

4. When there is a good passable road, the most of it gravelled, running through between two concessions, and the water from those concessions flows towards the road and the ditches are partly filled up those parties want the council to have the ditches on both sides of the road dug deeper, so as to drain their lands. Now we maintain the council has no right to drain those lands at the township's expense. What steps should the council take in the matter?

5. Whose duty is it to have an infected house fumigated, the medical health officer or has the family itself to have it done?

1. No. Sub-section 1 of section 80 of The Consolidated Municipal Act, 1903, provides that no treasurer of ANY municipality shall be qualified to be a member of the council of ANY municipal corporation.

2. Section 81 of the above Act provides that "any person having the necessary qualification and not otherwise disqualified, who is a member of a local municipal council for the year in which nominations are held for the election of members of the county council shall be eligible for nomination and election as a member of the county council at such election; but no member of the council of a local municipality shall sit or vote as a county councillor." Therefore the reeve of a local municipality for the current year is not required to resign that office prior to his nomination for the office of county councillor for the years 1905-6, but he must refrain from becoming a candidate for membership in the council of the local municipality for the year 1905.

3. The council should not interfere in this matter.

4. A council has no authority to construct drains on the public highways of the municipality for the purpose of receiving and taking away the surface water from adjoining lands. In this case the council should remain passive, and leave the parties interested to the remedy that the provisions of The Ditches and Watercourses Act (R. S. O., 1897, chapter 285), afford them.

5. If this family is financially able to pay the expense of disinfecting its premises in which the contagious disease has existed, it should pay the expense of the disinfection carried out under the direction of the local Board of Health. (See sections 81 and 82 of The Public Health Act, R. S. O., 1897, chapter 248). But if, owing to their poverty, they are unable to pay this expense, the local Board of Health is required by section 83 of the Act to do the work and pay its cost.

Assessment for Repair of Drain.

180—C. H. L.—A drain constructed some six years ago under The Municipal Drainage Act and paid for is now repaired under section 74. The drain is about five miles long and only the upper portion or head of the drain is repaired about a mile. This is an open drain and the repairs do not benefit the lands in any way below the said repairs? In assessing for said repairs should all parties be assessed pro rata the same as per original construction, or only those who are benefited by the said repairs?

The only method of assessment authorized by this section for repairs initiated and carried out thereunder is a pro rata assessment on the lands and roads as last assessed for the construction or repair of the drainage work. This does not empower the council to assess the cost of repairing any particular portion of the drain against any lands other than all those assessed for the original construction or last repair of the drain (as the case may be).

Right of Non-Resident Elector to Participate in Nomination Meeting.

181—F. G. J.—A man living in a township sold his farm (possession to be given 1st March) and moved all his effects about six miles from the boundary of the township and went there himself on November 20. Is this man qualified to come to the nomination and move a candidate for councillor?

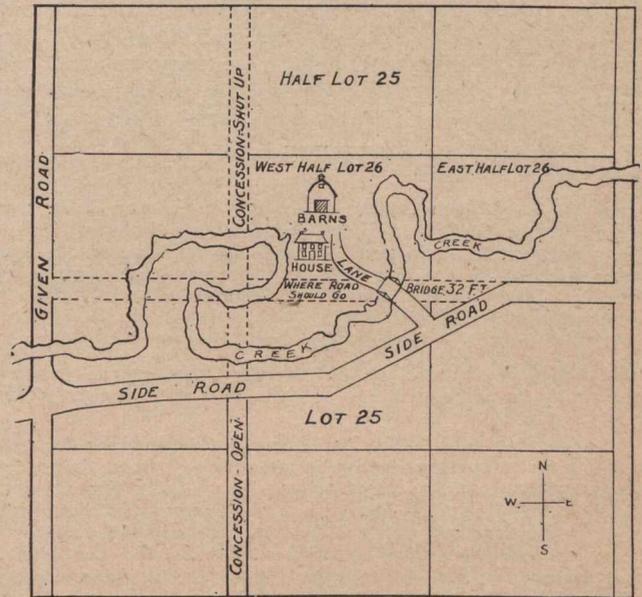
We assume that the nomination referred to is that held on the 28th December last. A nomination meeting

is a meeting of the ELECTORS of the municipality. (See sub-section 1 of section 118 of The Consolidated Municipal Act, 1903). If this man's name was on the list of voters used at the last election, as a voter entitled to vote at municipal elections, he was on nomination day an ELECTOR of the municipality and competent to participate in the nomination proceedings. The latter part of section 89 of the Act provides that "no question of qualification shall be raised at any election, except to ascertain whether the person tendering his vote is the person intended to be designated in the list of voters."

Liability of Municipality to Build Approach to Farm.

182—R. L. M.—A farmer has to build a large bridge, over thirty feet and costs about \$400, to cross a stream to get in to his place, whereas if the road went in its right place the township would have to build the bridges. Below is given a plan of the locality.

Can he collect anything from the township to help build it?



From the facts of this case so clearly shown by the plan accompanying this question we are of the opinion that the municipality is not liable to contribute anything towards the maintenance of the bridge in question.

Payment and Collection of Expenses of Parties in Quarantine.

183—J. M.—We had an out-break of small-pox in our township. The Board of Health quarantined the parties that had the disease along with other parties. They hired a doctor and a constable and a man to carry the necessities to the sick and paid all bills, which amounted to \$100.10, without asking the ones liable for the different amounts.

1. Can the Board of Health hire what doctor and other parties, such as constable and carrier it chooses, without the consent of the parties liable?
2. Had not the health officer a right to quarantine, and the parties who were able to pay choose their own attendance?
3. Is the township obliged to appoint a health officer, if so who has to pay him when there is no salary set by the council, and should he make a detailed statement, and what can he charge per mile?
4. The board wants to collect back those bills from the parties. Can they do so. They also want the council to work in conjunction with them. Would this be legal or have they to do the collecting themselves?
5. What is the proper steps for the Board of Health to take when they have to quarantine?

1 and 2. Section 93 of The Public Health Act (R. S. O., 1897, chapter 248), provides that the health officers or local Board of Health of the municipality may make effective provision in the manner which to them seems best for the public safety, by removing such person to a separate house, or by otherwise isolating him, etc. If the