

assessment roll as rented by the husband of the foregoing married woman, appearing as tenant, does that debar him from signing said petition legally?

5. When a municipality has been served with plans and profiles of a new drain under the Ontario Drainage Act by the initiating municipality, how long has the first municipality to hold the Court of Revision in within thirty days from the time of service of plans and profiles?

1. The petition should be signed by a majority of the resident and non-resident persons (exclusive of farmers' sons not actual owners) as shown by the last revised assessment roll to be the OWNERS of lands to be benefited within the described area, before the council can legally act upon the petition. (Section 3 of Chapter 226, R. S. O., 1897, the Drainage Act.)

2. Yes, the latter part of section 17 of the act provides that "should any of the roads of the municipality be assessed, the council may, by resolution, authorize the head or acting head of the municipality, to sign the petition for the municipality, and such signature shall count as that of one person benefited in favor of the petition." This signature can be affixed at the meeting at which the engineer's report is considered and adopted. (See section 17 of the Act.)

3. Since the name of this owner is not on the last revised assessment roll of the municipality she cannot legally sign the petition, and, since the land is within the described area to be benefited by the construction of the drain, the name of the owner will count as one against the petition.

4. This man being on the assessment roll as a TENANT, cannot legally sign and be a party to the petition. Under section 3 of the act it is only OWNERS within the meaning of that section and sub-section 7 of section 2 of the act, who can legally sign the petition.

5. The latter part of section 62 of the act provides that in case of a municipality having been served with a copy of the report of the engineer etc., the council of such municipality "shall hold the Court of Revision for the adjustment of assessments upon its own ratepayers in the manner therein before provided" (that is in section 24 and following sections of the act). Section 62 also provides that "the council of the municipality so served, shall in the same manner as nearly as may be and with such other provisions as would have been proper if a majority of the owners of lands to be taxed had petitioned as provided by section 3 of this act, pass a by-law etc." This by-law will have to be published in the manner provided by section 21 of the act, and the Court of Revision thereon should be held not earlier than twenty, nor later than thirty days from the day on which the by-law was first published, or from the date of completing the services or mailing of a printed copy of the by-law as the case may be, as provided by section 33 of the act.

Nuisance Caused by Discharge of Sewage—Inspection of Cow Byres and Slaughter Houses.

439—SUBSCRIBER.—Municipality A, discharges its sewage on to municipality B, causing a veritable nuisance by polluting stream rendering the water unfit for use to live stock and also rendering the adjacent pasture lands unsafe for cattle, in fact several cases of death have occurred among cattle, the cause being attributed to the sewage.

1. Should the individual ratepayers affected by said nuisance take steps to abate the nuisance or should Board of Health or council take the matter in hand? What is the proper procedure to take to abate the nuisance?

2. Council has seen fit to have a periodic inspection of cow byres and slaughter houses, and cause a fee to be collected from those engaged in either business. Has council the right or power to impose a fee on slaughter houses and cow byres, and subject them to certain rules and regulations?

1. The ratepayers affected by this nuisance should lay the matter before the local Board of Health, and the latter should investigate, and if satisfied, that the nuisance complained of exists, should notify the offending municipality to abate it. If the last-named municipality neglect or refuse to do this, all the circumstances should be reported by the Local to the Provincial Board of Health, as this appears to be a case involving considerations of difficulty, owing to the fact that the abatement of the nuisance will involve the expenditure or loss of a considerable sum of money, (see section 73 of the Public Health Act, R. S. O., 1897, chap. 248). It is not stated whether the sewerage system complained of has been approved of by the Provincial Board of Health under sub-section 2 of section 30 of the act. If it has the provisions of section 30 of the act, will have to be observed.

2. It is not stated whether these slaughter houses and cow byres were established and are being conducted by private parties with the consent of the council of the municipality, obtained under section 72 of the act, or under the provisions of chap. 250, R. S. O., 1897. If the former there is no provision enabling the council to charge owners of these slaughter houses an inspection fee. If the latter, the local Board of Health is empowered to impose fees which will cover costs of inspecting, and otherwise regulating these institutions.

Levy in Union School Section Partly in Organized Township and Partly in Unorganized Territory.

440—CLERK.—We have a union school section in our municipality composed of a part of this organized municipality and part of an unorganized township. The assessment was equalized by the respective assessors and settled by arbitration on the 21st day of June 1901, as follows:—68½% for the organized portion, and 31½% for the unorganized. Last year, 1901, we gave a grant to each school in the municipality of \$150, except the union school, to which we gave a proportionate grant of \$102.50. The trustees of the union school claim that we should have given them the full grant of \$150, and threaten to take action against us if we only give them the proportionate grant as in 1901.

1. Have we interpreted the statutes correctly in regard to grants to union school?

2. If not, how much should we have given the union school?

It is doubtful whether the school act provides for a case of this kind. Sub-section 2 of section 70 of the school act provides as follows: "In the case of union school sections the municipal council of each municipality of which the union school section is composed, shall levy and collect upon the taxable property of the respective municipalities the said sum in the proportion fixed by the equalization provided under section 54 of this act." Section 54 does not appear to fit this case, because it requires the assessors of the two municipalities to make the equalization between the different parts of the union school section, but there is no assessor of the unorganized municipality, and therefore we do not see how the equalization can be made. Sub-section 2 of section 70 in the case of union school sections, requires the council of each municipality to levy the sum fixed by the equalization provided by section 54, but if the latter section does not apply to the case there is no authority to make any equalization, and if there is no equalization, we do not see how the council of the organized municipality can be called upon to levy anything. We may say further that it was not in any case intended to impose any greater burden upon an organized municipality where the other municipality is an unorganized one than if both were organized municipalities and therefore we cannot see how the trustees can ask for more than appears to have been offered in this case.

Service of Copies of Drainage By-Law.

441—J. McC.—Whose duty is it to serve copy of drainage by-law printed in sheet form on assessed parties?

Section 22 of the Drainage Act (R. S. O. 1897, chap. 226) does not specify whose duty it is to serve these notices. It merely provides that instead of publishing the by-law as directed by section 21 of the Act, the council may, at its option, direct that a copy of the by-law, etc., be served upon each of the assessed owners, etc. The council may, therefore, employ any person whom they may see fit, to serve these copies, etc., and whatever the council has to pay the person who effects such services, is properly chargeable against the drainage account, as part of the cost of the construction of the drainage works.

Rights of Bell Telephone Co., to Use of Streets in Town.

442—W. H. C.—The Bell Telephone Co. are now building a trunk line from Orillia to Bracebridge. They will soon reach this municipality and the council is anxious to know just what right or powers the Telephone Co. has as to erection of poles on our streets. Also what powers we have as a council to compel them to place their poles where we may desire. They have written asking us to appoint an inspector. Can we not by by-law confer on him the power to see that the poles are erected where we choose. We have a local telephone service now.