

QUESTION DRAWER.

SUBSCRIBERS only are entitled to opinions, through the paper on all questions submitted if they pertain to municipal matters. Write each question on a separate paper on one side only. When submitting questions state as briefly as possible all the facts, as many received do not contain sufficient information to enable us to give a satisfactory answer.—Ed.

F. J. C.—I want to call your attention to section 5, Municipal Amendment Act 1894.

The public or high school boards are required to submit estimates as required by the Public or High School Acts.

Should these estimates be submitted in detail or in a lump sum? If in a lump sum, how is the council to determine whether or not more than \$500.00 is included in the estimates for permanent improvements under section No. 32, High School Act?

2. Under sub-section 3, moneys raised for current expenditures of public or high schools are to be paid over in monthly instalments "on the requisition of the school corporation concerned."

Now the school corporation having put in their annual requisitions as mentioned in sub-section 2, is it necessary that their monthly requisitions should be submitted to, and passed by the council before being paid, or can a cheque issue to them upon the filing of such requisition with the clerk or treasurer before having passed the council.

1. We think it very advisable that the estimates referred to by our correspondent, should be submitted in detail to the council. If this be not done, the council has a right to make enquiries of the board as to how the amount is arrived at; the writer belongs to a high school board which always submits these estimates in detail.

2. We are of opinion that the monthly requisitions should be submitted to and passed by the council.

R. Y.—A poundkeeper receives a horse into his pound, and the party impounding gives a written statement of the amount of damages. The owner of the horse disputes the amount of damages, and the fence viewers are called on, to determine the amount in accordance with the act. The fence-viewers decided that the fence in question was not a lawful one. Have they any authority to determine amount of damage incurred?

See section 20 and 21 of the act, or where the fence was not a lawful one, can damages be claimed; (township by-law same as statute.)

If the fence was found by the fence-viewers not to be a lawful one and they so certified, we are of opinion that the fence-viewers have no power or authority to deal with the question of damages.

J. McN.—Have the council of a township the power to sell the half width of a concession, leaving it open only 33 feet wide? It is travelled very little.

We see no legal reason why the portion of the road referred to by our correspondent should not be closed up and disposed of. But the preliminary proceedings set forth in section 546 of the Con. Mun. Act should be first taken, and the permission of the council of the county in which your municipality is situate should be obtained as mentioned in section 545 of said act.

COUNTY CLERK—Is it the duty of each county council to appoint an engineer under the "Ditches and Watercourses Act 1894"? See section 4.

The section pointed out by our correspondent seems to refer to all municipalities, including a county, we think, however, it was not the intention to include county

municipalities. Their view seems to be born out by the wording of the form of by-law appointing an engineer, given in schedule A to the act.

NEUTRAL—A certain property is assessed, say \$500.00 on real estate and \$1000.00 personality; just before the return of the roll the building burned, two-thirds of the stock also destroyed. The party appeals to the court of revision, and state that he had \$5000.00 in stock when burned out. He saved \$1800.00 in stock, got \$2500.00 insurance. Should the court of revision reduce his assessment to the value of the real property left, and a proportion on the stock saved, that it bore to the stock in hand at the time of the fire, or would the stock saved be assessable at the rate other stock is assessed at? Also would the insurance money be assessable?

The assessment should be the value of the real property left, and a fair assessment of the personality would be the proportion the stock saved, and the insurance, bears to the stock in hand at the time of the fire.

T. T.—Would you tell us through the MUNICIPAL WORLD what powers township councils have in the matter of traction engines destroying the small bridges? Can they compel, by by-law, owners of such engines to carry plank to run on, or over any bridge?

Chapter 200 of the revised statutes of Ontario, regulates this matter. Section 10 of said act provides that: Before it shall be lawful to run such engines over any highway whereon no tolls are levied, it shall be the duty of the person or persons proposing to run the same, to strengthen, at his or their own expense, all bridges and culverts to be crossed by such engines and to keep the same in repair, so long as the highway is so used; and sub-section 2 of said section provides that the cost of such repairs shall be borne by the owners of different engines in proportion to the number of engines run over such bridges or culverts. If the road is a toll road, see sections 11 to 15 of the said act.

