

2. Yes, unless the person is a householder or head of a family and is not in receipt of an income from all sources exceeding the sum of \$300. (See section 11 of the above Act, and section 1 of chapter 36 of The Ontario Statutes, 1906).

#### Limitation of Damages to be Paid for Sheep Killed by Dogs— Height of Line Fences —Fencing of School Grounds.

142—F. O. W.—1. Can a municipal council by by-law fix a price for the payment of each sheep killed by dogs?

2. Can a council by resolution compel parties having sheep killed by dogs to provide a witness to prove that sheep were killed before he can get pay for sheep?

3. Do the statutes provide that a line fence, to be a lawful fence, must be of any certain height or style?

4. Is a school section compelled to fence its own school site?

5. If school sites join three different parcels of land can section remove any of the present fence surrounding school site if they replace the same with as good or better fence?

1. No. Section 18 of chapter 271, R. S. O., 1897, requires the council to pay the owner of the sheep killed two-thirds of the damage sustained by him—that is, two-thirds of the actual value of the sheep killed, as ordinary sheep, sheep of a specially valuable breed, sheep kept for breeding purposes, etc.

2. The council should require the claimant to prove to its satisfaction, in whatever way it thinks sufficient, that the sheep were actually killed by dogs, and that the value placed on them by the claimant is correct.

3. No, but councils of townships, etc., may pass by-laws under the authority of sub-section 2 of section 545 of The Consolidated Municipal Act, 1903, "for settling the height and description of lawful fences."

4. Yes. Sub-section 2 of section 37 of The Public Schools Act, 1901, provides that "any wall or fence deemed necessary by the trustees or required by the regulations of the Education Department for the enclosure of the school premises shall be erected and maintained by the board of trustees at the expense of the school section."

5. Yes.

#### Names of Municipalities Owning Electric Lighting Plants.

143—F. L.—Our corporation is agitating for the taking over of the electric lighting plant now held by private parties on which a report is asked for next Monday night. Would I be asking too much of you to mail me a list of places handling their electric lighting plant under municipal ownership in Ontario?

Alexandria, Amherstburg, Aylmer, Barrie, Beeton, Bracebridge, Brockville, Campbellford, Chatham, Collingwood, E. Toronto, Ft. William, Goderich, Huntsville, Kincardine, Markham, Mitchell, Newmarket, Niagara Falls, N. Toronto, Orillia, Paris, Parry Sound, Picton, Prescott, St. Marys, Sudbury, St. Thomas, Thessalon, Toronto Junction, Windsor, Woodstock.

#### Councillors May Legally Subscribe for The Municipal World.

144—G. L. J.—Is it legal to supply THE MUNICIPAL WORLD to the members of the council at the expense of the municipality?

We have many times, during the past sixteen years, answered this question in these columns in the affirmative. In this instance we think we cannot do better than republish our reply to clause 1 of question number 116 in our issue for February last (1906). It is as follows:

We do not think this criticism fair or in any way justifiable. THE MUNICIPAL WORLD cannot by any argument be placed on the same plane with the ordinary newspaper. Our object in publishing it is solely to convey to municipal councils and their officers useful information in municipal matters, and to aid them in every way in the proper and regular performance of their duties. In this endeavor, from approving comments and the favorable manner in which our journal has been received for the past sixteen years, we venture to believe that we have

attained at least a fair measure of success. It is not illegal for the council to subscribe for THE MUNICIPAL WORLD and pay the subscription price out of the municipal funds, and this opinion is borne out by the language used in section 34 of chapter 22 of The Ontario Statutes, 1904.

#### Rights of Non-Resident Public School Supporter

145—H. M.—Mr A. lives in school section No. 1 and asks the council to be changed to S. S. No. 2. All parties are notified. Council meets and agrees to remove 25 acres from S. S. No. 1 to S. S. No. 2, balance of 75 acres to remain in S. S. No. 1. Mr. A's buildings are all on part belonging to No. 1.

Can he, after by-law is passed and after December 25th, send his children to school section No. 2, or is he a non-resident? Has the council power to change 25 acres when he asked for all his property to be changed and parties were notified to that effect?

A. is a non-resident, and has no right to send his children to this school unless he comes within section 59 of The Public Schools Act. We see no objection to the detaching of part of A.'s land from school section No. 1 and attaching it to school section No. 2 under the circumstances stated.

#### Grocer not Required to Have Butcher's License to Sell Sausage.

146—A. W.—In an incorporated village where they have a butcher's license, does it bar any grocer from selling fresh pork sausages? A butcher's license calls for the selling of fresh meats.

We do not think so. The fact that a grocer handles with his other stock sausages, cured meats, etc., does not make it necessary that he should pay the license fee required of those carrying on business as butchers in the municipality.

#### Assessment of Orange Halls.

147—W. J. D.—The assessor of the township of M. in 1906 assessed all the Orange Halls in the municipality, claiming that under The Assessment Act said Halls were not exempt from assessment. The officers of some of the lodges appealed against the assessment at Court of Revision and council sustained the assessment.

1. Are Orange Halls owned by the Orange Association assessable or are they exempt?

2. Is a hall leased to and used by the Orange Association assessable or is it exempt?

3. If said halls are assessable, in whose name should they be assessed, the association's or the master's?

4. A. lives in township of R., is assessed for Orange Hall which is situate in township of M. A. claims he should be on voters' list of township of M. and should be entitled to vote thereon. Is he right?

1. We are of the opinion that the assessor and the Court of Revision were right, and that halls of lodges owned by the Orange organization are properly assessable. If the Orange organization is a registered friendly society its subordinate lodges are now exempt from business assessment by section 6 of chapter 36 of The Ontario Statutes, 1906.

2. We are of opinion that it is assessable.

3. In the name of the actual owner or lessee, whether it be the local subordinate lodge or the central organization.

4. If A. appears by the last revised assessment roll of the township of M. to be the owner of the hall, he should be placed in part 2 of the voters' list of M., being a non-resident. If no objection is made to his voting when he applies for a ballot, he may vote, but if his vote is objected to he could not legally take the oath prescribed by section 112 of The Consolidated Municipal Act, 1903.

#### Township Cannot Pass By-Law Licenseing Cigarettes Sellers.

148—W. B.—Our township council has been presented with a petition from the ratepayers of the municipality requesting the council to pass a by-law fixing a license on shop-keepers selling