

QUESTION DRAWER.

Subscribers are entitled to answers to all questions submitted, if they pertain to Municipal matters. It is particularly requested that all facts and circumstances of each case submitted for an opinion should be stated as clearly and explicitly as possible. Unless this request is complied with it is impossible to give adequate advice.

Questions to insure insertion in the following issue of paper should be received at office of publication on or before the 20th of the month.

Communications requiring immediate attention will be answered free by post, on receipt of a stamped addressed envelope. All questions answered will be published, unless \$1 is enclosed with request for private reply.

Tax on Deer Hounds.

320.—DYER'S BAY.—1. Can the council of Lindsay pass a by-law imposing a tax of two dollars on each hound, owned by persons not residents of the municipality, and one dollar or less for each hound owned by a resident, and one-half of the above figures for any other class of dog? In other words, can non-residents be charged a higher rate than residents?

2. Would the council be justified in charging a higher rate than above named?

3. Would the council have the right to charge two or three dollars per dog to non-residents and allowing the dogs of residents to go free.

4. What penalty might be inserted in the by-law for neglect of obeying its terms?

5. Would it be right to make the regulation that any dog found two hundred yards from its master might be shot?

6. Would such by-law take effect from its passing?

1. No.

2. The council can fix whatever tax they think proper, but they must not discriminate in favor or against any class of persons. See sub-section 15 of section 489, of Municipal Act, 1892.

3. No.

4. Under sub-section 16 of section 489, they may provide for the killing of dogs running at large, contrary to by-law and see also sub-sections 17 and 18 of section 479.

5. The council have power to restrain the running at large of dogs, and if they think the provision you suggest a reasonable one to enact, it is competent for them to do so.

6. Unless otherwise provided.

Maintenance of Abandoned Toll Road.

321.—C. B.—Some years ago the Kingston and Storrington Joint Stock Company obtained permission from the council of Pittsburgh to build a branch of their road from Cunningham's Corners to Kingston Mills locks, Pittsburgh township, and connecting with a branch of their road leading to Kingston Mills, Kingston township. When the Municipal Act permitted road companies to be taxed the company paid tax on their road in Pittsburgh. The company since then notified Pittsburgh council that they had passed a by-law abandoning that portion from Kingston Mills to Cunningham's Corners, Pittsburgh township. The council, on receiving notice, notified the company that they would not accept or take over said portion of

road. The council have also notified the company to put their road in good repair, which they have neglected to do. The Pittsburgh council think it is unfair to try and compel the municipality to make the part in a safe condition from Cunningham's Corners to Kingston Mills, and connecting with their branch from Kingston Mills to their main road.

1. Now the question is, who owns the portion of road from Kingston Mills to Cunningham's Corners, and what steps should be taken to compel the company to make the necessary repairs if they are legally the owners?

2. While they still take toll on their road, can they legally abandon that portion in Pittsburgh township, still retaining a branch in Kingston township, and collecting tolls as aforesaid?

1. The company may abandon the whole or part of their road. See section 81 of Road Companies' Act, R. S. O., cap. 159.

2. Upon abandonment of a portion the municipality is liable to keep it in repair and may assume the abandoned portion by by-law provided it is not a road built by the company on private property, or acquired from private owners. We think the company can also continue the gate. See sections 82 and 123 of above act.

Opening and Establishing Roads.

322.—J. W.—A and B own lots adjoining. On the north end of their lots the concession line is opened, and is the only means of ingress and egress to their properties. B owns three lots on the concession lying to the south, where there is no road opened, and has his dwelling and improvements about the blind line between the concessions. There is an original road allowance, commonly called a sideline, between the lots owned by A and B. A few years ago B applied to the council to have a road opened to his property on the concession to the south. Council sent their road surveyor, who examined the original road allowance and condemned it as impracticable, and laid out a road in lieu of it on B's land with his consent. A objected, and said the original line was practicable. A committee, composed of the reeve and two of the council, was sent to examine the road, and reported against the original and in favor of the new road. The council, after duly advertising and putting up notices, passed a by-law establishing the road through B's land. With the consent of council, B has put his statute labor on the new road in 1895 and 1896. A now threatens council if they continue spending money and labor on road he will enter suit against them.

1. On what grounds can he do so?

2. Are councils compelled to put roads on original allowance irrespective of the damage they may do to the parties interested?

3. Can A at any time compel council to open original allowance?

1. Do not think he can do so successfully.

2. Councils are not bound to open road on the original allowance, but may divert it if they consider it necessary or desirable to do so.

3. No.

Establishing Deviation from Original Road—Arbitration.

323.—MUNICIPAL MAN.—The Grand River in our township runs for the distance of about fifty rods along one of our unopened sideroads. In order to open the road a deviation will have to be made.

Just before reaching the concession line the river takes a turn to the south, and then turning west crosses the concession line a few rods

below the corner where it is already bridged. By continuing the deviation to where the river crosses the concession we could save the heavy expence of bridging at the bend on sideroad. The owner of the land asks what we consider an exorbitant price and refuses to leave the matter to arbitration.

1. Can the council compel the owner to arbitrate?

2. If so, will it be necessary for the engineer to lay out the deviation before the arbitrators are brought?

3. In case of an arbitration can the arbitrators fix the amount of their own remuneration? Please refer me to statutes governing matters of this kind.

1. Yes.

2. Yes.

3. The fees are fixed by Statute. See sections 20 to 30 of R. S. O., cap. 53, and the schedules thereto; see sections 385 to 404, and also section 550 of Municipal Act, 1892, and the general clauses of R. S. O., Cap. 53 apply to arbitrations under Municipal Act.

Owner or Tenant—Statute Labor—Poll-Tax.

324.—X. Y. Z., HEPPWORTH.—A has a house and lot (No. 6), rented from B, and is assessed on the assessment roll as tenant. His name is on the Voters' List in Part 1. B pays the taxes and does the road work. B is assessed as owner of lots 1, 2, 4, 5 and 6. Assessed value \$600. B does four days road work.

1. Is A liable for poll-tax?

2. There is no agreement between A and B as to who does the road work and pays taxes. Who must do it?

3. If A refuses to do the work when warned out by the pathmaster can the work be returned as unperformed against the property?

The above questions have been the subjects of heated discussions here for the past week, some claiming that as this is not an incorporated town or village, but a township, A is liable for poll-tax.

1. No, he is "otherwise assessed." See section 93 of Consolidated Assessment Act, 1892.

2. The taxes may be collected from either, but there being no special agreement the tenant, if compelled to pay, may deduct it from his rent. See section 20, sub-section 3 and section 24.

3. Yes. See section 101 of Act.

Equalization of Union School Assessments.

325.—J. D. C.—Can assessors of municipalities in which a union school is situated equalize later than the 1st of June. See section 51, sub-section 1, School Act, 1896.

2. The assessment roll for this municipality has not been returned until the 30th of June.

3. There was a by-law passed by the county council in July, 1896, altering the time for making the assessment from the first day of February and first day of July.

4. There was also a by-law passed by the council extending the time.

The equalization may be made after the 30th of June if not made before.

Liability for Maintenance and Burial of Indigents.

326.—J. L. M.—A laborer residing in township A, without money or relations, becoming ill, goes to an incorporated village in township B to consult a physician and dies in a hotel in the village. Which municipality is responsible for expense of maintenance, burial, etc.?