

from the aforesaid town site to the Perth travelled road. In case he is right, please quote authority. The distance will be about one mile shorter.

(a) None. See sub-sections 3 and 4 of section 557 of the Municipal Act.

(b) Your contention is correct.

(c) Yes.

(d) It is optional with the council as to whether it closes the road in question. It can do so under the authority of section 637 of the Municipal Act, after the provisions of section 632 have been strictly observed. It altogether depends upon whether general public convenience requires the road or not, and as to this members of the council are the best judges.

Declaration of Doctor as to Death Not Necessary.

436—E. H.—Is it legally necessary for a medical practitioner to be called in case of a death to declare that the person is dead?

No.

Threshing Engine Not Within the Statute.—Cost of Attendance of Reeve Under D & W Act.—Burial of Person Found Dead.—Power of Drainage Court of Revision and Engineer.—Exemption of Farmer's Sons From Statute Labor.—Ownership of Gravel in River Bed.

437 SUBSCRIBER—1.—Is a threshing traction engine within the meaning of the law. If not, please explain why.

2. Where the reeve of a township is called out and attends the first meeting under the Ditches and Watercourses Act, for the purpose of agreeing, if possible, to just proportions, where should his expenses be charged to the drain or to the general funds of the municipality?

3. In a case where a man was killed on the G. T. R. tracks by one of their trains in a certain township and removed by them to a village in another township and left there for interment. Who is responsible for burial expenses? The man being a stranger and not belonging to either township, the coroner of the village mentioned gave instructions to the undertaker to bury.

4. Has Court of Revision on an appeal, any power to change the amount allowed in money by the engineer in his report to any person for the benefit of any private ditch or any ditch dug under the D. & W. Act? Certain parties claiming that they dug the ditch below their own lots and they were entitled to the money instead of the owners of the lots the ditch passes through.

5. Did the engineer discharge his duties in allowing in money to the owner of the lot he found the ditch in or should he have allowed the persons he found mentioned in the previous award?

6. Please explain in what capacity a man assessed as farmer's son is exempt from statute labor. Must he be sole manager of the farm?

7. When a road runs along the River Thames bank for forty years, but the original mapped road is back through the farm 40 or 50 rods has the owner of the lot any right to charge for the gravel taken out of the river for the benefit of the roads as all that is necessary to get the gravel is to drive down the bank off the travelled road?

1. The Act to authorize and regulate the use of Traction Engines on Highways (R. S. O., 1897, chapter 242), does not apply to traction engines used for threshing purposes. Section 43 of the Statute

Law Amendment Act, 1903, adds the following sub-section to section 10 of the Act: "(3) The two preceding sub-sections shall not apply to engines used for threshing purposes or for machinery in construction of roadways.

2. To the general funds of the municipality.

3. If there is an Inspector of Anatomy for this locality, this body should have been placed under his control as directed by section 2 of chapter 177, R. S. O., 1897. If there is no such official, the body should be buried at the expense of the municipality into which it was carried by the railway company, because it was there it was found dead and unclaimed so far as the municipality is concerned. (See section 19 of the Act.)

4. No. The only complaints that a Drainage Court of Revision has authority to entertain are those mentioned in section 31 of the Municipal Drainage Act (R. S. O., 1897, chapter 226), that is, complaints as to undercharge or overcharge of lands or roads in the municipality, the wrongful omission of lands or roads from the assessment, or that lands or roads which should have been assessed for outlet or injury liability have been omitted wrongfully.

5. This question is not put very clearly, but by sub-section 4 of section 9 of the Municipal Drainage Act, the engineer is directed to allow in his report in money the value to the drainage work of any private ditch or drain, or of any ditch constructed under any Act respecting ditches and watercourses, to the person who actually constructed, or whose lands are liable for the maintenance of the ditch or drain, or portion of ditch or drain allowed for.

6. The simple fact that a farmer's son is rated and entered as such on the assessment roll of the municipality entitles him to exemption from the performance of statute labor under section 106 of the Assessment Act.

7. It is not stated whether the lands of this owner are bounded by the water's edge of the river or extend midway across the stream. If the former, the owner has no right to charge for gravel taken out of the bed of the river, and if the latter is the case, he is the owner of the gravel in the river between its bank opposite his land, and the middle of the stream, and no one has any right to remove it without his consent.

Duties of Pathmaster.

438—J. S. B.—A is pathmaster in division No.— and has nine days statute labor charged against him. He has made declaration of office, called out the men in his division, superintended the work, which took three days of his time, and returned his road list to the clerk with the work all marked as having been performed. He had no extra hands on to perform his own labor.

1. Has A satisfied the law in having given himself credit for nine days labor performed?

2. How many days labor did he perform.

1 and 2. There is no statutory definition as to what constitutes a day's statute labor. This is a matter that ought to be, and usually is, regulated by the council of the municipality by a by-law passed under the authority of sub-section 5 of section 561 of the Municipal Act. It is not stated whether this municipality's council has passed such a by-law or not. It is the duty of a pathmaster to exercise a general supervision over the road division for which he has been appointed not only while the statute labor is being performed therein, but during his whole term of office, and it is customary, and we think equitable, to allow him all his statute labor, whatever it may be, for performing this duty. In addition to this we may say that the Assessment Act does not appear to apply to the pathmaster. It does not require him to make a return as to himself. (See section 110.)

Duties of Council and Assessor as to Assessment Roll.

439—J. H. M.—The town of C advertised for application for assessor at a salary of \$30. D sent in an application and was accepted. He went on with his job, and on the day he was finishing, the town clerk told him that they always had their roll arranged alphabetically. That was the first intimation he had of such an arrangement. After returning the roll to the town clerk, the council thought the total assessment on the roll rather low for their town, and they had a certain party put in a general appeal to have the assessment raised by the court of revision. The clerk notified D to attend the Court of Revision, which he did, and was not asked to do anything, the clerk making a memorandum of all the changes made on the roll. At the close of the first day the mayor and one of the councillors told D that it was going to take several days to go over the whole thing, and that he had better go home as he lived about sixteen miles out of town. D went home and at the close of the court of revision, he was notified by the town clerk at the request of council, to come and complete the work done by the court of revision. D went in and had to make out a new roll, which took him about three days. At the next meeting of council they passed an order in favor of D for \$30 for assessing and said nothing about all the other extra work he had done.

Is it necessary to have a roll alphabetically arranged and is D supposed to do this work for the \$30, nothing being said about it in the contract.

2. Is D not entitled to pay for attending court of revision on the first day and for copying the work of the court of revision, and making out a new roll, he having to make three rolls. He kept his roll as clean as possible when going through the town and made all the work with the pen, thinking that he would not have to copy it, or have it arranged alphabetically, nothing being said about it. They say they paid their clerk \$15 for copying their work. I maintain the assessor should have done this.

3. Cannot D compel the council to pay him for all his extra time that he lost after doing the assessing and what is a fair day's wages for such work, he having to board at a hotel for about three weeks. The members of court of revision got \$2.50 per day.

1. There is no legal authority for filing or for the entertaining by a municipal court of revision of a GENERAL appeal against the assessment roll of a municipality, as appears to have been done in