

What about the \$10,000? Will this remain in possession of the town to redeem the bonds, as insurance to this amount has been paid to the town? Or should the insurance money be paid back to the company on completion of the new plant equal in value to those destroyed, and the company continues paying the bonds as they become due?

The insurance money should be retained by the town to meet the \$10,000 debentures guaranteed in the first instance as they mature. This practically closes the first transaction with the company. If the town council is willing to guarantee a further issue of debentures to the extent of \$20,000, this is a new transaction, and should be made the subject matter of a new arrangement, and an additional by-law passed for the purpose after being assented to by the qualified electors.

**Proceedings for Re-consideration of Old Award.**

453—J. B. M.—In this township there is an engineer ditch which was surveyed and awards given fifteen years ago, which drains parts of six different farms, also the corporation.

Ditch is not satisfactory to one of the landowners. There was a meeting called of all parties concerned to reconsider old award. All were present, corporation represented also except the one man who was dissatisfied with old award. All present agreed to abide by the old award and not have the engineer. The man who was not able to be present claims he can call the engineer on account of him not being satisfied with old award. Can he call engineer?

If this owner is not satisfied with the terms of the original award, he may take proceedings to have it reconsidered and a new award made, as provided by section 36 of The Ditches and Watercourses Act (R. S. O., 1897, chapter 285.)

**Liability of Council to Build Approaches to Farms.**

454—N. B. T.—The road overseer has graded the road in front of one of my neighbors, and it is impossible to draw a load over the ditch. Is the road overseer or the municipality obliged to build approaches to his place, or will he have to build the approach himself?

If the grading of the road by the officers of the municipality has rendered necessary the construction of an approach to an owner's farm, the owner is entitled to compensation for the injury thus done his property pursuant to section 437 of The Consolidated Municipal Act, 1903. The easiest, cheapest and best way for the council to compensate the owner who has sustained the injury is to build the culvert for him.

**Fees of Police Magistrates.**

455—W. M.—In reference to question No. 430, (fees for justices of the peace, for which I thank you), will your answer apply also to police magistrates?

Yes.

**Power of Physician to Prescribe Liquor.**

456—W. W. S.—1. Can a physician (M.D.) keep liquor and deal it out to patients in six-ounce lots, or must he have a druggist's license?

2. Can he prescribe liquor to patients and fill the prescription himself, where there is a drug store?

1. It is not stated whether the physician makes a charge for the liquor thus delivered to his patient or not. If he is charging for the liquor he prescribes for them, he is selling liquor contrary to the provisions of The Liquor License Act (R. S. O., 1897, chapter 245) without a license, and is liable to the penalty prescribed by the Act for so doing. There is nothing in the Act to prevent his giving the intoxicating liquor to his patients, if he so desires. (See sub-section 5 of section 52 of the Act which applies to cases where a chemist or druggist is also a duly qualified medical practitioner.)

2. Not if he charges for the liquor he so supplies.

**Council Cannot Dispense With Appointment of Collector.**

457—A. H.—For some years past we have had no tax collector, simply a tax receiver.

This year the bank is receiving for us. The tax notices are delivered by our constable.

Must distress be made upon all who do not pay before the 14th of December?

If so, who would distraint in our case?

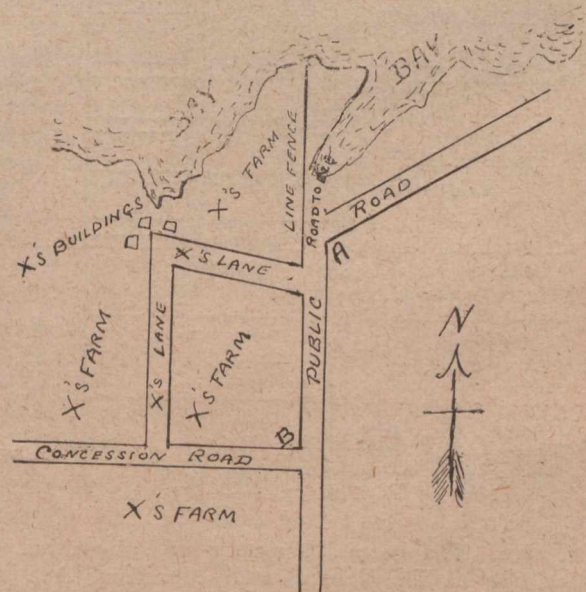
We are of opinion that the council of the town has no power to dispense with the services of a collector. Sub-section 1 of section 295 of The Consolidated Municipal Act, 1903, requires the council, as soon as possible after the annual election to appoint as many assessors and COLLECTORS for the municipality as they may deem necessary. Sub-section 1 of section 102 of The Assessment Act, 1904, authorizes the passing of a by-law directing payment of taxes either to the treasurer or collector, etc. If it becomes necessary to enforce payment of any taxes by distress of the goods of the delinquent, the collector or his bailiff, only has power to make the seizure. The bank has no such authority. It is not compulsory that the collector should seize the goods of all ratepayers who do not pay their taxes on or before the 14th December, but seizures may be made to enforce payment any time after the expiration of 14 days after demand or notice made or given pursuant to sections 99, 101, or 102 of the latter Act, and so long as the roll for the year for which the taxes are payable remains in the hands of the collector. The collector or his bailiff only has authority to make a distress to enforce payment of taxes.

**Council Should Not Interfere With Private Lane.**

458—W. J. M.—Our road follows the bay shore for several miles, bending when the bay bends. At the point marked A in the accompanying cut it turns sharply to the south and goes through to the other concessions. A spur from the extreme end of the point joins at B.

The trouble is X has a farm of two hundred acres and has his buildings in the centre. A lane crosses the east hundred from A. This is in very bad condition. In wet weather the milk wagon can scarcely go through. X belongs to the company, it being a stock factory, and the by-laws call for a sufficient road to every man's milk stand. X wants the council to fix his lane, claiming it is a public convenience, an outlet to the bay in winter. There has never been any statute labor done on it, and it has not been used as an outlet to the bay in over thirty years. Everyone goes straight down through his next neighbor's field, so that it accommodates no one but themselves, and they have another exit on the other road.

What I wish to know is, can he force the council to build his lane, and if we have power to mend it, have we not the power to close it, he having the other exit?



Under the circumstances stated X cannot compel the council to put the lane in repair and thereafter maintain it. It is evidently a private way, and the council has no power to interfere with it in any way.