

initiating municipality now asks second township to pay proportionate cost of planting new stakes. Can they collect, particularly so as said stakes were planted for the purpose of selling portions, which was not done, as explained above?

5. Our township serves another with papers, under Municipal Drainage Act. Second township passes by-law, pays for publishing by-laws, clerk's fee, etc., out of their own funds, and then pays to initiating township full amount of assessment, failing to deduct cost of said by-law, etc. Now second township demands pay for said by-law, etc., or at least a fair share of what the engineer set apart for clerk's fee and by-law, but he failed to say how much each township should be allowed for such purpose. How should we arrive at a settlement? We are of the opinion that initiating municipality should pay over to the second full costs of expenses, and that initiating municipality should not have adopted engineer's report until all these things were properly specified, and so save any possible dispute. What say you?

1, 2 and 3. Section 606 (1) of the Municipal Act, makes a municipal corporation liable for accidents caused by its default to keep a road or bridge in repair, and sub-section (3) of the same section provides "no action shall be brought to enforce a claim for damages under this section unless notice in writing of the accident and the cause thereof has been served upon or mailed through the post office to the mayor, reeve or other head of the corporation, or the clerk of the municipality within 30 days after the happening of the accident, where the action is against a township, and within 7 days where the action is against a city, town or village." This provision does not apply to a county corporation, and therefore the notice given was unnecessary.

4. Before answering this question we must know when the drain was constructed, and under what act, and we should be furnished with a plan showing the position occupied by the drain with respect to the two municipalities, and a copy of the award or other proceedings in connection with the drain.

5. If it can be shown that the engineer of the initiating municipality provided in his estimates for the expense of publishing by-law in the other municipality, and clerks' fees, etc., and that the latter municipality paid over the amount demanded, which included such expenses, the initiating municipality should pay back the amount, or pay the clerk and other parties direct as it does the contractor who does the work, such expenses being part of the cost of the work. The engineer ought to have shown on his report how the cost of the whole work was made up, so that there would be no difficulty in adjusting the rights of all parties, and the initiating municipality should have required him to amend his report, if it was defective in this particular, but yet if this was not done it is, we suppose, too late to have the proceedings amended now, because his report was, no doubt, accepted and acted upon.

Truancy Act Fines.

161.—W. A. P.—We have fined two parents for not sending their children to school, under

the Truancy Act. What disposition should be made of the fines?

The Truancy Act does not make any provision for the application of penalties paid by persons violating its provisions, as does the School Act and certain other acts. See section 116 of the Public Schools Act. Section 15 of the Truancy Act provides for the mode of procedure under the act, and concludes with these words: "and save where otherwise provided by this act, the procedure shall be governed by the Ontario Summary Conviction Act. We, therefore, think that justices of the peace and police magistrates must make returns of and account for such penalties in the manner provided by chapters 93 and 94 of the Revised Statutes, 1897.

Council may Make Solid Bridge—Township Clerk not Entitled to Remuneration.

162.—A. R.—Re, in the MUNICIPAL WORLD of February, 1899, question 65, A. R.:

1. The bridge was built about 40 years ago by the authority of the township council of Storrington (not special). It connects a concession road leaving the original allowance, about 75 rods to get a narrow place in lake to cross. Therefore the bridge is not on an original highway. It is the leading road through that part of the township. The lake and drowned lands consequent on building the Rideau Canal cuts up the land very much as you will see on the enclosed tracing of map of that part of the township. The road crossing this bridge leads to the government bridge across the Rideau Canal leading into another township (Pittsburg). The part of the lake cut off by this bridge is very small, in fact it is drowned land, but navigable by drawing stuff one quarter of a mile. Boats need not go through this bridge.

2. Is a township clerk entitled to remuneration from county council receiving ballots and election papers from county clerk and making return of county councillor election?

Looking at the question asked by you in the February number of the MUNICIPAL WORLD and considering it in the light thrown upon it by the plan which you sent us and the facts set forth above, we are of the opinion that the council may make a solid bridge if in the public interest it thinks best to do so.

2. Not when election is held in local municipality at same time.

Vote at School Meeting—Electors' Oath.

163.—T. R.—1. If a man owns a property in a public school section, and has it leased to a tenant, and the tenant pays the taxes, has the tenant and owner both a right to vote at a school election or trustee?

2. What is the oath to be taken by electors voting for public school trustee?

1. If both the owner and tenant are assessed for the property they are both liable for the taxes and are, therefore, ratepayers, though as between themselves the tenant is to pay the taxes, and consequently both are entitled to vote. See section 12 of the Public Schools Act.

2. There is no provision for taking an oath in such a case. Under sub-section 4, section 14, of the Public Schools Act,

the chairman of the school meeting shall, in case objection is made to the right of any person to vote, require him to making the declaration, provided by said section 4. In the case of an urban municipality when the election is by ballot, a form of oath is given under sub-section 5 of section 58 of the act.

Trustees' Rates New Section.

164.—D. C. F.—In a case where a township has changed from school board to sections and where the council did not collect a school rate for the reason that the law does not provide for the change, the trustees of school board did not ask the council for any money for the schools as they thought they had no authority to do so; the council did not provide money for the schools for the same reason. The township was left in that shape when the new council was elected. All the sections have borrowed their own money with the exception of one section. Now they want \$150 from the council. We have about \$300 which was collected for municipal purposes.

Can the section compel us to pay out that money or can they compel us to borrow money? If they can, will the expense come on the section? How are we to act in this respect with this section? The treasurer of this section was treasurer for the school board. He asked for \$200 in August last, for his section, which was not in existence at that time, and did not get it.

Sub-section 9 of section 62 of the Public Schools Act, makes it the duty of the trustees of public schools to submit to the council on or before the first day of August, or at such time as may be required by the municipal council, an estimate of the expenses of the school under their charge for the 12 months next following the date of application, and section 67 provides "the council of every municipality shall levy and collect upon the taxable property of the section in the case of rural schools in the manner provided in this act, and in the Municipal and Assessment Acts, such sums as may be required by the trustees for school purposes." Where money is raised upon the requisition of trustees of rural schools the money so raised belongs to the section and must be all paid to the treasurer of the section, except to the extent that money has been collected from property in the section, the council cannot be compelled to pay over money to the trustees. We cannot see how the trustees could ask the council to pay money to the trustees if the section was not in existence. The matter appears simple. The trustees must make their requisition in proper time, and it then becomes the duty of the council to levy the amount and pay it over to the secretary-treasurer of the school section on or before December 15th. This date is fixed because it is supposed that the collector will have the taxes in by that date.

Bridge Over Navigable Lake.

165.—D. C. F.—A lumber company is about putting a little steamboat on a lake which runs into another lake. The narrows which connects both lakes is crossed by a bridge built by the government. The water, when low, can be driven through with horse teams. The road is one of our principal roads. The bridge is high enough for all other purposes. The company