

H. M.—1. A farmer has land in two townships, his sons living with him, have they votes as farmers' sons in both townships or only in the one in which they reside?

2. A man owns a farm in a township and his house on same lot is in a village corporation, have his sons votes as farmers' sons in the township?

1. If the sons are assessed as "farmer's sons" they have a right to vote only in the township in which they reside with their father.

2. No.

TP. CLERK.—A owns a number of lots in different parts of the township and consequently in different road divisions. Should his statute labor be based on his whole property, in the aggregate, or separately in respect of the road division?

The statute labor should be based and calculated on each two hundred acres, and if the owner is a resident of the township he shall have the right to perform all his statute labor in the road division in which his residence is situated unless otherwise ordered by the council. (See sec. 100, sub-sec. 2, Consolidated Assessment Act, 1892.

A. M.—1. Can a reeve move or second a motion when council is in session? Answer no. What is the authority for that answer?

The question quoted by our correspondent was sent in by the reeve of a township, and the answer thereto does not apply to a member of a county council, or to the reeve of a town when the mayor fills the chair.

T. L.—1. Should a male non-resident freeholder of a township be placed on part one of the voter's list, or has he only a municipal vote, he not having the initials M. F. on the assessment roll?

2. Trustees of S. S. have bought school site adjoining my garden line fence being only 30 feet from my house, can I compel trustees to put close board fence on the dividing line? if so what height can I make them put it?

3. Am I liable for half-dividing fence? if so and I put close fence 6 feet high can I make trustees do the other half the same?

4. If trustees refuse to put close fence can I object to have the school site so near my house, there being sufficient land to move the site 60 feet from my garden fence, and also other sites equally as good in the centre of the section?

5. Trustees of S. S. have borrowed \$550.00 for ten years through the township council and corporation have issued debentures for the same at five per cent. to be paid annually by a special rate over the section. Can trustees demand interest on the sinking fund created to pay off the debt, are trustees liable for the whole interest of debentures for the ten years?

1. If the person referred to was not in good faith at the time fixed for beginning to make the assessment roll, or for making the complaint to the county judge under the Voters' Lists or Manhood Suffrage Acts, a resident of and domiciled in the municipality he is qualified to a municipal vote only.

2. No.

3. No. We think the trustees should enclose the school site with a sufficient fence, or if in a township and a by-law has been passed regulating the height of fences, such a fence as the by-law requires.

4. If in a township, sec. 73 of the Public School Act, 1891, enacts that a school site shall not be selected within 100 yards of the garden, orchard, pleasure ground or dwelling house of the owner of the site without his consent.

5. The annual payments provided for in the by-law ought to have been, and most likely were calculated on the basis of allowing interest to the school section on the amount of the principal paid in. The trustees on behalf of their school-section are liable for the whole interest at the rate mentioned each year during the ten years.

T. P.—1. A is owner of lot in township of Bosanquet. B who is a non-resident pretends to have a five years' lease of A's lot. C, who is a resident of the township is working A's lot on shares. To whom should the lot be assessed?

2. Before the assessor returned his roll he was notified that A owned a certain lot in the township and that B who was a non-resident was seeking to be put down on the assessment roll as tenant under a five years' lease, for the purpose of obtaining a vote. That C who is a resident of the township was working A's lot on shares, and should be put down as tenant. The assessor returned the roll having assessed the lot to A as owner, and B as tenant. Has he left himself liable to prosecution for fraudulent assessment?

1. If B has a written lease purporting to be *bona fide* on its face, and shows it to the assessor, asking to be assessed as tenant of the property described in the lease, the assessor would be justified in assessing him as tenant of the property. We do not think the assessor is bound to enquire into the sufficiency of the lease, as this is a question which should be decided by the court of revision.

2. If the assessor arranged, with full knowledge of the facts, to assess B for the land instead of C, with the intention of giving B a vote to which he was not in good faith entitled, he would be responsible for the fraudulent assessment, or placing of B's name on the roll instead of C's.

F. J. G.—In considering sections 48 and 49, Public Health Act, I would like to know the legal rights of the board of health.

1. Must the board ask the council to set apart a certain sum for the use of the board before the board can issue its orders on the treasury?

2. If the council should refuse to set apart any sum for the use of the board, then would the board have the power to issue its orders on the treasurer under section 49?

3. Suppose the council sets apart a certain sum for the use of the board, and after the board had exhausted the amount, an emergency arises requiring immediate funds, could the board then issue its orders on the treasurer without first going to the council for a further appropriation?

4. Has the council any legal authority to issue its own cheques for payment of work done by direction and under the authority of the board?

5. Is the board required to send its bills for work done under its authority to the council for payment?

6. Generally speaking, what authority has the council over the expenditure of the board for work done or material supplied that properly comes under the jurisdiction of the board?

1. Sec. 48 of the Public Health Act, enacts that the municipal council or councils may vote such sums as are deemed necessary by the local or district board for the carrying on of its work; and section 49 that the treasurer of the municipality shall forthwith upon demand, pay out of any money of the municipality, etc. We therefore think the board can issue its order on the treasurer before the council shall have made an appropriation for its use.

2. Yes.

3. We think so.

4. No.

5. No.

6. We consider the board of health the sole judges as to what expenditure is necessary in carrying on their work, and as to what materials they require to enable them to do so.

P. C.—I cannot find in the statutes anything that fully explains the duties of the oath of office of officials of municipalities such as reeves, etc. The words of the declaration taken by reeves are, I, A. B., solemnly promise and declare that I will truly, faithfully and impartially, to the best of my knowledge and ability, execute the office, etc.

1. Is this declaration of reeves and deputies equally binding when occupying a seat at the county council, that is, should members of the county council when in council assembled, look after the interests of their representative minor municipalities to the prejudice of the whole county or should they look after the interest of the county irrespective of the interest of the minor portion of the municipalities composing the county?

2. Does the declaration of reeve, etc., require them to vote on measure before county council according to their own judgment or according to the opinion of their constituents?

The foregoing questions do appear to me to be very simple, and may so appear to you, nevertheless, many members of county councils hold views on these two questions quite antagonistic to mine. The cause of these is in consequence of the views many members of the county council take in the matter of a poor-house. Some reeves justify themselves for voting against a poor-house for the reason that, though they admit that a poor-house would be greatly to the interests of the county, but not beneficial to their municipality. Others again contend that, individually, they are in favor of a poor-house as a matter of economy to both their township as well as the county, but they voted against the poor-house because that was the feeling of their ratepayers. In both of the above class of voters, they admit that they did not vote for the interests of the county, then for what interest did they vote if not to please the majority of the rate-payers in their respective municipalities, having an eye to the next municipal elections. And the feelings the rate-payers generally entertain on the poor house question is what they receive from their reeves and deputies.

1. Generally speaking the acceptance of a municipal office and the making of the necessary statutory declaration imposes upon the person making the declaration the duty of performing all the duties pertaining to the office he has been elected or appointed to fill, faithfully and impartially and to the best of his knowledge and ability. He should vote for and support such measures and perform all the public duties incident to his office in such a way as will best promote the welfare of the many. He should advocate and lend a helping hand to whatever he considers would advance the interests of the community whose business he is assisting to transact, whether in the township as reeve or in the county council as one of its members.

2. A reeve should vote on questions arising in the county council, as a member of such council, in such a way as he thinks would be most to the advantage of his constituents, having a due regard for the welfare and right of the other portions of the county.