

not to be paid within the year current at the time of the incurring of the expenditure (which we presume to be the case, since your municipality proposes issuing debentures to raise the money to meet it), the by-law providing for the issue of the debentures will have to be submitted to the duly qualified electors of your municipality, and have their assent before it can be finally passed by the council. See sub section 1 of section 389, section 386 and sub section 4 of section 384 of the Municipal Act.

Compensation for Trees Planted.

227 R. M. B.—Some thirty-five years ago, I planted sixteen poplar trees in front of my farm, on what is now the road, but at the time of planting, in the fence corners ten rods apart by the worm fence measure, there being then a jog of two rods at blind line, which by recent survey was straightened, leaving the trees some thirteen or fourteen feet on road allowance. The land being swampy the roots made the road-bed firm and took up moisture. Besides they are a thing of beauty and above fifty feet high and admired by all travellers. I brought them from _____ county, paying freight on them and guarded them from destruction. They are planted on north side of sideroad running east and west. Some few years ago I sold ten acres off south-east corner with a frontage of forty rods and running back the same depth. I want to know if I can prevent the trees being cut down in front of said ten acres, I yet having twenty acres in the rear. The owners, on pretense of them doing him damage but really for greed of the firewood they contain, asked the council at last meeting for permission to cut them down. Have I first claim on those trees? I think I have so read in your journal some time back. If I cannot prevent the cutting should I be compensated for my labor and for the deformity it will cause in said front? If so, how should I go about recovering same?

Sub-section 4 of section 2 of chapter 243, R. S. O., 1897, declares that every growing tree, shrub or sapling whatsoever, planted or left standing on either side of any highway for the purpose of shade or ornament shall be deemed to be the property of the owner of the land adjacent to the highway and nearest such tree, shrub or sapling. It, therefore, follows that as you are not now the owner of the land nearest to the trees referred to, you are not in a position to complain if those trees are cut down.

Illegal Act of Councillor—Damages for Sheep Killed.

228—B. D.—Our council advertised to receive tenders for township roads and refused to accept the tender for one station tender being too high. Appointed A and B, members of the council, a committee to purchase the cedar for said station. A awarded the tender to himself in his son's name at the price refused by the council for the tender. A got D, a member of said council to inspect the cedar and D reported it all right at regular meeting of council. B objected to this contract. At the order of business for reading and receiving reports, A's bill was not presented for payment at this time as it would not be in order to present his bill. But D reported the cedar inspected and all right. The council refused to accept this contract of A's, and awarded the contract to E, who filled the contract with A's cedar.

1. Did B object to this contract at the proper time, or should B let A get pay for cedar to

make him liable? Section 83, Municipal Act.

2. Could A be unseated for this offence?

3. When council advertise to receive tenders for contracts and do not reserve the right to accept any tender, are they compelled to let it by tender?

4. A has sheep killed by dogs, damages not claimed within thirty days. Does he forfeit the right to collect the damages from the township?

1 and 2. As we understand this matter, the contract was finally let by the council to E, who purchased from A (a member of the council) the cedar necessary to enable him to perform his contract. This act on A's part would disqualify him as a member of the council, under the provisions of sub section 1 of section 80 of the Municipal Act, which provides that no person having a contract for the supply of goods or materials to a contractor for work for which the corporation pays, or is liable, directly or indirectly, to pay, shall be qualified to be a member of the council of any municipal corporation. Proceedings may be taken to unseat A under the provisions of section 208 of the Act.

3. No.

4. No. A has three months, after the killing of his sheep, within which to make his claim for compensation. See section 18 of chapter 271, R. S. O., 1897.

A Municipal Agreement for Sale of Land.

229—E. B.—Our council sold a mill site and twenty acres of land and \$20 was paid down and three years from date to pay balance in instalments and interest, with privilege of paying it off at any time within the three years. He was to have erected a saw or shingle mill on the premises within twelve months, and, when asked for his payment, as it fell due on the first of the year, as owner, he said the reeve said before witnesses that it made no difference; or as much as to say he would not be interfered with on that account. But, as it was, if he went on and built his mill according to agreement, they would not be hard on him. Now can the council cancel this agreement, and what course would we have to pursue in the matter? I enclose copy of agreement.

The agreement furnished by you is one of sale of twenty-one acres of land to one for \$400, payable in instalments on the days mentioned therein. The only remedy which your council has, is to bring an action for recovering the overdue instalment, and to have it declared that the municipality has a lien on the lands for the unpaid purchase money and for sale of the land to satisfy the lien. The agreement does not provide, that in the event of default in the payment of any instalment the other instalment shall thereupon become due, nor does it provide that time shall be the essence of the agreement, and that in case of default the agreement shall become null and void, as is usual in the case of agreement for the sale of lands, and therefore we do not see how the corporation can, as a matter of legal right, take possession and rent the land.

Assessment of Saw and Shingle Mill.

230—G. W.—Two brothers, A and B, leased five acres of almost worthless, land about centre of a lot, from C for a term of years and

built a saw and shingle mill. Assessor assessed A and B as tenants with C as owner, entering it on the roll as real property (or value of it in real property column). Three or four months after assessment was made, the mill was burned with all the stock belonging to A and B. A and B skipped out. C would not pay taxes as the mill was the part to value, was returned by tax collector in defaulters list to county treasurer, and is now in the list to be sold for taxes. As there are several mills in the township in just the same position of that one, assessor would like to know how to properly enter them on the roll. Should the land be valued as real property and the mill as personal, or how, so as to avoid such difficulties as the above?

C having been assessed for the property, he is liable to pay the taxes, and if he does not do so the lands may, in due time, be sold in the manner provided by the Assessment Act. The proper way is to assess the buildings along with the land. There is no authority to assess them separately.

Expenditure for Necessities for House Quarantined.

231—T. S.—1. Large boarding house has been quarantined on account of small-pox. Can the proprietor compel the municipality to pay for board of inmates during quarantine? If municipality pay board bill, can L. B. of H. collect from boarders if able to pay same?

2. Is the treasurer of a township bound to pay orders of L. B. of H., without the sanction of council, when there are no monies to credit of Board in funds of municipality?

1. Section 93 of the Public Health Act, chapter 248, R. S. O., 1897, provides that, "In case any person coming from abroad or residing in any municipality within the province, is infected, or lately before has been infected with or exposed to any of the said diseases (amongst which is small-pox) the health officers or local board of health of the municipality where such person may be, may make effective provision in the manner which to them seems best for the public safety, by removing such person to a separate house, or by otherwise isolating him, if it can be done without danger to his health, and by providing nurses and other assistance and necessaries for him at his own cost and charge, or at the cost of his parents or other person or persons liable for his support, if able to pay the same, or otherwise at the cost and charge of the municipality."

If the boarders and the boarding-house keeper are in a position to pay for what they need during the time they are quarantined or isolated, they must do so, and the municipality or local board of health cannot be held responsible for so doing.

2. Yes. Section 57 of the Act provides that, "the treasurer of the municipality SHALL forthwith, upon demand, pay out of any moneys of the municipality in his hands, the amount of ANY ORDER given by the members of the local board or any two of them, for services performed under their direction by virtue of this Act."

The alderman seeking re-election thus addresses the electors: "Vote, you absent-minded beggars, vote, vote, vote."