

it grants the prayer of the petition or not, but it has no authority to enter into the agreement mentioned.

3. No.

A Separate School Teachers' Agreement—Entries on School Register.

497—B. C.—A, B and C are Roman Catholics and school trustees of a Roman Catholic separate school, and all the ratepayers of said section are Roman Catholics without exception, and the same board of trustees employ E, who is also a Roman Catholic, as teacher for said separate school, under an agreement by which clause 2 of said agreement reads as follows: That holy days and vacations prescribed by the Law and Regulations are excepted from the same term, and the official list, form 94, gives a list of holy days, but does not include the Roman Catholic Church holy days. Nevertheless the said school is not kept open on such holy days, consequently we do not get the number of legal teaching days during the year there is on the official list. It being the fact that all concerned in said separate school, the ratepayers, the school board and the teacher, abide by the rules of their church respectively. The trustees now refuse to pay the teacher for such holy days on which the school was not kept open.

1. Can the teacher collect his pay by law for such holy days which he has observed himself as holy?

2. Can he enter legally on the school register for such holy days on which no one was at school, such daily attendance as were the average attendance of the previous or succeeding days?

1. Sufficient details are not given to enable us to answer the question. It is not stated whether the teacher is hired by the year, term, or otherwise, or how or when he is to receive his salary. Since this agreement is in writing, we should see a true copy of it before we can give any definite reply.

2. No.

Statute Labor in Unincorporated Villages—Proceedings for Making Minor Repairs to Drains.

498—J. B. C.—1. Has a township council power to pass a by-law giving the ratepayers of an unincorporated village the right to perform their statute labor on sidewalks, or spend their commuted money in constructing sidewalks? Or could the township council apply commuted money (by the village people) to the paying of debentures that were issued for constructing cement sidewalks, under authority of sections 561, 664, and others?

2. How should a council act in making minor repairs on a municipal drain when one of the number wants it put in repair.

1. A township council may pass a by-law making an unincorporated village one of the statute labor divisions of the municipality, so that the ratepayers may apply their statute labor in repairing sidewalks in that division. The council cannot apply money paid in by residents of the unincorporated village as commutation for statute labor in paying debentures issued to raise money to construct cement walks in the village.

2. We cannot answer this question unless we are informed as to whether the drain was constructed under the provisions of The Ditches and Watercourses Act (R. S. O. 1897, chapter 285), The Municipal Drainage Act, R. S. O., 1897, chapter 226, or the local improvement clauses of The Con. Mun. Act, 1903 (sections 664 and following sections of the Act). The proceedings in each case are different.

Law as to Cattle Running at Large—Careless Handling of Collector's Roll—Payment of Surveyor's Fees.

499—A. D. H.—1. When a municipality has no by-law prohibiting stock from running at large, if stock from an adjoining municipality does damage to a neighbor's crop before he has a fence built, can damages be collected?

2. Where in the statutes can be found the penalty for bulls and horses and other entire animals running at large upon the highways?

3. Our collector last year received the roll from the clerk in book form, but the leaves were loose. The collector, in copying off the notice slips, by the leaves shifting, made a serious mistake. Who was responsible, the collector or the clerk?

4. Our council had occasion to procure the services of a pro-

vincial land surveyor to lay out a deviation for road allowance. The road was to have been made between an adjoining farm and a school property, but the surveyor put the stakes two rods on the school property. When the council received notice from the trustee, they asked the surveyor to move his stakes and place them in proper place, but he has not done so, and now demands his pay. Can he legally collect pay before he rectifies the mistake?

5. Dare the pathmaster move those stakes?

1. Yes.

2. No statute inflicts any penalty on the owners of these animals for allowing them to run at large, but they may be impounded if they trespass upon or do damage to premises adjoining the highway. (See sections 2 and 3 of chapter 272, R. S. O., 1897).

3. The mistake does not appear to have been that of the clerk in making entries on or adding up the roll, and since the leaves of the roll were loose, the collector should have been careful to see that they were in their proper order. We do not see that any responsibility can attach either to the collector or the clerk, unless some ratepayer can show that owing to the making of the mistake he suffered substantial injury. There is no excuse, however, for a collector's roll being delivered to a collector in this condition. It is false economy, and the council should see that its officials are supplied with such substantial and up-to-date books and forms as will enable them to efficiently discharge the duties of their respective offices.

4. The surveyor is not entitled to his pay until he has performed his duties in accordance with his instructions, and the provisions of the law applicable to the case. Whether he has done this or not we cannot say, not having sufficient particulars.

No.

Time for Entering Commuted Statute Labor on Collector's Roll.

500—J. B. B.—We want to know if statute labor that was not performed last year but returned too late to be entered on the collector's roll in 1906, can be legally entered on the roll this year. The parties interested say "No." Our council would like to know.

Commutation for statute labor returned as unperformed in 1906 can be entered on the collector's roll for the present year. The latter part of sub-section 1 of section 15 of chapter 25 of the Ontario Statutes, 1904, provides that the clerk shall enter the commutation for statute labor against the land in the collector's roll of the current (that is, the year in which the statute labor is returned as unperformed) or the FOLLOWING year, and the same shall be collected by the collector.

Liability of Council to Fence Grave Yard.

501.—In the village of N (unincorporated), in the township of



GEO. W. RISEBOROUGH

CLERK OF THE TOWNSHIP OF HARWICH

Mr. RISEBOROUGH was born in the County of Norfolk, England. Came with his parents to this country when two years of age. He received his public school education in the public schools of the township of which he is now clerk. At the age of 12 he began to depend on his own resources working, as a farm laborer until the age of 17, when he decided to improve his education and prepared for and passed the entrance examination. By working on the farm in the summers to procure means, and by attending Chatham Collegiate in the winters, he succeeded in obtaining a third-class certificate and began teaching. After teaching for three years he again attended the Collegiate and succeeded in obtaining a second-class, and in the following year a first-class certificate. He afterwards took a course in Hamilton Normal College; resumed teaching in two of the best schools in the township. He was appointed Clerk of Harwich, one of the largest townships of the Province for volume of business, in May, 1906, to succeed Mr. G. M. BAIRD, who resigned to accept a most important position with the Bell Telephone Co.