

1. The balance should be paid over to the Treasurer of the Province. It will then be held, pending the proof by some claimant that he is entitled to it as the heir of the deceased.

2. No.

Liability of Councils to Pay Claims for Damages for Sheep Killed When Dog Tax Dispensed With.

569—R. J. G.—Providing the council of any municipality has passed by-law in accordance with section 21, chapter 271, R. S. O., dispensing with levy of dog tax, can such council be compelled to pay two-thirds the value of sheep killed in said municipality, the owner of the dogs being unknown?

Section 7 of chapter 271, R. S. O., 1897, provides that "the money collected and paid to the clerk or treasurer of any municipality under the preceding sections shall constitute a fund for satisfying such damages as arise in any year from dogs killing or injuring sheep or lambs in such municipality, and the residue, if any, shall form part of the assets of the municipality for the general purposes thereof; but when it becomes necessary in any year for the purpose of paying charges on the same, the fund shall be supplemented to the extent of the amount which has been applied to the general purposes of the municipality." After the amount to the credit of the dog fund has been exhausted, and is no longer being supplemented annually by the levy of dog tax (the council of the municipality having by by-law passed pursuant to section 2, dispensed with this levy) the owners of sheep or lambs killed or injured by dogs have no claim for compensation from the council under section 18 of the Act. The rights of the owners of sheep or lambs killed or injured by dogs against the owners of the dogs are preserved by section 21 of the Act.

Worm Fence Partially on Road Allowance.

570—W. G. ONT.—In building a worm or snake fence along a road, can a person have half the fence on road allowance, or can he only let corners come to road line? It is contended that when centre of any fence is on line it is all right. Is that correct?

The proviso appended to sub-section 5 of section 557 of the Municipal Act enacts that unless a by-law of the municipality otherwise provides, a worm fence which is not for more than one-half its width upon a road allowance, shall not be deemed an obstruction within the meaning of clauses 3, 4 and 5 of this section.

Collection of Fees From Non-Resident Pupils by Trustees of Urban School.

571—A. E. M.—1. A is a non-resident; his children attend our school, paying fees monthly. How much can school charge non-resident pupils per month?

2. If non-resident parent has property in village, can he send to said school free?

3. Can school expel non-resident pupils?

1. The school to which it is desired to send these non-resident pupils being located in an urban municipality, the law on the subject is to be found in section 21 of the Public Schools Act, 1901, as amended by sub-section 1, cap. 40, Ontario Statutes, 1902. The provisions of section 95 of the Act apparently apply to school sections in rural districts only. This being the case the amount of the fees to be charged the non-resident pupils by the trustees of the urban school will depend on the arrangement made with them by the trustees of the rural school section pursuant to a resolution of the ratepayers passed at the annual or any special school meeting called for the purpose and approved by the Minister of Education.

2. The fact that the parent of the non-resident pupil is assessed for property in the urban municipality does not affect the question in any way.

3. The trustees of the urban school can refuse to admit the non-resident pupils until the above arrangement has been entered into, and the fees thereby agreed upon, paid.

Municipality Cannot Acquire and Grant Right of Way to Railway Company.

572—W. S. E.—A village municipality is asked to grant a right of way for railway instead of a bonus. This no doubt would have to be submitted to the electors.

1. What vote is required to carry it?

2. In case of a dispute as to the value of any property, what is the mode of procedure?

3. Suppose another railroad lies in the municipality in question, and the new proposed railway would have to pass over or under it, would the existing road be recompensed in the same way as other property owners?

4. Would a debt contracted as above be considered when estimating a municipality's borrowing powers?

The nature of the aid that municipalities are empowered to grant to railway companies is mentioned in sections 694, 695 and 696 of the Consolidated Municipal Act, 1903. The purchase and handing over of a right of way to a railway company is not one of the methods, and we are therefore of opinion that the municipality has no authority to grant aid of the kind stated. If the council deems it in the interest of the municipality to aid the railway company it must submit a by-law to the electors for the purpose. The latter part of section 697 of the Act authorizes the council of every TOWNSHIP to pass by-laws empowering companies or individuals to construct tramways and other railways along any highway on such terms and conditions as the council see fit. Debentures issued to secure repayment of a bonus to a railway should be taken into consideration in estimating the

total indebtedness of the municipality. There is no provision requiring railway companies to compensate municipalities for highways over which the railway passes.

Council's Power to Move Sidewalks.

573—C. A. B.—Our village council, as a committee of the whole, are removing an old plank sidewalk in the outskirts of the village from one side of the street to the opposite side, as there are more dwellings on the latter side. A farmer ratepayer, who is partially exempt from sidewalk tax under the Assessment Act, has notified the council on behalf of himself and others to desist from further removal and to replace the portion already removed.

1. Can the council legally do as above mentioned?

2. Has the said notice any effect?

1 and 2. It is not stated whether this sidewalk was originally constructed as a local improvement pursuant to section 664 and the following sections of the Consolidated Municipal Act, 1903, and paid for by an assessment, in accordance with these sections, of a frontage tax on the several properties benefited on the side of the street on which it was originally made. If this is the case the council has no legal authority to move it to the other side of the street, and place it along the front of properties that paid nothing towards its construction. If, on the other hand, it was built under the direction of the council, and paid for out of the general funds of the municipality, the council can move it as proposed, or take it away altogether if it sees fit.

Mode of Filing Plans in the Registry Office.

574—E. C. S.—I wish to obtain the best information as to method of filing plans of survey in the registry office, and whether there are folders to be obtained for that purpose, so that large and small plans may be handled with facility in the registry office. Could you ascertain how this is done in the Toronto registry office?

Directions as to preparing plans of survey for registration are given in the Land Titles Act, chapter 138, R. S. O., 1897. In registry offices it is customary to file plans flat without any form of folder. In Toronto the plans are placed in a special rack, on edge, each in order of its number, with the number of each attached, on a durable tag, so that it can be conveniently found when required.

The Provincial Farmers' Association is securing the co-operation of township councils in support of their agitation for increased taxation of railways. The Legislature will no doubt take some action in the matter at their next session when other questions (of equal importance) relating to taxation will be considered.