

QUESTION DRAWER.

SUBSCRIBERS only are entitled to opinions through the paper on all questions submitted if they pertain to municipal matters. Write each question on a separate paper on one side only. When submitting questions state as briefly as possible all the facts, as many received do not contain sufficient information to enable us to give a satisfactory answer.—ED.

J. D. R.—Simply and solely to reduce the grade on a ridge over which crosses at right angles the leading road from the dock to the railway station, the village council make a ten foot deep cut, leaving a church, a parsonage, and a private residence high and dry with no means of access to these respective properties. Is the corporation liable for damages in each of these cases?

We cannot conceive of the corporation so making this excavation as to utterly close in these properties and shut them off from all means of access. Does our correspondent mean that the top of the bank is too near the fences or limits of the properties mentioned, that neither vehicles nor pedestrians can pass between. If so, we think the corporation is liable.

I. J.—In your article on the Tile, Stone and Timber Drainage Act, p. 174, of THE MUNICIPAL WORLD for November, you say: "The expenses must be paid by the borrowers." I would like to know what is your authority for this statement? Our township solicitor informs me that we have no authority for charging the expenses to the borrowers. I drew the attention of the members of the Drainage Commission to this point at their session at the town of Essex, and they said it was the intention that the municipality in which the law was in operation should pay all expenses except the inspector's fees to encourage farmers to borrow the money under the Act.

What do you think of that view of the matter?

The phrase quoted by our correspondent may have been somewhat misleading. The expenses required by the act governing the matter, to be paid by the borrower, are the inspector's fees (see sec. 15 of the Act). There does not appear to be any provision for the payment of any other expenses by the council out of the money borrowed, or by the borrower. We know, however, as a matter of fact that it is the practice with many municipal councils to pay printing expenses, municipal clerks' fees, etc., out of the money borrowed.

F. J. C.—Do you consider it necessary for the council to appoint assessors annually, or when once appointed do they continue in office during the pleasure of the council?

Some of our people claim that assessors must be appointed annually, but Harrison's Manual, in commenting upon section 279, Municipal Act, 1892, says: "This section applies to all officers appointed by the council, no matter what their rank or duties."

Under sec. 279 referred to by our correspondent, assessors would seem to hold office until removed by the council, but this section must be read with sec. 254 of the Consolidated Municipal Act, which enacts that "the council of every city, town, township and incorporated village shall, as soon as may be convenient after the annual meeting, appoint as many assessors, etc., for the municipality as the assessment laws from time to time require and authorize." The inference to be drawn from these enactments seems to be that the assessor must be appointed or re-appointed annually, but during his term of

office holds his office during the pleasure of the council appointing or re-appointing him.

CLERK.—Have municipal clerks the right to vote on prohibition plebiscite?

Yes.

T. L. N.—Would a person holding the position of township collector for the current year be disqualified thereby for the position of councillor for the year 1894, providing he has fulfilled all the duties of collector and returned the roll prior to day of nomination?

No.

J. G. W.—A. leased a store from B., and bought B's stock. The assessor assessed B. for the real property, who is the owner of it; he assessed A. for the stock or goods during last summer. A. became insolvent; C. bought the stock previous to A. making an assignment, A. having left the country and is residing east of Toronto. What steps should be taken by the collector to collect the taxes from A.?

It would seem to us that the stock is liable for the taxes and that the present owner should pay the amount of same to the collector, and if in the arrangement between A. and C., A. was to pay the taxes for the current year, C. should collect the amount he has to pay from it.

(All questions to be answered in the February number should be received not later than the 20th of this month.)

The Right of Way.

HOW THE ENGLISH ASSERT THEIR RIGHTS.

This is a true story, says *Harper's Weekly*, and one that is intended to illustrate a characteristic of the English people. It shows, I think, to what length an Englishman will go to gain his rights when an American would say, "Oh, what is the use?" or "Never mind." One of the reasons England is such a comfortable place to live is due to the fact that the English people have this peculiar habit of fighting for their rights, by letters to the *Times*, or by taking the numbers of cabman or policemen and appearing against them in the morning, or by sending war ships into strange harbors where the window panes of some English merchants have been smashed. If there were elevated roads in London, the clerk who lives in Kensington would not hang and swing from a strap on his way to and from the city. He would see that he was given a seat for which he had paid. The American is too busy and too good-natured to fight for his rights, so he continues to stand from Rector Street to Harlem, and to walk over unclean streets and sees the beautiful green park at the Batterby taken from him and turned into a railroad terminus. He will learn, in time, that the reason the Englishman has better roads and better streets and better protection for his life and property is because he "makes a kick about it," and protests and growls and is generally disagreeable until he gets what he wants. Good-nature is not always a virtue, and sometimes the easy-going person is a very selfish one too. Equally strong with his desire to have his rights is the English-

man's deference for the rights of others, he shows this defence by respecting the English law, which make those rights good. There was a young woman in England who told me that she and seven or eight other young people had tramped in single file through a gentleman's dining-room one evening, while he and his guests were at dinner, in order to establish a right of way. The Englishman had built his house on a meadow directly across a pathway that had been used for centuries, and once a year the young people of the neighboring estates marched across his lawn, and up his stairs, and through his house, in order that he should remember that the right of way still existed. She was an exceedingly shy and well-bred young person, and of a family quite as old as the right of way, but it apparently did not strike her that she was rude in tramping through a stranger's house, or, indeed, that she was doing anything but a public duty. And the interesting point of the story to me was that the English householder, instead of getting a Winchester and driving the young trespassers of his lawn, should have had so full an appreciation of their right to question his right that he simply bit his lips and went to law about it.

There was an Irishman in the same country who lived in a small cottage on an estate, and who was in the habit of crossing from it to another through the gateway of a very distinguished and noble gentleman. He had done this for twenty years, and when the noble gentleman came into some more money and hung two fine iron gates between the posts, the Irish laborer took a crowbar and broke the hinges on which they hung, and tramped over them on his way. He was put in jail for this for a month, at the end of which time he went after his crowbar and tore the gates down again. When he had been in jail five times in six months, the people round about took up his cases, and the right of way was declared a just one, and the gates came down forever. The Englishman will go farther than this, he will not only fight for his rights, but he will fight for some other man's rights; he will go out of his road to tramp through a gentleman's property simply because the people in the neighborhood are disputing for right of way with him. I heard of three young barristers when I was in London who went on a walking tour, and who laid out their route entirely with the purpose in view of taking in all the disputed rights of way in the countries through which they passed, and who cheerfully sacrificed themselves for the good of others by forcing their way into houses and across private grounds and by tearing down hedges.

THE MUNICIPAL WORLD, published at St. Thomas, Ont., contains much valuable and essential information for all parties occupying municipal offices.—*L'Original Advertiser*.