

in the township, in the absence of any by-law being passed by said township in the matter; or can they only pay for said sidewalks under a by-law by frontage assessment.

The council of a township municipality may pay out of its general funds the cost of constructing such sidewalks as it may deem necessary on the township roads, or on the streets in unincorporated villages therein. If it considers it best to construct these walks of cement, instead of plank or other material, it may legally do so. The council also has power to construct these walks, and cause them to be paid for by a frontage assessment, by a by-law passed pursuant to section 664 and following sections of The Consolidated Municipal Act, 1903 (the sections relating to local improvements).

Payment of Physician's Bill for Attending Small Pox Patients.

447—In 1905 we had a slight outbreak of small pox in our township. Dr. A. was appointed medical health officer. Small pox broke out in a camp of men working for the R. U. Lumber Company. Dr. A. was notified, and on his way to the camp met the manager of the R. U. Co., who told him that the company would settle for the expense. The camp became insanitary and the men were placed under quarantine and removed to the pest house. After the men got better Dr. A. sent in his bill to the R. U. Lumber Co., but they refused to pay it, claiming that as the men were removed from their camp to the pest house the company could not be compelled to pay for any of the expense incurred for medical attendance or anything else.

1. Who has to pay Dr. A's bill, the R. U. Lumber Co., or the council?

2. If the council has to pay the bill, can it collect the amount from the R. U. Lumber Co.?

1. We gather from the statement of the facts that the doctor was simply performing his duties as medical health officer of the municipality in going out to inspect the lumber camp. If this is so, all he could collect from the council would be the amount of the salary the council agreed to pay him when he was appointed.

2. No, but we do not think that under the circumstances stated the council should pay the account.

Liability of Council to Maintain Approach to Farm Gate.

448—J. C. Mc.—A number of years ago the concession road in front of A's farm was graded by the township council. This work necessitated the placing of a culvert opposite A's gate leading to his farm. This culvert is now worn out, and A makes a demand on the council for a new culvert. The council refuses to act. Can A make them?

We do not think that the council is bound to rebuild the culvert.

Vacancy in Council by Resignation—Payment of Teachers' Salaries.

449—1. Is a councillor's seat deemed vacant after he has tendered his resignation and it has been accepted by his colleagues?

2. Is there any time limit when an election should take place after it is declared vacant?

3. As school teachers claim pay for summer holidays, should trustees include holidays when sending in their requisitions for school moneys to township council?

1. Yes.

2. Section 212 of The Consolidated Municipal Act, 1903, provides that "in case a vacancy occurs in the council by resignation, etc., the head of the council for the time being, or in case of his absence, or of his office being vacant, the clerk, or in case of the like absence or vacancy in the office of the clerk, one of the members of the council, shall FORTHWITH take the steps mentioned in this section for the holding of an election to fill the vacancy."

3. Yes, the trustees should take this into consideration when making up their estimates to be submitted to the council, as required by sub-section 9 of section 65 of The Public Schools Act, 1901.

Business Assessment of Nursery.

450—H. S.—How would you assess a nursery? Some trees are one year old, two, three and four years old. Say a man had ten acres of a nursery in connection with his farm, and makes a business of selling fruit trees. How would you assess this nursery? Say there are 100,000 trees on ten acres, and trees all ages.

Since this is not ground used as a nursery, located within the limits of a city, town or village, the assessment of which is governed by sub-section 1 of section 40 of The Assessment Act, 1904, the land, including the trees thereon, which are part of the land, should be assessed at their actual value, as required by section 36 of the Act. The owner of the nursery is also liable to the business assessment mentioned in clause (h) of sub-section 1 of section 10 of the Act, calculated on the assessed value of the land actually used and occupied by him in carrying on the business of a nurseryman.

Inaugurating System of County Roads.

451—W. W. D.—A system of county roads has been established in the county of Oxford (the particulars no doubt you are aware of).

1. Should the county council have submitted the scheme to the ratepayers before passing the by-law?

2. To what extent and for how long can a debenture for this purpose be legally issued?

3. If it is not legal, what proceedings are necessary to upset it?

1. Chapter 32 of The Ontario Statutes, 1901, and all subsequent amendments thereto were repealed by an "Act for the Improvement of Public Highways" passed at the session of the Ontario Legislature of the present year, 1907. We do not know whether the county road system referred to was adopted before or after the passing of the Act of 1907. In either case it was not necessary to submit the scheme to the vote of the ratepayers of the county. Under the provisions of section 3 of the Act of 1901, this was discretionary with the county council. The county council has the same discretion under sub-section 5 of section 2 of the Act of 1907. (The full text of THE MUNICIPAL WORLD for May of the present year). Under the authority of sub-section 1 of section 389 of The Consolidated Municipal Act, 1903 (as amended by section 87 of chapter 18 of The Ontario Statutes, 1903) it was not necessary to submit a by-law for the purposes of the Act of 1901 to the vote of the ratepayers of the county, and under sub-section 5 of the Act of 1907 it is not necessary to submit a by-law for borrowing money for the purposes of that Act to such ratepayers.

2. Under the authority of section 9 of the Act of 1901 (as amended by section 27 of chapter 12 of The Ontario Statutes, 1902) and section 6 of the Act of 1907, debentures to be issued under the Act are not to exceed two per cent. of the equalized assessment of the county, and shall be payable in thirty years.

3. We have not sufficient particulars to enable us to reply to this question.

By-Law Guaranteeing Debentures—Application of Insurance Moneys.

452—A. T. C.—Authorized by a vote of the people, a by-law is passed by the town council guaranteeing the bonds of a local company to the amount of \$10,000, to be repaid in ten yearly payments, the town holding a mortgage on the entire plant and insurance to the amount of the guarantee payable to the town.

After being in business for two years and having paid one maturing bond, a serious fire took place and almost all work is stopped.

The company are anxious to continue in business if satisfactory arrangements can be made with the town. They are asking the town for an additional guarantee of \$20,000, to be paid back in twenty yearly payments, and if this is granted they will proceed to re-erect the buildings destroyed.