

or retail dealer in such goods, wares or merchandise without a license to be obtained as hereinafter mentioned."

1. Would persons from an adjoining municipality calling and taking orders for groceries, dry-goods, etc, and delivering them the following day require a license?

2. Would butchers from an adjoining municipality require a license under the above section?

3. Is beef classed as the growth and produce of the Province? Please give sections in statutes giving power to councils of towns to pass by-laws to regulate the sale of meat in towns.

4. Can council pass a by-law to make butchers from an adjoining municipality procure a license to sell meat without making it apply to butchers of our own town?

1. If these persons are the owners of the respective businesses mentioned in the adjoining municipality, they cannot be required to obtain licenses under the town by-law, before they can legally do business in this way in the municipality. In the case of *Reg. v. Henderson* (18 O. R., 144), the defendant, a wholesale and retail tea dealer residing and carrying on business in the city of Hamilton, sold tea by samples in the County of Halton to persons not being wholesale or retail dealers therein, and forwarded the orders to his own place of business at Hamilton, whence the tea, made up in parcels, ready for delivery, was sent to him at Milton for distribution to the purchasers. He was convicted of carrying on a petty trade. On appeal from this conviction it was held, following the authority of *Reg. vs. Coutts*, (5 O. R., 644), that he was not a hawker, "since he was not carrying goods for sale," nor did the amendment of sub-section 14 by clause (a), bring him within its purview, since the Act as amended, applies only to "agents" and does not include a principal. See also *Reg. v. Marshall*, (12, O. R. 55).

2. He may procure orders and deliver the meat afterwards without taking out a peddler's license.

3. (a) Beef is classed as part of the growth and produce of this Province. If the animals producing it are raised and grown in this Province. (b) Sub-section 5 of section 580 and sub-section 1 of section 581 of the Municipal Act.

4. No. A by-law of this time cannot legally discriminate against any particular class of butchers, but should apply to all persons engaging in this trade within the limits of the town, whether resident or non-resident.

Borrowing Powers of Councils—Fees of Members of Local Boards of Health—Collector Cannot be Dispensed With—Sale of Land for Taxes in Districts—Closing Old Road and Opening New.

338—G. D. D.—1. Has a township council any power to borrow money for the present years' expenses (to be repaid when the taxes are collected in the fall) without an appeal to the ratepayers? If so state how to proceed?

2. Can a local board of health pass a motion that the members be paid a certain amount for each meeting, and collect it?

3. Can a council, by bylaw or otherwise, dispense with the collector and direct that all taxes be paid to the treasurer?

4. Can a council sell the land liable to be

sold for taxes, without giving it to the sheriff, or is it compulsory that the sheriff must do that kind of work?

5. The concession in this township at a certain place is impassable on account of rock. The farmers, without any authority, made a road around this rock and kept as near as possible to the road allowance. Considerable work has been put on this deviation (statute labor) and no objection made by the owner who was not a resident in this township. He has since sold this place and now the present owner wishes to close this deviation. Road has been travelled for about ten years and the land is deeded. Can he close this road? Should he do so, what recourse have the settlers who have been using it?

1. Yes, if it is the ordinary current expenditure for the year. (See sub-section 1 of section 435 of the Municipal Act).

2. No. The Public Health Act, (R. S. O., 1897, chapter 248), makes no provision for the payment of any fee or salary to members of a Local Board of Health, for their attendance at its meetings.

3. A municipal council cannot legally dispense with the employment of a collector. A by-law may be passed under the authority of sub-section 1 of section 60 of the Assessment Act, (as enacted by section 4, of chapter 27 of the Ontario Statutes, 1899), requiring the payment of taxes to be made into the office of the treasurer or collector by any day or days to be named therein, but if payment of any of these taxes has to be enforced by distress of the goods and chattels of the defaulter, the seizure and sale will have to be effected by the collector or his bailiff.

4. A local municipal council in the unorganized districts has no authority to sell lands for taxes. The duties of municipalities and of their respective officers in relation to the sale of lands for arrears of taxes are contained in section 152 and following sections of the Assessment Act. This municipality being located in the District of Muskoka, section 56 of chapter 225, R. S. O., 1897, applies, and it provides that "the duties and powers imposed by the Assessment Act upon the treasurer of a county in respect to the collection of arrears of taxes, and in respect to the sale of land for taxes, shall be exercised and performed by the sheriff of the district." (See also section 53 of chapter 225, R. S. O., 1897).

5. The statement of the facts is ambiguous. If the assertion, "the land is deeded," means that the land forming the roadway was conveyed by the private owner to the municipality, to be used as a public highway, that settles the matter, and no one can interfere with its use as a public road. If, on the other hand, the land was not so conveyed, and it has not been expropriated for the purpose of a public highway under the Municipal Act, nor a by-law passed pursuant to section 637 of the Act (after the provisions of section 632 have been strictly observed) nor dedicated to the public as a highway by the owner of the land, by implication or otherwise, (which does not appear to

have been the case), the present owner of the land may close it up. In this event the only redress the settlers have is to request the council to pass a by-law pursuant to section 637 of the Act, establishing a road in this locality. It is optional with the council as to whether it complies with this request or not, and, unless the general convenience of the public demands it, it should not do so.

Owners of Premises to Find Place for Disposal of Garbage.

339—T. C. N.—1. Is a town under any obligations to supply a dumping ground for the garbage, etc., of its own municipality?

2. What is to be done when the Board of Health demands that every citizen shall remove from his premises all kinds of offensive rubbish when at the same time the by-laws of said municipality as well as those of all surrounding municipalities wisely forbid it being dumped on streets or public property? Of course it stands to reason that no owner of private property would allow it on his premises nor would he care to sell a portion of his property to be used for such a purpose.

1. No.

2. Every person is subject to the provisions of sections 4 and 5 of the by-law at the end of the Public Health Act, and it is no excuse that the council of the municipality has not provided a place where garbage can be deposited. Every person must get rid of his garbage in some way as best he can, so as not to incur any liability for non-compliance with these sections.

Quarantining of Scarlet Fever Patient—Paying Expenses of Furnishing of Infectious Disease Reports to Physicians.

340—J. E. H.—1. A, who lives at least one quarter of a mile from any resident, was quarantined on account of his son taking scarlet fever. Was health officer compelled to remove child to a tent or hospital and provide a nurse for same at the expense of the township?

2. Not doing so, are they liable for A's wages and board on account of thus being quarantined for six weeks, he claiming one week was sufficient had the child been removed?

3. Had secretary or any health officer a right to take down placard without certificate from doctor that all was right? Could A not take it down or the doctor in attendance?

4. How do you interpret sections 91, 93, 94 and 106 Public Health Act?

5. Must the party or council pay expense of all this?

6. What can A legally claim as damages in this case, he being off work for that time and having destroyed produce and also clothing?

Law says blank forms should be supplied to all practitioners in township.

7. How is the secretary to know where the doctors come from?

8. Must board of health be at expense of supplying doctors from these places with placards, blank forms, etc., or just those residing in municipality?

1. No.

2. No. But the Local Board of Health should furnish H and his family with nurses and other assistances and necessities at his own cost and charge if he is able to pay the same, otherwise at the cost and charge of the municipality. (See section 93 of the Public Health Act.)