

statement of how much he put in his pocket for his trouble; says he does not keep any books. The corporation has been written to, and no trace of a plan and certificate can be found, but the one who holds all receipts for moneys paid, surveyor's letters, concerning sending of plans, etc., has a receipt worded thus: May 21st, 1881, Received from the committee appointed to fence the burial ground, \$9.80, same land pt. lot 21, con. B, Township Kama, having been lately given by myself for the benefit of the public, being a balance left in hands of committee, same sum having been subscribed to fence said burial ground and hereby acknowledged by me for said fence building. Signed, So and So.

Kindly give your opinion, and what is to be done to restrain supposed giver of land from collecting more from settlers or trying to retake land. He says he wasn't signing more papers, but acknowledged in public signing plan and certificate.

We cannot find any authority for the course which appears to have been taken upon the advice of the newspaper. There should have been a conveyance of the land to trustees, as provided by the Act respecting Conveyances to Trustees for Burial Ground, or acquired by the corporation by by-law. After the lapse of so many years we do not think that the owner can retake the land. So far as the settlers are concerned, their course is not to pay the land-owner if they do not choose to do so.

Statute Labor to be Done in Division where Property is Situated.

387.—G. W. T.—Can any municipal council pass a by-law requiring statute labor on every assessed lot in the municipality (whether freehold or tenant) to be done on the road division upon which such lot faces?

There are a number of road divisions in this township sadly deficient on account of the owners or tenants of such lots taking the statute labor of such lots away unto other divisions.

Yes. See Section 521, Sub-Section 5, Municipal Act.

Cattle Running at Large.

388.—J. M.—If a council should pass a by-law allowing cattle to run at large, would landowners be then compelled to erect road-fences or if they do not erect fences can they collect damages from the owners of cattle if they go into crop?

If there is no by-law of the municipality for settling the height and description of what shall be a lawful fence the owners of cattle doing damage will be liable, but if there is such a by-law the right to damages will depend upon whether the fence over or through which the cattle passed was a lawful fence.

Bridges and Traction Engines—Cost of Widening Bridges to Accommodate Drainage—Interfering with Watercourse.

389.—C. K.—1. Is there a limit to the carrying capacity of bridges over small running streams, or must the municipality make them strong enough to carry any kind of machine such as traction engines, etc. If there is a limit please state it. What recourse has a municipality in case of an accident caused by the breaking of a bridge?

2. Can one municipality whose waters run through another municipality be compelled to

pay a share of the expense (and if so, what proportion) of widening and maintaining bridges and culverts through which this water runs?

3. Suppose one man living a little higher up on a natural watercourse makes his part of the course deeper than his next neighbor down the same course, must the latter deepen his part to a level of the former, or must the former fill up his part to the natural running level, and who is to decide?

1. It is the duty of a municipal corporation to keep the road bridges within the municipality in a reasonably good state of repair for all ordinary traffic thereon. Owing to the great weight of traction engines the Legislature has made special provisions in regard to them to which we refer you. See Chapter 200, R. S. O., 1886, page 2,242.

2. No. But we are of the opinion that the municipality higher up would be liable for any damage occasioned by collecting and discharging water in greater volume and with greater speed upon the lands or bridges of the municipality lower down. It would be liable to a private individual under such circumstances and we cannot see why it should not be liable to another municipality and if damage is likely to be caused an injunction might be obtained.

3. We cannot express an opinion upon this until we know whether the watercourse referred to is one with defined banks or merely low land along which the water naturally runs.

Dog Tax—Assessment of Stores.

390.—J. B.—1. The first year this municipality was organized a dog-tax was levied and collected. The second year the tax was abolished by by-law, and since then no tax has been levied. Must the council pay all claims for sheep being killed until all the money is spent that was raised by the dog-tax the first year?

2. Please give instructions how to assess stores. It is much easier for the assessor to assess farms than two stores in a municipality.

1. Yes.

2. Section 26 of the Assessment Act provides that except in the case of mineral lands real and personal property shall be estimated at their actual cash value as they would be appraised in payment of a just debt from a solvent debtor. It is impossible to give any instructions which will help the assessor. He has to use his best judgment in determining the cash value. We may say that "cash value" here does not mean what the property would bring at a forced sale, but rather what it would bring if sold under ordinary circumstances.

Publication or Registration School Loan By-Law.

391.—Is it necessary to publish by-law for a school loan, and will debentures for a school loan have to be registered?

In the case of a rural school section it is not necessary to publish the by-law, but it should be registered according to the provisions of section 351, Consolidated Municipal Act, 1892, as amended by the Municipal Amendment Act, 1897.

Duty of Council to Make Provision for Re-cleaning Drains.

392.—E. D. M.—By-laws have been passed by the council of the township of which I am treasurer, providing for re-cleaning several drains, and authorizing the reeve to borrow by debentures the several sums estimated by the engineer. Whose duty is it to prepare and sell the debentures?

It is the duty of the council to make provision for the preparation and sale of its debentures. The law does not appear to cast this duty upon any officer of the council.

Drainage or Municipal Act.

393.—G. S.—Is the Drainage Act of 1894 applicable to the drainage (ordinary drainage, including laying large pipes) of a village, or should the provisions of the Municipal Act, section 612, and following sections be our guide?

Proceed under section 612.

Municipality's Liability for Gravel Pit Accident.

394.—F. J. E.—A being a township commissioner, employed B with other men to shovel gravel in a pit. When they had been working three days a part of said pit fell on B's leg and broke it. The pit was only about five and one-half feet high, and did not at any time seem dangerous, danger never being mentioned by any of the men employed, but by some defect in the pit or change of soil this portion fell in.

1. Is the municipality liable for damages to B?

2. B not being compelled to work could stop at any time, and he, with the other men, say it was purely an accident. Could B recover anything by law?

The municipality is not liable.

Ottawa Market Fees.

395.—A. P. M.—1. Can the Provincial Legislature grant the corporation of the city of Ottawa power to obstruct the public street by placing vehicles thereon and collect market fees for same?

2. Or has the corporation of the city of Ottawa power to collect fees for vehicles placed on the streets, whether by by-law or otherwise?

1. Yes.

2. No.

Trustees May Close School in Winter.

396.—D. M.—Can the trustees of a school in Algoma legally close the school for the winter? After having had the said school open the year before, some of the ratepayers wish to keep it open for the benefit of their children.

Assuming that the trustees are acting in good faith, the only remedy which the ratepayers who are dissatisfied have, is to elect trustees who have their views, that the school should be kept open during the winter, if they can secure their election.

Ditches and Private Crossings—Change in Wards—Collector's Authority—Percentage on Taxes.

397.—A. M.—1. Can a township municipality build ditches along the public roads without being compelled to build bridges over in front of gates of farmers?

2. Some years ago part of one of the wards of our municipality, by a petition, got themselves to vote in another ward. Now they, by a petition, want to go back and get polling-place near them. The voters' list was sent to the printer before they settled, and can the council at this late hour grant the prayer of the petition?

3. We have extended our collector's time until next meeting. There are some in the