

Duties of Clerk on Filing Engineer's Report—Construction of Electric Railway Along Highway.

160—C. O. D.—1. When an adjoining municipality is served with an engineer's report on a municipal drain by the initiating municipality is it necessary to notify parties interested on the drain and to read the report the same as the initiating municipality has done?

2. When an electric railway is going to be built through a municipality is it necessary that the company should apply for the right of way from the township council?

1. The clerk of the servient municipality is not required to give the notice mentioned in section 16 of The Municipal Drainage Act (R. S. O., 1897, chapter 226). This is the duty of the clerk of the initiating municipality. But sub-section 7 of section 9 of the Act, as enacted by section 5 of chapter 28 of The Ontario Statutes, 1899, provides that "forthwith upon the filing of the engineer's report with the clerk of the municipality, the clerk shall, by letter or postal card, notify the parties assessed of such assessment and the amount thereof. In case more than one municipality is interested in the proposed work, the clerk of such other municipality or municipalities shall forthwith, upon the filing of a copy of the engineer's report in their office, notify the parties assessed of such assessment and the amount thereof."

2. Yes, otherwise the company may be indicted for placing unlawful obstructions on the highway. The latter part of section 697 of The Consolidated Municipal Act, 1903, authorizes township councils to pass by-laws to authorize companies or individuals to construct tramways and other railways along any highway on such terms and conditions as the council see fit.

Addition of Percentage to Unpaid Taxes—Dividing Township into Polling Sub-Divisions.

161—J. A. W.—1. In chapter 224, section 60 of Revised Statutes it states 5% may be added to all unpaid taxes after December 15th. Does this mean 5% per annum, or 5% of taxes to be added? To make it plain to you I give the following example: Suppose a man's taxes are \$20 and his taxes are one month overdue, does he have to pay \$21, or interest on \$20 for one month at 5% per annum?

2. Can a municipality be divided into polling sub-divisions (which has less than 200 voters) if the council think it more convenient for electors to do so?

1. This section, as it is now, was enacted by section 4 of chapter 27 of The Ontario Statutes, 1899. The five per cent. mentioned in sub-section 2 of this section means five per cent. of the amount of the taxes. Assuming that this council has passed a by-law in accordance with the provisions of section 60, in the case mentioned, the ratepayer should pay \$21.00.

2. Sub-section 1 of section 536 of The Consolidated Municipal Act, 1903, provides that "polling sub-divisions shall have well defined boundaries, such as streets, side-lines, concession lines or the like in the most convenient manner, and in such manner that the number of qualified electors in the several polling sub-divisions shall be as nearly equal as may be, etc., and shall be made and varied in such a manner that the number of electors in any polling sub-division shall not exceed at any time 300 (in a township municipality). Thus the number of electors in any polling sub-division cannot exceed 300, but if it better suits the convenience of the electors that the polling sub-divisions should contain less than 200 electors, there is nothing to prevent their arrangement in this way by the council.

First Meeting of Council—Procedure to Fill Vacancy.

162—H. L. B.—This township after nomination day, by reason of resignations, was left without a reeve, the four councillors being elected by acclamation on January 5th, 1904. Three of the new councillors (the fourth having gone to Manitoba for some weeks) met, having taken their official declarations, they ordered the clerk to announce a new nomination for the reeveship after six days'

notice, etc. They simply met, took declarations and gave instructions, re new nominations, nothing more as per sections 130 and 131 of Con. Municipal Act, 1903, as they interpreted it. This special meeting was on January 5th, or before the second Monday in January, section 259 of the Act, and is therefore denounced as illegal.

(a) Is it so?

(b) Can the absent councillor take declarations legally after the twenty days?

(c) If fined or not is he still a councillor?

(a) The council had no authority to hold this meeting prior to the second Monday in January (the 11th) as provided in section 259 of The Consolidated Municipal Act, 1903, and all business transacted at the meeting held on the 5th January last was a nullity.

(b) Yes.

(c) Yes, provided he was possessed of the qualification required by the Act at the time of his election.

Remuneration of Members of Local Boards of Health.

163—C. W.—To what remuneration are the members of the Board of Health entitled, or have they to work gratis, or has it to be regulated by by-law?

The Public Health Act (R. S. O., 1897, chapter 248), makes no provision for the payment of any remuneration to members of a local Board of Health.

Assessment of Separate School Supporters—Salary of Truant Officer.

164—N. C.—1. Having no public school in our municipality and being Catholics and not joining the Separate School by March 1st where shall the assessor assess them?

2. Shall he assess them to the nearest public school in the adjoining municipality? (they claim exemption from any school), or should they give notice to any public school they would wish to join by the first of March?

3. Is there any salary attached for truant officer when giving notice to parents neglecting to send those children to any school?

1. The assessor should assess these parties as separate school supporters pursuant to the provisions of sub-section 5 of section 13 of The Assessment Act.

2. The assessor has no authority to assess these persons as supporters of a public school in an adjoining municipality, nor is there any provision for the giving of notice by them as to the public school they wish to support.

3. Since these parties are Roman Catholics, the truant officer is entitled to the ordinary fee allowed him by the board for serving the notice mentioned in section 13 of chapter 296, R. S. O., 1897. (See also section 18 of the Act).

Closing Road Through Government Land.

165—CLERK.—About twenty-four or twenty-five years ago a road was opened in our municipality, part of said road being on concession and part being Government land, road running parallel to concession varying in distance from five to fifteen rods from concession. About twelve years ago land was bought for a ranch. The owner is now fencing ranch.

1. Can he close up road, statute labor having been performed every year and public money having been spent at various times on said road?

2. If so, what notice must he give the council?

1. We gather that the portion of the road that ran through the lands of the Government was never granted or established by the Crown for road purposes, and that the Crown has now granted the land through which the road runs to a private party who purposes using it for ranching purposes. If this is so, there is no legal reason why the grantee of the land from the Crown should not close up that portion of the road running through his land.

2. It is not necessary that he should notify the council in any way that he intends to close that portion of the road running through his land, which never was, apparently, a public highway.