

Your predecessor appears to come within these words, and is entitled to be paid for the registration.

**School Section Limits.—Assessment of Crown Lands.**

**177.—Z. R.**—By section 42, Public School Act, any person whose place of residence is at a distance of more than three miles in a direct line from the site of the school house of the section shall be exempt from all rates for school purposes. But when a person owns land that the three miles of section cut only part of his land, is it liable for the whole of the assessment on said land or only for the part included in the three miles?

2. A was a squatter on part of a lot on crown land not resident; was assessed on said land and paid taxes to this council for three years.

B went and built and resided with family and cleared land on said part of lot. A and B are disputing for said land.

When the Assessor for 1896 went around the township he assessed B. for said land. A put in notice to the clerk requiring the Court of Revision to have the said land assessed to his name as usual. What should the Court of Revision do in said case?

1. Where the land or property of any individual or company is situated within the limits of two or more school sections, the parts of such land or property so situated, shall be assessed and returned upon the assessment roll separately, according to the divisions of the school within the limits of which such land or property is situated. See sub-section 2, of section 12, Public Schools Act, 1891.

2. Put A also on the roll, and leave the parties to appeal to the judge, if either is disqualified.

3. The assessment of B as occupant is correct.

**Payment of Trustee's Rates.**

**178.—J. B.**—Your advice re schools does not cover the ground wanted.

The question is: The treasurer has only paid the requisition amounts of school section treasurer, whereas the clerk put in in almost every case an overplus and the council appears to have designed in the wording of by-law that the treasurer pay from "face of collector's roll." Does the law compel him to do so? Is the word "authorized" strong enough for that purpose?

In 1891 I pointed out to the treasurer the balance; he said as long as they, the trustees, got what they asked it is enough, and the balances went to the general fund. Has this treasurer done his duty according to by-law?

If our instructions, in answer to your first question are carried out, all the difficulties of your case would be remedied.

There is nothing requiring the treasurer to check over the collector's roll, to ascertain the amount of money levied in each few municipalities in which the collector has returned his roll by the 15th December, when the trustees rates are made payable. Our practice is to furnish the treasurer with a list of the sections, showing the actual amount levied in each for trustees rates, and at the same time, to mail for signature, to the secretary-treasurer of each section, an order on the treasurer, with the proper amount filled in. Section 118, referred to in previous letter, requires all sums collected, to be paid

over. The treasurer should be guided thereby, and if the clerk, in preparing the roll, enters a greater or smaller amount than actually required, he should certify the same to the treasurer. If the actual amount is levied, a copy of the by-law is all that the treasurer requires.

**Assessment of Timber.**

**179.—N. H. B.**—We have in our municipality one township on which is a pine limit owned by a certain lumber firm. Last year we assessed the saw logs on the banks of the river or lake before they were watered. The district Judge held that the assessment was void, said the logs were in transit and could not be assessed. We were advised by our lawyers to assess the standing timber this year, I mean by that the standing pine trees. Can we legally assess it?

If the land is owned by the crown, the timber cannot be assessed. But if owned by the private party, assess the land and timber together, against the owner of the land.

**Electric Light Plant to Lease.**

**180.—W. R.**—We have an electric light plant which has proven unremunerative, and which we are anxious to lease to a private party. We own the plant and power which is run in connection with our system of water-works for fire purposes only. The applicant wishes to buy our electric light plant, for which he offers a fair consideration, in order to put in an incandescent system, and he also wishes the lighting franchise and lease of the power and buildings for a period of ten years. Now the question is can we do this without submitting it to a vote of the ratepayers?

If by-law establishing the plant was submitted to the ratepayers, a by-law to sell or lease the same, should also receive their approval.

**Nomination of Disqualified Candidate.**

**181.—Fair Play.**—On nomination day there were eight members nominated for council. A was assessed for \$300 and had a farm leased in his own name, but was assessed \$300 more to son for a vote. A was elected, and the clerk at footing up the votes from different polling places, declared him the highest. B objected to A taking seat, B was the next highest and wanted seat. A got afraid and sent in disclaimer to Clerk.

B threatened clerk with law for taking A's nomination, and for declaring A the highest.

1. Could they do anything to clerk, as the clerk thought he was qualified?

2. Could A have held seat?

3. If A had not sent in disclaimer would there have to be another election, A not taking seat?

4. Could B take seat without A sending in disclaimer?

5. Could they put clerk to any trouble when he was doing everything as near law as he knew and understood it?

1. No.

2. No.

3. Not unless ordered by the judge; see section 198.

4. Not unless ordered by the judge.

5. No.

**Support of Indigent.**

**182.—M. N.**—We are troubled (that is the council) over the case of a man who got paralyzed about 18 months ago. He has no friends, and during a visit to a neighbor's house was attacked with this paralytic stroke. They kept

him until about a month ago, when they got him taken up on a charge of vagrancy, when he was sent to jail for thirty days. The sheriff wrote, I think it was to Inspector of Prisons, who answered that reeve of township had to furnish home for him. Three days ago, on expiration of his sentence, sheriff sent him to reeve's house. He is utterly helpless. It will be almost impossible to get any one to take charge of him without an exorbitant payment, and the township is very poor. What steps can we take?

1. Are council responsible for him?

2. What can be done?

1. No.

2. Sub-section 12, of section 479, empowers a council to grant aid only, and if the home for incurables in Toronto would be the proper place for him, and he is willing to go, the council might aid him under this section to an amount necessary to pay for his maintenance in that institution. Address, Home for Incurables, Toronto.

**Electric Railway.—Highway.—Accident.**

**183.—R. C.**—The Galt, Hespeler and Preston Electric Street Railway runs through part of the Township of South Dumfries on the public highway, right of way having been granted by council of said township.

Road becomes blocked by snow and remained blocked for nearly a week, parties driving on road leaving the same at certain places and driving on railway track, one individual breaking his sleigh by getting fast between the rails of said track. Is the municipality liable?

In order to render the municipality liable, negligence must be proved against it. Negligence may be proved by showing that the railway track was not in proper condition, or that this part of the road has become particularly and exceptionally dangerous, and that the obstruction or danger could properly and reasonably have been removed. The municipality is not bound to keep the road free from snow drifts, and it is therefore not liable for accidents caused by snow drifts. Without fuller particulars of the negligence complained of, we cannot express an opinion in this case, beyond stating that if the railway track was in proper condition, it would be difficult to make out a case against the municipality for not removing the snow drift.

**Assessment of Timber—Bridges over Road Ditches.**

**184.—W. E.**—1. A sells his pine timber, laying and standing, to B, who has a number of years to remove the timber. Who is to be assessed for timber, A or B? If to B, how are taxes to be collected, B living in another part of the country?

2. The council of Stephenson orders a ditch to be dug on side of road. The ditch has caused a party to build a small bridge to get in and out from his residence. Who has to pay for bridge—the council or party who built bridge?

1. The land and timber should be assessed together, against A.

2. The party who built the bridge. The municipality is not liable.

**Not Liable for Road Allowance—Voters' List.**

**185.—W. H.**—In this township lands were sold either N. or S. halves, or E. and W. halves, and as every second line is a blank