

manner required by the Act, subject to a penalty for neglecting to do so. If this course had been followed the municipality would have been responsible for the cost of vaccinating only those who, by reason of their poverty, were unable to pay it. In the case mentioned, the board contracted with the physician to do work outside the range of his duties as medical health officer and beyond their jurisdiction, and we are therefore of opinion that the doctor cannot recover for his services.

2. From the information given, we cannot say whether in any of these cases the cost of disinfection should be paid by the owner of the premises or not. If the notice mentioned in Sec. 81, of the Public Health Act, (R. S. O., 1897, Chap. 248,) was first given to the owner by the local board and he failed to comply with it, he is liable to the penalty mentioned in Sec. 82 of the Act, and the local board of health may cause the disinfection of the premises and recover the expenses incurred from the owner or occupier of the premises. If such owner or occupant is, by reason of his poverty, unable to pay the amount, the local board of health will have to pay it. (See Sec. 83 of the Act.)

By-Law Not Invalidated by Lapse of Time.

529—C. W.—A by-law enacting fine was enacted many years ago, but never had a conviction on it. Does that by-law become a dead letter and therefor invalid, and after lapse of what time?

A by-law of a municipality when duly and finally passed, remains in force until it has been repealed by the council or quashed by the courts on application made for this purpose, or until the act under which it is passed is amended or repealed by the legislature. Mere lapse of time cannot invalidate a by-law.

Qualification of Hotel-Keeper.—Of Non-Resident Tenant as Voter.—Chairman of Council Meeting to be Selected in Absence of Reeve.

530—C. J. S.—1. Our township reeve has bought a hotel and took possession of it on 1st September, 1903. He thought he had to resign but the council thought he could remain for the rest of this term, there being only two more sessions, namely, 10th October and 15th December and council passed a resolution that he keep his seat till his term is out. What is your opinion of it? Will the work done by the council be legal and the cheques signed by him be all right?

2. Has a non-resident tenant a right to vote at an election of the municipality?

3. In the absence of the reeve which one of the council is the deputy-reeve?

4. By the council passing the resolution that the reeve stay in the council till his term is over, can the council get into trouble for passing such a resolution?

1, Sub. Sec. 1 of Sec. 80, of the Consolidated Municipal Act, 1903, provides that no inn keeper or saloon-keeper licensed to sell spirituous liquors by retail, shall be qualified to be a member of the council of any municipal corporation. Therefore, if the reeve is keeping a hotel and holds a license in his name to sell spirituous liquors by retail, he may be un-

seated if proceedings are taken with that object in view, as provided by Sections 219 to 244, both inclusive of the Act. (See also Sec. 208 of the Act.) So long, however, as the reeve is allowed to retain his seat in the council, the mere fact that he may be unseated on the ground of disqualification under the Act, if the prescribed proceedings are taken against him, does not invalidate the business transacted by the council of which he is a member.

2. No. Clause secondly of Sub. Sec. 1 of Sec. 86 of the Consolidated Municipal Act, 1903, provides that only "all RESIDENTS of the municipality who have resided therein for *one month next before the election*, and who are, or whose wives are, at the *date of election*, tenants in the municipality, *have* the right to vote at municipal elections.

3. There is now no such official as a "deputy reeve" of a municipality. In the absence of the reeve, the other members of the council may select one of their number to preside as chairman over any of their meetings, and the councillor so selected, shall for the time being, possess all the powers of the reeve of the municipality as head of the council.

4. No.

At What Age Dog Should be Assessed.

531—R. A. S.—What age must a pup be before dog tax can be collected from the owner of such pup?

A dog is a dog as soon as it is born, and is liable as such to assessment and taxation.

Procedure When Reeve Refuses to Accede to Instructions of Council.

532—When the majority of a council passes a resolution requiring the reeve to sign a contract and he does not do so, what steps can be taken in the matter? Can the majority of the council sign the contract making it legal?

If the reeve refuses to sign this contract in accordance with the resolution passed by the council, the latter should pass a resolution authorizing and instructing some other member of the council to sign the contract on behalf of the municipality, and cause the seal of the corporation to be affixed thereto.

Licensing Peddlars of Farm Produce.—Council Cannot be Compelled to Build Market.

533—COUNCILLOR—1. Has a town power to impose a license to sell farm produce, (like meat and other things, produce on the farm) in the streets if there is no public place or market to go to? The license imposed is \$50.

2. Can we compel the council to build a market?

3. How long have we to give them to give us a place to sell or expose our goods for sale? We have meat and other things to sell and it is the time of year that it sells best and we are stopped by the by-law.

1. It is not stated whether this farm produce is the growth or produce of farms in this Province, (but we presume that it is), or whether it is being peddled by the producer. If it is, and it is the product of farms in this Province, no license can

be imposed or required, (see the first proviso appended to subsection 14 of section 583 of the Consolidated Municipal Act, 1903.) Otherwise the persons peddling such produce may be required by by-law of the municipality, to obtain licenses enabling them to do so, pursuant to subsection 14 of section 583. The council of the town may, in either case, pass a by-law, pursuant to subsection 5 of section 580 of the Act, for regulating the place and manner of selling and weighing the farm produce and impose the fees to be paid therefor.

2. No.

3. Our answers to the two previous questions render it unnecessary to reply to this.

Gravel Should be so Taken From Highway as not to Injure Adjoining Lands.

534—P. P.—1. How near can one go to a line fence on private property when taking gravel off a road allowance, so as not to interfere with or injure said fence?

2. Is there any legal amount of slope from the fence allowed by law in a case of this kind?

1 and 2. In removing gravel from a highway, care should be taken to so remove it as to occasion no subsidence of the soil of adjoining lands, damage to the fences thereon, or injury of any other kind to these lands. Owners of lands injured in this way, will be entitled to compensation for the amount of the damage they have sustained. The law fixes no rule to be observed in sloping the sides of a gravel pit on a highway. Parties using it should be careful not to impair the safety of the highway, or to cause injury to adjoining lands.

Liability of Separate School Supporter for Debenture Payments.

535—J. B.—Some years ago we issued debentures to build a public school. Certain property was then owned by a separate school supporter and he refuses to pay the debenture tax. Can we collect said tax? If so, please state where we can find the authority.

We gather from the facts, as stated, that the owner who refuses to pay a proportionate share of the public school debenture rate, was a supporter of a separate school, *at the time the debentures were issued*. We are of opinion, therefore, that he cannot be compelled to pay any part of this debenture rate. If he was not a supporter of a separate school at the time the debentures were issued, but subsequently filed the notice mentioned in subsection 1 of section 42 of the Separate Schools Act, (R. S. O. 1897, Chap. 294,) he would after the filing of the notice, be exempt from paying the rate so long as he remained a supporter of a separate school. Subsection 5 of section 42 of the Separate Schools Act does not apply to this case.

Statute Labor in Unorganized Territory—First Election in New Municipality.

536—W. J. E.—Our township is under the Bettes Act. Some of the pathmasters have neglected to return their lists at the time required by the commissioners.