

Legality of Account of Medical Health Officer.

529—A. McD.—I enclose our medical health officer's account. Will you be good enough to look it over and say whether the charges are legal? His services were in connection with small-pox cases and no price was arranged by the council.

From what is stated there does not appear to be any question between the council and the physician as to the liability of the former to pay the bill, if correct. The point at issue seems to be the legality of the several items charged in the bill. If the charges are in accordance with the tariff of fees allowed to physicians for performing similar services under like circumstances and are not unreasonable he can collect them. As to this, the physician, no doubt, has this tariff, and can show the council whether the charges are made in accordance therewith.

Council Should Not Allow Cellar Door in Sidewalk

530—T. H.—On a business street in our village one of our merchants has a cellar door in the sidewalk. It is about four feet wide by eight feet long and has been there for twenty years. Our council are going to build a cement sidewalk to replace the old plank walk, and would like to know if the owner of this property can compel them to leave a cellar door in the new sidewalk, and if so, who would be responsible in case of an accident?

The owner of this property cannot compel the council to leave an opening in the cement sidewalk proposed to be constructed for the purpose of giving him an entrance from the street to his cellar. The municipal corporation would be responsible in damages for any accident that might occur by reason of the existence of the cellar entrance in the walk, and the council should not allow it to be constructed there.

City Cannot Exact License for Street Parade.

531—X. B.—Can the parading of the streets of a city by a circus or menagerie such as Ringling Bros. (accompanied by bands and free performance by clowns and trained animals) be classed as an "exhibition" which may be licensed, prevented or regulated under section 583, clause 8, of The Municipal Act, the paying performance taking place outside the city limits?

We do not think that a license fee can be exacted for a mere parade of the kind mentioned, because if that were so the owner of a menagerie would be compelled to pay a license fee for merely travelling through a municipality, which, in our opinion, could not be lawfully exacted.

Voting Powers of Chairman of School Board.

532—R. C.—Has the chairman of a school board a right to vote on every question? If he does, and it makes it a tie, has he the right to vote again?

The chairman of a school board has the same right to vote as any other member of the board. If he exercises this right, and by voting creates a tie, he has no second or casting vote.

Liability for Income Tax.

533—J. B.—Our assessor assessed a non-property holder for \$200.00 income, not being sufficiently high to give him a vote on first part of voters' list his name was left off. Will I enter him on our collector's roll and collect taxes on the \$200.00 assessment, or should our assessor have omitted him altogether?

Yes. It is your duty to put him on the collector's roll.

Conduct of Business of Council.

534—E. P. F.—Enclosed find copies of two resolutions passed at the municipal board, one councillor and the reeve being opposed.

1. At the meeting to wait on Mr. T., on July 22nd, the reeve and one councillor were against engaging Mr. T. to crush the stone, and so nothing was done at the meeting. Since then the other three councillors in favor of crushing the stone, without the knowledge of the reeve and other councillor, have hired Mr. T., and are putting the stone on the road. Is it legal for them to do this?

2. Will the reeve be compelled to sign the order to the treasurer to pay Mr. T.?

3. They have bought the stone and are putting them on a road that was not mentioned before the council board. Is it legal for them to do this?

Moved by Mr. M., seconded by Mr. C., That this council appoint themselves a committee of the whole to wait on L. T. at the crusher on Friday, the 22nd day of July, 1904, at one o'clock p.m., with the object of making a bargain with him to crush 100 cords of stone, more or less.—Carried.

Passed on July 5th, 1904.

Moved by Mr. M., seconded by Mr. C., That this council wait on Mr. T. with a view of making arrangements for crushing more stone for the G. R.—Carried. Mr. B. and the reeve voting nay on June 2nd, 1904.

1. There does not appear to have been any contract entered into as yet between the council and Mr. T. for the crushing of stone. The object of the resolutions passed by the council in reference to the matter was to appoint a committee to arrange the terms of a contract for the work. After the committee had waited on Mr. T. and arranged the terms of the bargain, they should be laid by the committee before the council for its confirmation. This does not appear to have been done, and therefore we do not think a contract for the crushing of this stone has been legally entered into between the council and Mr. T., nor is the council under any obligation to him thereunder.

2. No.

3. This business should be done by the council in meeting assembled, and should be entered on its minutes. It should not be undertaken by individual members of the council without its authority. If it is so undertaken, the responsibility is upon the councillors who transact the business, as individuals, and not upon the council.

Married Woman, if Ratepayer, May Vote on School Questions.

535—A. O.—If a married woman is assessed for real or personal property and resides in a school section, would she have a vote upon school matters in the section, and if so, would it be necessary to have a different list for such parties' names besides the voters' list for list of voters in school sections?

Assuming that a RURAL school section is referred to, a married woman who is of the full age of twenty-one years, and a ratepayer and a public school supporter of the section for which such person is a ratepayer, is entitled to vote at any election for public school trustee, or on any school question whatsoever. (See section 13 of The Public Schools Act, 1901). No specially prepared voters' list is required for voting on school questions, or the election of trustees at rural school meetings. Unless a poll is demanded, as provided in sub-section 1 of section 15, a simple show of hands is all that is necessary in voting at such a meeting. If a poll is demanded the voting is to be carried on as provided in sub-section 2 and following sub-sections of section 15 of the Act.

Collection of Charge for Dog Tag.

536—R. A. S.—We have a by-law which requires every person owning or harboring a dog to purchase a tag for same before 1st of April in each year. Tag for dog \$1.00; for bitch \$4.00. A party has been up before the magistrate for not complying with the terms of by-law, and he sets up the following defence: That the dog is not owned by him, but belongs to his brother-in-law, who lives and resides in the municipality of M., 30 or 40 miles from here, and that his brother-in-law has paid dog tax for the dog in M., and for that reason this municipality has no power or right to collect dog tax for the dog, which has been in this municipality since last February.

Can this municipality collect dog tax for dog in this municipality if a dog tax has been paid for same dog while it was in another municipality?

Without seeing the by-law mentioned or a copy of it, we cannot express an opinion as to whether this party can be compelled to pay the price of a dog tag in this municipality. We may say, however, that if this resident is the owner or HARBORER of this dog, the mere fact