

include any territory distant more than THREE MILES in a direct line from the school house." This section is peculiar because it assumes in effect that the school house exists before the section is formed, whereas the fact is that a school section is formed first and the school house built afterward. The only thing we can suggest is that the council should, when forming a school section, have regard to a convenient place for a school site and lay out the section with reference to such site and complying with the foregoing as nearly as possible.

3. The council of the township has nothing to do with lands paying school taxes and located within the limits of the town. If the "persons" referred to own lands in any of the school sections of the township, arrangements can be made for sending their children to the public schools in the town pursuant to section 21 of the Act, no matter in what rural section their lands are located.

4. Section 637 of the Municipal Act empowers councils of townships to lease road allowances therein, having first strictly observed the provisions of section 632.

5. Yes.

6. The by-laws are not duly authenticated until they have been signed by the reeve and clerk and the corporate seal of the municipality affixed thereto. If the reeve neglects or refuses to sign the by-laws, the council should appoint some other of their number to do so, in his place.

7. At a subsequent meeting a council can by by-law repeal by-laws passed at a former meeting, unless some special provision of the law prevents their doing so, for instance a by-law altering school section boundaries, passed pursuant to section 41 of the Public Schools Act, 1901 or the special circumstances of the case render this course, impossible, for instance, a by-law passed pursuant to the Municipal Drainage Act under which debentures have been issued, payable at a future date.

Township Council Cannot License Liveries—Nor Allow Wire Fences to be Built on Road Allowance.

415—T. S. M.—1. Has the Municipal Council in a rural district, power to make livery men pay a license?

2. Has the council power to pass a by-law allowing fences (wire) to be put out six feet on the road allowance?

1. No, sub-sections 1, 2 and 3 of section 484 of the Municipal Act apply to cities only, and sub-section 38 of section 583 applies only to towns and villages.

2. No.

Duties of Secretary and Members of Local Board of Health As to Quarantining Contagious Disease Patients—Clerk Must Act as Secretary of Local Board of Health.

416—G. L.—1. A physician notifies the Secretary of the Local Board of Health that scarlet fever exists in a house and also asks him to quarantine the house, which he does immediately. Who is entitled to pay him for his time and hire for horse and rig?

2. The Local Board of Health asks a physician to assist them to disinfect a school after scarlet fever. Who is to pay the physician and the members who assisted him? The physician is not the Medical Health Officer.

3. A member of the Local Board of Health quarantines a house but is unable to find any person to look after the wants of the inmates. He is obliged to do it himself. Who is to pay him for such attendance?

4. Can a township clerk resign his office as secretary of a Local Board of Health and still hold the office of clerk?

1. The secretary of the Local Board of Health should not have taken upon himself the responsibility in this instance of quarantining the premises of the persons afflicted with this disease. It was his duty to call the Local Board of Health together, as expeditiously as possible, and await their instructions as to what should be done. (See section 85 of the Public Health Act). We have no doubt, however, that the secretary considered this a case of emergency, and did what he considered best to protect the public, and we are of opinion that the Local Board of Health will be justified in paying him for his time, and livery hire.

2. The Local Board of Health should pay these accounts.

3. This is another case where the member of the Local Board of Health should have awaited the instructions of the Local Board of Health. Under the circumstances we are of opinion that neither the Local Board of Health nor the council is liable for the payment of the account. The member of the Local Board of Health will have to look to the persons afflicted to reimburse him.

4. Section 53 of the Public Health Act provides that "the clerk of the municipal council shall be the secretary of the Local Board of Health." No provision is made in the Act or elsewhere, for the appointment of any other person to fill this position. We are therefore of opinion that so long as the municipal clerk remains in office as such, he is required by the statute to be and also perform the duties of secretary of the Local Board of Health of his municipality.

Appointment of Auditor—Duties of

417—X. Y. Z.—In a municipality where the volume of detail in the treasurer's department has recently grown to considerable proportions, the auditors in their annual report, recommend that the present council appoint an auditor or auditors "whose office shall not expire until a complete report of the town's finances is presented to the next incoming council." The advantages claimed, are that the auditor's duties can then proceed simultaneously with the work of the council, and the statutory report be gotten out within the set period of one month after appointment. The latter is utterly impossible under present conditions without scamping the work. The council recognize the advantages claimed, and the following questions arise:—

1. Can the present council legally appoint one auditor for the purpose of auditing the current accounts of the town?

2. Can such auditor or auditors be legally empowered by the present council to prepare a report of this year's work for next year's council?

3. If the council can do neither of the above, what steps should be taken to secure the obvious advantage of the recommendation referred to?

1. Yes, sub-section 1 of section 301 of the Municipal Act provides that "the council of ANY municipality may pass a by-law declaring that it is expedient to appoint an auditor or auditors for the municipality in the month of November or in the month of December in each year, and thereafter while such by-law remains in force the council shall appoint an auditor or auditors in the month of November or in the month of December, according to the tenor of the by-law, instead of at its first meeting after being duly organized." Section 302 provides that "the auditors appointed under the next preceding two sections shall, every month, commencing at the end of the first month in the year following the said month of December, and so on to the end of each year, examine and report upon all accounts affecting the corporation, or relating to any matter under its control or jurisdiction."

2. No, sub-section 2 of section 301 of the Municipal Act provides that "notwithstanding this section, or any such by-law, the provisions of section 299 of this Act, as to the appointment of auditors, shall apply to the audit of the accounts of the year in which such by-law takes effect."

3. Our answers to the preceding questions renders it unnecessary to reply to this

Width of Prescriptive Road.

418—G. H. H.—We have in our township a road deviation from road allowance travelled for fifty years. No deed for same in possession of council. What width of road can council claim?

This road has been travelled and used as a public highway for so many years that the courts would probably assume its dedication to the public for highway purposes. The public or the municipality can claim as a highway only the road that has been actually travelled.

Payment of Fees of Sanitary Inspector.

419—G. C.—At the last meeting of our council our sanitary inspector presented a bill for \$3 for witnessing the burial of three horses. The council thought that the persons who owned these dead animals and who refused to bury them until they became a public nuisance, should have to pay the bill. We would like to know whether we have power to pass a by-law compelling them to do so. If so, in what way could we collect the inspector's fee from them?

Section 4 of schedule B appended to the Public Health Act, (R. S. O. 1897, chapter 248) provides that "No person shall suffer the accumulation upon his premises, or deposit, or permit the deposit upon any lot belonging to him of anything which may endanger the public health, or deposit upon, on, or into any street, etc., any manure or other refuse, or vegetable or animal matter, or other filth." Section 5 renders it obligatory on the sanitary inspector to keep a vigilant supervision over all such premises and streets, and at once to notify the owners or occupiers of such lots or premises, or who either personally or through their employees have deposited such manure, refuse, matter etc., in any street, etc., to cleanse the same.