

appointments but were rather a retention in office of the same treasurer, and that his sureties were not discharged in consequence thereof.

The New Assessment Act.

236—SUBSCRIBER.—Kindly tell me when the new Assessment Act now before the House will become law; also tell me what you think of it and give, in short, its principal features.

We are unable to state when the proposed new Assessment Act will become law. It is at present being considered by a special committee of the Legislature appointed for the purpose, and is being subjected to many changes. We cannot at present foreshadow its provisions, or give an opinion on them, not knowing what they will be. If and when the Act becomes law, it will be fully considered and explained in these columns.

Reeve Cannot Appoint Auditor—Councillor May be a Paid Commissioner—Preservation of Order at Council Meeting.

237—G. J. S.—1. Has the reeve power to appoint one of the township auditors independent of the council?

2. Is it lawful for the council to appoint one of the councillors commissioner of roads with pay?

3. Is the reeve compelled to protect a member of his council from abuse from a ratepayer when council is in session?

1. No. Sub-section 1 of section 299 of The Consolidated Municipal Act, 1903, provides that "subject to the provisions of the next two sections and section 309, EVERY COUNCIL shall at the first meeting thereof in every year after being duly organized, appoint two auditors, etc." This has been the law since the enactment of section 8 of chapter 23 of The Ontario Statutes, 1898.

2. Yes. Clause (a) of sub-section 1 of section 537 of The Consolidated Municipal Act 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 whole, or in part, 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."

3. The head or other chairman of the council should preserve proper order amongst ratepayers and others who are present at any meeting of the council, and section 267 of The Consolidated Municipal Act, 1903, authorizes him to expel and exclude from any meeting any person who has been guilty of improper conduct at such meeting.

Proceedings at Nomination Meeting.

238—J. R. A.—1. At nomination for municipal councillors should the nominating officer accept a nomination when the proposer or seconder has already proposed or seconded the requisite number of candidates?

2. Should the proposer and seconder appear upon the assessment roll of the municipality of the current year?

3. Should the proposer and seconder be present at nomination meeting?

1. There is no limit to the number of candidates that the same proposer and seconder may place in nomination, providing they proceed in accordance with section 128 of The Consolidated Municipal Act, 1903.

2. A meeting for municipal nominations is a meeting of the "electors" of the municipality. (See sub-section 1 of section 118 of the Act). If the proposer and seconder are entitled to vote at the election then pending, they are competent to participate in the proceedings at the nomination meeting.

3. Yes.

Village Council Cannot Make Grant to Telephone Company.

239—O. D.—The village of S——— want a telephone. The company want \$100.00 before they put it in. The village raised

\$80.00 by subscription. The township council passed a resolution granting \$20.00 toward the subscription. Would that be legal?

No.

Council May Pass By-Law Regulating Wire Fences.

240—E. G. B.—Have the township council of a municipality power to pass a by-law saying what should constitute a lawful wire fence on division lines between farms in such township, that is, specifying the kind of fence that would be thought to be satisfactory as a line fence between farms throughout the township?

Yes. Sub-section 3 of section 545 of The Consolidated Municipal Act, 1903, authorizes the councils of townships to pass by-laws "for regulating the height, extent and description of lawful division fences, etc."

Private Parties Can Erect Telephone Lines—Grant to and Assessment of.

241—W. J. D.—A doctor is erecting a private telephone from his residence in a village out in the country for eight miles. The people are supplying the poles, and the doctor is completing with wire and phone. A number of interested parties are petitioning the township council for a grant of money. I might add that the council gave permission to erect poles provided they did not interfere with the roadway.

1. Can any person, or a number of persons, erect a telephone whenever they please without a charter of any description?

2. Could the council legally make any arrangement with the owner or owners that they (the owners) were not to sell, lease or transfer their line to the Bell Telephone Co. provided the council gave them a grant of money?

3. Could the township assess a telephone partnership that has no charter of incorporation the same as the Bell Telephone Co.?

4. Does the law respecting the assessment of telephones apply the same to chartered and private telephone companies, or are there provisions for each?

1. Yes.

2. No.

3. No. The provisions of sub-sections 2 and 3a (as enacted by sections 6 and 7 of The Assessment Amendment Act, 1903), and 3 (as enacted by section 1 of The Assessment Amendment Act, 1902), of section 18 of The Assessment Act, apply only to incorporated companies, and not to telephone plants operated by private individuals as in this case. The poles, wires, etc., used in operating this telephone system will have to be assessed on the "scrap-iron" principal, that is, as so much dead material, at its actual cash value, in accordance with the provisions of section 28 of the Act.

4. The law as to the assessment of telephone systems, operated by both incorporated companies and private individuals, is fully stated in our reply to question number 3.

Regulation of Crossing Road Allowance by Railway Company.

242—J. S.—The Grand Valley Railway Co. are surveying a proposed line of railway through the township, and their line, as proposed, will cross one of the leading and probably the most travelled road in the township. This road runs along the bank of the river, and is known as the E. River Road, and even at present it is narrow and none too safe for public travel, and it is hemmed in on the side farther from the river by hills, which makes it practically impossible to widen it to any extent.

The Railway Co., apparently, purpose crossing the road five times within the distance of four miles, and each time they are crossing it on a very long angle.

1. Can we, as a council, under the circumstances prevent their crossing this road, and if we cannot prevent their crossing, can we prevent their running at such an angle and taking up so much of the roadway?

2. At what angle have they the power to cross such a public road, or, to put it in other words, what length of the public road can they use in crossing?

It would not be difficult for them to keep their track on the west side of this road, between the road and the river, and thus avoid crossing the roadway at all.

1 and 2. If the proposed method of crossing this highway by the railway company will, in the opinion of the council, be subversive of the public safety, the matter