

time to and does this work, we see no objection to his being paid a similar sum in addition to his salary, unless at the time of his employment it was agreed that the salary he was to receive was intended to cover the costs of such services, and it was so specified at the time. It is doubtful, however, whether appellants—that is, persons filing appeals—whether in respect of their own assessments or otherwise, should be served with the notice mentioned in subsection 9 of this section, and we do not think it is necessary or required by the statute. These persons know there are appeals pending in respect of their assessments or otherwise, having filed them, and from the notice the clerk is required to publish, and should inform themselves as to the date of the sittings of the court of revision, at which they will be heard.

Statute Labor in Unorganized Territory.

286—W. J. E.—Having established a road commission in the township of H., District of Nipissing, we wish to know:

1. Whether those persons who hold lots here but live in another part of the country, can be compelled to pay their share of the road-work?

2. If so, how would it be advisable to go about it?

3. Can the road commission appoint a secretary and treasurer, and pay them out of the commutation money?

4. Can the commissioners reimburse themselves out of the commutation money for time spent on commission in excess of stated number of days?

5. Must the commutation money be applied to any particular beat, or may it be applied for good of whole township?

1. Yes. Section 123 of the Assessment Act makes no distinction between resident and non resident owners or locatees of land in unorganized townships, as to their liability to the performance of statute labor in accordance with the scale mentioned in that section.

2. These parties should be given six days' notice, pursuant to section 127, to perform the statute labor with which their lands are properly chargeable under section 123, and if they neglect or refuse to comply with such notice, they are respectively liable to the penalty mentioned in section 127 of the Act.

3. No.

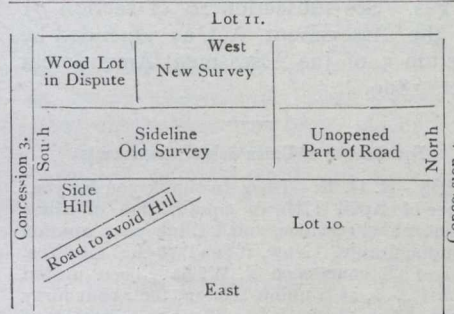
4. Yes. See section 124 of the Act.

5. Section 121 of the Act provides that "the commissioners shall meet within a fortnight after their election, and shall then, or as soon thereafter as may be, *name the roads and parts of roads upon which statute labor is to be performed*, and shall appoint the places and times at which the persons required to perform statute labor are to work." If parties, instead of performing their statute labor, commute therefor, pursuant to section 125, the commutation money should be expended in the locality which would have received the benefit of the statute labor had it been performed.

A Disputed Road Allowance.

287—I have made a sort of diagram of this. Please note the curve in road leading to con-

cession line. Some years ago our council tried to buy the curve but could not and then continued the road south in line with original survey, which ran through a bush, sold the timber and made the road, altogether about twenty-six rods. Now the new survey takes the road about three rods to the west of old line. The parties to the east of road made claim on account of timber sold in first instance, which we have met, which, under original survey, there would have been no claim. The party on the west, on lot 11, from whom the timber is being taken has sent us a lawyer's letter forbidding us to cut the timber, which was sold to be cut next winter. The timber was sold for the sum of \$57, \$37 going to claimant on lot 10. The road spoken of is an original road allowance. Should we pay any attention to the lawyer's letter received?



This appears to be a question of locating the proper line of an original road allowance. If the new survey is the correct one, and properly locates the original road allowance, the course pursued by the council in regard to the timber disposed of in the line of the old survey is the right one, and it has authority to pass a by-law for selling the timber on the line of the new survey (pursuant to subsection 7 of section 640 of the Municipal Act) and to open the road, without incurring any liability to the party on the west for the value of the timber sold or otherwise. If the case is one which falls within the provisions of section 642 of the Act, the party on the west should be given the notice mentioned in section 643.

A General Appeal Against the Assessment Roll Cannot be Legally Made.

288—P. S. 1. Two ratepayers of the municipality of D, A & A jointly handed in an appeal against the whole assessment of the municipality, because "they consider the assessment unfair and impartial." Both appellants are satisfied with their own assessment, but claim that a number of other owners of real estate are assessed far too low, compared with their assessment, while others are rated for far less cleared land than the appellants claim, those neighbors really have, and are, therefore, not going to bear their proper share of the taxes which will, next fall, be levied upon the property owners of the municipality unless the assessment is more equalized at the court of revision. The appellants admit that they are only aware of a number of flagrant cases of what they consider impartiality in the neighborhood in which they reside, and though they examined the assessment roll carefully they cannot tell if more than seventy-five per cent. of the property holders assessed, which live at some distance from them in the thinly settled townships which compose this municipality, are correctly assessed or not. Under those circumstances have those parties acted right and legal to appeal, in a general manner, against the assessment of the whole municipality, or should they not have only appealed against the

assessment of those whom they believe to have been favored or improperly assessed?

2. Will it be the duty of the members of the court of revision to act on the appeal and go over every item on the assessment roll and consider or decide upon every individual assessment, or should they only consider the assessment of those who may be pointed out, or specially referred to by the appellants, or any other ratepayer present at the court of revision?

3. Will it be my duty, as township clerk, to notify every resident individual person assessed, by special notice, delivered on their premises, of this general appeal, or would a number of public notices posted in a number of the most conspicuous places in the municipality, be sufficient?

Our court of revision will be held on the 31st day of May.

1. No.

2. The court of revision has no legal authority to act upon this appeal in any way, other, perhaps, than dismissing it.

3. No. You are called upon to notify only parties who are specifically appealed against by name, and, in this case, this has not been done. The posting up of public notices is not required, nor would it be legally sufficient in any event.

Reeve and Councillors May be Road Commissioners.

289—CLERK.—Our council and reeve are road commissioners in the township. A grader is purchased, and each commissioner proposes to operate the grader so many days in his respective division, at so much per day. Will R. S. O., chap. 223, s. 537, (a) not prohibit them from doing this?

We are of opinion that the clause and section you quote authorize the reeve and councillors to act as commissioners for doing the work mentioned, as it provides that "NOTHING in this Act shall PREVENT any member of a corporation from acting as commissioner, superintendent, or overseer, over any road or work undertaken and carried on in part or in whole, at the expense of the municipality; and it shall be lawful for the municipality to PAY such member of the corporation acting as such commissioner, superintendent or overseer."

Fees of the Clerk of the Peace on County Audit.

290—COUNTY COUNCILLOR.—The Clerk of the Peace is allowed, under R. S. O., chap. 101, item 75, for "receiving and filing accounts and demands preferred against the county, numbering them and submitting them for audit, and making out cheques, \$4.00."

Should the board of audit allow eight cents each for filing affidavits, declarations and certificates attached to the above accounts?

We presume that the clerk of the peace bases his claim to this allowance on item No. 85 of the tariff of fees appended to chapter 101 (R. S. O., 1897). We are of opinion, however, that it is not properly chargeable or allowable to him, as "accounts and claims against the county" are specially excepted from the operation of item 85, and that the words "accounts and demands" in item 75 include any affidavits, declarations or certificates attached to them for purposes of verification.