

approaches to farm houses along concession roads where it is necessary to make a ditch for carrying the water off the road, as the council has the oversight of all township roads, or has the owner to make his own approaches? We have a case coming before us on the 14th inst. and I should be pleased to get a reply.

No. The council is not obliged to find the approaches.

Expropriation Railway Lands.

11.—SUBSCRIBER.—1. Our engineer pays his own fireman. If he left our employ and did not pay, would we be bound to pay fireman's wages?

2. We opened a new street. Can we force C. P. R'y Co. to build their crossings?

3. Can we expropriate C. P. R'y land for roads, etc.?

4. A magistrate tries an offence under town by-law. Offence is proved and admitted, but council for the defence says by-law is bad. Is it not wiser for magistrate to convict and let defence quash by-law and conviction if they prove by-law bad? Is this usual proceedings?

5. Is a tax deed the best kind of title, and does it come first as against all mortgages, liens, transfers, or other flaws to titles. Is it in fact absolute?

6. What is the legal and correct day this year for nomination, and also for elections of municipal councils?

7. What is the last date this year council can create debt?

1. No.

2. The power to open a highway or to establish a crossing over the line of a railway company is wholly vested by statute in the Railway Committee of the Privy council. Your council should therefore make an application to that committee in respect to the crossing required.

3. No.

4. If it is doubtful whether the by-law is valid you should obtain the opinion of a lawyer. If the magistrate were to convict and the conviction should be quashed it is probable that the municipality would be ordered to pay the costs.

5. If the proceedings leading up to the sale are regular the tax-deed will supercede all mortgages, liens and other charges against the land, but all tax-deeds are not absolute. They are often set aside upon the ground that the proceedings leading up to the sale have not been regular.

6. Nomination day is Friday, the 22nd December, 1899, and election day, Monday, the 1st January, A. D., 1900.

7. We refer you to section 328 of the Municipal Act which prevents councils from doing certain acts after 31st December.

Collector's Seizure and Distress.

12.—F. J. C.—On page 179, MUNICIPAL WORLD for November number, under the head, "A collector may levy by distress," paragraph 1, you make certain statements regarding the right of collectors to seize the goods of persons who do not reside in the municipality but who do reside within the county, and sell the same to pay taxes upon vacant lands assessed to such non-residents.

After reading this paragraph in the WORLD, will you kindly turn to section 10, Assessment Amendment Act, 1899, with a view to ascertain whether or not this power still is in the hands of the collector. If I understand this section, then no distress for taxes shall be made upon the goods and chattels of the owner in any part

of the county other than upon such property, not even upon his goods if found in any part of the municipality, unless the same is actually upon the property assessed.

If you will look at page 180 of THE MUNICIPAL WORLD you will find special reference to section 10 of the Act of 1899, and our observations upon section 135 of the Assessment Act were intended to apply to municipalities other than those mentioned in section 10 of the Act of 1899, which is confined to cities, towns and any other local municipalities having power to sell lands for the non-payment of taxes. Township and village municipalities in organized counties have no power to sell lands for non payment of taxes.

County Council, Road By-Laws, Resignations.

13.—W. D. M.—1. At the session of the council on Friday next, Dec. 15th, it is the intention of the council to pass a by-law for the purpose of closing up and selling a side-line within the municipality. Would the by-law be required to have the sanction of the County Council in order to make it legal?

The road in question has never been used by the public, and in all probability never would be considering the location and obstacles in the way.

2. As nomination takes place on Friday, this year, any candidate wishing to withdraw would be required to do so on Saturday, and no later, would he not?

1. The preliminary steps provided by section 632 of the Municipal Act must be taken before the council can pass a by-law for the purpose mentioned, and it must then be confirmed by the council of the county pursuant to subsection 2 (b) of section 660 of the Municipal Act.

2. Yes. Not later than Saturday, the 23rd December, 1899, at 9 o'clock in the evening. See section 129 of the Municipal Act, as amended by section 10 of the Municipal Amendment Act, 1899.

Payment of Councillors.

14.—Will you kindly inform me if the reeve and councillor of an incorporated village can vote themselves a remuneration for their service as reeve and councillor either by resolution or by-law?

No. Except the reeve, who may be paid such annual sums or other remuneration as the council may determine. See section 280 of the Municipal Act.

Payment—Sheep Killed—When?

15.—COUNTY COUNCILLOR—I have some sheep killed by dogs, but have been unable to find out the dogs that did the damage and applied to the township council to pay, but they declined on the ground that a petition had been presented to the council eight years ago asking that dogs be exempt from taxation and a by-law was passed to that effect.

1. Can I compel council to pay for sheep killed by dogs if the dog-tax has not been levied?

2. Could a by-law passed eight years ago still be in effect if not repealed, or would one have to be passed annually in order that the council might not be liable for damages as before mentioned?

1. No.

2. Yes.

Pedlars' License Fees.

16.—H. J. B.—What are the fees counties may charge for "hawkers" licenses?

Sub-section 16 of section 583 of the Municipal Act as amended by 62 Vic., 1st session, Chap. 2, provides that councils of counties, cities and towns, may pass by-laws for fixing the sums to be paid for licenses required under by-laws passed under clause 14, but in cities having a population of 100,000 or over, the license fee shall not be more than \$50 for a two-horse wagon, \$30 for a one-horse wagon, \$15.00 for a push-cart and \$1.00 for one carrying a basket. By this sub-section the amount of the license to be charged is left by the legislature to the discretion of the council. It should be borne in mind, however, that the council should not fix the license fee so high as to be practically prohibitive.

Blank Form Correct.

17.—T. S.—At the Court of Revision of Voters' List, held in the township a few days ago, one lawyer objected to the above form as not being in accordance with form 6, chap. 7, R. S. O., 1897. The form as sent in was complete, but the signature of party complaining was not written at end of notice as no space is left for that purpose. Fully an hour was wasted on this subject. Please give your opinion in the matter.

The form you mention is prepared in accordance with the section quoted. The notice should, however, be signed by the party entering or making the complaints, below the date line. It is quite likely that the objection was not to the form but to the absence of the signature of the complainant.

Procedure for Holding Municipal Election.

18.—G. K.—As I have not a copy of the Neebing (special) Act, I can hardly advise council how to proceed for holding municipal election. If I remember right there are clauses in that Act that keeps us out of the general Municipal Act. It will be too late to be of any benefit to us this year, if you should answer in THE MUNICIPAL WORLD. Would you kindly answer by letter. The main question is: can we hold our municipal elections outside the municipality? There was no election last year but provision was made for holding one poll in town of Fort William. I am sorry I have deferred my question so late. I intended it to be answered in last issue of THE MUNICIPAL WORLD.

Since the township of Neebing is located in the District of Algoma the general act relating to the establishment of municipal institutions in Territorial Districts (R. S. O., 1897, chap. 225) governs this case. Sec. 21 of the act provides that "all elections after the first shall be conducted in the same manner as is provided for Townships in Ontario, except so far as otherwise enacted by this act." Sec. 104 of the Municipal Act provides that "every election shall be held in the municipality to which the same relates" Therefore you cannot legally hold your elections outside the municipality. Sec. 6 of chap. 43 of 44 Victoria, provided for the holding of the nominations for the 1st election in Fort William, but after that the nominations and polling ought to have been held in the municipality of Neebing.