

(a), subsection 1 of section 632 of the Municipal Act) and published weekly for at least four successive weeks in some newspaper published in the municipality; or if there be no such newspaper, then in a newspaper published in some neighboring municipality; and, where no newspaper is published in the municipality or in a neighboring municipality, then in the county town, if any such there be (see clause (b) of this subsection). Nor until the council has heard, in person or by counsel or solicitor, any one whose land might be prejudicially affected thereby, and who petitions to be so heard (see clause (c) of this subsection.)

The by-law closing the original road allowance, if passed by the township council in accordance with the provisions of section 632 of the Act, can have no force until confirmed by a by-law of the council of the county in which the township is situate, at an ordinary session of the county council held not sooner than three months nor later than one year next after the passing thereof (see clause (b) of subsection 2 of section 660 of the Act.)

2. No.

Custodian of Dominion Voter's List.

433—G. S.—You advise Clerks to forward copy of certified Voters List for use of Dominion Government. I have just received a card from the Clerk of the Peace asking for a couple of copies for this purpose. Judge's court will be held shortly. To whom shall I send a certified copy (Gov't official)?

2. How much should clerk charge for say 1000 printed names, and how much for written names each, say fifty or more or less? I thought it had been decided that the Clerk of the Peace is the custodian.

1 and 2. Section 10 of the Franchise Act, 1898 (Dominion) provides that "within ten days after the final revision of every list of voters for the purposes of provincial elections, it shall be the duty of the custodian thereof to transmit to the clerk of the crown in chancery, by registered mail, a copy of such list, etc." It has been settled that the clerk of the peace is the custodian of the voters' lists within the meaning of this section and the fees to which he is entitled for the copy so furnished, are prescribed by subsection 1 of the section.

Delayed Collection of Drain Tax.

434—J. M.—Will you kindly let me know if the taxes on a drain by-law can be collected this year, which have been forgotten to be put on collector's roll last year? By-law is all right in every particular.

We are of opinion that the levy for drainage purposes inadvertently omitted from the collectors' roll last year, cannot be placed on the roll for the current year, in addition to the levy for the latter year. Some of the properties liable may have, in the meantime, changed hands, with the reasonable assumption on the part of the purchasers that all taxes (including the drain tax) have been paid and the parties liable under the by-law cannot be required

to pay in any one year, double the amount of the annual levy, provided for in the by-law.

Time for Inspection of Ditches and Watercourse Drain by Engineer.

435—C. R. W.—An award under the provisions of the Ditches and Watercourses' Act, was made by the township engineer, dated April 1901. The time specified therein for the completion of all the work was September 21st, 1901 at furthest. No appeals were made by the interested parties. Several of the owners did not complete the work in accordance with the award in the time specified, and it is not yet completed, the engineer not having received a notice to inspect within six months as required by section 28 as amended (62nd. Vic. Chap. 28, section 3).

1. Is the six months clause merely directory, and would it be legal for the engineer now to inspect and have the work completed under the above section?

2. Would the decision in *Rose vs. Village of Morrisburg* (28 O. R. 245) "that even the lapse of two years did not debar the engineer from acting under section (28)" be of any assistance in deciding the above question, or would you consider the amendment (62nd, Vic. Chap. 28 section 3) was made in consequence of said decision?

3. Would the last amendment to section 28 (2nd Ed. VII Chap 12, section 26) make it legal for the engineer to now inspect and let this work and have it completed?

4. If it is legal for the engineer now to inspect and have the above work completed as provided in section 28, how far back could we take awards and enforce completion in the same way. For instance, could we take an award that the time limit for completing the work expired in 1898?

5. Is the municipality liable in any way if the engineer proceeds with the work?

1. The clause providing for the inspection by the engineer within six months from the time fixed for the completion of the ditch was repealed by section 26 of chapter 12, 2 Ed. VII., Ont. Statutes, 1902, and no provision was made by the repealing Act preserving its effect on pending cases and therefore the engineer may, under the authority of *Rose vs. Morrisburgh*, legally inspect and take all steps prescribed by the Act to have the drain completed.

2. Yes, as we have stated in our reply to question No. 1. The amendment (62 Vic., chap. 28, section 3) to this subsection may have been enacted in consequence of the decision in *Rose vs. Morrisburgh*, but this amendment was repealed by section 26 of chap. 11 of 2 Ed. VII., and the language of the subsection is now practically the same as it was when the decision was given.

3. Yes.

4. Following the dicta of the Chancellor on page 249, 28 O. R., we are of the opinion that the engineer could make an inspection with a view to the completion of the work, the time for which expired in 1898.

5. No.

Election of County Councillors—Date of Filing Resignation.

436—A SUBSCRIBER.—1. What date and hour will the County Council Nomination be held this year, 1902?

2. Must the mover and seconder be residents and also ratepayers in the County Council Division for which they nominate candidates?

3. What length of time is given for candidates to withdraw their nomination, and must it be signed by a witness?

1. Monday, the 22nd day of December (see section 135 of the Municipal Act), between the hours of one and two o'clock in the afternoon (see clause (a) of subsection 2 of section 132.)

2. The mover and seconder must be electors, that is, persons entitled to vote at the elections.

3. Subsection 1 of section 135 of the Act provides that "any person nominated may resign either at the nomination meeting or during the following day." This subsection also provides that "if such resignation is after the meeting, it shall signed and witnessed in the manner prescribed for resignations under section 129 of the Act, and shall be forthwith delivered to the nominating officer."

Statute Labor in Village.

437—T. W. S.—A is living at home in a village, and is assessed for a vacant lot valued at \$100. The rate of taxation has been named at 18 mills on the dollar. A pays frontage tax for sidewalk. The two taxes taken together would amount to over \$2.00, but the general tax is, as you will see, only \$1.80.

As per Assessment Act, Chapter 224, section 7 is A liable for \$1.00 Statute Labor tax seeing that the general tax does not amount to \$2.00. I consider the sidewalk tax to be a private debt, and not to be added to the general tax to make up a possible \$2.00 tax.

We cannot agree with this view of the matter. The section referred to does not say that every male inhabitant of a village whose "general" taxes do not amount to \$2 shall, instead of statute labor, be taxed at \$1 yearly therefor, but simply states that this result will follow if his taxes do not amount to \$2. A frontage rate is a "tax," therefore, if the general rate on his assessment and the frontage rate together make this man's total taxes over \$2 he is exempt under section 97 from the \$1 statute labor or tax."

Legal Preliminaries to Passing of Drainage By-Law.

438—R. M.—A petition was presented to the council asking for a new drain to be constructed under the Ontario Drainage Act, said petition at the time of presentation only contained an equal number of names to those who have not signed said petition in the area sought to be drained.

1. Does it not require a majority of the ratepayers owners, in the area to be drained to sign the petition before the council can legally accept and act upon said petition?

2. Can the Council accept said petition and act on it on the ground that at the time of adopting the engineer's report that by then instructing the reeve to sign said petition and that it then would contain a majority of one?

3. One of the owners of one lot in the area to be drained is a married woman. The assessor left her name off the last assessment roll and the Court of Revision did not notice the omission, and is now passed and final. How would said lot count, for or against said petition?

4. The lot in question above is on the