J. M.—Can a municipal council sell debentures on the first day of August, 1894, and have them payable on February 1st, 95, 96, 97, etc.? If so, is the following correct for borrowing the sum of \$434.00, payable within five years with interest at rate of 5 per cent per annum?

Interest on Feb. 1st:

Debentures	1895.	1896	1897	1898	1899
1st \$ 87 01	2 18				
2nd 80 50	2 01	4 03			
3rd 84 53	2 11	4 23	4 23		
4th 88 76	2 22	4 44	4 44	4 44	
5th 93 20	2 33	4 66	4 66	4 66	4 66
Total \$434.00	10 85	17 36	13 33	9 10	4 66
	87 01	80 50	84 53	88 76	93 20
	97 86	97 86	97 86	97 86	97 86

That is to issue five debentures of \$97.86 each without coupons. The object in figuring this way is to save the municipality the trouble of borrowing on notes, and also that the debentures will be payable at a suitable time as taxes are collected on February 1st.

We would call our correspondent's attention to section 414 of the Con. Mun. Act, 1892, which provides that no council shall give a note or debenture for less than \$100. In view of this, we are afraid we must pronounce your debentures void. The figuring we think is correct.

W. E.—I. A person has a ditch constructed under the Ditches and Watercourses Act, it being along a toll road. The engineer constructs a ditch that is dangerous and if an accident occurs, who is

responsible, the township, or the engineer, or the person given notice?

2. What power has a council to close a culvert, and how should they proceed?

3. If a council construct a drain in accordance with section 76 of the Drainage Act of 1894, have they to be notified the same as under section 16 of the said act?

1. We are of opinion that the township would be responsible for damages caused by the dangerous condition of the drain. See section 531 of the Con. Mun. Act, sub-section 3.

2. The council has a right to close a culvert at any time of their own motion, but they must be careful that their so doing does not cause any injury to adjoining owners.

3. Yes.

M. I.—In the township of Tossontoria, S. S. No. 4, is a union composed of parts of Tossontoria and Mulmur in the proportion of 6 to 1. The school house is situated in Tossontoria.

1. Should the council of Tossontoria levy \$100.00 of the money required from Tossontoria for said S. S. by general rate, or only 6-7 of \$100 and Mulmur the other 1-7?

2. If Tossontoria should levy \$100 by general rate, should Mulmur levy any general rate for said school?

In the case of union school sections the municipal council of each municipality should levy proportion of general public school rate.

See sub section 2 of section 109, Public School Act, 1891.

Rules and Regulations for the Government of Common Gaols.

PRISONERS.

If the accommodation and arrangement of the goal will permit of it, each of the following classes of prisoners of each sex shall have a separate and distinct ward, into which no member of any other class shall be admitted:

1. Adult prisoners awaiting trial.
2. Adult prisoners convicted and sentenced.
3. Juvenile prisoners, whether awaiting trial or under sentence.

4. Witnesses, persons committed for contempt of court or on other civil process and persons of unsound mind, unless for safety it is necessary to have the last-mentioned class in a corridor with prisoners who can best care for them.

In addition to the foregoing classification, a further separation shall be made if the accommodation of the gaol admits of it, as follows:

1. Adult prisoners awaiting trial upon a first charge.
2. Juvenile prisoners awaiting trial upon a first charge.
3. Hardened and degraded offenders, who have been convicted three or more times.

Every prisoner shall be provided with a separate cell, in which shall be placed a bedstead, a tick and pillow filled with clean straw, sheets for the bed, a sufficient supply of blankets, a piggin of water, a night pail, a towel, a comb, and a piece of soap.

No prisoner shall be compelled to see a clergyman professing a different creed from his own, and the officers of the gaol