

## 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.

T. E. C.—Can a ratepayer be compelled to do his statute labor within the time appointed by law, during the year notified to do the same?

If your township is an incorporated one the only remedy would be to return the ratepayer as a defaulter, pursuant to the provisions of sec. 101, Consolidated Assessment Act, 1892. If unincorporated our correspondent will find the remedy against him, laid down in sec. 118 of the said act.

E. G. W.—A municipality issues debentures for \$354.00 to be paid in five equal annual instalments, amounting to \$70.80. Would that be legal according to sec. 414, Consolidated Municipal Act, 1892; seeing that the payments do not amount to \$100.00 each?

If the amount of each debenture issued is less than \$100, and the council had not received special authority so to do, when they issued them, they are void.

R. E. H.—1. Are farmer's sons liable to perform statute labor?

2. Who are liable for statute labor other than those assessed for property?

1. Yes, if assessed, rated, and entered as such on the assessment roll, see sub. sec. 1, of sec. 97, Consolidated Assessment Act, 1892. They are not so liable, is assessed and entered on the roll, as provided in sub-sec. 2 of sec. 2 of the Franchise Assessment Act, 1889, or if they come within the provisions of sub-sec. 2 of said sec. 97 of the Consolidated Assessment Act, 1892.

2. Every person between the ages of 21 and 60, in a township not mentioned as exempted in sec. 87 of said act, or in section 6, of chap. 188, R. S. O., 1887, shall be liable to perform one day's statute labor yearly.

J. H. M.—Can the instruments, switches and other apparatus of Telephone Companies be assessed, or are they liable for assessment to any amount? Also same concerning Telegraph Companies are they liable?

We see no reason why the articles mentioned by our correspondent should not be assessed in the same way as other personal and real estate.

TOWNSHIP CLERK.—1. A union public school section, the ratepayers being all Roman Catholics, two years ago formed themselves into a separate school section, making use of the public school house. A Protestant purchases a lot in said section. The councils are not petitioned to alter said section as per chapter 225, section 86, R. S. O., so the original public school by-law is still in force, and sub-section 9 of said section 86, states that no by-law shall take effect before the 25th day of December. Q. Where does his taxes for this year go or will he be exempt from school tax altogether? and where all parties concerned are agreed is it necessary to appoint arbitrators as per sub-section 1 of said section 86?

2. A farmer assessed for \$3,000 has a son who hires out for six or seven months each year but makes his father's house his home. Has he a vote as a farmer's son?

3. Can a council by by-law exempt all parties not assessed from performing statute labor and

make those not assessed perform it? (55 Vic., chapter 48, section 92.)

4. Can a council, by passing a by-law, compel parties through whose lands a river runs to clear it of brush, etc.? If not, can the council enter on their lands for that purpose? and if a municipality clear a river can they compel the municipality below them to prevent parties from dumping in logs in the winter which freezes and forms a dam?

1. Assuming that the union school section was properly formed into a union separate school section under the Separate School Act, we think the taxes referred to are properly payable to the Separate School Board for the purposes of the union public school. The arbitrators will have to be appointed in any event. See section 89 of the Public School Act, 1891, and following sections.

2. If the son, when hired out for the term mentioned, resides wholly, eats and sleeps with his employer, paying, probably, only an occasional visit to his father's residence, he is not entitled to a vote as a farmer's son; but if the son eats and sleeps, or eats or sleeps, and can be considered a resident on his father's farm during the time he is hired out, he is entitled to such a vote.

3. The section referred to by our correspondent gives to the council of every township the power to pass by-laws to *reduce* the amount of statute labor to be performed by the *ratepayers* or *others* within the township, or to *entirely abolish* such statute labor and the performance thereof by *all* persons within said township. There is no authority given the council of a township to assess one class of persons therein for statute labor and exempt another.

4. We know of no authority to a council to pass such a by-law; not if objection is made thereto. If a dam is formed by the dumping of logs, and damages occasioned injuring proprietors thereby, the question of damages is one between the parties dumping the logs and the persons injured.

TENANT.—If a non-resident residing on the opposite side of the town line, and renting ninety acres of land in adjoining township for a period of five years, pays taxes and performs statute labor, is he entitled to vote for municipal purposes as owner under sub-sec. 5, of sec. 79, Municipal Act, 1892?

We do not think the non resident tenant is entitled to a municipal vote in the township in which the rented ninety acres lies, notwithstanding the provisions of the latter part of the sub-sec. referred to.

F. N. M.—1. Road allowance impassible; deviation by consent of parties concerned granted through lot A.; statute labor performed but road not established; present occupier threatens to close the same unless paid what the council consider an exorbitant price; has transpired that he cannot give a legal title to the road. What steps should be taken in the event of the said occupier closing the road?

2. Is a township in the Free Grants Districts entitled to timber dues on road allowances cut prior to organization?

1. We think the council should at once take the proceedings laid down in the Municipal Act to close and sell the

original road allowance and open up, acquire a title to, and establish the road used. This would remove all question as to whether the performance of statute labor and expenditure of public moneys on the road used was a sufficient dedication of the same to the public as a highway, with the consent of the parties. We do not think the present occupier has the right to close up or place obstructions on the road used, as in any event he does not appear to be the owner of the soil, and as against the municipality would be a trespasser.

1. No. The provisions of sec. 6 of chap. 28, R. S. O., 1887, as to payment of a percentage of timber dues, seem to apply to townships organized as municipalities or to county townships and relate to timber or saw-logs cut within the township or united townships under the authority of a license, during the existence of a by-law passed by the council of such township or united townships for preserving or selling the timber or trees on the government road allowances within such township or united townships and included in any license.

TOWNSHIP CLERK.—We have a settler living in this township that has never paid any rates here. He had a broken hand last fall; he stayed at home until the doctor refused to go to his place any more to dress his hand. Having no doctor in this township the council granted him \$10 to pay his board at the nearest village while getting doctor's attendance; the doctor then sent him to the hospital. Is this municipality responsible for any of his doctor's bills or hospital attendance?

The payments made by the Council were purely voluntary, and unless the council by resolution agreed to pay the doctor's bills or cost of hospital attendance, or instructed the doctor to attend the injured person, or send him to the hospital, the municipality is not liable.

W. G.—The crown issues a deed for a large tract of land to a company who sells same to another company. In the original deed from the crown to first named company, the words "so many acres, including so many acres set aside for roads," but the deed is also subject to the usual reservations, etc., contained in crown deed. These stipulations are also included in deed from first company to second company (who are the present owners). Please say are the present owners entitled to timber on road allowance?

We think the company first named entitled to the timber on the road allowance, and, such being the case, and the first company having conveyed all their interest to the second company, the second company would be similarly entitled, unless, possibly, the timber on the road allowance is piece timber.

DEPUTY REEVE.—Can members of a high school board remunerate themselves for services or expenses attending meetings of the board?

The members of a high school board are entitled to no remuneration for their loss of time or services as such members, but we are of opinion that they can legally claim and receive such sums as they actually and necessarily disburse in attending the meetings or looking after the business of the board.