

his half, and built the line fence of his own timber. Then B. also occupied his part and built his fences in the line fence which A built. Now, can A. claim pay from B. for half the line fence built by him, or is B. only liable for keeping and repairing half the line fence built by A. ?

1. A careful perusal of sec. 7 of the Jurors' Act, R. S. O., 1887, chap. 52, would lead to the inference that the officials named, if possessed of the necessary property qualification, are liable to be selected as grand jurors for the high courts, as by said section they seem to be exempted from service in the inferior courts only.

2. Sec. 3 of the Act respecting line fences, enacts that "owners of unoccupied lands which adjoin occupied lands shall, upon their being occupied, be liable to the duty of *keeping up* and *repairing* such proportion," etc. No mention is made of the payment of the cost of a just proportion of the fence already constructed, and we are therefore of the opinion that the duty of the owner of the unoccupied lands when they become occupied by him extends only to the *keeping up* and *repairing* of a just proportion of the line fence.

J. A. X.—1. Can the board of health force a butcher to remove his slaughter house outside of the village limits ?

2. The same being kept in a clean shape ?

3. If so, would the council have to compensate the butcher for moving the same ?

Section 8 of the by-law, schedule "A." to the Public Health Act, prohibits the use of a slaughter house which is less than 200 yards from a dwelling house or less than 70 yards from a public street. This applies to every municipality.

Section 9 provides that no person shall keep any slaughter house, unless they receive permission from the local board of health. This permission may be revoked at any time, if the health of persons residing in the vicinity is liable to be endangered thereby.

If the slaughter house referred to is within the limits mentioned in said section 8, it should not be used.

If the board of health refuse to give a butcher permission to slaughter in the municipality, he cannot do so, and even if the refusal to grant permission causes him to remove his slaughter house, he is not entitled to compensation.

J. M. M.—I would like you to explain through your columns whether householders assessed as such, but without being assessed for any amount, so having no taxes to pay, have a vote at municipal elections ?

Sec. 80 of the Consolidated Municipal Act, 1892, provides that in order to entitle a person to vote at a municipal election in respect of real property, such property, whether freehold or household or partly each, must be *rated* at an actual value of not less than \$100 in townships, \$200 in towns with a population of 3000 and under, \$300 in towns with a population of over \$3000, and \$400 in cities. Unless the householder you refer to comes

within this section he cannot have a vote at municipal elections.

J. B.—Would you kindly answer through your question drawer if the Bell Telephone Company is liable to be assessed for their posts and wire running through the whole length of the township ?

No.

T. C.—What action should be taken to form a public school into a separate school? Does the notifying of the township clerk that they are supporters of the Roman Catholic separate school make it legal without any other proceedings, or should the section be dissolved by by-law, and the separate school formed by by-law of the township ?

2. Could a public school supporter in such section compel the sale of the school property ?

3. A party bought the property of a separate school supporter and wishes to be put into a public school. What action should he take in the matter, or what action should the council take ?

1. Sec. 21 *et seq.* of chap. 227, R. S. O. 1887, provide the means of forming a separate school in a school section. If such separate school be formed we do not think it necessarily follows that every rate-payer in the school section by the formation of the separate school becomes a supporter. See sec. 40 *et seq.* of said Act.

2. We do not think so.

3. Although the Act is not very clear as to this, we think the purchaser should give notice to the clerk of his withdrawal as a separate school supporter, and also see that he is not assessed as such by the assessor. If he is aggrieved in this particular he has the right of appeal mentioned in sub-sec 13 of sec. 48 of said Act.

A. B.—At our meeting yesterday a motion was brought forward naming two persons as collectors of rates for the current year, which motion was read by the reeve and declared by him "carried." Again a motion in amendment was proposed which was read by the reeve and declared "carried"; of course the reeve is understood to vote for the original motion and also for the amendment. Are both resolutions operative? If not, which one.

We are of opinion that the first named motion stands and has due effect. As we understand the last named motion was not an amendment to the first named, but an original motion inconsistent and at variance with the former one and should not have been put or voted on without the reconsideration or recession of the former. Officers as important as the collector are generally appointed by a resolution confirmed by by-law.

M. B.—1. Will possession hold in given road less than forty feet. The road was laid out by the council, it probably was forty feet at the time but it is not over thirty feet at present, and the parties through whose land it runs have had possession for twelve years or more. The road is recorded but no width stated.

2. When the council of a township believes that a majority of the owners interested in the construction of a drain, petition the council to take the necessary steps to have the drain constructed, and procure an engineer to make the necessary examination, and the engineer finds it necessary to take in a larger scope and there is not a majority and they cannot be got to sign the petition and the proposed drain is not made, are the petitioners liable for all costs ?

1. This question is very indefinite. Before answering same we would like to know all the circumstances under which the road was given to the municipality, whether it was ever defined, established and assumed as a public highway by the council, and also whether public surveys were ever expended or statute labor performed on it. Let us hear from our correspondent again as to this.

2. We do not think the petitioners are liable for the costs mentioned. It is discretionary with the council to entertain the prayer of the petition, and having done so, it must be assumed that they considered the petition sufficient, and they should pay the costs, at least in the absence of any agreement of the petitioners to do so.

The question of municipal treasurers' security will possibly occupy the attention of the provincial legislature for a short time when return, ordered at last session, to show amounts municipalities have lost during the last twenty years, is brought down. The average salary of a township or village auditor is from \$10 to \$15, and of a town, city and county auditor, from \$50 to \$75. Under the present system each county pays \$300 for the supervision of financial transactions, involving over a million and a half dollars yearly. In this we are generous in leaving out the cities for to include their financial business, etc., raising the amount which is checked over by the auditors yearly to \$3,100,000 for the average county, or, in other words, it costs the municipalities \$1 to check over each \$10,000 of their receipts, expenditures, assets and liabilities. To this cost must be added the amount each municipality has lost through defalcations, etc.

During 1892 we published a series of articles descriptive of the county houses of industry in the province, and referred to the more important matters to be considered when houses of industry are about to be established, and to the Elgin, Middlesex and Brant institutions in particular. All of these contain information, valuable to those who may have to deal with this question and who have been unable to give the matter special consideration.

We have on hand a limited number of copies of the four monthly issues of THE WORLD, containing these articles which we will send to subscribers for twenty-five cents. The other back numbers also contain valuable articles, legal decisions, and answers to questions. These will never be republished. In view of the increasing interest in municipal management, no councillor should be without them. We have back copies of all of the months for 1892 except February and March, and will supply to subscribers for fifty cents.