

SAMSON.—If several ratepayers in a school section are in favor of a school house being moved, and the trustees of said section refuse to remove it, can the council compel them to move it, seeing it would be a great advantage to those living three miles from school house? If the council cannot compel them (the trustees) to move said school house, has the Public School Inspector any power to interfere or give any decision on the subject? If so, what would be the best course to take?

Sub. Sec. 11 of Sec. 40 of the Public Schools Act imposes the duty on the trustees to call a special meeting when petitioned to that effect by ten (10) ratepayers of the section for the selection of a new school site in the manner mentioned in said sub-section.

Section 65 of the said act provides that, "In case a majority of the ratepayers present at such special meeting differ as to the suitability of the site selected by the trustees, each party shall then and there choose an arbitrator, and the County Inspector, or, in case of his inability to act, any person appointed by him to act on his behalf, shall be a third arbitrator; and such three arbitrators, or a majority of them present at any lawful meeting, shall have authority to make and publish an award upon the matter or matters submitted to them."

Sec. 66 contains provisions as to the re-consideration of said award.

ALASKA.—When a farmer or mechanic is worth \$10,000 in notes and mortgages over and above his other personal property, should he be assessed for the \$10,000, or the interest thereon, as his income?

That portion of the \$10,000 which is principal invested in mortgages on real estate is not assessable, but the portion in notes and the interest on the principal invested in mortgages are assessable in the same manner as ordinary personal property.

See Assessment Act, section 2, sub-section 10; and section 7, sub section 16 and 26.

D. J.—Has an owner's son a municipal vote?

There is no municipal voting qualification as an owner's son, unless the "owner" be a farmer and the actual occupant and owner of land in quantity not less than twenty acres. The son might be assessed jointly with the parent, and if the valua-

tion of the land on the assessment roll is sufficient each would be entitled to a municipal vote.

J. B.—Would it be legal for a council in making appropriations for roads to do so by resolution, and when work was completed to pass by-law paying for same?

The custom heretofore was to make the appropriations by by-law and the commissioners would give an order on treasurer for amount when work was done. It would sometimes happen that the work was done for less than was in the by-law, which might result in loss to the municipality if commissioners would be inclined that way.

The appropriations for roads should be made by by-law of the council, and payments up to the sum appropriated directed by resolution.

In cases where the commissioner has been authorized by the council to issue orders for payment, the treasurer honors and pays the orders only to the extent of the amount appropriated.

R. E. W.—1. There are four level railway crossings in an incorporated village; all of the cattle guards have been removed. What remedy has the corporation in this case, or was it according to law for the Railroad Co. to remove the said guards, the four crossings being on public streets?

2. In the event of the council passing a by law to permit milch cows to run at large, would the corporation be liable in case any loss should occur to the Railroad Co. through said cattle in connection with the crossings or otherwise?

(1) Railway Companies are required by statute to construct cattle guards on both sides of a public highway crossing their track, whether the railway be under Provincial or Dominion jurisdiction—and when made they are to be duly maintained. These cattle guards are to be suitable and sufficient to prevent cattle and other animals from getting on the railway—if they are not so made and maintained, the company is liable for all damage which may be done by their trains or engines to cattle, horses or other animals on the railway. We do not think the corporation can compel the company to make or maintain the cattle guards.

2. Generally speaking, cows can run at large unless prohibited from so doing by a by-law passed under the authority of the Municipal Act. The Railway Acts pro-

hibit any horses, sheep, swine or other cattle from being at large upon any highway within half a mile of the intersection of such highway. No liability would attach to the corporation under the circumstances mentioned.

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