased same could B still compel the council to buy a road across A's land to let him out?

3. A owns a farm with road along front of same; river runs across A's farm, leaving the back part without any road to get to it. A sells the back part to B. Can B compel the council to furnish him a road to get out?

1. No.

2. No.

3. No.

#### Care of Crippled Indigent.

**473.—SUBSCRIBER.**—There is an indigent person in our community who is very badly crippled with rheumatism and he has no relatives to care for him. If there is any Provincial or other institution to your knowledge where such people can be sent? Will you please send me their address, that I may correspond with them, as we have no house of refuge or other institution in this county that he can be sent to.

There are numbers of institutions, private, municipal and provincial, in this Province, into which unfortunates of the kind you mention are taken, but the keepers are not compelled to admit them. Most of them would do so, however, especially those of a private nature, for example, the Home for the Friendless in Windsor, if the cost of the maintenance of the indigent was defrayed by someone. A municipality has the legal right to grant money for this purpose. See Section 588 of the Municipal Act.

#### Collector's Duty—Owner's Notice, re Tenant.

**474.—C. O. L.**—Is a collector expected to proceed immediately to collect tax from tenant when he (the collector) receives notice from the owner to do so, the tenant being the party whom the tax is charged against in the collector's roll?

If the tenant is actually assessed for the premises in respect of which the taxes are payable, and his name appears on the assessment roll for the year as liable thereof, the collector may proceed to collect the taxes at any time after fourteen days after demand made on the tenant for the taxes. (See section 135 of the Assessment Act, and foot notes thereto in Glenn's Collectors' Guide, second edition.) If the circumstances of the case are such as are referred to in sub-section 4 of the above section, a seizure for the taxes can be made within or before the expiration of the fourteen days in taking the proceedings therein set forth. The collector ought in any case to collect the taxes promptly even though no notice is given to the landlord and particularly so when such notice is given.

#### Meetings of Township Councils in Incorporated Villages

**475.—P. Q. R.**—In our township we have an incorporated village. Is it lawful for us to hold our meetings in the village, or should it be in our own corporation?

Yes. See Section 266 of the Municipal Act.

#### By-Law Imposing Tax on Cows.

**476.—A SUBSCRIBER.**—1. Can a municipal council legally pass a by-law imposing a tax upon cows belonging to citizens of the town and running at large within the limits of the municipality?

2. If so, is the amount limited by statute?

1. No.

#### Building Road-Fence—Tariff of Clerk's Fee Under Drainage Act

**477.—J. M.**—1. I would like to know if we can compel a landowner to build a fence alongside of the road allowance provided he has his farm enclosed on the other three sides?

2. Is there a tariff of charges for township clerks in cases where a drain is put through under the Drainage Act, or does the clerk put his own price on his work in drainage work?

1. No.

2. No, unless the by-law fixing the salary paid by the council to the clerk expressly provides that it shall cover all fees to which he would otherwise be entitled for services under the Drainage Act.

#### Vote of Farmer's Son for School Trustees—Qualification of School Trustee—Tenants—Vote for School Trustee—Joint Assessment—Change of School Site.

**478.—J. R. S.**—1. Can a farmer's son legally vote for school trustee in township?

2. Has a school trustee got to be an owner of property to hold office, or can a farmer's son hold said office?

3. Can a tenant who pays taxes legally vote for school trustee?

4. What is the meaning of a father and son assessed as ("joint owners") appears on voters' list when search was made since in the registry office the son's name does not appear on books or deed as a joint owner of said property? Can this son legally vote as a joint owner for school trustee? If not what would be the penalty?

5. School house in section 2, township of P. is not centrally located. The majority of ratepayers have signed a petition to have said school house removed to centre of section, but the trustees are stubborn and will not act on behalf of the petition. How can they be compelled to centrally locate the building? How must the majority proceed?

1. Yes. See section 12 of the Public Schools Act.

2. The latter part of sub-section 2 of section 9 of the Public Schools Act is as follows: "The persons qualified to be elected trustees shall be such persons as are British subjects and resident taxpayers or farmers' sons, within the meaning of the Municipal Act, of the full age of twenty-one years, not disqualified under this Act." No property qualification is required by the School Act.

3. Yes.

4. Section 14 (2) (a) of the assessment act provides for the assessment of a farmer and his son jointly as if they were joint owners of the land and when so assessed the son can vote for school trustee.

5. Section 31 of the Public Schools Act empower the trustees of a rural school section to select a site for a new school house or to agree upon a change of site for an existing school house, but when they do that it is their duty to call a special meeting of the ratepayers to consider the site selected by them, and no sight can be adopted or school site changed except in this manner provided by sub-sections 2 and 3 of the above section but there is no means of compelling the trustees to take advantage of the powers given them by section 3. So that the ratepayers cannot in any way compel them to move in the matter at all. If the ratepayers think a change necessary and the trustees refuse to do anything, the only course for the ratepayers is to elect trustees favorable to a change.

#### Drain Along Road Without Culvert or Crossing to Farms—Cutting Hill on Road Opposite Farm Gate

**479.—TOWNSHIP COUNCILLOR.**—If an engineer is employed to drain a certain portion of wet land or a public road, and if he makes a ditch on the side of a public road, concession or side line, and leaves it so as the owner of the farm