

should be so represented to the Board of Railway Commissioners for Canada, which is the proper tribunal to consider and settle a dispute of this nature. In this connection see section 184 of The Railway Act. (Chapter 58 of The Dominion Statutes, 1903).

#### Liability of County Council for Maintenance of Bridges.

243—N. Mc.—1. Can a county council be compelled to assume bridges built on a deviated road made in lieu of part of concession and part of townline? The bridge would have been on townline if the proper road had been followed?

2. The bridges are over eighty feet in length and were built and maintained by the township many years ago. How should the township proceed if the county is liable?

1. Sub-section 1 of section 617 of The Consolidated Municipal Act, 1903, provides that "It shall be the duty of the county council to erect and maintain bridges over rivers, streams, ponds or lakes, forming or crossing boundary lines between any two municipalities (other than a city or separated town) within the county." And sub-section 2 provides that "a road which lies wholly or partly between two municipalities shall be regarded as a boundary line within the meaning of this section, although such road may deviate so that it is in some place or places wholly within one of the municipalities, *provided that such deviation is only for the purpose of getting a good line of road*, and a bridge built over a river, stream, pond or lake crossing such road where it deviates as aforesaid, shall be held to be a bridge over a river, stream, pond or lake crossing a boundary line within the meaning of this section."

2. If these are bridges over a *river, stream, lake or pond* on the deviating portion of the boundary line, and the deviation is for the purpose of getting a good line of road, the county council should be notified by the township council to put the bridge in a proper state of repair, and if they neglect or refuse to comply with the notice, they can be compelled to do so by mandamus. We assume that these bridges are over eighty feet in length, or, if not, that the county council has not passed a by-law pursuant to sub-section 3 of section 617.

#### Date for Return of Statute Labor Lists—By-Law Raising Commutation Rate—Closing and Sale of Road.

244—D. D.—1. Has a municipal council authority to fix a date for pathmasters to return statute labor list?

2. Have they authority to pass a by-law raising the rate of commutation per day for statute labor from seventy-five cents to one dollar?

3. Can a municipal council legally close up and sell any road or side line not used by the public? Are not all roads laid out in the original survey of the township? Are they not the property of the Crown Lands Department?

1. The council has no authority to pass a by-law of this kind. Section 110, sub-section 1, of The Assessment Act (as amended by section 9 of chapter 27 of The Ontario Statutes, 1899,) fixes the 15th day of August as the date before which pathmasters shall annually return their statute labor lists to the clerk.

2. Yes. Pursuant to the provisions of section 103 of The Assessment Act and sub-section 2 of section 561 of The Consolidated Municipal Act, 1903. This by-law may be one amending the original by-law by substituting \$1.00 for 75c. wherever it occurs therein, or the original by-law may be repealed and a new one passed fixing the commutation at \$1.00 per day.

3. The council may pass a by-law for this purpose, pursuant to the provisions of section 637 of The Consolidated Municipal Act, 1903, after all the preliminary proceedings prescribed by section 632 have been strictly observed.

#### Tenure of Office of Pathmaster—Payment of Extras on Contract for Building School House.

245—T. J. T.—Is a person a pathmaster in office, or just till he returns his list, the work all performed, or if in the winter and his beat is blocked with snow, is he not the person to notify to open it, there being no by-law for winter pathmaster? Or who is, if he is not, and can he not warn the people out and give them certificates on their next year's work?

2. The trustees let by contract the building of a school house complete at a certain price. The contractor went behind, and he wants one hundred dollars more. Have the trustees the power to give it to him and not leave themselves liable, there being some ratepayers against it, or would it be legal to pay him if a majority signed a petition for that purpose, or what would be the legal way for the trustees to act, they thinking that he is entitled to it, and the trustees being the building committee?

1. A pathmaster appointed by the council remains in office until his successor is appointed, and should see that the highway in his division is kept in a proper state of repair to the extent of the means he has at his command. If during his term of office the highway in his division becomes dangerous or out of repair, and he has not the means of fixing it, he should notify the council of the dangerous condition of the road. A pathmaster has no authority to perform the duties prescribed by sub-section 3 of section 537 of The Con. Mun. Act, 1903, unless the council has passed a by-law pursuant to that sub-section giving him power to carry out its provisions.

2. We assume that the money required for the erection of this school house was raised by the issue of debentures by the municipal council in accordance with the provisions of section 74 of The Public Schools Act, 1901. If this is so, and the extra \$100, which the trustees are of opinion that the contractor should be paid, is not in excess of the proceeds of the debentures received by the trustees from the council, the trustees cannot be held liable in any way if they pay it to him. If, on the other hand, the extra \$100 would be additional to the amount of the proceeds of the debentures, the trustees have no authority to pay, until they have been empowered by the ratepayers of the section to do so at a special meeting called for the purpose, pursuant to sub-section 1 of section 74.

#### Dissolution of Union School in Districts.

246—W. W.—Last April a town in a municipality in an unorganized district became incorporated. In this town there is a public school, for the building of which, and later on for the completion of which debentures were issued. The school section included the whole municipality. All the rateable property in the municipality was to be and has been yearly levied to raise the money for the debentures of both loans. The debentures are of course in the name of the senior municipality.

1. What proceedings should be taken to determine the responsibility of both the senior and junior (town) municipality to the remaining debentures when they fall due?

2. In case the senior municipality decides to withdraw from the junior municipality in school matters and to erect a school of its own, what proceedings shall be taken to obtain its share of the school property, both building and land?

Sub-section 1 of section 52 of The Public Schools Act, 1901, provides that "In case a portion of the territory composing one or more school sections becomes incorporated as an urban municipality, the boundaries of such school section or sections shall continue in force and be deemed a union school section, and the provisions of the Act respecting the election of public school trustees in urban municipalities shall apply thereto until such union is altered or *dissolved*, as provided by this Act." Section 46 of the Act provides the procedure to be followed in effecting the dissolution of a union school section. Sub-section 8 of the latter section makes provision for the adjustment by the arbitrators of all rights, claims and liabilities between the different portions of the union section. We might add that that part of this section that relates to appeals from the award of the arbitrators to the