

held "a bicycle is a vehicle," and riding it on the sidewalk is "encumbering," the street within the meaning of sub-section 27, of section 496, of the Consolidated Municipal Act, and of a by-law of the Municipality, passed under it.

2. County councils have no power to pass by-laws, such as those authorized under section 489.

3. We quite agree, that by-laws not authorized by the statute, cannot be enforced.

Public School Debenture Rates—Separate School Tenants.

305.—J. B.—In our village, a few years ago, we built a public school, to pay for which debentures were issued. A piece of property was then and is still owned by a public school supporter, but this year the tenant is a separate school supporter, and the property is assessed to the separate school.

1. Is that property liable for debenture tax? Another property is owned by a separate school supporter, and this year the tenant is a public school supporter.

2. Is that property liable for public school debenture tax?

1. Yes. 2. No.

Time for Moving to Quash Drainage By-Law.

306.—J. A. T.—Please advise at your earliest convenience if the notice required by section 352 of the Consolidated Municipal Act of 1892 must be published in accordance with section 354 of the said act. There seems to be some contradiction with the meaning of this notice, as far as the time given for motion to party assessed given in the by-law as to motion to quash in accordance with section 21, Drainage Act, 1894.

The provisions of section 351 and following sections of the Consolidated Municipal Act, 1892, are imperative, and notwithstanding the fact that the period for moving to quash is not the same as under the Drainage Act, must be complied with.

Discount or Additional Percentage on Taxes.

307.—TOWN COUNCILLOR.—A large number of the municipalities in the province have adopted the plan of allowing a discount for prompt payment of annual taxes, and also of adding a percentage to those who are behind in their payments. And in order to provide funds for the discounts an extra rate, say, of $\frac{1}{2}$ to 1 mill is added to the rate. Will you kindly point out the section of the statute that makes provision for these plans?

Section 53, Consolidated Municipal Act, 1892, sub-sections 1 to 4.

General Public School Rate and Township and Village Union Sections.

308.—R. B. W.—A small portion of our township forms a union school section with the corporation of the Village of Colborne and they pay 11 per cent. school tax in the corporation. They are taxed this year \$245, or 6 3-10 mills, and in addition to this they have been paying $1\frac{1}{2}$ mills special school tax in the township. Under the new law this year the special rate was raised to 2 $\frac{1}{2}$ mills. Now they object to paying the special school rate, they have the benefit of a high school. A lawyer tells them they have no right to pay only the 11 per cent. Does this special rate apply to them the same as township unions, they have no special school rate in the corporation? I think so. Our council meets on Friday when this matter will come up for discussion. We allow them or our ratepayers 11 per cent. on one teacher and three assistants in the corporation, under the new law amounts to \$40, and a fraction out of or deducted from the amount they have to pay

to the corporation, but the 2 $\frac{1}{2}$ mills on their assessment would amount to about \$80. Special school rate over the township, which goes to help the difference, \$40, to poor school sections. Now, have they a right to pay the whole special school tax in the township or only 11 per cent. or not any? They will ask for a rebate ever since the law came in force if they can substantiate their claim.

The Public Schools Act of 1891, section 109, did not make any apparent difference between union school sections composed of part of a township and an incorporated village and the other sections of the township, but in 1892 it was enacted, that, to remove doubts, sec. 109 of the Public Schools Act 1891 shall not be construed to mean that union school sections composed of part of a township and any incorporated village or town shall not be included within the provisions of said section 109. Section 66 of the Public Schools Act passed this year takes the place of section 109 in the old Act, and it is therein stated that this section shall not apply to union schools formed between townships and urban municipalities; by the word "urban" is meant villages, towns and cities.

We therefore say that since the 14th. day of April 1892 the township portion of the union section has had no right to pay any portion of the special rate for general public school purposes levied in accordance with section 109 now section 66 of the Public Schools Act.

Where Rain Causes Water to Overflow Land.

