

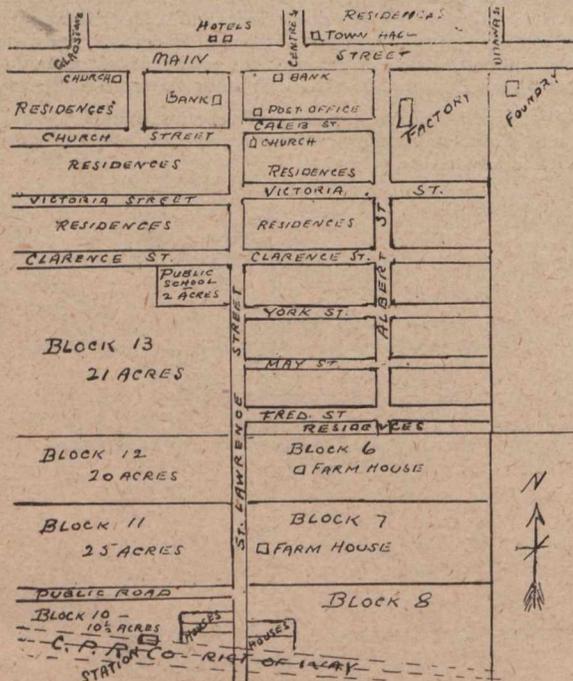
Construction of Cement Sidewalks in Village.

459—N. W. B.—Enclosed find map of village. I will give you a clause of the by-law of our council, viz: "That granolithic or cement sidewalks be laid on the following streets, or portions of streets, namely:

1. On the north side of Main street from Gladstone street to Ottawa street.
2. On (here follows the description of street).

The following thirteen more streets, one of which is the west side of St. Lawrence street along lots 10, 11, 12 and 13 from Clarence street to the right of way of the C. P. R., as described on sketch. These blocks are used as farm lands. The built-up portion of the village is from the north boundary of corporation south as far as Clarence street, with a few residences on the east side of St. Lawrence street, as far south as May street. The owner of block 13 has been offered high prices for lots along the west side of St. Lawrence street, but refused to sell. The lands in block 11 are not likely to be ever required for building lots, and if so, not for many years. The portion of block 10, fronting on St. Lawrence street might be sold for building lots, but the balance of block 10, consisting of probably nine acres, will always be used as farm lands or pasture. The corporation is paying 60 per cent, and the lands benefited 40 per cent of the cost of said walks.

1. Can the public school grounds, block 13, block 12, block 11, and block 10, be assessed for the 40 per cent?
2. Does section 39 of the Assessment Act, 1904, apply or affect the case, and if so, how?
3. If said lands not wholly liable for 40 per cent, then what proportion or extent would be considered fair?
4. Under section 39 as above, is it the duty of the council to, and can the council legally pass a by-law exempting farm lands if said council has not received any notice from parties claiming exemption?
5. If a majority of the owners of property on the north side of Main street from Gladstone street to Ottawa street petition the council against said work, should the council dispense with the work on said street and withdraw same from the scheme? Or, in other words, can a majority of owners, on an particular street, dispense with the work on that street and the balance of the work be carried out?



1. No. The second sentence of sub-section 1 of section 684 of The Consolidated Municipal Act, 1903, provides that "this section shall not apply to schools which are maintained in whole or in part by a legislative grant or a school tax." We assume, of course, that the school premises are owned by the school board.

2. Section 39 of The Assessment Act, 1904, applies

to such of the blocks of land in the village as are used as farm lands only, and are owned by any one person, and are not less than five acres in extent.

3. Sub-section 2 of section 39 requires the village council to pass the by-law therein mentioned annually, at least two months before striking the rate of taxation for the year. The council must exercise its discretion as to what it considers a fair exemption of these properties. Its members should be the best judges as to this, as they are on the ground, and presumably familiar with all the circumstances of each case.

4. Sub-section 2 of section 39 makes it the duty of the council to pass the by-law therein mentioned. Persons claiming exemption under the by-law should notify the council as provided in sub-section 3, and owners affected by the by-law have the rights of appeal prescribed by sub-section 4.

5. Assuming that the council has initiated the local improvement works under the authority of section 669 of The Consolidated Municipal Act, 1903, if the majority of owners of the properties to be benefited on any particular street described in the by-law file the petition against the carrying out of the work, mentioned in sub-section 1 of this section, the council cannot proceed with that part of the work, but may proceed with the rest of the scheme. If the work was initiated under the provisions of section 677 of the Act, the council may complete the work, regardless of any petition that may be filed against it.

County Levy of School Moneys—Legislative Grants.

460—J. C.—1. Sub-section 1 of section 70 of The Public Schools Amendment Act, 1906, provides that the municipal councils of every organized county shall levy and collect by an equal rate upon the taxable property of the whole county in the manner provided by the Act, The Municipal and Amendments Acts, a sum which shall be at least the equivalent of all special grants made by the Legislative Assembly to the rural schools of the county.

In our township there is a separate school section and as there is no special reference made in the above sub-sections to the supporters of either public or separate schools, am I to understand that the supporters of the separate school should be refunded the portion of the equivalent (which was raised by them) pursuant to sub-section 1 of section 72 P. S. Act?

If so, how then do we get the full equivalent of the special grants made by the Legislative Assembly to rural public schools?

2. Are the legislative grants for schools distributed by the Government to the municipalities according to population, and by inspectors to school sections on the basis of attendance, teachers' salaries and character of accommodation?

1. The levy to be made by the county council under sub-section 1 of section 70 of The Public Schools Act, 1901, (as enacted by section 39 of chapter 53 of The Ontario Statutes, 1906), is of "a sum which shall be at least the equivalent of all special grants made by the Legislative Assembly to the RURAL schools of the county. A separate school is just as much a RURAL school as a public school, if it is located outside of an urban municipality. Therefore the county grant should include the equivalent of the legislative grant to rural separate as well as public schools in the county. The county inspector, in performing the duty imposed on him by sub-section 1 of section 72 of The Public Schools Act, 1901, is paying the separate schools only what has been levied for them and paid by their supporters. The deduction of this from the amount of the county levy does not effect a reduction in the sum levied by the county for and paid by the public school supporters therein.

2. The method of distributing the legislative grants for public and separate schools will be found in section 23 of chapter 52 of The Ontario Statutes, 1906.