dence of any supporter of a separate school is situated within three miles of two or more separate schools (as appear to be the case in this instance) that fact itself compels him to support the separate school NEAREST to his place of residence. Unless the village separate school is nearest to the place of residence of these separate school supporters and located within the three-mile limit, they cannot become supporters of it.

Powers of Court of Revision and County Judge When Drain Extended into Another Municipality.

241—J. E. H.—Our council has passed a drainage by-law, which drain was also extended into another township. The latter passed their by-law and got it registered before us while we had to have Court of Revision and Judge's Court of Revision, both of which made an additional levy on other township, which says neither our council nor Judge had any right so to do. Our by-law is amended according to Court of Revision. The additional levy on other township is $22.00.

1. Is the Judge right in placing it there after they passed their by-law ?

2. How shall we amend ours now ?

3. What can legally be done with the $22.00 as now placed on other township ?

There were no appeals in other township. We have not yet registered our by-law and wish to know what to do.

1. We are of opinion that neither the Court of Revision nor the County Judge, on appeal to him, had any authority to make any change in the proportionate parts of the cost of the construction of these drainage works, chargeable against the municipalities interested respectively as fixed by the engineer in his report. They can only deal with the assessments against the lands and roads in the municipality, whose council provisionally passed the by-law containing the assessment schedule appealed against. If the council initiating the drainage scheme after considering the engineer's report, deems the amount therein charged against the servient municipality too low it should reject the report, or refer it back to the engineer for amendment. If the servient municipality is dissatisfied with the amount charged against it, it has the right to appeal to the drainage referee, as provided by section 63 of the Municipal Drainage Act (R. S. O., 1897, chapter 226, and see also section 93 of the Act as enacted by section 4 of chapter 30 of the Ontario statutes, 1901).

2. We do not think the council has any authority to amend its by-law with a view to collecting the $22 from the servient municipality.

3. The $22 cannot legally be charged by the Court of Revision or County Judge against the servient municipality on appeal to them, but should be paid by the lands and roads in the initiating municipality. The servient municipality cannot, in this way, be forced to make provision for the payment of this sum, and the by-law of the initiating municipality cannot legally be amended so as to provide for the payment of this sum by the servient municipality.

Cement Mixture for Granolithic Walks.

242—F. K—I have been directed by the municipal council of our town to enquire of you whether, in your opinion the following mixtures for the construction of granolithic sidewalks are suitable for walks to be built on clay soil after the foundation is prepared viz :

Base concrete to consist of seven parts of lake shore gravel, and one part best quality cement; or four parts broken stone, three parts course sand, and one part best cement one inch thick.

The usual requirements for a concrete walk are :

(1) A foundation layer of stone, gravel, cinders. or other suitable material, to a depth of from six to twelve inches in thickness, according to the sub-soil.

(2) A concrete base from three to four inches in thickness.

(3) A surface coat of cement-mortar, one inch in thickness, mixed in the proportion of one of cement to two of sand.

The foundation layer is intended to provide a certain amount of drainage, as well as strength, and should be greater on a clay soil, retentive of moisture and acted upon by frost, than it need be on a loose gravel soil.

A concrete base seven inches in thickness would appear to be unnecessarily heavy, if the foundation layer has been properly made. Three inches is ordinarily required on a favorable soil, and four inches where the sub-soil is of clay or where for other reasons, the drainage is not thought sufficient.

Where broken stone is used in the concrete base, safe proportions would be one of Portland cement, two and one-half of sand, and five of broken stone. This quantity of sand and cement will make a strong mortar, and these will be sufficient to surround and fill the voids in the stone.

With proportions of one of cement, three of sand and four of stone, while making no doubt a durable walk, there is an excess of mortar, in proportion to the voids in the stone.

Where gravel is used to form the concrete base, the usual proportions are one of cement to five or six of gravel. The gravel used in mixing concrete, should be free from clay, loam, or earthy material and should contain about thirty per cent sand. As there is apt to be some uncertainty as to the quality of the gravel and the uniformity with which sand is intermixed with it, a greater proportion of cement is required, than with a carefully adjusted mixture of cement, sand and broken stone.

The sand used in mixing broken stone should be clean, sharp and of varying sized grain. One of the objects to be aimed at in mixing concrete is to have fine and coarse materials in proportion to one another, so that the per centage of voids in the consolidated mass will be reduced to a minimum.

For the surface coat the proportion of one of cement to two of sand is customary except at street crossings, where one of cement to one and one-half of sand is commonly employed.

Township Treasurer May Act as Deputy-Returning Officer.

243—ENQUIRER.—Is it legal for a township treasurer to act as deputy-returning officer at municipal elections ? I am aware that the municipal law states that an official of the township cannot enter into any contract. However, I presume that acting as such is not in contract form, but an allowance for services performed by him.

We are of the opinion that the treasurer can legally act as deputy-returning officer at the municipal elections in his municipality.

Ministers' Residence Not Exempt From Assessment and Taxation.

244—M. G.—Are church manses and parsonages exempt from taxation ?

Sub-section 3 of section 7 of the Assessment Act exempts from assessment and taxation "Every place of worship, and land used in connection therewith, churchyard or burying ground," but church manses and parsonages and all other residences of ministers are assessable the same as any other realty.

Tenants Voting Qualification. Effect of Failure to Make Declaration of Office.

245—K. C.—Re 208 last issue question 3. Should a non-resident tenant or leaseholder have a vote if he leases land for seven years at a time? Ans. If this tenant possesses the other qualifications required by section 86 of the Municipal Act, if he has resided in the municipality in which the election is held, for one month next before the election, and is, or his wife is, a tenant in the municipality at the date of the election, he is entitled to vote thereat. Beg to say that the above question referred to a leaseholder who is not a resident of the township at any time of the year, but simply leases land for the above named time, works it and pays his taxes in the ordinary way, same as non-resident owners.

1. How would sub-section 3 section 86 apply in this case ? 212 of last issue states "The fact that these officials have not made the required declaration of office does not render any of their official acts illegal." We know of cases where judges, it is said, voided official acts because declarations were not made. One judge held that a re-appointment required a new declaration of office.

2. Do you know of decisions supporting your contention ?

1. Sub-section 3 of section 86 does not apply to this case at all. It is confined to farmers sons. Sub-section 2 provides as follows,—"Farm" shall mean land actually occupied by the OWNER thereof, and not less in quantity than twenty acres," and sub-section 3 provides "any leaseholder the term of whose lease is not less than five years shall be deemed an owner within the meaning of this section." The combined effect of these two sub-sections is that if a man has a lease of not less than 20 acres of a term of not less than 5 years he is to be deemed an owner for the purpose of entitling his sons to vote provided they bring themselves within the other provisions of the Act.