

cents in the dollar of rateable property, it is possible that the money thus provided could be expended for building a town hall without a vote of the people, although it is not free of doubt. A town hall is a necessity and in the public interest, and so long as it was shown that the whole transaction was proper on the part of the council, it is not likely the courts would interfere, as a reasonable amount of latitude is generally allowable and would be upheld, even although it might be contended that such expenditure did not come under the definition of "ordinary expenditure."

A certain person named "A" convenes his neighbors together (form B) for the purpose of arranging if possible, the construction of a drain. All parties interested did not appear and would not have agreed if they had—the person "A" who called the meeting, for fear of offending some of his neighbors, refused to sign the requisition—the next neighbor below him, one of the interested parties, called on the engineer, who came and made his award. Question 1, had the person who called (by requisition) for engineer a right to so call, he not being the one who called the first meeting. (2) Had the engineer in his award a right to include A "the person calling first meeting but refusing to sign requisition for engineer," I mean to include him so as to give him a certain amount to do, otherwise than for benefit. Of course the engineer may include 50 rods above or on sides of drain. I mean shall engineer consider A as one included in requisition, and have the same consideration as though he had signed the requisition—and in case of appeal who would the defendant be—the person signing the requisition, the engineer, or the municipal council, and who, if the award is set aside, is responsible for the costs?

E. P.

(1) Yes. Any of those interested could make the requisition—unless the drain passed through more than five properties, when a majority of them would have to sign the requisition to the council. (2) The engineer would include "A" in his award if the latter's property was within fifty rods of the drain and the engineer considered him benefitted. The engineer would necessarily take into consideration the several degrees of benefit and award accordingly. Any of the parties included in the award would have the right of appeal from its terms. The Drainage Act does not specially say who would be the defendant, but as it is an appeal against the award of the engineer, the latter would likely be the defendant, and as he is an officer of the corporation, the judge, in awarding costs, would it be presumed, include the municipality in the event of the award not being sustained. We have not yet looked up decided cases on this point, so cannot at the moment state positively how this would be.

Can you explain why county officials, clerks and treasurers, receive so much greater salary than township officials. It takes me fully six months annually, at the rate of eight hours a day, to do the township work, for which I receive \$130, while a county clerk could do all his work in about two months and receives \$1,200 salary. I do not say that county officials are too highly paid, but I do think that township clerks are underpaid. Any neglect of certain duties might involve serious penalties on clerks which would by far exceed the salary received.

C. P.

We can well understand and sympathize with our correspondent in his feeling that his services are underpaid. It is the same in a majority of rural municipalities. The people have no idea of the time and labor required of the

clerk in carrying out the provisions of the various statutes. Clerks should form an association and use their influence to get the government to appoint a commission to examine into this matter in order that it may be remedied either by a tariff of fees or by providing a reasonable minimum salary in proportion to the population of a municipality, or such other manner as might be thought just.

Can councils pass by-laws prohibiting children being on the public streets after certain hours at night unless accompanied by parents?

J. M.

There is no power given to municipal councils to restrain children from using the streets at any hour. There is a statute for the Protection and Reformation of neglected children under fourteen years of age, whose parents neglect and expose them to a bad or disolute life. In such cases a judge or stipendiary magistrate may commit them to any Industrial School or Refuge for boys and girls.

The Division Courts Act, section 145, R. S. O., was amended in 1889 by adding the words "but unless otherwise ordered, no execution shall issue on any such judgment within fifteen days after the entering of such judgment." This refers to a judgment rendered at hearing by the judge. Where a judge gives judgment for plaintiff for debt and costs, and orders said judgment to be paid, say in three days, or at any period under fifteen days, is it competent for the clerk to issue execution thereon before the expiration of fifteen days from the date of judgment?

E. N.

The order made by the judge for payment of debt and costs at a specified time, is sufficient authority for the clerk to issue execution at the expiration of the time mentioned, if so required by the plaintiff, without any further or special order from the judge.

Can a township council enter upon a private person's land and draw away gravel, without his consent first being had and his price paid for same?

R. W.

The Council may pass a by-law authorizing pathmasters to search for and take timber, gravel or stone within the municipality for making necessary repairs on roads or highways, and if the parties cannot agree upon the price to be paid for entering upon and taking such materials, the matter in dispute is to be settled by arbitrators. The by-law may also give power to search for and take gravel on property in an adjoining municipality, but in the latter case the gravel cannot be taken from the property until the price or damage has been agreed upon by the parties or by arbitrators duly appointed.

Our village of 3,000 inhabitants has never established a market for the sale of farmers' produce. About half a dozen market gardeners have for years made it their business to wait on the inhabitants with garden stuff, and thus monopolize the whole trade, so that outside farmers having vegetables or the like to sell, complain that they are unable to do so, as the gardeners have forestalled them by supplying the people. Some think that not only would purchasers be able to buy cheaper from farmers on a public market, but that it would bring more farmers to the place and thus help business in other departments. It is said that nearly every town and village in Western Ontario has regular market days, which are found to be beneficial to farmers and to the householders in the place. Could you give us any directions as to the best plan of establishing a market, or one or two market days in the week, so that farmers would be induced to attend?

G. E.

We understand that such market days as our correspondent speaks of have been found to work satisfactorily in