309.—A. B. C.—The water runs in opposite directions by the side of the highway for a distance of forty rods each way to a point where it meets. It then runs from the highway into A's farm where it overflows two or three acres of land. The overflowing of A's land only occurs during heavy rains as there are no springs on the highway. The road has not been drained beyond the ordinary grading of roads. There has been no water carried from its natural course, nor has there been a culvert put in the road to carry the water to A's property from the opposite side of the road. The natural and only outlet for said water when accumulated is through A's farm. A threatens legal action against municipal council, if they do not take water away.

1. Can A compel council to take water away?
2. Have the council any legal or just right to spend the township's money in making a drain on A's land, for the purpose of taking away said water?

The Council should take advantage of the provisions of the Ditches and Watercourses Act, and have the drain properly constructed to a sufficient outlet.

Publications Received.

By-laws of the township of Hay, Fred. Hess, Sr., Clerk.—This is a handy little volume, and includes the following, among other by-laws recently passed:

1. For establishing rules of order, and governing proceedings of the council.

The dignity of the council is hereby maintained, and no persons not members of the council or salaried officers of the township, are allowed within the bar of the council, except by permission.

Another regulation, which we think is a good one is, that the clerk is required to duly record in a book without note or comment, all minutes of the council, and to enter at length all accepted reports.

2. To empower the corporation to enter upon lands, to take material necessary for making and keeping roads in repair.

We do not think this sufficient, as in every instance where it is found necessary to appropriate material for road maintenance, a separate by-law should be passed specifying particulars of the case.

3. For regulating the riding and driving of bicycles, horses and cattle on highways.

The only regulation in reference to bicycles is, that no person is allowed to ride on the sidewalk within the municipality.

4. To retain and punish vagrants and other disorderly persons, and to preserve the public morals.

5. To prevent persons from throwing filth, carcasses of animals, dirt or rubbish, on any road, street or highway.

This by-law is passed in accordance with section 481, sub-section 23, of the Municipal Act, and is a most necessary one in the neighborhood of towns and villages, where no dumping ground for refuse is provided. It also makes it unlawful for any person to take gravel, stone, sand, earth, sod, timber or any material from off the highways, or to dig or make any pit on the roads of the township, without permission of the council.

6. To prevent cruelty to animals.

7. To provide for aiding indigent persons and charities.

The second clause of the by-law provides, that when any reeve or other member of the council is notified of the death of a destitute person, they are authorized to issue their orders for a sum not to exceed twelve dollars, to defray funeral expenses.

The provisions of the Anatomy Act, chapter 199, R. S. O., amended by 52 Vic., chapter 24, requiring notice to be sent to the Inspector of Anatomy in certain cases appears to have been overlooked.

8. To regulate the height of fences.

9. To prevent the obstruction of streams, creeks and watercourses.

10. To regulate statute labor, and define pathmasters duties.

This by-law provides for the commutation of statute labor at ninety cents per day, if paid on or before the first day of July.

Pathmasters on or before the fifteenth day of September in every year, are required to furnish the clerk of the township, with a statement in detail, showing number of loads of gravel, and number of feet of timber used in his division.

11. To regulate the mode of collecting taxes, and defining collectors duties.

12. For the prevention of animals running at large.

At the close of the volume, the clerks duties are set forth as follows:

It shall be the duty of the township clerk to attend all meetings of the council and the meetings of the Board of Health, and to keep a record of their proceedings in the manner required by law, as also to keep all books, papers and documents, required to be kept and preserved, and generally do all that the laws of the Province of Ontario, and of the Dominion of Canada, the by-laws of the township and resolutions of the council require him to do and perform. It shall also be his duty to exercise a general supervision over all the other officials of the township, and to act with and assist the reeve in carrying on the business of the corporation in the intervals between the sittings of the council, and he shall also lay before the council at its first meeting after he receives them, any communication or correspondence in which the interests of the corporation are involved, and also to report to the council from time to time, when he deems it necessary or whenever the council may require him to do so, on any matter or thing affecting the interest of the corporation.