

by Deputy-Reeve Wilson, That a three plank sidewalk be built this year on Stone street, from the northern end of the present sidewalk, near Mr. Davis Wing's place of residence to the boundary line between the Township of Leeds and the Town of Gananoque.

This motion was ruled as out of order because the roads and bridge not reported for north ward. Please was it out of order?

1. Yes.

2. Consult with Dr. Bryce, secretary of Provincial Board of Health.

3. Without by-law regulating the proceedings of your council provides otherwise, the resolution was in order.

#### Location of Road.

255.—L. M.—A lives on one side of a side-line and B lives on the opposite side. A claims that his fence is on the line, and has been picking stones off his farm and piling them along the fence. Even here of late, since difficulty has arisen about fence, B claims that the first fence put up on his (B's) side is not on the spot, taking away some of his land; therefore, he went to work and moved his fence to where he thought, and also was advised, to be the line. In doing so he was blocking the road completely. Council sent two men to investigate the matter. He (B) removed part of his fence to allow travel to continue until the matter would be settled. Government money has been expended on said road. Should council, or is council obliged to, settle that question? If so, what would be the proper steps to take, or should it be settled between A and B? If council has to settle that case, how would it be, by getting surveyor and having lines drawn over? Could council compel the wrong man or both of them to pay a share or the whole?

If the road in question is a public highway, the remedy is to have the trespasser indicted. A surveyor will be necessary to satisfy the council that A or B is trespassing upon the highway, before taking any proceedings, but the council cannot compel either A or B to pay part of the expense of such survey. The council ought not to interfere at all except it is in the interest of the public to do so.

#### Teamster's License Only.

256.—J. N. C.—Our council passed a by-law licensing teamsters, etc., under section 510a, Consolidated Municipal Act, 1892. See section 255 of our by-laws.

1. Does this cover persons ploughing and seeding gardens within the town for hire?

2. Can a person do such work without license?

3. Does the act give municipality power to prohibit persons from doing such work without taking out a license? If it does, and the present by-laws do not provide for it, what change would you suggest be made in by-law?

1. No.

2. Yes.

3. No.

#### School Debenture By-Law

257.—O. L.—In the case of a by-law passed by the Township Council for issuing school debentures under section 70 of the Public School Act, 1896, the proposal for such loan having first been submitted to the trustees and sanctioned at a special meeting of the rate-payers of this section called for that purpose.

1. Is it necessary to publish the by-law before or after the final passing thereof?

2. Will the by-law require to be approved by the Lieutenant-Governor-in-Council?

3. Or is it only necessary to have by-law registered and notice of registration published?

1. No.

2. No.

3. Registration and notice are sufficient.

#### Non-Resident Tenant—Voters' List.

258.—H. H. B.—In question drawer department of May issue, No. 228, you state that a non-resident tenant should be placed on Voters' List Part 2. How can you reconcile this statement with section 79, sub-section 1, paragraph "Secondly," Consolidated Municipal Act, 1892, where it seems plain to me that a tenant must be a resident of a municipality to be qualified to vote at municipal election.

If you will look at the oath provided by section 103 Consolidated Municipal Act, 1892, you will find that the voter is not required to swear that he was a resident of the municipality at the time of the revision of the voters' lists. Suppose A was a tenant of property of sufficient value to entitle him to a vote, but was not at the time of the revision of the voter's list, a resident but moved into the municipality shortly after the revision and continued to reside there until the election and that he had been a resident for a month next before the election. If he had been put on the voters' list he would be entitled to vote. If your construction is adopted he would be deprived of his vote.

#### Long Date Debentures.

259.—J. H.—Your answer to question re "Forty-year Debentures" states that a corporation cannot issue debentures for forty years. How does that statement tally with R. S. O., chapter 190, section 17, sub-section 6?

What I wanted to know was the amount of sinking fund to be raised annually to pay off a debt of \$1,700, at 4½ per cent. for forty years; interest payable half-yearly.

In view of the fact that sections of the Municipal Act limiting debenture terms include the purchase of parks and improvements, we overlooked the special act in answering your question.

If sinking funds are invested to realize 3 per cent., the amount to be raised annually is \$22.55; 3½ per cent., \$20.11; 4 per cent., \$17.89; 4½ per cent., \$15.89.

#### Tax Mill on Highway.

260.—ALGOMA.—1. Party has built mill on shore. Is it exempt from taxation on account of being on allowance for roads, etc., or is it under the jurisdiction of the municipality?

2. If so, is not the assessor in error calling it personal property?

1. It is not exempt. It is under the jurisdiction of the council.

2. The assessor is right.

#### Gravel.

261.—Q. W. W.—Has a municipality power to take gravel from the bottom of a creek, it being accumulated there by the wash of the creek?

Yes, if the gravel has accumulated upon a road allowance or land of the municipality, otherwise the municipality must acquire right by by-law under sub-section 8 of section 550, Consolidated Municipal Act, 1892.

#### Sewers.

262.—S. D.—The local Board of Public Health recommended to the council by a vote of ten out of the eleven members composing the council, affirmed at the regular meeting thereof, as described in clause 4 of section 616 of the Municipal Act, "That it is desirable and necessary to the public interest to construct a sewer for sanitary and drainage purposes, for

draining a certain locality (naming it as mentioned and described by the Board of Health), as a local improvement."

1. I desire to know have the persons whose property would be benefited and would be taxed for the cost of the sewer, the privilege of petitioning against the proposed work being done? and if they should petition, should the council give heed to such petition?

2. Is not the only voice they have in the matter that of objecting to the assessment for the costs if they complain and attend at the court of revision as in clause 4 of section 616 above referred to.

3. The distance from start to finish of the sewer is 1,100 feet and the estimated cost is \$400, one half of the distance would be large sewer pipe, 12 inches in diameter, and be considered a trunk sewer; sewers from branch streets draining into it at some future time. What proportion of the cost should the town council provide from the funds of the municipality for the work on the trunk and for draining the surface of their streets?

4. I would further ask, are the council by their action taken in the matter bound to carry out the work, and if they do not carry it out can they be held responsible for neglecting to comply with the recommendation and request of of the Board of Public Health? The nuisance complained of being an accumulation of waters from an hotel kitchen, work house and stable yard running on a public street and also lying inside of the property and which has been allowed to be there for many years and has been constantly complained of.

1. No.

2. Yes.

3. Section 613, Consolidated Municipal Act, 1892, provides "the special rate to be assessed and levied shall be an annual rate according to the frontage thereof upon the real property fronting or abutting upon or extending to within six feet of the street or place whereon or wherein such improvement or work is proposed to be done or made. The latter part of sub-section 5 of section 612 shows what part of the expense the council has to provide. The whole cost of the sewer must be charged to the property benefited in the manner provided by section 613 because it is a sewer having a sectional area less than four feet.

4. The council is not bound to go on with the work.

#### Derrick Assessment.

263.—J. W.—Our council at last meeting had quite an argument on quarry derricks. What is your opinion?

1. The power which drives them, if separated from derrick rope, is personal property.

2. The mast, which is held up by wires made fast to a loaded platform of stones and holes drilled in rock and bolted so as to keep it there, is supposed to be real property.

3. What would you call the whole outfit when together? personal property or real estate?

1. Yes.

2. All things affixed to the land are realty. See sub-section 9 of section 2 Consolidated Assessment Act, 1892.

3. It does not matter what the whole outfit is called, the kinds of property must be assessed separately.

#### Transient Trader

264.—A. B. C.—A and B are merchants in this town who have carried on business for, say three years. They sell their entire stock to C, a non-resident, who, if he carried on the