them, made out their respective lists and delivered them in June before court of revision was held (which was on 15th of June) work to be done between 15th of June and 15th of August, and lists to be returned not later than 20th of August. Reeve maintained that lists should not be made out and delivered until after court of revision sat. Was he right in his contention, seeing that the court might adjourn for ten days and that it might be closed by the last of June?

2. Is there a date set by statute for delivering of lists to pathmasters? Lists were always delivered in May or June in the municipality heretofore. No by-law to the contrary.

1. Until the roll is finally revised the number of days statute labor cannot be determined and therefore the lists ought not to be delivered until that time. But as only those cases in which notice of appeal has been given to the Court of Revision can be dealt with by the court, no difficulty can arise in the statute labor divisions in which there are no appeals by reason of the clerk having delivered the lists before the court closed.

2. We are not aware that the statute fixes any date for delivery of the lists.

Length of County Bridges.

323.—J. J.—Does the law require councils to build bridges not less than 16 feet in width, or would a bridge say 50 feet in length over a stream on an ordinary public road, having a width of 12 feet in the clear, fill the requirements of the law?

Municipalities other than counties are required to construct and maintain all bridges which may be required, whether large or small, to keep the public roads in a reasonably safe condition for public travel. The law makes no provision whatever in such cases for the sizes of bridges. Section 617 of the Municipal Act, chapter 223, R. S. O., 1897, requires the county to maintain bridges over rivers, streams, etc., in certain cases and under this section it is the duty of county to maintain all necessary bridges as distinguished from mere culverts.

When is a Road a Highway?

324.—B. I. M.—A bought a farm from B, which had a road on one side of it, which B, who run a saw-mill, opened for his own use. He also built a bridge on the road, which he kept in repair. The public used the road, while B owned it, as it was convenient to do so, for the public road had not been opened by the council. After A bought the farm he asked council to repair the bridge, as it was dangerous to travel over. The council refused to have anything to do with the road or bridge, saying they were going to open the public road, which they did. They also claim that they are not liable for any accidents which take place on said bridge. It can be proved that some of the pathmasters had allowed B to do part of his road work on the bridge, but without the council's consent. A wants to know:

1. Can he compel the council to keep up the road and bridge?
2. If not, can A close the road?
3. If so, what steps will he take to do so?
4. If any accidents happen on the bridge is A or council liable for damages, there being no notice up that it is a private road?

It is a principle of law that "once a highway always a highway," but from the information which you give we cannot express any positive opinion as to whether it has become a public highway or not. We ought to have a plan showing the position of the road and also of the public road, also the length of time the road in question was used and such other information as will enable us to say whether it has become a public highway or not. We may say, however, that we are inclined to think that it is not a public highway. It appears to have been used either for B's own private use or temporarily, the public road not having been opened for some reason, and if it is not a highway we have to answer the questions as follows:

1. No.
2. Yes.
3. Put a gate at the end of it.
4. No, but it would be well for the council to put a warning up that it is not a public road and that the municipality will not be liable for any damages.

Collector—No Property—When to Return Uncollectable.

325.—A. S. L.—There are taxes due on property for 1895, 1896 and 1897. The collector every year saw the ratepayer, and he always promised to pay said tax, but failed to do it. Part of the arrears were due from his brother, whom he bought out, agreeing to pay said tax. The ratepayer lived on the property in 1895 and part of 1896, when he moved away and let it out on shares, but now he claims it is rented for the year 1898. Ratepayer has now no property on the place. The property is mortgaged and the deed is in the wife's name, so far as I can learn, yet when the assessor was assessing he told him he was the owner. The ratepayer lives in next township about five miles distant. Can collector seize his property where he resides? If property is not rented but worked on shares, can collector seize his share of crop? Some say the collector can seize the crop on the land assessed, is this a fact or not? Can we return the property to County?

The collector ought to have made the taxes each year or if he could find no distress out of which to make them he should have made a return according to the facts. A statement of such unpaid taxes should then be made to the county treasurer under section 157 of the Assessment Act and the proceedings provided by section 152 and following sections would or could be taken. After the collector returned his roll he would have no right to distrain for taxes. You do not state whether he has any of the rolls still in his possession unreturned. If he has returned them all he cannot distrain. If he has last years roll still in his hands he can distrain for taxes unpaid on that roll under the circumstances stated in section 135. If you will examine that section you will find that the goods of the person actually assessed can be seized anywhere in the county. Also the interest of the person assessed in any goods on the premises, and also the goods of the owner of the lands on the premises whether the owner is assessed or not.

Drainage Court of Revision—Number Interested.

326.—Y. M. C.—1. Explain the meaning of the words "directly or indirectly interested" in section 27 of the Drainage Act 1894.

2. A is a member of a court of revision on a drainage works and is also a ratepayer on the same drain. B, another ratepayer on same drain enters an appeal against A, C, D, E & F. Now while B is giving his evidence against A's lands, should A have the chair? If so, has he a right to take the chair while B is giving evidence against C, D, E & F. The municipality has roads interested in the drainage works?

1. The intention of the Legislature was to preclude any person from acting as a member of the Court of Revision where he was directly or indirectly interested. If a person is assessed himself for the cost of the drainage work we think that he is indirectly interested in other lands assessed and, therefore, that he is incompetent to sit on an appeal in respect of such other lands because although he may not be directly interested he is indirectly interested. If the other assessments are cut down the deficiency must be made up by an increased assessment upon the remaining lands, and under those circumstances such a member of the court would not be expected to deal as fairly with the appeals as if he were not in any way interested in the result. A mortgagee of lands assessed would be indirectly interested and would be incompetent to act as a member of this court, and other illustrations of indirect interest might be furnished.

2. We do not think that A is entitled to sit as a member of this court in this case at all unless there is an appeal against the assessment in respect of roads or lands under the jurisdiction of the council and then only in regard to such assessment.

Who Supplies Statutes—Nominations.

327.—J. C. G.—1. Are village clerks or all municipal clerks entitled to a copy of the Ontario Statutes, and by whom supplied? Or do they have to buy them?

2. At nomination meeting is it necessary that the mover and seconder be present? Or can they send their nomination to the returning-officer without their personal appearance?

3. Should a nomination as below be accepted, all written by the same person and no signature at the bottom? Moved by Mr. ———, seconded by Mr. ———, that Mr. ——— be a councillor or reeve.

1. The Revised Statutes, 1897, were supplied direct by the Queen's printer to each clerk. The Ontario Statutes have been sent to the clerk of the peace for each county, from whom municipal clerks should receive a copy.

2. The nominations should be made by persons present at the meeting.

3. No. See sub-section 1, section 128, Municipal Act, R. S. O., 1897.

Non-Resident's Notice of Ownership and Assessment—Sales for Taxes.

328.—W. G. H.—Re question 297 in July number, liability for taxes concerning C and D, C has and is in possession of the said lot and cut and sold timber off lot, and further stated and promised to the collector that he (C) would come good for the total taxes if the timber was let go and not sold. It has long been the habit, and with legal belief, that a supposed owner notified the clerk that he has purchased such and such a lot, that he as the purchaser wished to be assessed as owner or resident of the said lot, that the resident was and is compelled to place him as such resident.

1. Is this legal or not? Please state.

2. Can a resident lot be sold for arrears of taxes each and every year?