

the claim, the township or the party owning the sheep?

This party has no claim for damages against the municipality. He can, however, compel the person or persons owning the sheep to make good any injury they may have occasioned him.

Council's Share of Cost of Sidewalk - Councillor's Contract with Corporation.

**369.**—A. M. 1. Is a town council supposed to pay for any part of a sidewalk built on the Local Improvement system, the street crossings for instance?

2. Can I legally do any work for the town council being a member of it, blacksmith work for instance?

1. By subsection 1 of section 679 of the Municipal Act, the council of a municipality may (if they think fit) by by-law provide for constructing at the expense of the general funds of the municipality, such part of a local improvement as is situated upon or in that part of any street, lane, alley, public place, or square, which is intersected by any other street or as would otherwise fall on property exempt from assessment.

2. No. If you did any work for the council, the contract would be void under section 83 of the Act, and the council would not be bound to pay you, and proceedings could be taken to unseat you pursuant to the provisions of section 208.

Signatories to a Drainage Petition.

**370.**—H. C. 1. We had a petition sent our council which contained a majority of names in the area described in the petition to be drained. When the engineer's report was read, two ordered their names taken off the petition. The petition then had no majority; the council took no action on the petition. There is now a second petition sent in on the same drain. If there is a majority on the second petition and the council go on with the drainage work, will the council charge those two who took their names off the first petition, double the expense on the second petition or not?

2. Has a farmer's son who is down on the assessment roll as joint owner, a vote on the drainage work?

3. If a man's lot is not marked on the assessment roll proper, does that bar him from a vote on the drain; suppose it is not marked right lot or concession?

1. No. Only the expenses in connection with the first petition are collectable in the manner mentioned in the latter part of section 18, of the Drainage Act. (R. S. O., chap. 226.)

2. If these farmers' sons were assessed on the last revised assessment roll as joint owners of lands in the described area to be drained, they are proper persons to sign the petition. In the recent case of the Township of Warwick vs. the Township of Brooke, it was decided that the assessment roll on which a council is required to act, if they act at all, is conclusive upon the question of the status of petitioners, and the referee erred in admitting the evidence, (viz.: that the farmers' sons assessed as joint owners were not ACTUAL owners.) The legislature must have meant to give some effect to the assessment roll by referring thereto in successive Acts, from R.S.O., 1877, hitherto

in uniform phraseology different from that which had been used in earlier Acts on the same subject. It is not unreasonable to hold that the legislature meant what it said, for opportunities of dealing with the question of ownership are afforded on appeals to the court of revision and to the county judge. An inquiry is not open in the case of farmers' sons any more than in the case of other persons. The section takes the roll as finally revised, and gives effect to it, and it is conclusive for the purpose of conferring jurisdiction upon a council to entertain a petition.

Collector Cannot Appoint a Substitute.

**371.**—A SUBSCRIBER.—Is it lawful for a municipal collector to get a substitute to collect the taxes for him?

No, unless it be a bailiff to enforce payment of the taxes. If the collector for any reason is unable to perform the duties of his office, he should resign, and the council should appoint another person, by by-law, collector in his stead.

Municipal Loan to Flour Mill.

**372.**—T. W. S.—A few weeks ago in our village, a large flour mill in which was also a chopper for chopping grain, was destroyed by fire, leaving the engine and boiler-rooms in very good state of repair, also the brick walls standing. The person who had this mill leased has since the fire, bought the remains and asked the council to aid him to erect a flour mill within the said village of — by a loan of \$5,000, and to provide for the issue of debentures, etc. The council submitted a by-law to the electors which has been carried. This mill has been a going concern for years. There is also a one-horse chopping mill in the same village, which has been working for a few years and which is now in use. This mill could not accommodate one-quarter of the customers who patronized the chopper in the flour mill. The by-law provides for a loan for a flour mill and no mention is made in said by-law of a chopper. The loan covers a period of 15 years, payable in equal annual instalments, of principal and interest which instalments are paid yearly by the person asking the loan, who also pays all taxes that may be levied against the property. The mill when complete, will cost over \$10,000.

1. Can the owner of the small chopping mill prevent the owner of the new flour mill placing therein a chopper, seeing that the council did not aid him as to a chopper?

2. Would you not suppose that any other industry apart from the aid given by the council to the flour mill could be erected or placed therein and not be considered as covered by the loan, and therefore not objectionable to statute?

3. Could not the owner of the proposed new flour mill, supposing objections could be taken to the introduction of a chopper in the new mill, build an annex and have it run directly from the engine which is now in a good state of repair. Is not a man at liberty to run an industry even though there are other similar industries in the same place, as long as he does it at his own expense?

4. Is it the spirit of the statute to mean that a small industry insignificant, so to speak, should bar a corporation from granting a loan to such a one as referred to, as I do not think the person asking the loan would build if he could not introduce a chopper?

5. How would you overcome the difficulty if one exists?

1. No. If the person to whom the loan is made complies with the terms of his agreement with the municipality as to

the erection, equipment and running of the flour mill, he can erect and run in connection with it or otherwise a chopper or any other kind of mill or manufacturing institution.

2. Yes.

3. Yes.

4. No.

5. We do not see that any difficulty exists.

Performance of Statute Labor—When Does Day's Work Begin?

**373.**—A. B. C.—At our last council meeting a dispute arose as to whether a person doing statute labor should be in gravel pit at eight o'clock in the morning or only starting away from that part of the road division on which they are to put the gravel. Now, I claim that a man is working in going for the first load after he gets to that part of the road division that is to be graveled, just as much as he is in going for the second or any other load, and if a man is to be docked the time lost in going for the first load, why not dock him for the time lost in going for the others? I know the statutes say that a man must commence work at eight o'clock in the morning, but that is the dispute as to what is actually commencing work.

This is a matter that should be governed by by-law of your municipality regulating the performance of statute labor. If no such by-law has been passed we are of the opinion that the day's work of a person doing statute labor begins when he reports for work, with such team, vehicle and tools, and at such time and place as the pathmaster of his road-division has directed.

Clerk's Duties.

**374.**—A. B. C.—The clerk of a township is appointed with a stated salary. Please enumerate the duties he will be required to perform without extra pay?

The clerk should perform ALL the duties pertaining to his office for the salary agreed upon by him, and the council which employs him, unless the statute which imposes any particular duty upon him specifies that he is to receive extra remuneration for its performance. For example, the Voters' List and Ditches and Watercourses Act provide for remuneration to the clerk for performing the duties imposed on him by those Acts respectively, and extra fees are allowed by the statute for the registration of births, deaths and marriages.

A Question of Tax Liability.

**375.**—J. C. B. A.—Last year lot 220 was assessed to A. I bought the lot after the Court of Revision was held, naturally the taxes were billed to A who is a non-resident. I told the collector I owned the lot which adjoins my own but I did not pay the taxes. There was lumber on the lot that could, and I think should have been distrained or the taxes. The council of this year, in January last, accepted the roll from the collector, the latter making the statutory declaration and returning the taxes as unpaid. I have ample proof that there was plenty of dressed lumber on the lot to pay the taxes three times over when the 14 days notice which the collector gives had expired, although the lumber was all removed when the roll was accepted. Kindly advise me if I can be compelled to pay and what steps should I