

clerk's office not later than the 15th day of June, in the year in which commutation first begins in the division."

2. The persons chargeable with statute labor in such a division cannot return to the old method of performing it, unless authorized to do so by a by-law of the township council.

3. You have no authority to place these amounts on your collector's roll, either for this or any subsequent year, either as arrears of taxes or commuted statute labor or otherwise.

Council Should Leave Parties to Their Remedies Under the Drainage Acts.

270—W. P.—There is a water run and a culvert on said place which has been kept up by the council. The man on east side of road ran an underdrain out at culvert and his neighbor, across the road, built a dam along his fence damming the water across road and filling up the culvert with clay. The man on west side of road claims that the council should take the water down the side of the road which would mean a cut eight or ten feet deep and about sixty rods long. What steps would the council take to have the water taken off the road and have the water run in the old course through the fields?

The council should not make the cut described to take the water away. This would be taking the water out of its natural course, and likely to lead to future trouble. It is doubtful whether the municipality can institute proceedings under the Ditches and Watercourses' Act, (Chap. 285, R. S. O., 1897,) to have a drain constructed to carry this water to its natural outlet. The point, so far, has not been decided by any High Court judge, but we understand that the judge of the county of Welland has held that a municipality has no right to commence proceedings under this section. The council should leave it to the private owners interested to take such steps as the Drainage Acts provide to remedy the deficiency. See also question No. 95, 1901, February issue.

Status of Separate Schools When Township is Being Divided Into School Sections.

271—C. B.—I have been requested to write THE MUNICIPAL WORLD with regard to forming school sections, as we are about passing a by-law for the purpose of forming the school sections of the township, and as we have separate schools or portions of separate schools, being in union with adjoining township. Should we form all the township into school sections, including the lots of separate school supporters, or does the board of trustees of separate schools form their own sections?

Every part of the township should be included in some section or union school section when the council is dividing it into school sections. Sub-section 1, of section 11, Public Schools Act, (chap. 292, R. S. O., 1897,) provides that "the municipal council of every township shall sub-divide the township into school sections, so that EVERY part of the township may be included in some section." Every person paying rates in any school section so formed, who is a Roman Catholic, and supporter of a separate school, in the municipality, or in a municipality contig-

uous thereto, on giving the notice mentioned in section 42, of the Separate Schools Act, (chap. 294, R. S. O., 1897,) shall be exempt from payment of all rates imposed for the support of public schools, etc. As to the mode of forming a Roman Catholic separate school, see sections 21, 22 and 23, of the Separate Schools Act.

Cash in Bank Assessable.

272—J. H. M.—Is assessor justified assessing private cash in bank as personal property, or only for income derived from it?

He is justified in assessing cash in bank as personal property. See sub-section 9, of section 2, of the Assessment Act.

By-Laws for Purchasing Electric Plant and Constructing Sewerage System—"Wards" Still Exist—Assessment of Owner and Tenant.

273—ENQUIRER.—1. Our town council have under consideration the installing of a system of waterworks and a system of sewerage, also the taking over of the present electric light plant, which is now owned by a private individual. It is proposed to submit by-laws to the electors on the waterworks and electric light plant, and of putting in sewerage under section 668, and sub-section 4, of the Local Improvements Act. Would this be a proper mode of procedure, or should the electors be consulted as to sewerage system, whether said system is installed on one street, (that being the principal street,) or say three of the principal streets, or a more extensive system, including many of the streets? I am under the impression that the section above referred to is applicable only in municipalities where a system of sewerage already exists, and it becomes necessary to extend the system.

2. As the time for clerks to again prepare the voters' list is approaching, I will be much obliged for a few hints from you on that very important subject. We have a population of about three thousand. I therefore take it for granted that the term "wards" does not apply to us, and should not be considered in compiling our list, but for the sake of convenience we may have the usual polling sub-divisions, and therefore a person assessed in more than one sub-division, and having sufficient property in each is only entitled to one vote in the municipality, and should have his name entered in one sub-division only.

3. There seems to be some uncertainty as to the meaning of "severally" and "jointly," in section 92, chap. 223, of the Municipal Act. Kindly explain difference in these expressions. Am I to infer from section 93, chap. 223, that if A (the owner) and B and C (tenants) are assessed for a piece of property valued on roll at \$575 (in town) that not one of the three is entitled to vote.

1. The by-law for the raising of the amount necessary to purchase the electric light plant should be submitted to the electors for their assent before it is passed, provided the amount to be raised is not to be paid within the year current at the time of the passing of the by-law, as we presume is the case. See sub-section 1, of section 389, of the Municipal Act. If the council of your town, upon the recommendation of the local Board of Health, affirm by a vote of two-thirds of all the members of the council at any regular meeting thereof, that it is desirable and necessary in the public interest, to construct, make, enlarge or prolong, a drain, sewer or sewers, etc., a by-law can be passed for the purpose, subject to the provisions of sub-section 4, of

section 698, without its having been first submitted to the vote of the electors. This sub-section seems to cover every case where it is in the public interest to make, enlarge or prolong a sewer.

2. "Wards" still exist in a town of less than five thousand inhabitants, notwithstanding the amendments to the Municipal Act, enacted by the Municipal Amendment Act, 1898. A voter's name should, therefore, be entered on your voters' list in every ward in which he possesses the necessary qualifications as a municipal voter, and he can vote for councillor in as many wards as he is so qualified, but has only one vote for mayor. See Amendment, 1601, in this issue.

3. No. Your town having less than three thousand of a population, all three are entitled to be placed on your voters' list.

Repairing of Bridge Damaged by Lumbermen.

274—W. G. H.—We are in a back part of the country where there are many rivers and streams to bridge, and the people are not able to keep or build expensive bridges. The lumber company, in running their logs, tears up the covering and railing, and does not replace them. As it was leaving the municipality liable for damages that might occur, they claim that the bridge should be high enough to let the tow-boat and cabin under. Is this so, or can we compel them to replace the covering and railing? The streams are not navigable. Please give us full detail of this in your May issue.

Under the circumstances you mention, the municipality is not bound to furnish parties floating logs or timber down the stream, with such bridges as the purposes of their business would seem to require. It is sufficient if the municipality erects and maintains in a condition of safety such bridges as are required by ordinary travel in the locality. If the lumber company in carrying on their business cause damage or injury to any bridge or any part of it, it can be compelled to repair it or pay for the damage done.

Township Councils in Districts Cannot Pass By-laws Under Sub-Section 1, Section 535, Municipal Act.

275—I. F.—May a township council in unorganized district pass a by-law under sub-section 1, of section 535, Municipal Act, 1897?

No.

Statute Labor—Licenses to Sell Liquor, Cigarettes, etc., in Police Village.

276—J. P. H.—1. There is a police village, composed of part of this township and part of the adjoining one. The police trustees are asking the councils of each to enter into an agreement with them giving them certain privileges. We are not sure if these can be granted. Can this township abolish statute labor in that part of the village within the township limits, or give the trustees power to do so, while they maintain the system in the remainder of the township.

2. If not, can they give the trustees power to commute the same at the rate of fifty cents per day, while they charge seventy-five cents per day from other residents of the township who wish to pay for same?

3. Can they give the trustees power to charge