

3. The same company proposes operating a steam haul on our main road leading into and through village in this municipality. Can we legally stop the running of the same? and what course should we pursue in doing so?

4. Can we take timber to repair bridge off Government limit under license in this municipality? or for the same purpose off limit in an adjoining municipality without committing trespass?

1. In addition to its share of the school section rate, the council should levy on the rateable property in a union school section located within the limits of the municipality, its share of the township school levy, as provided in sub-section 2 of section 70 of The Public Schools Act, 1901, and pay it over to the trustees of the union school section.

2. This company might have had its assessment for these logs and timber reduced or struck off had it appealed to the township Court of Revision within the time and in the manner prescribed by The Assessment Act, and proved to the satisfaction of the court that the facts were such as entitled them to take advantage of the provisions of sub-section 24 of section 7 of The Assessment Act. Since the company did not see fit to appeal within the prescribed time, but allowed its assessment to stand, it cannot now escape payment of the taxes calculated on its assessment. (See section 72 of The Assessment Act.)

3. The company may be indicted for placing an unlawful obstruction on the highway, unless it has obtained authority from the council under a by-law passed pursuant to section 697 of The Consolidated Municipal Act, 1903, to construct tramways and other railways along the highway.

4. No.

Council Cannot Compensate Owners for Sheep Killed on Highway.

86—J. H. McL.—At the time our townships were organized all kinds of stock were allowed to run at large. Since that time by-laws were passed forbidding certain animals to run. Sheep are allowed to run and we have a by-law levying a tax on dogs and have been in the habit of paying for sheep killed by dogs. According to the statutes and forms of affidavits to be taken by parties getting sheep killed by dogs which I received from your office some time ago says plainly that sheep must be enclosed, and not running at large on the highway or unenclosed land. I maintain that when we pass a by-law allowing them to run that we cannot be compelled to pay for them. Have our council done wrong in paying for sheep that were killed on the highway or have we conflicted with the statute by paying for them, the same plainly saying that sheep must be enclosed?

If the owner of sheep allows them to run at large on the highways of the municipality, he does so at his own risk, and is entitled to receive no compensation from the council for any sheep or lambs that may be killed by dogs while so running at large. Section 20 of chapter 271, R. S. O., 1897, provides that "the owner of any sheep or lambs killed or injured while running at large upon any highway, or unenclosed land, shall have no claim under this Act to obtain compensation from any municipality."

Payment of Assessor for Equalizing Union School Section Assessment.

87—P. P.—In the matter of equalizing union schools of two different townships, is it the municipalities or the union sections themselves that should pay the assessors concerned for doing this work? Some are of the opinion that the sections equalized should foot this bill, not the municipalities.

This matter is settled by section 4 of chapter 32 of The Ontario Statutes, 1903. This section provides that "the cost of proceedings under the said section 54, including the fees of assessors and arbitrators, shall be borne and paid by the municipality in which the union school section is situate, and in case such section includes portions of two or more municipalities, the said cost shall be borne and be paid by the municipalities in the same proportion as the equalized assessments of the municipalities bear to each other."

Council Cannot be Compelled to Maintain Ferry.

88—A. R.—Can a council be compelled to maintain a ferry under the following conditions? A ferry has been built by the council at two different times. A public road leads up to the ferry on one side; on the other side the road is not used much and a gate is on it in one place; where the ferry crosses to is not an island but a long neck of land. By going five or six miles you can get around the water to go to one village, and to another village a bridge is built. Only about six or seven families would use this ferry when they want to go to one village; if to the other no ferry is needed. The last ferry was built about six years ago. The parties interested would build the ferry if council would find material.

No. Section 591c of The Consolidated Municipal Act, 1903, provides that the council of any township, etc., MAY pass by-laws for the construction, leasing and operation of such ferries, etc., and MAY make an annual grant for the purpose of maintaining and operating such ferries or ferry-boats, or any one or more of them. It will therefore be observed that it is optional with the council as to whether it takes advantage of the provisions of this section or not.

Collection of Sums Placed on Collector's Roll in Error.

89—H. R. Y.—Your answer to question No. 6 in the January issue is thought by some not to be in the interests of good accounting. Would it not be better to require all who may be overcharged on the collector's roll to pay the tax and receive a refund from the treasurer in the usual way?

The council may instruct the collector not to collect overcharges or errors in his roll. This should be by resolution, specifying names and amounts not to be collected. A certified copy of the resolution should be forwarded by the clerk to the collector and treasurer.

An Irregular Sale of Timber on Road Allowance.

90—J. CLERK.—Eighteen years ago Mr. M. received from the municipal council of R. an agreement bearing the corporate seal, of which the following is a copy:

Moved by W. J., and seconded by R. H., That F. M. do be granted all the timber on proof line, between lots five and six, from the ninth concession to the twelfth concession, in consideration of the said F. M. clearing all brush and timber off the said road.

This is to certify that the above motion was passed by the municipal council, on the eighteenth of January, 1886.

SEAL.

J. R., Township Clerk, R.

This motion is not recorded in the minutes of the council. Mr. M. did not cut all the timber off at that time, but he brushed the road. He wishes now to clean off the timber.

Is he entitled to all the timber growing there at the present time, or just what was there at the time of agreement, or will the law allow him to take any of it?

We doubt very much whether the council had power to pass the above resolution, and, in addition to this, we are of opinion that the grantee has lost his right to the timber, if he ever acquired any right to it under the resolution, by lapse of time.

Vote on By-Law to Erect Township Hall—Payment of Cost of Court Room for Division Court Sitings.

91—J. H.—1. I enclose slip which was voted on at the municipal election and carried "Yes" by a good majority. Now cannot the council go on and build a hall without submitting the matter to the ratepayers again?

Township of O., January 4, 1904.

Are you in favor of a By-Law being passed to build a Township Hall at S. Lake?

YES

NO

2. There is a Division Court held here and the townships in the district pay proportionately for use of the school house where it is held. Cannot this money be collected if the municipality build a township hall?