

Power to Prohibit Palmistry and Fortune-Telling—A General Appeal Against the Assessment Roll—Proceedings to Expropriate Site and Build New School.

425—CITIZEN—1. Can a town by-law legally prohibit palmistry and fortune telling? What statutes apply?

2. We have an appeal in against the assessment roll as follows: I appeal against the whole roll as being an unjust assessment, etc. Is this appeal legal? Would it not require to be an appeal against each individual assessment?

3. The public school supporters purpose expropriating a site and building a new school. How must the ratepayers' meeting be called, etc., for this, what must be done at the meeting, what must the council do? Can they take land anywhere from the C. P. R. for a site? Could the C. P. R. take part of a school site to run their road over? At this ratepayers' meeting should the amount of debentures rate % and time be agreed on and the council notified, etc.?

1. No.

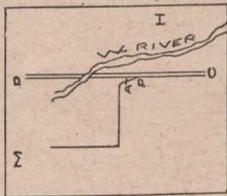
2. We are of opinion that this notice of appeal is not in accordance with the requirements of section 71 of The Assessment Act. The notice should in some way specify the name of each party appealed against, and the ground of the appeal, so as to enable the clerk to serve on each party appealed against the notice mentioned in sub-section 9 of the above section.

3. Since this is an urban municipality, the board of public school trustees should apply to the municipal council for the passing of a by-law providing for borrowing money by the issue and sale of debentures for the purchase of the required school site and erection of the new school building. If the council refuses to issue the debentures required, then the question shall be submitted to the electors qualified to vote under The Municipal Act for the creating of debts. (See sub-section 1 of section 76 of The Public Schools Act, 1901, as enacted by section 5 of chapter 32 of The Ontario Statutes, 1903, and sub-section 1 of section 587 of The Consolidated Municipal Act, 1903). No meeting of the ratepayers is necessary. The terms of the loan should be arranged between the board of trustees and the council. We do not think the board can expropriate any railway lands for school purposes, nor can the railway company take possession of any of the school property for its purposes.

Liability to Build Bridge on Township Road.

426—W. J. E.—We are in a territorial district where two townships K. and H. have been newly organized, C. D. being the town-line between them.

1. From this line to M. is a road which was built by the Government, running to C. On account of the W. river, this road leaves the line at with the line about road allowance for then turns off west-into K. to reach M. on road allowance north), as there is river and settlers in In the late freshet a at A. and now is liable for it? If not, what course should we take when asked to contribute or presented with bill for part of costs.



P. and runs parallel ten rods from the some distance and ward at right angles There is no travel after P. (further no bridge over the H. go another way. bridge was injured K. claims that H. half the repairs. Is

2. A teacher signs an agreement to teach "according to law." The law states that school shall open at 9 a. m. and close at 4 p. m. The teacher is very unpunctual often not commencing until 9.30, and once or twice not till ten. The trustees' objection was without avail. Has he broken his agreement?

3. He claimed that if there were no more than seven pupils he need not keep school that day. Was he right?

1. This bridge does not appear to be located on the boundary line between the municipalities of K. and H., or upon a deviation thereof, or road used in lieu of the town line, but upon a road located wholly within the Township of K. We are therefore of opinion that the Township of H. is not liable for any portion of the cost of the maintenance or repair of this bridge.

2. From the statement of the facts this teacher does not appear to have complied with the terms of the agreement, but we cannot say what effect this will have without seeing the agreement or a copy of it.

3. No, unless the agreement so provides.

Payment of Cost of Road Grader.

427—D. McR.—We, this corporation, have bargained for a road grader, the first payment Nov. 1st, 1904, and four yearly payments for the balance. Can the council do this without a vote of the ratepayers? The Consolidated Municipal Act says in sub-section 389 we cannot, but in section 640, sub-section 10 says we can. We have not yet signed the notes for this grader, but expect to do so at our next regular meeting which will be in a few days.

A vote of the ratepayers is not necessary in a case of this kind. Sub-section 10a of section 640 of The Consolidated Municipal Act, 1903, authorizes the councils of townships to pass by-laws "for contracting for the purchase, conditionally, or otherwise, etc., of road-making machinery and appliances for public uses within the municipality, and such contract may provide that payment for such road-making machinery and appliances may be made in instalments extending over a period not exceeding five years." See also sub-section 10b of this section.

Law as to Traction Engines—Responsibility for Damage to Tile.

428—F. McC.—1. A thresher buys a traction engine. Has the township to strengthen all bridges to carry it?

2. If a bridge is strong enough for ordinary township use and a notice is put up on it that we do not think it safe for traction engines and will not be held liable for any damages in crossing it, what would be the result?

3. A commissioner is appointed on a drain. He sells the work and has tile put on bank of drain. The drain cannot be completed owing to bad weather and scarcity of men, and the tile became badly damaged. Who is to make good the tile?

1. Sub-section 1 of section 10 of chapter 242, R. S. O., 1897, provides that "before it shall be lawful to run such engines (that is, traction engines,) over any highway whereon no tolls are levied, it shall be the duty of the person or persons proposing to run the same to strengthen at his or their own expense, all bridges and culverts to be crossed by such engines, and to keep the same in repair so long as the highway is so used. Sub-section 2 of this section provides that "the cost of such repairs shall be borne by the owners of different engines in proportion to the number of engines run over such bridges or culverts."

Section 43 of chapter 7 of The Ontario Statutes, 1903, amends the above section by adding thereto the following sub-section:

"(3) The two preceding sub-sections shall not apply to engines used for THRESHING PURPOSES or for machinery in construction of roadways." Section 60 of The Statute Law Amendment Act, 1904, adds the words "of less than eight tons in weight" to sub-section 3 above mentioned, and also enacts the following proviso: "provided however that before crossing any such bridge or culvert it shall be the duty of the person or persons proposing to run any engine or machinery mentioned in any of the sub-sections of this section to lay down on such bridge or culvert planks of such sufficient width and thickness as may be necessary to fully protect the flooring or surface of such bridge or culvert from any injury that might otherwise result thereto from the contact of the wheels of such engine or machinery, and in default thereof the person in charge and his employer, if any, shall be liable to the municipality for all damage resulting to the flooring or surface of such bridge or culvert as aforesaid."

2. The posting up of this notice will not absolve the municipality from liability in this regard, unless it has fully observed the requirements of the statutes as contained in our answer to question number one.