

make declaration of office, and leave the council to deal with the question. See section 479, sub-section 17, Consolidated Municipal Act, which authorizes councils to impose penalties for refusing to make declaration of office.

#### Liability for Drainage Costs.

170.—C. T.—The council of Elma employed an engineer to locate a certain ditch in Elma. The engineer in locating this ditch found it necessary to clean out the river for a few miles, in order to give this ditch a proper outlet. Mornington is an adjoining township and it shed water into this ditch. Mornington never asked to have this ditch located. Can they assess the Mornington lands for the cleaning out of the river?

If by the proposed work an improved outlet is afforded to any of the lands in Mornington such lands are liable to contribute, but Mornington may be able to show that there is already sufficient outlet for its lands, in which case its lands would not be liable. See sub-section 4 of section 3, Drainage Act of 1894.

#### School Meeting—Resolution to Borrow Money.

171.—BARTON SUBSCRIBER.—Please state if in section 74 Public Schools Act, 1896, the word "may" is permissive or imperative in this part of the section "for such term and at such rate of interest as may be set forth." Would by-law be valid if ratepayers had failed to set forth rate of interest?

The resolution of the ratepayers must state the term and rate of interest.

#### Fenceviewers or Engineer Ditches and Watercourses Act.

172.—J. G.—Can fenceviewers legally act on ditches and watercourses between individuals as mentioned in act respecting ditches and watercourses, Chap. 199 of the R. S. O., 1877? We had a case in our township last summer. He has about three or four acres of low, mired land joining S. H. asks S. to allow him to drain his land through part of his land as that was its natural watercourse. He refused, then H notified the fenceviewers, also S, according to this act. The fenceviewers came on and arbitrated and went to a legal man to get an award written out. He told them they had no power to act in this case, that H would have to notify an engineer on ditches and watercourses. This drain did not affect any person only the two parties mentioned. If the fenceviewers had made out an award would it be legal? The drain is in dispute yet.

2. Can a municipal council appoint any ratepayer for engineer on ditches and watercourses, providing they consider him a competent man, or must he be a legal land surveyor?

3. Is a ratepayer disqualified from acting as engineer, on account of being a hotelkeeper.

1. No.
2. Yes.
3. No.

#### Collection of Taxes.

173.—R. G. S.—Has a council any authority to continue the collection of unpaid taxes after the first day of February, as by section 132 of the Municipal Act, a collector is bound to return his roll on that date, and a council has no authority to extend the time for the return of the roll beyond that date. Some authorities claim that a council has no authority to continue the collection of taxes after that date, and others that they have.

The authority for collection exists so long as the roll is not returned.

#### Regulation of Slaughter Houses.

174.—J. W. S.—1. Can a village council pass a by-law prohibiting the slaughter of animals within a certain distance of a residence? If so, under what act?

2. Has a village the same powers as a city and town regarding slaughter houses?

1. The by-law, schedule A, to the Public Health Act, states that slaughter houses are to be distant not more than 200 yards from any dwelling house. Sect on 113 of said Act states that this by-law is in force in every municipality until altered, amended or repealed by the council.

2. It has the same power as a town, but section 18 of Municipal Amendment Act, 1893, declares that it shall not apply to the slaughter of animals in towns, villages or townships which are so slaughtered for the use of the person killing the same and his family. The word "city," it will be observed, is omitted.

#### Collectors Fee—Snow Roads.

175.—R. J. W.—1. Can a tax collector in a township charge the sum of fifty cents from a ratepayer for coming around the second time for taxes when he did not seize or have any extra expense?

2. Is the corporation liable for damages caused by a blockade of snow or by there being pitch holes on the road?

3. Has a pathmaster a right to keep the road open in the winter in his road division? If so has he any right to get pay for his work or does it come under his duty as pathmaster?

1. No.
2. No. See question No. 144.
3. If instructed by council. See section 521, Consolidated Municipal Act, 1892.

#### School Levies or Surplus Not Limited.

176.—S. P. W.—1. Is there any limit fixed by law to the amount that a school board can levy for school purposes?

2. Does the law fix any limit to the surplus that a school board may have on hand?

1. No.
2. No.

#### Highways Not to be Leased.

177.—J. A. M.—Can a corporation lease a part of a street for the purpose of rebuilding a dock, the same having been occupied for the past 50 years, which encroached on the street some twelve feet. Now party wants a lease to rebuild dock, and the statute allows the sale of same by advertising same for four weeks, but we do not want to sell, and the question is, can we lease by taking the same course as in the case of a sale? The part in question is a strip of water lot at end of street as per sketch. The party who asked for lease is owner of all property on both sides of street, so that no person is injured by the granting of a lease. There was a lease given for the same piece of land fifty years ago, a copy of which we have, but some claim it is not legal.

The corporation has no right to lease the street or any part of it; nor has it any power to sell for the purpose mentioned. The corporation has under certain circumstances power to close up and sell a road. For example a road that is no longer required for public use.

#### Inspectors Collection of Dog Tax—Publish Auditors Report.

178.—CLERK.—In our village we have been in the habit of passing by-laws having dog tax

collected by village inspector. There are some doubts if it is legal to do so.

1. Is it legal to do so?

2. If so is it compulsory to pass by-law each year?

3. Is it compulsory for council to have auditors report and abstract printed, to be distributed to ratepayers who ask for them?

1. Yes.

2. No.

3. Section 265 provides that the clerk shall publish the auditors abstract and report, and also the detailed report in such form as the council directs.

#### County Council Sessions—Payment of Members.

179.—INQUIRER.—1. Could you inform me if any county councils hold less than three sessions in a year, and names of counties if any that do so?

2. Is it legal for county councillors to pay themselves more than \$3 per day, or what is the law regulating pay of county councillors?

1. We think so. Will some of our readers please answer?

2. County councils may by by-law, fix pay of members at a rate not exceeding \$3 per diem, and five cents per mile, necessarily travelled (to and from) for attendance at meetings of councils or committees.

#### Loitering on Streets.

180.—J. D. H.—Would you kindly tell me whether any incorporated town has the power to pass a by-law regulating the standing of individuals or loitering on the street corners, in the hall ways and alleyways? Mention the section if any.

Yes, if they are disorderly. See section 489, sub-section 38, of Consolidated Municipal Act.

#### Compounding Statute Labor.

181.—J. D. M.—There is within the boundaries of our municipality, consisting of a township, a summer resort divided into small lots which are built upon with cheap cottages, generally speaking. The owners of this property have made application by petition to have their statute labor commuted for five years, and the amount of such commutation laid out in the building of a sidewalk. The statute labor is fixed by by-law at \$1 per lot, which is out of proportion to the statute labor fixed on other lands in the township.

1. If the money is advanced by the municipality to build the walk, can it be legally collected? If property should change hands before the collections are made by taxes?

2. In the case of non-resident owners can they commute their statute labor in this way?

3. Could such amounts be registered against the lots in order to secure the township?

Under section 521, sub-section 1, township councils may pass by-law for empowering any person, resident or non-resident liable to statute labor within the municipality to compound for such labor, for any term not exceeding five years, and sub-section two authorizes the commutation of such statute labor.

1. Yes.

2. Yes.

3. No. Not necessary.

#### Drainage Assessment Refunded.

182.—J. B.—C. Hart, \$273; J. I. Morgan \$182; I. Neville, \$44. Assessed on drainage debenture at twenty years time at five per cent. Debentures sold at four per cent. These men