

them, shall appoint as many qualified persons as will constitute or complete the number of members requisite; and the persons so appointed shall accept office and make the necessary declarations under the same penalty, in case of refusal or neglect, as if they had been elected."

#### Municipality Should Pay Full Amount of School Requisitions.

62—J. S.—Has township treasurer to pay full amount of school requisitions or only what is collected, and if the full amount is paid, has that section got to raise that much more the next year to reimburse the township?

The municipality should, through its treasurer, pay the full amount mentioned in the requisition of the trustees of any school section therein. There is no provision empowering the council to charge any portion of the amount which has not been collected to this school section, to be deducted from the amount of their next annual requisition or otherwise. The taxes uncollected should be returned to the county treasurer in the regular way, and by him realized, and paid to the treasurer of the municipality.

#### Council Not Compelled to Appoint Drain Viewers—Compelling Removal of Fences from Road.

63—J. P. P.—1. Is it compulsory at the present time to appoint two drain viewers to assist the township engineer in locating drains under either The Ditches and Watercourses Act or Ontario Drainage Act?

2. A Government road of 30 years' standing passes through a man's farm, who has gradually narrowed it till it is about three rods wide. Said road may not be the original survey. Has a municipal council power to force the owner of said farm to make it the statutory width without remuneration?

1. There is no provision for the appointment of drainage viewers in cases where the drainage works were initiated and are being constructed under the provisions of The Ditches and Watercourses Act (R. S. O., 1897, chapter 285.) Section 3 of chapter 22 of The Ontario Statutes, 1903, adds section 3a to The Municipal Drainage Act (R. S. O., 1897, chapter 226.) This section provides that "the council of any municipality, at the first meeting of each year, MAY appoint two residents of the municipality to be called drainage viewers, etc." It is therefore optional with councils as to whether they appoint these officials or not. The section does not render such appointments compulsory.

2. The council should ascertain the limits of this road as originally laid out by the Government, by a reference to the Government records, and when it has definitely located the original limits of the road, pass a by-law pursuant to sub-sections 3 and 4 of section 557 of The Consolidated Municipal Act, 1903, requiring the owner of the farm to move his fences off the road to the proper line.

#### Inspection of Books of School Secretary-Treasurer.

64—A CLERK.—1. Can a clerk or ratepayer inspect or examine the secretary-treasurer's account book of his school section?

Sub-section 1 of section 18 of The Public Schools Act, 1901, provides that the secretary-treasurer of a school section "shall produce when called for by the trustees, auditors or other competent authority, all papers and money belonging to the corporation," and he is required to cause to be prepared and submitted to the annual school meeting the statement mentioned in sub-section 5 of section 19 of the Act, but there is no provision requiring him to produce his books and papers for examination by the clerk of the municipality or any ratepayer in the school section.

#### Collection of Taxes on Crown Lands.

65—P. C.—A lot in the township is located by A originally. A does no improvements and B steps in and pays half of the Crown Lands dues and claims the lot. At the first assessment the lot is assessed to B, but on appeal to the Court of Revision by A the lot is assessed to him with the distinct understanding that the assessing is to make no difference to the claim of B. Before the collector goes round the Crown Lands Department awards the lot to B. A refuses to pay, as he does not own the lot. Who is responsible for the taxes, and could the municipality sell the lot for taxes after three years?

B is not liable for these taxes, as he is not the "person assessed" for the land within the meaning of section 135 of The Assessment Act, nor does his name appear upon the collector's roll for the year as liable therefor. A is apparently the person liable for these taxes, but if he refuses to pay them, and the amount cannot be made by seizure of his goods, neither the land nor any portion of it can be sold to realize the amount, as A has or had, at the time the assessment was made, no interest in the land. By section 188 of the Act only the interest of the lessee, licensee, or locatee in land, the fee of which is in the Crown, can be sold to realize the amount of arrears of taxes.

#### County Should Maintain Bridge on Town Line.

66—J. H.—We have a floating bridge at S. Lake in lieu of boundary line between A and B Townships. It is on A's side, but as near as could be put. Now A spends considerable keeping this bridge in repairs. Cannot we compel B to pay its share of repairs?

We are of opinion that Township A cannot compel Township B to contribute anything towards the maintenance of this bridge. Neither municipality has any jurisdiction over this bridge, as it is across a lake forming the boundary line between the two municipalities, and is therefore under the jurisdiction of the COUNTY council. (See sections 613, [sub-section 2], 620 and 622 of The Consolidated Municipal Act, 1903.)

#### Compulsory Building of Snow Fences.

67—J. McI.—Our township roads are completely filled with snow caused by crooked rail, board and hedge fences, making travelling dangerous as well as slow. Wherever these are wire on one or both sides of the road it is all right.

1. Can a number of ratepayers petition the council to pass a by-law compelling those having rail, board and hedge fences to remove the same and substitute wire instead by giving them two and three years to erect the same at their own expense?

2. If not, can the petitioners ask the council to submit to the ratepayers a by-law providing for the removal of such fences and to erect wire instead?

3. Can the county council take any action in this matter, or would there have to be an Act of Parliament passed to the effect?

1, 2 and 3. Section 1 of chapter 240, R. S. O., 1897, empowers the councils of townships to require owners or occupiers of lands bordering on public highways to take down, alter or remove any fence found to cause an accumulation of snow or drift, and to make compensation therefor. Section 2 of the Act defines the authority of such councils in cases where the owners or occupiers neglect or refuse to construct fences as directed by the council.

#### Disposition of Petition for Remission of Taxes.

68—J. A. L. Mc.—I have received a petition from a non-resident ratepayer, dated the 31st December, 1903, for allowance in respect of vacancy in tenements, presumably under sub-section 1 of section 74, chapter 224, R. S. O., 1897—one case a factory vacant from Jan. 1st to December 1st, 1903, the other a dwelling vacant from May 14th to Dec. 31st, 1903.

In these cases there is no separate valuation in respect of the buildings.

The factory was assessed with one acre of land at \$5,000, and on appeal was reduced to \$4,000 by the Court of Revision.

The dwelling is assessed with 7 3-6 acres land at \$1,000.

Can the incoming council take cognizance of this petition? If so, what is the proper procedure?