

line, and will have to bear the expense of his so doing. The council is not, however, bound to employ an engineer or take any proceedings because a certain ratepayer has made a complaint.

Liability of Township to Repair Approach to Private Property.

517—M. E.—A ratepayer of our township has asked the council to place sewer pipe and make good the approach to his property. He claims to have legal advice that a municipality must make good all approaches which have once been built by property owners. The Ditches and Watercourses' Act is cited as the authority. Kindly advise as to the matter?

If an approach or entrance to private property is destroyed or injured by the council of a municipality or its employees, the private owner is entitled to be compensated by the municipality for the damages he has thus sustained. Since the amount of the compensation would be the cost of replacing the approach removed or making good any injury done it, the best course for the council to pursue, is to do the necessary work, or cause it to be done. We do not see that the provisions of the Ditches and Watercourses Act affect this question in any way.

Procedure for Sale of Part of School Site.

518—W. D.—1. Have the trustees of a rural school section power to sell part of a school site that is considered not required for school purposes, even if the only well is on that part?

2. If sold, shall the trustees dig a new well or provide water in some other way?

3. What is the procedure for selling part of a school site?

4. Will the trustees, or only the chairman and secretary need to sign the deed?

1. Yes. The latter part of sub-section 12 of section 65 of the Public Schools Act, 1901, authorizes school trustees "to dispose by sale or otherwise, of any school site or other property not required in consequence if a change of site or other cause." The trustees are to be the judges as to whether a part of the school site is not required for any cause.

2. The trustees should provide a new well and keep it in a proper sanitary condition. See sub-sections 3 and 4 of section 65.

3. The procedure is the same as in the case of the sale of real estate by one private individual to another.

4. The latter part of sub-section 12 of section 65 empowers the trustees to convey the real estate of the school corporation under their corporate seal. All the trustees should sign the deed, and cause their corporate seal to be affixed thereto.

Liability of Farmers' Sons for Statute Labor—Sale of Lands for Taxes in Unorganized Territory—Inspection of Fences and Drains.

519—J. A. L.—Should farmers' sons do statute labor?

2. Could unpatented land in unorganized territory be sold for school taxes?

3. Who should pay the costs for inspection of fences and watercourses?

1. If a farmer's son is assessed jointly with his father or mother (as the case may be), pursuant to the provisions of section 14 of the Assessment Act, he is not separately charged with statute labor but it should be calculated on the assessed value of the land, according to the ratio in vogue for the time being in the municipality. A farmer's son, however, entered and rated as such on the assessment roll, if not otherwise exempted by law, is liable to perform statute labor or commute therefor, as if he were not rated and assessed. (See section 106 of the Act.)

2. By section 53 of chapter 225, R. S. O., 1897, the provisions of the Assessment Act relating to sales of land for taxes are made to apply to such sales in the unorganized territory of Ontario. Section 188 of the Assessment Act provides that if any lands of which the fee is in the Crown, are sold for taxes, only the interest therein of the lessee, licensee or locatee therein shall be sold.

3. The circumstances giving rise to the occasion for the inspection must be stated before we can reply to this question.

Calculation of Statute Labor in Townships.

520—EQUITY.—In this township there is a difference of opinion as to how statute labor should be calculated when a party is assessed for lots or parts of lots aggregating over 200 acres. There is no dispute about the scale which has been altered from that given in statutes, so that any amount up to \$1,000 brings two days, from \$1,000 to \$1,800 three days, \$1,800 to \$2,800 four days, \$2,800 to 4,000 five days and so on, one additional day for every \$1,200 or part thereof. The clerk maintains this scale cannot be continued ad infinitum for all the land that any one party or group of parties may get assessed together, but that the scale is only for whatever assessment may be on 200 acres, and that for whatever acreage a party may be assessed over 200 acres, let it be 10, 25 or 50 or more acres up to 200, the scale will have to be commenced with just the same as though it was a separate party was assessed.

We agree with the clerk's view of this matter. Sub-section 2 of section 109 of the Assessment Act provides that such lots or parts of lots as those mentioned, "shall be rated and charged for statute labor as if the same were one lot and the statute labor shall be rated and charged against any EXCESS of said parts in like manner."

Payment of Charges of Medical Health Officers of Cost of Necessaries for Persons in Quarantine.

521—I. A.—At a meeting of our council a few days ago the following resolution was passed: That re small pox cases and other contagious diseases the clerk write the Municipal World for information again as to who is liable for the cost of quarantining as follows:

1. If a member of the local Board of Health sent a medical man (who is not a medical health officer for the municipality) to a house where he has suspicion of some contagious disease, who is liable for the costs, the parties who were quarantined or the Board of Health?

2. If the medical health officer of the municipality has suspicion of contagious diseases in any house in the municipality, and on such suspicion he visits such houses and makes temporary quarantining for a few days until he is sure as to the grounds of his suspicion, and if

a case should or should not develop, who is liable to the medical health officer for his charges, the parties who were visited or the Board of Health, and would it make any difference whether or not the medical health officer was employed by the Board of Health at a yearly salary, or only paid for any work he actually does?

3. If the Board of Health is liable for the costs of medical health officer or other medical man, what must the charges be, and are they liable where the medical health officer acts without instructions from the Board of Health? What the Board of Health is most anxious to know is this, are the parties afflicted liable for the whole costs incurred, sitting up, quarantining and releasing of same, and for medical attendance and necessities, or should the Board of Health bear part of the expense? In most cases the medical health officer being the doctor in attendance?

1. We infer that this member of the Local Board of Health, in giving his instructions to the physician, was not acting as a committee of, or under instructions received from the Local Board of Health, of which he was a member. If this is the case, his personal order, in the absence of other circumstances making the Local Board of Health liable, does not commit the board to the payment of the physician so ordered to attend the person afflicted. In the case of *Bissonette v. Municipality of Stirling et al* (reported on page 175 of *The Municipal World* for 1903), the judge of the County of Hastings in the course of his judgment says that "the plaintiff, *not being medical health officer*, a clear contract of hiring or engagement must be shown in order to maintain an action for services such as these. (The services were attending a family afflicted with typhoid fever.) Has such a hiring or engagement been shown either expressly or by implication? The plaintiff has failed to prove that he was engaged by the Local Board of Health." A perusal of the above case will be of interest in this connection.

2. The services thus performed by the physician were within the range of his duties as medical health officer of the municipality. If he was engaged at an annual salary his charges would be covered by his annual salary, and he would be entitled to no additional pay. If, on the contrary, he is to be paid for performing the duties pertaining to his office, as and when he is called upon to perform them, he is entitled to reasonable pay for the work he actually performs, having regard to the tariff of fees allowed to physicians generally, performing similar services.

3. A medical health officer is appointed and should be paid by the COUNCIL of the MUNICIPALITY. If he is engaged at an annual salary, this is all he is entitled to receive for services performed. If, on the other hand, he is to be paid only for such duties as he actually performs under the Act, he should be paid his reasonable fees for such work actually done, according to the tariff of fees allowed to physicians generally, for performing similar work.

The persons afflicted with a contagious disease are liable for all costs, charges and expenses incurred for their quarantining