

2. Since your council is elected by the general vote of the ratepayers of the municipality, notwithstanding the fact that its division into wards still continues, each elector is entitled to only ONE vote for EACH COUNCILLOR to be elected for the town. (See section 9 of the Municipal Amendment Act, 1901, chapter 26, 1 Ed. VII., (o).) (As to the penalty imposed for transgressing the provisions of the above section, see section 9 of the Municipal Amendment Act, 1902, (chapter 29, 2 Ed. VII., (o).))

3. Unless the Board of Public School Trustees of the town has passed a resolution pursuant to the provisions of sub-section 6 of section 61 of the Public Schools Act, 1901, each elector qualified under that Act is entitled to vote for school trustees in each ward in the municipality in which he possesses the necessary qualification. In this connection see also section 3 of chapter 40 of the Ontario Statutes, 1902. (2 Ed. VII.)

Payment of Rent of Polling-Booths at Provincial Elections.—Salary of Medical Health Officer.

483—CLERK.—1. Our township is divided into two polling sub-divisions. In sub-division No. 1 the poll is always held in the town hall. In sub-division No. 2 the poll, at election for the Local Legislature, is held in a certain school house, named by the returning officer for the county. The trustees ask four dollars for use of school house on those occasions. Who shall pay this rent?

2. In January last a ratepayer gives verbal notice to the reeve that his family had been afflicted with small-pox, but were then all well for about three weeks. He requested the reeve to send the Medical Health Officer to see that his house was properly disinfected, as he wanted to send his children to school. Reeve ordered me to send for the Medical Health Officer. Now the Medical Health Officer wants the township to pay his bill for visiting the said ratepayer's house and advising as to cleaning up etc. Who shall pay this bill of the Medical Health Officer? The ratepayer in question being in good circumstances and well able to pay.

1. Section 263 of the Ontario Election Act (R. S. O., 1897, chapter 9) provides that "the fees in schedule B to this Act, mentioned, in respect of the matters therein contained, and no others shall be allowed to the several officers therein mentioned respectively, for the services and *disbursements* in the said schedule specified." Item 18 of this schedule is as follows:—"For each *polling booth*, actual cost not exceeding four dollars, to be paid by the *township treasurer on the order of the Deputy Returning Officer*, unless the township council provides suitable polling places at their own expense."

2. Section 31 of the Public Health Act, (R. S. O., 1897, chapter 248), empowers councils of townships to appoint medical health officers and to fix their salaries. We presume that this has been done in this case. When a medical health officer accepts the office at a fixed salary, he is entitled to no extra pay for services performed either from the local board of

health or the council, and in this instance we are of opinion, that he is entitled to no pay over and above his fixed salary. Whatever *disbursements* were incurred in disinfecting these premises, for disinfectants, hired help, (if any), etc., should be paid for by the ratepayer himself, since he is financially able to do so. (See section 81, 82 and 83 of the Act.)

Permission Cannot be Granted to Private Person to Lay Water Pipes Along Streets of Towns.

484—W. H. C.—A party in town wishes permission to lay down water pipes to supply different persons with water. If the council grant this permission, can they at any time hereafter compel this person to shut off the water or remove the pipes?

2. An agreement will be entered into to this effect. In case the party laying the water pipes is not interfered with for a period of seven years, can he then claim that the conditions of the agreement do not bind him to remove them?

1 and 2. Sub-section 2 of section 565 of the Municipal Act empowers the councils of cities, TOWNS, etc., to pass by-laws "for authorizing any gas or water COMPANY to lay down pipes or conduits for the conveyance of water or gas under streets or public squares, subject to such regulations as the council sees fit." It is to be observed that this sub-section does not authorize the council to grant this privilege to any PRIVATE INDIVIDUAL, nor is such authority conferred elsewhere in the statutes. Therefore, since municipal corporations are the creatures of the statutes, and can do nothing that they do not authorize, the council has no power to grant this person the privilege he asks.

Ownership of Timber on Road Allowance.—Disposition of Fines.

485—J. M.—1 Between lots twenty-five and twenty-six South West Range Frontenac road, C township is a road allowance of sixty-six feet laid out by Government at time township was surveyed. This allowance runs from Frontenac road to the river about the length of one lot and about same length on the other side of the river. This part has never been opened. There is some good timber on same, pine, cedar etc. Does the municipality own the timber or can a man buying the timber standing on twenty-five and twenty-six, cut the timber on said road allowance? There is a bridge across Mississippi near said road allowance. Could the municipality cut the timber on said road allowance to repair said bridge of municipality? What steps should they take to forbid any person from cutting same?

2. About one year ago a justice of the peace fined a man \$20 and costs and gave him thirty days to pay same, he furnishing bonds to pay same. The time has long expired and money has not been paid, and the bondsman says he will not pay same as it is over time. Should any of that money come to the municipality or where does it go to?

1. It is not stated whether the lands in the vicinity of this road allowance are still vested in the Government, and a license to cut the timber thereon granted by the Government to the purchaser with his license to cut the timber on lots 25 and 26 or whether lots 25 and 26 have been

granted to and belong now to private parties. If the former is the case, the timber belongs to the licensee from the Government, and he has the right to cut and remove it. (See sections 2 and 7 of chapter 32, R. S. O., 1897.) If the latter the timber belongs to the municipality in which the road on which it stands is vested and the purchaser of the timber on and from the owners of lots 25 and 26 cannot cut or remove it, unless he has purchased it from the municipality pursuant to a by-law passed by the council under the authority of sub-section 7 of section 640 of the Municipal Act. There is no legal objection to the use by the council of the timber on this road allowance for the purpose of repairing the bridge mentioned, unless it has been included in a timber license from the Crown as stated above. The council should post up notices in the vicinity of the road allowance, forbidding the cutting or removal of trees therefrom, without the consent of the council (although this is not a necessary proceeding preliminary to a prosecution) and any person who can be proved guilty of cutting and removing any of this timber without the authority of the council may be prosecuted for trespass and theft of the timber.

2. We cannot answer this question unless you name the offence for the commission of which this party was fined.

Ratepayer Has no Power to Raise Sidewalk in Village.

—Liability to Build Road Crossing.

486 J. P.—There is a village in our township and a ratepayer has raised the sidewalk about fifteen or eighteen inches making it dangerous to walk on when it is wet or icy. The ground is a little higher just in front of his premises than any other part of the sidewalk so that you can see by raising it, it becomes more dangerous still. The pathmaster told him not to raise it but he paid no attention to him and defied him to lower it again.

1. Has ratepayer any right to raise sidewalk?

2. If not, what proceedings will we take and by whom should such proceedings be taken?

3. A certain ratepayer refuses to put into culvert at his gate where it was necessary to run a water table, but persists in driving over said ditch causing the clay to fall in and obstruct water, thereby running out on road. Can pathmaster compel him to put in proper culvert, there being none there previous to fixing road?

4. If he refuses, what is the proper procedure?

1. No.

2. The man can be indicted, either at the instance of the council or any ratepayer. The corporation may bring an action against him to restrain him from interfering with the highway.

3. It has been held that a municipality is not bound to provide a crossing to enable an owner of land to reach the highway, but this case, according to a recent decision appears to come within the principle laid down in *Youmans v. County of Wellington* (4 A. R., 301) where the