

municipality may get into trouble and expense.

2. The council has no such power as it supposes or claims to have in this case. The collector ought to collect those taxes and pay them over. The school board can compel the council to account for these taxes. See section 411 of cap. 223, R. S. O., 1897, and section 73 of cap. 292, of the same statute.

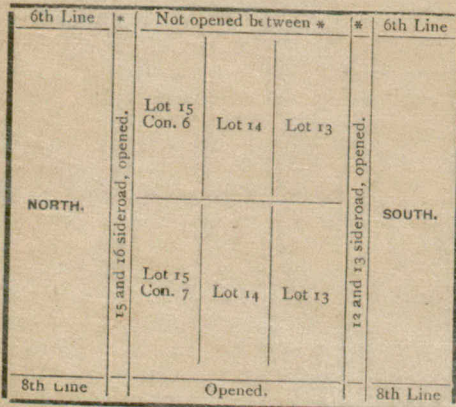
Union School Section Part of Incorporated Town.

385.—T. S.—Since the town of S got incorporated (year 1893) the council of McK township has been levying on a portion of the ratepayers to support the school in town. Can they legally do so, there being no record of a union school section being formed, or would the fact of them levying to support said school since 1893 make it a legally formed school section? Trustees of school in town send in their requisition every year.

See section 49 (1) of chapter 292, R. S. O., 1897, which provides, "In case a portion of the territory comprising one or more school sections becomes incorporated as an urban municipality the boundaries of such school section or sections shall continue in force and shall be deemed a union school section, etc." By reason of this section of the School Act this school section is a union school section.

Opening a Road.

386.—J. M. D.—A and B living on lot 14, concession 6, have applied to our council to have the blind line between the 6th and 7th concessions opened for road allowance. You will see by the accompanying diagram that the 6th line that fronts their property is not opened and is impossible to open. Will you kindly inform me the proper and legal proceedings the council will have to take to open the said blind line in place of road not opened?



Section 632 of chapter 223, R. S. O., 1897, provides the legal proceedings which are necessary to be taken in this case. You will find an article on the opening or stopping up of roads in the September number of THE WORLD. If all parties interested or affected are willing to consent to the establishment of this road conveyances by all parties of the lands required for the road, and a by law declaring these lands (setting them forth by metes and bounds) to be a public highway will be sufficient.

Notice of Engineers Report Drainage Act.

387.—CLERK.—A petition is presented to municipal council under Drainage Act, 1894, to

have a creek cleaned out. An engineer is appointed and assesses for outlet liability the township on both sides of the initiating municipality. When engineer files his report with clerk of municipality, will the clerk have to notify all parties assessed in all municipalities or only in his own?

Only those in his own municipality.

Opening Roads in Towns.

388.—SUBSCRIBER.—1. When we were incorporated as a town we took in some parts of lots and concessions of the township we are in. This land has never been surveyed and subdivided into lots as yet. Can the town go on and open up a legal road on a sideline between two lots following the sideline as run by the government survey?

2. If so can the street be made any width or is sixty-six feet wide for a road or street fixed by statute?

1. You will find the procedure in section 632, cap. 223, R. S. O., 1897.

2. The councils of cities and towns are not now limited in their powers to any particular width. See section 630 of the same Act.

Arrears of Taxes in Districts.

389.—J.—In enquiry number 376, September, question 2, you say if taxes could not be made the treasurer ought to have furnished the county treasurer with a statement of these unpaid taxes, etc. I beg to say that we have no county treasurer. This is a district (District of Nipissing) so there is no return to county treasurer to be made. You will kindly give your opinion in that case?

Section 53 of cap. 225, R. S. O., 1897, provides that arrears of taxes due to any municipality in any of the said districts (which includes the Nipissing District) shall be collected and managed in the same way as like arrears due to municipalities in counties; and the treasurer and reeve of such municipality shall perform the like duties in the collection and management of arrears of taxes as in counties are performed by the treasurers and wardens thereof, etc. A reference to this section and sections to which we referred you before will perhaps enable you to understand what remedy, if any, you have. You did not in your question furnish any information in regard to the arrears of taxes in existence when A bought the land. You did not even state for what year or years they were in arrears, nor did you say anything in regard to the steps, if any, which were taken to collect them, and why they were not collected.

Voting for Mayor and Councillors in Towns of 5,000 and Under.

390.—F. J. C.—The council of towns having 5,000 or less population shall consist after the next municipal elections of one mayor and six councillors to be elected by a general vote. Section 71a, Municipal Amendment Act, 1898. This being the case, I would like answers to the following questions:

1. Can a voter give all his six votes to one candidate for the council.

2. Can a voter give more than one vote to any one candidate?

3. If a voter gives more than one vote to any one candidate, and only one vote to any other candidate, would such a ballot be considered bad as to the candidate or candidates who received only one vote?

4. Should such a ballot paper be rejected in toto, or only as relates to candidates who had received two or more votes?

5. Are the names of all candidates for councillors to be printed on one and the same ballot paper?

6. Are the names of all candidates for mayor to be printed on one and the same ballot paper and separate from the ballot papers containing the name of candidates for councillors?

7. Would you give a sample ballot paper for councillors and for mayor in some issue of THE WORLD for the guidance of municipal clerks?

1. No.

2. No.

3. There is no provision for giving two votes to one candidate, and we do not see how a voter could so mark his ballot to effect his intention to do so, except by making two crosses, but a ballot so marked would not be bad. It would be counted as one vote for that candidate, and the voter would lose one vote.

4. No, not if marked as above, but if a ballot is so marked that it is bad, it must be rejected in toto.

5. Yes.

6. On same ballot paper.

7.

FOR MAYOR	
FOR COUNCILLORS	

Grouping Tax Rates.

391.—J. R. W.—Is it lawful for a council to group the county, general and township rates together, and so save a number of calculations? I see several townships in this neighborhood are doing so.

No. See Sec. 129, Chap. 223, R. S. O., 1897.

Tenant's Sons Statute Labor.

392.—E. K.—1. Is a tenant liable to perform an extra day's road work, his father owning the farm and his son working it and assessed as tenant?

2. If he had two sons would they be liable, the farm being assessed for \$5,000?

1. The son being a tenant, and assessed as such, an extra day cannot be imposed.

2. No, assuming that they are both tenants and assessed as such. If they were not tenants, and were entered on the assessment roll as farmer's sons, each would be liable to a day's statute labor in the same manner as if they had not been assessed at all. See Sec. 106, Chap. 223, R. S. O., 1897.

Increasing Statute Labor.

393.—J. M.—Has the council of a rural municipality the power to increase the statute labor one day on each ratepayer over and above what their assessment calls for?

The council has power to increase or reduce the number of days statute labor, but it must be done upon the basis mentioned in Sec. 102, Chap. 223, R. S. O., 1897. An arbitrary increase of one day without regard to the amount of