

Would you kindly answer again in next issue of the WORLD, giving your reasons?

Yes. Section 274 of the Municipal Act gives the reeve the right to vote on all questions, and, being entitled, there is nothing in the Municipal Act to prevent him from proposing any resolution and having a vote of the council taken upon it. See question No. 48, 1901, and questions Nos. 239, 348 and 409, 1900.

#### A Fire Limit By-law.

**297—W. C. M.**—The case in point was a one story building, that is, 12 foot concrete, twelve inch walls, the roof being of iron. When objection was made they did not claim it to be more than one story but held that the council could not pass a by-law regulating the height, as one story served the purpose and they could not put him to the expense of putting on another story, simply to make it look better, as long as the walls were twelve inches thick, and roof of incombustible material, they could not be stopped.

1. Have the council the right to regulate height?

2. Have the council the right to regulate thickness of walls, particularly the second story, what would be understood by main walls?

3. If a building, say 30 x 60, was built two stories and twelve inch wall, could an addition in the rear be built with nine inch wall?

The following is an extract from our Fire Limit By-law:

From and after the passing of this by-law it shall not be lawful to erect or place any building or part of a building within those parts of the town of Simcoe hereinafter particularly mentioned and described, and fronting upon any main street therein, other than with main walls not less than one foot thick of brick or stone and with roofing of an incombustible material, and such building to be not less than two stories in height.

1. No.

2. Yes. By main walls we would understand the exterior walls of a building; or those dividing or separating it from adjoining buildings.

3. If the building is located within the fire limits and the wall of the addition is an exterior wall, it should be built in conformity with the provisions of the by-law and be twelve inches wide.

**Tenant's Right as School Trustee and to Vote on School Questions.**—Assessment of Wires and Poles of Telephone Company.

**298—F.**—1. Can a tenant act as trustee and sign a requisition asking council to raise, by way of debentures, certain sums of money to erect a new school house, said tenant's lease expiring in two or three years, the debentures having ten years to run?

2. Can tenants vote at school meeting on questions such as raising money by debenture to erect new school house, their lease expiring in three years and the debentures to run ten years?

3. What value per mile is generally placed on wire and poles of a telephone company?

1. The persons qualified to be elected and act as school trustees are "such persons as are British subjects and resident ratepayers, or farmers' sons within the meaning of the Municipal Act, of the full age of twenty one years and not disqualified under the Act (see sub-section 2 of section 9, Public Schools Act.) A tenant is a ratepayer no matter what time his tenancy has to run, if he is assessed, and, if he can

otherwise qualify, he is eligible for election as a school trustee. If elected he can and must perform all the duties imposed on a public school trustee, by the Public Schools Act, and one of these duties is to apply to the township council for the issue of debentures under section 70, sub-section 1 of the Act.

2. Section 12 of the Act provides that "every ratepayer, of the full age of twenty-one years, who is a public school supporter of the section for which such person is a ratepayer, etc., shall be entitled to vote at any election for school trustee, and on any school question whatever," such a tenant as you mention is a "ratepayer" within the meaning of the section and has the right to vote on a question of this kind.

3. Section 2 of the Assessment Amendment Act, 1901, provides that "real property belonging to or in the possession of any person or incorporated company and extending over more than one ward in any city or town, or situate in any township, may be assessed together in any one of such wards, at the option of the assessor, or the assessment of the property may be apportioned amongst two or more of such wards in such manner as he may deem convenient, and in either case the property shall be valued as a whole or as an integral part of the whole." We cannot place any value on property of this kind as it varies in different localities. The assessor should, keeping in view the provisions of the above section, place such a value on the property as his impartial judgment and ability and peculiar knowledge of the subject-matter would lead him to conclude to be correct.

#### A Road Obstructed by Snow.

**299—J. R.**—In case of roads being blocked with snow, and parties break through fences into a man's property and by so doing cut wire fences and tear out rails and destroy them, work being done by order of pathmaster, who would be liable for damage done to said property? Would it be right for the council to pay? Or could they be compelled to pay?

Chapter 240, R. S. O., 1897, empowers municipal councils to pass by-laws requiring owners or occupants of lands bordering upon any public highway to take down, alter or remove any fence found to cause an accumulation of snow or drift so as to impede or obstruct the travel on the public highway, and the council when it acts under this Act, is required to make compensation to such persons, and, therefore, in the absence of any by-law authorizing the taking down, fences under the provisions of this Act, we cannot see what authority the pathmaster has to take down fences or cause them to be taken down and render the municipality liable in damages to the owner without any authority from the council.

#### Unauthorized Board of Health Resolutions.

**300—J. C.**—1. The following resolution was adopted by the Board of Health of the township of ..... on the 29th ult.:

"That all children of fifteen years and younger in the township of ..... be vaccinated at the township's expense."

Is this a legal charge against the township?

2. This same Board of Health also passed a resolution that the township furnish the vaccine points as a township charge. Is that according to law?

1. A local board of health has no authority to pass a resolution of this kind. By sub-section 1 of section 4 of chapter 249, R. S. O., 1897, the council of a city, town, township and incorporated village is empowered and required to contract with some legally qualified and competent medical practitioner for the period of one year, and so from year to year, as such contract expires, for the vaccination, at the expense of the municipality, of all poor persons, and at their own expense, of all other persons resident in such municipality, etc. In case the council of a municipality neglects to enter into such contract for one month after their attention has been called in writing by the local board of health to such neglect, the local board of health may enter into such contract. Section 14 of the Act makes provision for the introduction of compulsory vaccination by the council of a municipality, which evidenced by the issuing of a proclamation by the head of the municipality, published as mentioned in the section.

2. No. The physicians who do the vaccinating must furnish the vaccine points used.

#### Disposition of Collector's Bond.

**301.—J. C. C.**—1. Does the return of the collector's roll with the duly sworn to account required by sections 147-8 of Assessment Act, relieve the collector and his sureties?

2. Our collector, having complied with these sections, now asks council to relieve him and his sureties and surrender the bond. What should the council do in the premises?

They feel a hesitancy about cancelling the bond because of possible errors of collector that might come to light in the future. On the other hand it does not seem right to longer hold the collector and especially the sureties, and compel them, as it were, to remain under contract with the corporation and thus perhaps be ineligible to run for or hold office, etc.

What is usual in such matters?

1. No. Only to the extent to which the collector has made his returns and performed his duties as the law requires.

2. The council has no right to cancel or surrender the collector's bond. As soon as it is signed by the collector and his sureties and delivered to the council, it becomes one of the municipal records, and should be retained in the custody of the clerk for the time being as such, for all time to come. If the collector has collected, duly accounted for and paid over all monies of the municipality coming into his hands by virtue of his office; returned his roll, and otherwise performed his duties as the law requires, the retention of the bond by the municipality will not work the disqualification of any of the parties to it, from being elected to or holding any of the offices you mention.