and then proceed to pass the by-law exempting the saw mill and lands described and tributary to the K river? Some objections are now being taken to exempting certain industries that are about being erected under this by-law. Whatwe want to know is, is there any danger of municipality assuming any liability in this matter, or could they repeal the by-law or quash it if not legal, and would they be liable to J. C. or any protective company for the ten years exemption as set forth in by-law?

At the time this by-law was passed the law governing the matter was contained in section 411 of the Municipal Act (chapter 223 R. S. O. 1897). This section enabled a municipal council by a TWO THIRDS vote of its members to exempt any MANUFACTURING establishment from taxation in whole or in part, except as to school taxes, "for any period not longer than ten years etc." Under this section, it was not necessary to obtain the assent of the duly qualified electors before the passing of a by-law of this kind. This section was repealed and a new section substituted by section 25 of chapter 26 of the Ontario statutes 1899. Clause (g) of the last mentioned section provided that any agreement or arrangement with a view to exemption from taxation not completed on or before the 1st September 1899, required the submission of a by-law for the purpose of carrying out such agreement or arrangement to the electors before it could be finally passed. This section remained in force until the 30th April, 1900, when sections 8, 9, 10 and 11 of chapter 33 of the Ontario statutes 1900 became, and still remain the law on the subject. Therefore at the time this by-law was passed, it was unnecessary to obtain the assent of the electors as to its passing, but we are of opinion that no exemption from taxation can be granted thereunder the agreement or arrangement for which was not completed prior to the 1st September, 1899. In these cases by-laws will have to be submitted to the electors as provided by sections 8, 9 and 10 of chapter 33 of the Ontario statutes, 1900 before they can be finally passed. (See clause (g) of section 25 of chapter 26 of the Ontario statutes 1899, and section 11 of chapter 33 of the Ontario statutes, 1900.) The by-law submitted to us is open to several objections. It is very informally drawn and the first clause enacts practically nothing. It also purports to exempt from taxation a tract of land which is perhaps for more than is required for the business and that is unauthorized by the section pursuant to which it was passed, and it does not except SCHOOL taxes from the exemption porporting to be granted.

Proceedings for the Construction of Drain :

332—T. W. W.—A drain has been constructed pursuant to an agreement under the Ditches and Watercourses Act. Two years ago one interested party wanted a better outlet. A petition was presented to the council; the engineer was sent on, made out a report and plans which were adopted. (Taking the water another way.) No further proceeding in this way was taken. An owner gave notice under Ditches and Watercourses Act, the engineer made an award, taking the water into the old agreement drain, only more on some to construct it. This was appealed against, the judge quashed the award, claiming that the agreement was good. The council received notice in April, 1903, to proceed with the engineer's report under the Drainage Act, which was made in 1901.

1. Has the council power to proceed under this notice?

2. Can they amend the report by referring it to the engineer?

3. Since the council, an owner has given notice to the interested parties to appear under the Ditches and Watercourses Act to take the water in a natural watercourse. What is your opinion of the beat way to proceed?

1 and 2. The council cannot legally act on this notice and pass a by-law pursuant to the prayer of the old petition, embodying the report of the engineer made in 1901. The petition leading up to the passing of a by-law of this kind is required by sub section 1, of section 3 of the Municipal Drainage Act, (chapter 226, R. S. O., 1897), to be signed by a majority in number of the resident and non-resident persons, (exclusive of farmer's sons, not actual owners), as shown by the *last revised* assessment roll to be owners of the lands to be benefited in any described area, etc., and there have probably been a number of changes in the ownership of lands in this area since the old petition was signed. If the intention is to now construct a drain pursuant to the provisions of the Municipal Drainage Act in this area, a new petition should be prepared, signed, by the necessary number of parties, and filed and the engineer required to file a new report.

3. If the drain is to follow the course of that constructed under the old agreement, proceedings should be taken under section 36 of the Ditches and Watercourses Act, for the reconsideration of the agreement, if any change is required. If the drain is a new one, and it comes within the purview of the Ditches and Watercourses Act. (See sections 5 and 6), the municipality can initiate and carry on to completion, the proceedings prescribed by the Act. (See the definition of "owner" in section 3 of the Act), and we think this the easier and cheaper course unless the extent and dimensions of the drain are such that the proceedings for its construction will have to be taken under the Municipal Drainage Act.

Assessment of Lands in School Section in Unorganized Township.

333—A. B. C.—The G. N. W. telegraph plant was inside of S. S. No. 3 F. and was liable for taxation. But not so with concession A as per minutes of Revision Court, which I enclose also a rough detail of concession A., which belongs to F—but never was in S. S. No. 3 before. Now I want you to understand that those said lots were not put on roll at first court of revision nor were they assessed by assessor of S. S. No. 3 F—, but were put on roll by acting Secretary P— on the 20th November, 1902. Of course the parties so assessed were notified immediately after sitting of second court. Also notice that said lots were to be assessed for $2 per acre. Now each lot was assessed at $200 per lot and I am well aware that some of said lots do not contain 60 acres as quite a number of them are cut off by lakes and the zigzaging of B— road on front of Con. A, all lands beyond being in the next S. S. Now those taxes so assessed were demanded on the 27th November, but all refused paying the G. N. W. Telegraph Co. being the first. So the school board did not distrain, not knowing whether it would be legal to do so.

1. Were the taxes imposed legal or could they be legally collected in 1902, the school house being on the verge of lots 11 and 10, concession 10?

2 Is three miles the outside limit from school house, within which taxes can be collected, and if so, is it three miles in a straight line, or as the road runs?

6	5	4	3	2	1	29 | 28
6	5	4	3	2	1	27 | 26
6	5	4	3	2	1	25 . 24
6	5	4	3	2	1	23 | 22
6	5	4	3	2	1	21 | 20
6	5	4	3	2	1	19 | 18

CONCESSION A.

1. We gather from your statement of the case, that these lands were not placed on the original assessment roll for the year 1902, prepaied by the assessor appointed for the purpose, pursuant to section 27 of the Public Schools Act, 1901, but that they were placed on the roll by the court of revision for the school section on the 20th November, 1902. Sub-section 4 of section 27, provides that all appeals (to the court of revision), shall be made in the same manner, and after the same notice as nearly as may be, as appeals are made to a court of revision in the case of ordinary municipal assessments etc. Section 71 of the Assessment Act provides that appeals against an assessment roll must be made in writing and filed within fourteen days after the return of the roll. Sub-section 3 requires the posting up of a list of the complaints made against the roll in some public and conspicuous place and by sub-section 8 a list of the complaints is to be furnished to the assessor. By sub-section 9 the notice therein set forth is to be served upon each person with respect to whom a complaint has been made, and sub-section 12 requires all these notices to be completed at least six days before the sittings of the court of revision. In the case submitted none of these provisions appear to have been complied with, but on the contrary the court of revision assessed the lots first and gave the owners notice of their having done so afterwards. We are therefore of the opinion that these lands were not legally placed upon the assessment roll o

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