

4. If such were the case, would it not be an injustice to the township from which ratepayers withdrew by giving proper notice?

1. This notice was not given in time to effect the purpose intended. Sub-section 1 of section 47 of The Separate Schools Act (R. S. O., 1897, chapter 294) provides that this notice shall be given before the *second Wednesday* in January. The second Wednesday in January this year was the 9th.

2. Yes, whether he files the notice mentioned in sub-section 1 of section 47 of the above Act within the proper time next January or not. Sub-section 2 of section 47 provides: "but any person who has withdrawn his support from a Roman Catholic separate school shall not be exempted from paying any rate for the support of separate schools or separate school libraries, or for the erection of a separate school house imposed before the time of his withdrawing such support from the separate school."

3. There is no provision made for such a meeting. Section 54 of The Public Schools Act, 1901, as amended by section 3 of chapter 32 of The Ontario Statutes, 1903, has no application, and The Separate Schools Act does not contain any similar provision. (See our reply to question No. 532 in this issue).

4. We have stated the law as it is, and whether its observance works an injustice in any direction or not, its provisions must be carried out.

Collection of Arrears of Taxes Due Section in Unorganized Township.

567—M. G.—Is a municipal council bound to collect school taxes in arrears before its establishment? Our municipal council was established in 1906 and we have back taxes of 1904-5.

If the municipal council is not bound to collect said school taxes what is the remedy?

The Statutes provide no machinery for the collection by the councils of townships in the territorial districts of Ontario, after their organization, of arrears of school taxes in sections formed in the township while it was in an unorganized state. We think the attention of the Ontario legislators should be called to this so that the legislation required to supply the defect might be enacted. No provision was made for the collection of arrears of taxes in school sections in unorganized townships while such townships were still unorganized, until section 7 of chapter 51 of the Ontario Statutes, 1907, was enacted.

Drain Should be Constructed Under D. and W. Act—Composition of Local Board of Health—Appointment of Sanitary Inspector.

568—E. J. E.—In the case of a council wishing to run water from a ditch on the road to a ravine in a ditch close by, where the direction of waterfall is doubtful, what is the course to pursue if the owner of the field objects?

1. Where is the statute on the subject to be found?

2. Can a township board of health be composed of the following: The reeve, the clerk, two councillors and another ratepayer?

3. The board of health appointed a health officer, and the clerk says that means a sanitary inspector. Is that right?

4. If this health officer is appointed by a board of health, some of its members being ineligible, could he legally act in the case of a nuisance occurring, or would he render himself liable to prosecution?

1. Proceedings should be instituted under the provisions of The Ditches and Watercourses Act (R. S. O., 1897, chapter 285), and in this way the interests of all parties concerned can be properly adjusted.

2. By sub-section 1 of section 48 of The Public Health Act (R. S. O., 1897, chapter 248) it is provided that the local board of health of a township municipality shall be composed of the reeve, clerk, and three ratepayers of the township. We do not think any of the three ratepayers appointed under the authority of this

sub-section should be members of the council appointing them.

3. The sanitary inspector is one of the health officers of a municipality, but there may be others, for instance the medical health officer, so that the general term "health officer" does not necessarily mean a sanitary inspector. The by-law appointing this official should describe him as "sanitary inspector."

4. We do not think that the mere fact that some of the members of the local board of health which appointed him are not entitled to sit and act as members of the board would render their appointment of a sanitary inspector illegal.

Power of Township Council to License or Prohibit Sale of Cigarettes.

569—W. H. B.—The municipal council of M and R township wish to put a license on the sale of cigarettes, desiring to discourage the use of them. There are several stores here, but no incorporated village.

Has the local municipality the power to prohibit or license the sale of cigarettes to any person within the municipality?

No. This is a township municipality, and sub-section 28 of section 583 of The Consolidated Municipal Act, 1903, applies only to councils of towns and villages and cities having less than 100,000 inhabitants and to boards of commissioners of police in cities having 100,000 inhabitants or more. We call attention to chapter 261, R. S. O., 1897, as to the sale of cigarettes to minors under 18 years of age.

Building Barbed Wire Fences.

570—J. H.—1. In building a line fence, is it legal for A to put up all barbed wire without notifying B?

2. Is it legal for A to build all barbed wire? If not, where will I find it in the statutes?

1. Yes, subject to the provisions of any by-law that may have been passed by the council of the township under the authority of sub-sections 3 and 4 of section 545 of The Consolidated Municipal Act, 1903.

2. Yes, subject to the provisions of any by-law that the council of the municipality may have passed under the authority of sub-section 4 of section 545 of the above Act.

Extension of Drain—Varying Assessments—Notice to Repair—Reconsideration of D. and W. Award.

571—W. R. M.—1. The council is asked to repair a municipal drain made under The Municipal Drainage Act, by a continuation of the watercourse up stream. Can this drain be extended up stream across lots 9 and 8 to road allowance, between concessions 6 and 7, under section 75 of The Municipal Drainage Act without a petition, or would a petition be required signed by a majority of all the owners interested along the proposed extension and the old drain?

2. We have in this municipality several drains made under The Municipal Drainage Act, and similar to this one. Parties above the commencement of the drain have made ditches, either awards or privately, and are using the municipal drains for outlets, and do not pay anything toward their repair or improvement. How can these parties be made to contribute and pay for the benefit they receive?

3. The Municipal Council of the Township of ———

Gentlemen,—We require municipal drain No. 8 and its branch cleaned out, and hereby request you to take the necessary steps to have it done.

(Signed) A. D., owner lot 10 N $\frac{1}{2}$, Co. 5.
B. C., " " S $\frac{1}{2}$, Co. 5.

Is the above a sufficient request or notice to have the engineer sent on to repair the municipal drain; if not, what should it include?

4. An award made by the township engineer under The Ditches and Watercourses Act was found to be insufficient to carry off the water, and was not extended to a proper outlet. One of the parties interested in this award asked to have it reconsidered. The township engineer went on and looked over the locality, and made