

the police trustees after they have become so incorporated.

Liability for Interest on School Moneys.

450—I. F.—Kindly explain answer to question No. 2 of 416 Municipal World, 1901. When read with answers 1 and 2 to question 109, 1901 they appear somewhat contradictory.

2. I have pointed out to our council that interest should not be charged to school sections for money they require. See question 225, 1902. They say this may be so in a town. Are not the conditions the same in a township?

1. We have looked up the questions and answers quoted, and cannot find that they relate to the same subject matter, nor is there any similarity between them. Perhaps a mistake has been made in giving the numbers.

2. The latter part of sub-section 1 of section 71 of the Public Schools Act, 1901, provides that "in the case of rural schools, all moneys collected shall be paid to the secretary-treasurer of the section on or before the 15th December." If the township council is not ready to pay this money on the day fixed by the statute, and has to borrow money to enable it to do so it has no power or authority to charge the interest on the money borrowed for the purpose, to the school section.

Pathmaster's Duties.—Barbed Wire Fences.

451—First. On the 17th concession of our township there is a small lake which would require bridging, but the council consider the cost too great for the number of people who would receive benefit. The council fenced the road allowance leading to the lake on both sides. Now one of the pathmasters interested in bridge took his statute labor off his own beat and did it at lake making approaches and laid down the fence which we paid for building. Now I will enclose one of our road lists you will see by-law on back. He has to the first of September to complete this work. If he does not do his work on his own beat all of the men went and did their work at lake except one he did it in proper beat, can the council collect amount of statute labor of the ratepayers in his division? Is he liable for taking down fence?

Second: Is there anything in statutes prohibiting farmers from building barbwire fences along public roads as we have passed a by-law granting 25c per rod where council thought it would be a benefit in winter. Now some have built barb and are applying for bonus there is nothing in by-law what kind of wire fence.

1. Neither the pathmaster nor any of the property holders in his road-division, liable to perform statute labor, had any right or authority to perform their statute labor elsewhere than in their own road-division, unless otherwise directed by the municipal council. The council can refuse to accept this statute labor as performed and treat all parties who so performed it as defaulters from whom commuted statute labor can be collected under the authority of sub-section 1 of section 110 of the Assessment Act. We may say that we consider the by-law, in so far as it requires all statute labor to be performed prior to the 1st September in each year, objectionable. Sub-section 1 of section 110 of the Assessment Act requires all statute labor lists to be returned to the clerk before the 15th August in each year, and a township by-

law cannot over ride or alter the positive provision of the statute in this regard. The pathmaster should be required to restore the fence that had been erected for the protection of the public, and is liable to indictment for removing it and thus rendering the highway dangerous for the travelling public.

2. No.

Collection of Expenses of Contagious Disease Patients Under Quarantine.

452—P. M.—We had several cases of small-pox in our township last spring. We have no isolation hospital. The patients were quarantined in their own homes. Provisions and necessities were supplied to the different houses so quarantined. Now we wish to know how to proceed against two parties to obtain a refund to the township of the amount of moneys paid out for same.

If these patients, or their parents, or other person or persons liable for their support are able to pay it, the amount disbursed by the municipality for provisions and necessities furnished them while under quarantine, can be collected from them by ordinary process of law as a debt due from them to the municipality. If the patients, or their parents, or other person or persons liable for their support are unable to pay the amount it will have to be borne and paid by the municipality. (See section 93 of the Public Health Act, R. S. O., 1897, chapter, 248.)

Collection of Expenses of Quarantining Contagious Disease Patients.

453—I. A.—I am instructed by our council to write you asking for full information regarding the payment of cost of attendance on small-pox cases and other contagious diseases.

1. Are the parties who are placed under quarantine liable for the costs, and would it make any difference if they were quarantined on suspicion and no case developing, and how long can the municipality go back to collect and how will they proceed?

Can the amount be charged on the collector's roll and after rendering the account to the parties they fail to pay?

1. If by "costs" of quarantining persons afflicted with, or suspected of having been exposed to any contagious disease, is meant the cost of furnishing them with nursing and other assistance and necessities, section 93 of the Public Health Act, (R. S. O., 1897, chapter 248), provides that such costs shall be borne by the person afflicted or his parents or other person or persons liable for his support, if able to pay the same, otherwise by the municipality. It makes no difference whether the parties were quarantined on reasonable grounds for suspicion or not. The amount disbursed in this way can be collected from the parties liable under section 93 by ordinary process of law, at any time within six years after the liability was incurred.

2. No.

Application of Poundage Fees.

454—F. D. S.—Can the council of an incorporated village pass a by-law fixing the scale of fees to be paid by owners of animals

impounded providing that part of such fee be paid to the pound-keeper, part to the person bringing the animals to the pound, and part to the municipality. The municipality rents a pound and wishes to provide for the expense of same.

Sub-section 4 of section 546 of the Municipal Act empowers the councils of incorporated villages to pass by-laws "for determining the compensation to be allowed for services rendered in carrying out the provisions of any act with respect to animals impounded", etc., but such councils have no power to pass by-laws, providing that a portion of such compensation shall be paid as a "bonus" to persons impounding animals, and another part received by the municipality to be applied towards paying the rental of the pound or otherwise.

Public School Trustees Cannot Lease School Premises.

455—J. D. P.—Has the Board of Public School Trustees power to lease school premises for the purpose of operating thereon for petroleum?

By sub-section 12 of section 65 of The Public Schools Act, 1901, the trustees of a public school section are empowered "to dispose, by sale or otherwise, of any school site or property not required in consequence of a change of site, or other cause, TO CONVEY the same under their corporate seal, and to apply the proceeds thereof to their lawful school purposes or as directed by this Act," but the Act does NOT authorize the LEASING of school premises for the purpose of operating thereon for petroleum or any other purpose.

Proportion of Votes Necessary to Carry Bonus By-Law.

456—G. L. G.—We expect to vote on a by-law for the establishing of a factory in this municipality by way of a loan. There are 196 property owners on the list, four of whom are dead, thirty are non-resident. How many votes will it require in favor of the passing to carry the by-law.

Section 348 of the Municipal Act, as amended by section 73 of the Municipal Amendment Act, 1903, provides that the voters' list shall be a list "of all persons appearing by the then last revised assessment roll, to be entitled to vote, etc., and the clerk should make up his list from the assessment roll alone including the names of non-resident voters on the assessment roll and of voters who have died since the revision of the roll; but we do not think that the names of ratepayers who are dead can be counted in ascertaining whether a sufficient number of ratepayers have voted for the by-law, but the names of non-residents entitled to vote on the by law must be counted. Therefore the total number of votes to be counted in this case, in arriving at the proportion necessary to carry the by-law is 192. If the vote against the by-law does not exceed one-fifth of the total number entitled to vote, the assent of three-fifths of the ratepayers or 116 is necessary to carry the by-law and if the vote against the by-law exceeds one fifth of the total number entitled to vote, the assent