

correct, but the amount to the credit of the township was only some \$13 short, but he declared the discrepancy must have occurred in some of the former years, as everything for 1903 was correct. The bank manager says if you can show that we have made the mistake we will make up the difference. The township treasurer says if it can be shown that he made the mistake he will make it right. The township council has asked the treasurer to deposit the amount of the shortage to the credit of the township. But it seems impossible to locate the mistake. The treasurer claims that as a ratepayer he had to help to pay the auditor's salary, and that they were paid for pointing out the mistakes. The treasurer firmly believes that the mistake, if any, must have been made by the bank, and he refuses to make up the amount until it be shown that he really did make a mistake.

Is the auditors' work to show just where the mistake (if there is one) occurred?

If the council is satisfied that the report of its auditors as to the amount of this shortage is correct, and the treasurer, in the belief that he owes the township nothing, persists in his refusal to make good the amount, the council's proper course is to enter an action against the treasurer to recover the amount, and thus let the courts settle the matter in dispute between them. If it seems advisable, the council may have an audit of the books of the treasurer under the authority of section 9 of chapter 228, R. S. O., 1897.

Proceedings Preliminary to Building Granolithic Walks.

560—SUBSCRIBER.—1. Our council are building granolithic sidewalks this year. Is it not necessary to take a vote on a by-law duly published, issue debentures for 20 years on frontage tax plan, sell debentures and use money for sidewalks?

2. What portion is to be paid by the whole town, and what as local improvements tax?

1. If the council is putting down these sidewalks under the authority of the local improvement clauses of The Consolidated Municipal Act, 1903 it is not necessary to submit a by-law to the vote of the electors to enable it to do so, or to raise the money required to pay the cost. The procedure to be followed in constructing sidewalks on the frontage tax system will be found in sections 664 and following sections of the above act.

2. This depends upon the section of the Act under which the council is proceeding. If the town has not adopted the local improvement system in respect to sidewalks or streets by by-law passed pursuant to section 682 of the Act, the council may by by-law passed under the authority of section 678, pay out of the general funds of the municipality 40 per cent., or such greater or less percentage as it may deem expedient, of the cost of the construction of these sidewalks. As to the cost of local improvements opposite street intersections or exempted properties see section 679 of the Act.

Enforcement of Fenceviewers' Award.

561—A. J. McD.—Three of our fenceviewers, acting under The Act Respecting Line Fences, made an award. One of the owners, or his occupant, has not carried out the award. The other owner served the occupant with a notice under sub-section 1, section 9, chapter 284, R. S. O., 1897, and no action has been taken by the other owner or his occupant.

Is there any mode of enforcing this award other than that provided in said section?

No.

Appointment of Pathmaster to Keep Roads Open in Winter.

562—P. M.—If a pathmaster in his road division orders the men out to break roads in the winter, and they refuse to come, what steps should pathmaster then take. If he hires men to shovel snow can he make the council pay for same?

In order to authorize a pathmaster to make and keep open township roads during the season of sleighing in any year, he must be appointed for this purpose by by-law passed pursuant to sub-section 3 of section 537 of The Consolidated Municipal Act, 1903. The pathmaster so appointed may then perform the duties mentioned in this

sub-section. We do not think that the pathmaster would have any authority to hire men to shovel snow and render the council of the municipality liable for their pay, unless the council specially authorized him to do this, or appropriated a certain sum out of the public funds to be expended by him in this way.

Compelling Removal of Fence from Highway—Law Regulating Automobiles.

563—J. W.—1. There is an old road through a portion of our township. This old road was surveyed in '53. Some statute labor was done on it. The by-law states that it must be forty-feet wide. A part of it runs along the base line between A. and B. That portion of it is only about 20 feet wide, but is quite sufficient for all the driving that is on it. It is not used in winter. B. has moved his fence in 10 feet and A. refuses to move his. A. bought his farm eight years ago and the fence was there 22 years before he bought. Can A. be compelled to move his fence, the fence being there so long and the road not a Government allowance? If so, what steps are we to take to compel him to move it? We do not want to compel him if we do not have to, as the road is plenty wide for all the driving that is on it.

2. There are some automobiles running through this township. They frighten horses and have done about \$175 damage. Can we control them, or have they the same right to the road as our teams?

1. We are of opinion that the council cannot now compel A. to move back his fence, unless it desires to widen the road, and takes the necessary steps to expropriate the portion of A.'s land required for the purpose. In this event A. would be entitled to compensation for the land taken.

2. An Act to Regulate the Speed and Operation of Motor Vehicles on Highways was passed by the Provincial Legislature in 1903, and is chapter 27 of The Ontario Statutes for that year. A perusal of this Act will give all the information required.

Enforcement of Performance of Statute Labor—Payment of Commutation Money.

564—J. F.—1. Is there any way that men from twenty-one to sixty can be forced to perform one day statute labor or pay in to the pathmaster say seventy-five cents in lieu thereof, there being no by-law in existence in this township, or I may say in the Ontario Act to compel those that are not on the assessment roll? That being the case, what course should be taken to bring them to time, or are they free?

2. Has a pathmaster a right to receive money from a party who wishes to pay him instead of working out his time? Or can the pathmaster do the work instead of hiring men, men being very scarce and not to be hired at seventy-five cents per day, said pathmaster working the same as the other men?

1. Section 100 of The Assessment Act provides that "every male inhabitant of a township between the ages aforesaid (that is, twenty-one and sixty), who is not otherwise assessed and who is not exempt by law from performing statute labor, shall be liable to one day of statute labor on the roads and highways in the township." If the party liable makes default in the performance of his statute labor, he incurs the penalty mentioned in sub-section 2 of section 107 of the Act.

2. Any ratepayer liable to perform statute labor may, if he so desires, instead of doing the work, pay to the pathmaster for his road division commutation money at the rate fixed by by-law of the council passed under the authority of section 104 of the Act. There can be no legal objection to the doing of the work by the pathmaster under the circumstances mentioned.

Payment of Expense of Examination by Board of Health.

565—W. S. I.—A few ratepayers on one side of our school section wished our school moved nearer to them. To gain their point they got a petition signed by about a dozen to the effect that our school grounds were unhealthy, being too low. The petition was sent to our school inspector, who advised us to bring on the board of health. The trustees did so. Our township board of health decided that there was no reason whatever for such a com-