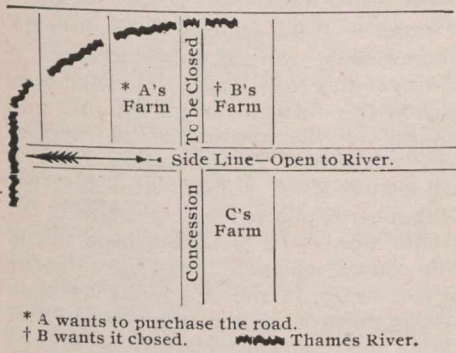


lay out the drain, and A was to send requisition to the engineer, but winter set in and he did not proceed any further. Now A wishes to have engineer to come and lay out the ditch. Will it be legal to send requisition now, or will A have to begin again?



1. No.

2. No.

3. Yes, unless the municipality could show that the accident was caused by the negligence of the party who sustained the injury.

4. It is not stated whether this money was raised to meet the current expenditure of the municipality for the year 1902 under the provisions of sub-section 1 of section 435 of the Municipal Act or not. If it was the note should have been paid when the taxes for 1902 were collected, and its payment cannot legally be extended beyond that time by by-law or resolution of the council. If it was not raised for this purpose and was not to be paid within the year in which it was raised the by-law could not have been legally passed without first having received the assent of the electors of the municipality. (See sub-section 1 of section 389 of the Act).

5. If all this proceedings leading up to the filing of the requisition have been properly taken under the Ditches and Watercourses Act, and owing to the intervention of the winter months, inclement weather or other sufficient cause, the construction of the drain cannot be presently proceeded with, and the owner starting proceedings has not in terms or in effect abandoned them, he may file this requisition, without beginning these proceedings again.

Procedure at Council Meeting—Killing of Stray Dogs—Assessment of Threshing Outfit—Appointment of Drainage Inspector—When Dog is Assessable.

265—SUBSCRIBER.—For the purpose of appointing a township assessor this year, our council moved that the reeve vacate the chair and one of the councillors take it, which was done. Then there were two motions made by the council, one motion for each of two men. The councillor in the chair declared both motions lost, then he made a motion for another man, but could not get a seconder. Then the same two motions were made over again and he declared them lost, and so on until one of the applicants withdrew.

1. Did the chairman discharge his duty or should he have declared one of the two elected, when there were only two motions before the board?

2. Is there any statutory law for a person killing a dog straying on his premises between

sunset and sunrise, without a by-law to that effect in the township?

3. What is the amount that a man can have invested in a threshing outfit and be exempt from taxation?

4. What is the meaning of sub-section 2 of section 78 of the Drainage Act, 1894? Does it mean that the council only has power to appoint one inspector for the township, and one for each drain, or as many drains as they see fit?

5. Is there any decision by the courts at what age a dog is liable to assessment? It seems wrong to a good many that little pups, say one month old, should be assessed.

1. The chairman had a right to vote upon these motions as he thought best and was quite right in voting against them both, if he saw fit to do so.

2. If the premises are farm lands, clause (c) of section 9 of chapter 271, R.S.O., 1897, empowers any person to kill any dog which any person may find straying between sunrise and sunset on any farm *whereon any sheep or lambs are kept*, but this does not apply to any dog which belongs to or is harbored or kept by the occupant of any premises next adjoining the farm on which it is found straying or next adjoining that part of any highway or lane which abuts on said farm, nor any dog so straying when securely muzzled, or when accompanied by or being within reasonable call or control of any person owning or possessing, or having the charge or care of such dog, unless there is reasonable apprehension that such dog if not killed is likely to pursue, worry, wound or terrify sheep or lambs then on the said farm.

3. A threshing outfit is personal property. If its value is less than \$100 (which is not probable), it is exempt from assessment and taxation under the provisions of sub-section 25 of section 7 of the Assessment Act. If its value is more than \$100, it is exempt only to the extent of the just debts, owed by the owner on account of the property.

4. Sub-section 2 of sub-section 78 of chapter 226, R.S.O., 1897, empowers the council to appoint an inspector for the purposes mentioned in the preceding sub-section, etc. This means that the council has power to appoint one person as drainage inspector under this section for the whole township.

5. No. A dog is a dog as soon as it is born and liable to assessment and taxation under the statutes in that behalf.

By-law Providing for Purchase of Fire Engine, Etc.—Remuneration of Town Councillors.

266—T. C.—Our council intends passing by-laws to issue debentures to buy fire engine (now rented) and to build a new fire hall.

1. Is the petition necessary from the ratepayers before they can legally do so, if a vote is not intended to be taken?

2. How many signatures must there be on petition?

3. How long would by-law for the issue of debentures be required to be published before being passed?

4. Can town councillors in Nipissing collect the three dollars or under per meeting they attend if a by-law is passed to that effect?

1 and 2. There is no provision in the Municipal Act regarding a petition of the ratepayers when the intention is to purchase a fire engine at the expense of the whole municipality. A petition is necessary where it is intended to provide fire protection for a particular area or section of a town or village. See section 544 of the Municipal Act. As we understand it, it is the intention to buy a fire engine at the expense of the whole municipality and to issue debentures running over a number of years to raise the money necessary to pay for the engine and fire hall and if that is the case the proceedings laid down by section 338 and following sections of the Municipal Act must be taken.

3. Sub-section 2 of section 338 of the Act prescribes the time during which the by-law must be published.

4. Sub-section 1 of section 538 of the Municipal Act empowers council of township and counties to pass by-laws providing for the payment of members of the council, and sub-section 2 confers similar powers on councils of certain cities. Section 280 authorizes the payment to the head of the council of any county, city, town or village of such annual sum or other remuneration as the council of the municipality may determine, but nowhere is there any power conferred on council or town to pay the councillors any remuneration for their services as such.

Report of Provincial Auditor.

267—A. M.—I see in your March number Question 202, clause 3, and which is answered very satisfactorily as far as it goes. The question now asked is, after the Provincial Auditor has investigated, should the public have the result at once, and should the municipal council be made acquainted with the facts of the case?

Section 13 of chapter 228, R.S.O., 1897, provides that "the Provincial Auditor or any other person making an audit, inspection or examination, under this Act, shall report thereon to the council of the municipality, and to the Lieutenant-Governor, etc." This report should be made by the auditor as soon as possible, and filed with the clerk of the municipality (who is the proper custodian of all municipal records), where it would be open to inspection by any person, at any reasonable time, the same as any other public document which is the property of the municipality.

By-laws Relating to Cattle Running at Large—Witness Fees of Professional Men—Culverts on Drains—Closing of Road Allowance.

268—C. A. J.—1. Can a township council legally pass a by-law and will the by-law be legal to allow cattle to run at large in the township?

2. Can a township council pass a by-law now repealing a by-law passed some years ago allowing cattle to run at large, said by-law to come into effect the first day of December next, or could they leave it to a vote of the ratepayers next January?

3. Can a ratepayer or ratepayers compel the council to prohibit cattle from running at large