

## Question Drawer.

Subscribers are entitled to answers to all Questions submitted, if they pertain to Municipal Matters. It is particularly requested that all facts and circumstances of each case submitted for an opinion should be stated as clearly and explicitly as possible. Unless this request is complied with it is impossible to give adequate advice.

Questions, to insure insertion in the following issue of paper, should be received at office of publication on or before the 20th of the month.

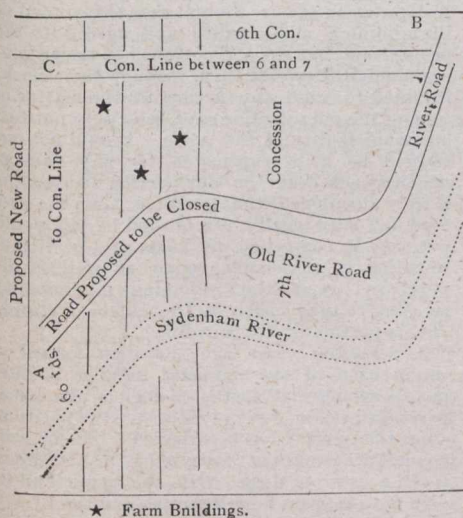
Communications requiring immediate attention will be answered free, by post, on receipt of a stamp addressed envelope. All Questions answered will be published unless \$1 is enclosed with request for private reply.

Counties Should Build and Maintain Bridge Over Stream on Townline—Right of Parties to Ingress and Egress to and From Road Proposed to be Closed.

**317—H. J. F.—1.** Is it the duty of the adjoining counties to build and maintain a bridge 50 ft. long which is on the county line, and it is also the townline between two municipalities. The stream the bridge crosses is 25 feet wide at low-water mark and 150 feet wide at high-water mark. One of the two municipalities mentioned is in L..... county and the other in K..... The statutes do not make it clear to me as they do not mention a creek such as this which I have reference to.

2. Have the municipal council of a township power to close a road that has been used as a government surveyed road for 75 years, where it would compel three parties to move all their buildings about sixty rods in order to get out on a concession line? If they have the power, would they not have to compensate these parties for their expenses in moving to the nearest road? Below I give you a diagram and position of old road and proposed new road. The proposition is to close that portion of river road from A to B and buy a new road from A to C, as the river road has got so narrow in places that the council find it necessary to either buy more land along said river road or change it as marked.

3. If the municipal council pass the necessary by-laws for closing such roads, is it necessary to have these by-laws confirmed by the county council?



1. We are of the opinion that it is the duty of the adjoining counties to build this bridge, as it is a bridge over a stream crossing a boundary line between two counties. Sub-section 1, of section 617, of the Municipal Act, provides that "in case of a bridge over a river, stream, pond or lake forming, or crossing a boundary line between two or more counties, etc., such bridge shall be erected and maintained by the councils of the counties." The stream you refer to is one within the meaning of this sub-section.

2. If the proposed closing of the road will exclude the owners referred to from ingress and egress to and from their lands, over such road, the council will have to compensate the owners for the injury to their lands, and must provide some other convenient road or way of access. See section 629, of the Municipal Act.

3. If the council has power to pass a by-law closing this road, being an original road allowance, the by-law will have no force or effect until confirmed by a by-law of the council in the county in which the township is situated. See clause 6, of sub-section 2, of section 660, of the Municipal Act.

Ratepayer Cannot Compel Council to Open Road for Him Only.

**318—SUBSCRIBER.**—Can one ratepayer compel a township council to purchase and open up a right of way for road through private property, where it is impossible to build a road on the regular road allowance?

No. It is discretionary with a township council as to whether it purchases and opens up a new road or not. It should not do so, if the road when opened would be for the use and convenience of one individual only.

Traction Engine and Threshing Machine are Assessable.

**319.—R. O. S.—**Is the owner of a traction engine and threshing machine assessable for it, if he also carries on the general business of farming? In explanation: The farmer and two sons own and work 75 acres, and also own the threshing outfit and move about from farm to farm for three or four months in the autumn. The sons are probably the actual owners, but they are all jointly assessed for both farm and thresher. As there are more cases like this in Ontario, it will be of general advantage to have an answer in the WORLD.

The threshing machine and traction engine are not "farming implements," within the meaning of sub-section 16, of section 7, of the Assessment Act, and are not exempt from taxation pursuant to the provisions of this sub-section. They are used, not in the tilling and cultivation of the owner's farm, but as the means of carrying on the separate business of threshing grain, etc. Unless the value of the threshing machine and engine is under one hundred dollars, (and therefore exempt from taxation under the provisions of sub-section 25, of section 7) they should be assessed at their actual cash value, as provided by section 28, of the Act.

Law as to Laying of Granolithic Walks.

**320—C. T.—**Our council propose putting down some granolithic sidewalk. Kindly in-

form us as to the proper steps to take in the matter. Is there any special law in regard to laying these walks?

It is not stated whether the council purposes paying the cost of this sidewalk out of the general funds of the municipality, or to raise the funds required by an assessment of the frontage of properties benefited pursuant to section 664, and following sections of the Municipal Act. If the former, there is no SPECIAL provision on the subject. If the latter, the law is contained in the sections of the Municipal Act above referred to.

Township's Liability for Improper Construction of Drainage Works.

**321—G. L.—1.** We have a drain constructed under the Drainage Act which was cleaned out under the same Act last year, and was passed by the commissioner, at that time reeve of the township, also by the township engineer, and the contractor was paid in full for work, no objection being raised by any one at that time. Ratepayer now claims to council that drain was not completed according to specifications, and demands that council shall so complete it at the expense of township. What action should council take, if any?

2. We are constructing drain under Drainage Act. Contractor claims work all done, and I understand township engineer is going to report work complete. Ratepayer on drain has neither depth nor width called for by specifications, and threatens action against township if council accept drain as it is.

What is council's duty?

1. If the work in connection with this drainage scheme was performed in accordance with the report, plans and specifications of the engineer, and injury was thereby occasioned any owner, such owner is entitled to compensation for the injury he has sustained. If the work was done negligently, any person injured has a right of action against the municipality for damages for the injury he has sustained.

2. The council should do all that lies in its power to insure the proper construction of this drain. Any person injured thereby will be entitled to compensation, and if there was negligence in the construction of the drainage works, parties injured will have rights of action against the municipality for damages.

Adjustment of Union School Section Assessments on Formation of New Section.

**322.—F. G. J.—**Arbitrators were appointed under section 43 of the Public Schools Act and a new union school section was formed composed of parts of two townships, also parts of two counties. The new union school section was made up on our side of the townline, of portions of each of two existing sections and part of an already existing union school section. Equalization of the union school took place more than a year ago and our portion of the moneys to be levied fixed at sixty-one per cent. The other portion of this section is not affected by the new union school.

1. Has the portion left of the former union school section still to raise sixty-one per cent of the amount required? or

2. Must a new equalization take place?

3. If the latter, who must call the meeting of the assessors to equalize—the school-house being in the adjoining township?

4. If the assessor of the adjoining township, what steps should be taken to have a meeting called at once?