

How can the councillors get their pay? Can a council vote themselves so much per regular sitting during the year, or would it be better to divide the village into sections and appoint a councillor as commissioner for each section and derive his pay for acting as commissioner for all work done in this section?

2. Also we propose introducing a by-law for collecting the dog-tax by means of dog-tags. What is the proper method to enforce the purchasing of said tags? Would it be advisable to supply the assessor with them and for him to sell them when he makes his assessment?

1. *Councillors* of a village are not legally entitled to any pay for their services, nor can they vote themselves such, either as councillors or as commissioners as you suggest. Section 280 of the Municipal Act makes provision for the remuneration of the head of the village council (reeve), and sec. 538, sub-section 1, authorizes the councils of counties and townships to pass by-laws for paying members of such councils.

2. The usual and proper way of disposing of dog-tags is to supply them to who your assessor, when starting his work, will furnish them to owners of dogs on receipt of the amount of the tax imposed.

Rights as to Private Drain.

103—H. C.—A private drain runs through my lot to the river, which was put in for the purpose of draining a cellar of a house across the street. Two other parties made connection with said drain and one of them built a cess-pool on his lot with an overflow into the drain, which connects with the one that goes through my place, as a result of which a great nuisance has been committed. Can I permanently close up the drain where it enters my lot?

You do not say under what authority the private drain through your lot was originally constructed. Without this information we cannot say whether you have the legal right to obstruct the drain at your line or not. As to the other two drains, if they were constructed and joined to your drain without your consent, you can apply to the courts for an order restraining the persons conducting water through your drain from doing so.

Duty of Assessor.

104—G. H. S.—Is it the clerk's duty, or the assessor's, to number the names on the assessment roll, and also mark the jurors?

Section 56 of the Assessment Act requires the assessor to return his roll to the clerk *completed* (that is completed in accordance with the provisions of the Assessment Act) on or before the 30th day of April in each year. Part of his duty under the Assessment Act is to properly fill in the several columns of his roll, as mentioned in sub-section 4 of section 13 of the Act. Column 1 is to contain "the successive number on the roll," and the assessor must fill it in. The assessor has nothing to do with marking the jurors on the assessment roll. This is a duty imposed by sec. 23 of the Jurors' Act (R. S. O. 1897, chap. 61) on the clerk of a municipality when preparing his *voters' list*. The clerk ascertains from

reference to the assessment roll of his municipality whether a person is qualified to act as a juror or not.

Clerk Can Perform Treasurer's Duties.

105—A SUBSCRIBER.—Is it legal for the clerk to do the work of the township treasurer? The declaration says no officer shall take any work or contract on or behalf of the corporation save that arising out of his own office. Would it disqualify him in doing the same, both being separate offices?

If both these officers are agreeable to such an arrangement it is not illegal. In doing this work the clerk is performing it for the treasurer personally, and not for the corporation. As the law is at present, the same person can hold these two offices.

Statute Labor By-Law.

106—H. H. M.—If council of rural municipality pass a by-law to commute statute labor, can they fix a time that the by-law must remain in force, say two, three or five years? If they do so can a newly elected council repeal said by-law at any time before time is up?

It is not usual to pass a by-law commuting statute labor for a fixed period. The usual practice is to pass a by-law which does not fix any time during which it is to remain in force and such a by-law will remain in force until repealed. Fixing a period during which a by-law is to remain in force does not however render it invalid but a newly elected council can repeal it.

Statute Labor By-Law.

107—R. R.—Our council, last year, commuted statute labor at sixty cents per day, and levied on the collector's roll that amount for this year's labor. Some ratepayers refuse to pay their taxes on the ground that they did their statute labor last year, and then have to pay the tax also in the same year. There are some men, on rented farms, who are leaving the township, and they refuse to pay also. We have had one meeting of council, and have not settled the matter. Some of the council want to go back to the old system, others want to give it a trial. We scarcely know what to do now. There was no complaint until the collector went around. The by-law was passed on the 20th of August, so there was no complaint within three months after the by-law was passed. I have advice from a solicitor, but would like your opinion on the matter.

The commutation tax for the year 1901 should not have been entered on the roll for 1900. See answer to question No. 89 (1), February, this year.

Ratio of Statute Labor.

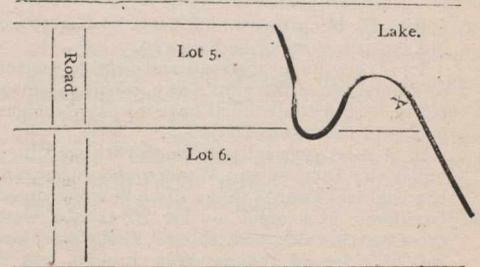
108—W. D.—Has a municipal council the power to add half days or hours to their statute labor scale for the purpose of doing statute labor according to assessment?

Sub-section 1 of section 102 of the Assessment Act, lays down the number of full *days* statute labor to be performed by persons assessed in a municipality, until and unless a by-law has been passed pursuant to the latter part of the sub-section, reducing or increasing the number of *days* statute labor to which such persons shall

be respectively liable. The statutes do not recognize or authorize the performance of anything less than a full day's statute labor.

Must do Your Statute Labor.

109—W. R.—I own point of land, two acres, running into lake marked X. I cannot get to it except by trespassing or with permission of owner of lot 6. The only way of getting to it legitimately is by water. I am assessed at \$100, and two days' statute labor. Am I compelled to pay or do the two days' statute labor?



Yes.

By-Law Cannot be Amended by Resolution.

110—R. C.—Can salary of an official appointed by by-law and salary fixed by same, be raised by motion in council, no notice being given to amend by-law? If so, how long does salary remain amended by said resolution?

A by-law of a municipal council cannot be amended by a resolution of that body. The passing of an amending by-law is necessary to have such effect, and the increase in the salary will begin with the passing of the amending by-law unless such by-law itself states the time when such increase shall take effect.

Dissolution of Union School Section in Manitoulin Island.

111—CLERK.—We are an organized municipality on Manitoulin Island, District of Algoma. We have a school section composed of forty lots, which was formed by our council in the year 1884. In the year 1885 the then inspector of public schools for Algoma added nine lots in the unorganized township adjoining to said section, making it a union. Can we, as a council, form a section out of the said forty lots, leaving out the nine lots that were added in the year 1885, or in other words, form a section which will not be a union? If so, what proceedings will we have to take?

Section 42 of the Public Schools Act provides that all union school sections that existed, in fact, on the 1st day of April, 1896, and whether formed in accordance with the provisions of the law in that behalf or not, shall be deemed to have been legally formed and shall continue to exist, etc. Sub-section 7 of section 26 of the Act, provides that, "In forming union school sections between and out of an *organized* township municipality and an *unorganized* township or locality within any territorial or judicial district, it shall be lawful for such union school section to be formed or *altered* according to the provisions of this Act, except that the inspector shall act for the unorganized township or locality, and the reeve of the organized township for his