

section 1 of section 103 of The Assessment Act, 1904), provided the collector's roll has not yet been returned.

Possession of Original Road Allowance—Establishing Line of Road.

605—P. S. E.—A owns land, across the corner of which is a forced road. He has had the concession fenced in opposite his land in lieu of the forced road. B owns land farther west on said concession, and he has the consent of the council to open said concession to the corner of his lot (which is a wild pasture lot with no one living thereon), it having no other outlet.

1. Can B proceed to throw down A's fence, leaving A's premises open, without first notifying him, and is he liable for damages for so doing, as the road has not yet been improved or traveled?

2. As none of the parties are certain as to the proper boundaries of said concession line, by whom should it be established, A, B, or the council?

1. This appears to be a case within the purview of section 642 of The Consolidated Municipal Act, 1903. This section provides that "in case a person is in possession of any part of a government allowance for road, laid out immediately adjoining his lot and enclosed by a lawful fence, and which has not been opened for public use

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by reason of another road being used in lieu thereof, or in possession of any government allowance for road parallel or near to which a road has been established by law, in lieu thereof, such person shall, *as against any private person*, be deemed legally possessed thereof, until a by-law for opening such allowance for road has been passed by the council having jurisdiction over the same." Section 643 of the Act provides "No such by-law shall be passed until notice in writing has been given to the person in possession at least eight days before the meeting of the council, that an application will be made for opening such allowance."



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made for opening such allowance."

2. It does not appear that the general public requires the opening of this road, so we would advise the council to remain passive in the matter. The dispute seems to be between A and B as private individuals, and if the establishing of the concession line is necessary to settle it, they should have this done themselves.

Performance of Statute Labor in Police Village.

606—R. J. H.—1. In our municipality is a portion of an incorporated police village. I notice my predecessor has not charged any statute labor against the ratepayers of said village living within our municipality. Is this correct, there being no by-law commuting statute labor within the municipality?

2. If not, which should have the benefit of any monies derived therefrom, the police village or the municipality?

1. If statute labor has not been commuted within the limits of the police village, the owners of property therein should perform statute labor in the same manner as the other ratepayers of the township municipality, according to the ratio of statute labor in vogue therein. If any ratepayer in the police village does not perform his statute labor, he should be returned by the pathmaster to the clerk as a defaulter, and the clerk should enter the amount of the commutation against the lands of the defaulter on the collector's roll for the year in which the return was made, or the following year, as provided in sub-section 1 of section 15 of chapter 25 of The Ontario Statutes, 1904.

2. The commutation moneys should be paid to the

township treasurer with the other taxes, to be expended in the road division in which the land in respect of which they are paid lie, the year following that in which they have been paid, as provided in sub section 2 of section 15 of the above Act.

Costs of Commitments of Lunatics to Asylums.

607—T. F. W.—In the August number of the WORLD, a question, No. 512, was asked in regard to the liability of this council to charges for commitment of insane persons to the asylum. The council acted on your reply, and then received a letter from lawyers in S demanding payment of the account. The council has requested me to again ask you which is correct, the S lawyers or the WORLD. The council had no knowledge of what had been done until P. D. M. presented his bill for payment. They did not authorize any action in the matter.

From the statement of the facts this does not appear to be the case within the purview of section 11 of chapter 317, R. S. O., 1897, and we are therefore of opinion that the council is not liable for the payment of this account. The physicians should look to the mother of the girl, or whoever is liable for her support and maintenance, since they are apparently financially able to pay the bill. The fact that the inspector of asylums has approved of the account does not fix liability for its payment on the municipality.

Assessment of Corner Lot for Construction of Local Improvement.

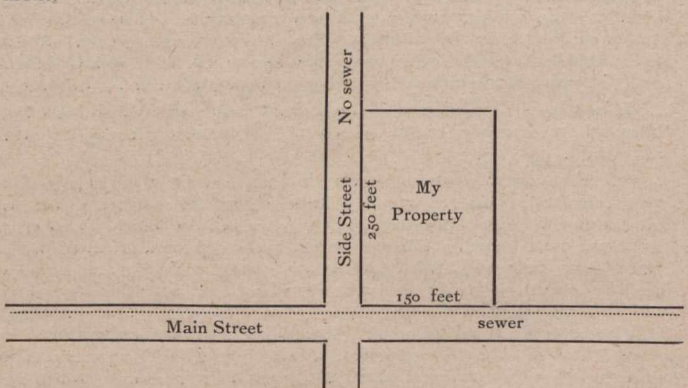
608—S. C. W.—Last fall the town put in sewerage here, and some time ago the council gave the ratepayers a statement of their assessment for same.

On the street on which I live and have my house and lot, the latter 130 feet front, is a sewer.

On the side street is no sewer, but they charged me 150 feet on this, my lot being, as you may see on diagram, on a corner, and 130 feet front by 250 feet deep.

I did not appeal to the council about it, but my neighbor did, but received no satisfaction. What I wish to know is can they tax me for this street on which there is no sewer, as they are charging me more for it than they are for the one with the sewer; or what can I do in the matter, or need I pay it.

The council has not yet passed a resolution confirming assessment.



The Assessment for local improvements of property located as this is, should be regulated by by-law of the council, passed under the authority of sub-section 4 of section 663 of The Consolidated Municipal Act, 1903. It is not stated whether such a by-law has been passed by this council or not. In any event, we do not see upon what principle any frontage on the side street could be assessed for the construction. The owner should have appealed to the Court of Revision, and if dissatisfied with its decision, to the County Judge. Since he neglected to do this we do not see that he has any redress. Sub-section 7 of section 671 of the above Act provides that "the statement referred to in the two preceding sub-sections, unless so far as the same is altered or varied by the Court of Revision or the County Judge, upon appeal, shall be final and conclusive as to all matters therein contained."