

(e) The council, or such committee as it sees fit to appoint for the purpose should attend to the selling of the debentures.

Clerk's Fee for Services Under the D. and W. Act.

480—W. S. S.—R. S. O. 1903, chapter 19, section 320, sub-sections A and B, states it shall be the duty of the council to give the clerk of the municipality for carrying out the provisions of the Ditches and Watercourses Act a fair and reasonable remuneration to be fixed by by-law of the council. (B.) The council shall fix by by-law, the sum to be paid to the clerk by any person for copies of awards or other documents, or for any other services rendered by the clerk other than services which it is his duty to perform under the provisions of the Ditches and Watercourses Act.

1. What are the duties of the clerk to perform in relation to the municipality under the D. and W. Act.

2. What expenses in preparing papers of any kind under the D. and W. Act is it the duty of those interested in an award ditch or drain to pay for?

3. Is it the duty of the municipality to pay clerk for all services of every kind in preparing papers (blanks, etc.) of every description for all parties connected with and interested in an award drain. Our opinions are divided on the question.

1. The preparation of all notices, etc., required by the Act, when the municipality initiates proceedings for the construction of a drain thereunder. The making of certified copies of certificates relating to lands and roads in adjoining municipalities under section 20 of the Act. Such duties as he is required to perform in the event of an appeal to the Judge against an award pursuant to the provisions of section 22 of the Act. The entry of the costs of an appeal and the expenses of making the award, etc., on the collector's roll, as provided in section 27 of the Act, the entry on the collector's roll of the amounts named in certificates of the engineer, under the authority of section 30 of the Act, etc.

2. The preparation of all notices, requisitions, etc., prescribed by sections 7, 8, 13 and 14 of the Act, of the agreement mentioned in section 9, and, generally speaking, such services as he may be asked to perform of a personal nature, and which the Act does not require him to perform in his capacity of clerk of the municipality. Clause (b) of sub-section 1 of section 320 of The Consolidated Municipal Act, 1903, empowers the council to fix by by-law the fees to be paid to the clerk for these services, if he is requested by the parties to perform them, and actually does the work.

3. No, as will appear from our replies to the previous questions.

Proceedings for Construction of Sewer.

481—D. D.—Property owners on a portion of our streets over which our sewerage system does not extend, although installed at each end, have petitioned our council to construct this incomplete portion. Have our road commissioners power to do this, as they contend they have, as one of their duties in connection with streets and sidewalks? What procedure should be taken to construct this incomplete portion between the two ends of the streets?

It is not stated whether the new sewer is to be constructed under the provisions of the local improvement sections of The Consolidated Municipal Act, 1903 (section 664 and following sections) and to be paid for by assessment of the cost on the frontage of properties benefited, or at the general expense of the municipality. If the former, the council will have to pass by-laws for the carrying out of the work and the assessment of the cost against properties benefited, and the road commissioners have nothing to do with the matter unless appointed by the council to oversee the doing of the work. If the latter, the work should be undertaken only under the authority and direction of the council. The road commissioners of their own motion have no authority to go on with the work.

Qualification of Councillor.

482—A. J. Mc.—Would a councillor in the employ of a party that holds a contract from the municipal council be liable, by that fact, to be disqualified?

If the councillor has no interest in the contract, we do not think he is disqualified merely by reason of his employment by the contractor.

Payment of Expenses of Attending Persons in Quarantine.

483—E. G.—There was a case of diphtheria in our municipality last fall, and the doctor ordered the secretary of the board of health to quarantine the family, which he did, and appointed a man to attend to them and get them their wants.

1. Who has to pay this man for attending to the family while under quarantine, the municipality or the man quarantined, he being well able to pay?

2. If the municipality pays the attendant, can it collect the amount from the man that was quarantined?

1. We are of opinion that the secretary of the local board of health should have called a meeting of the local board, and left it to that body to arrange for the quarantining of the afflicted family. Unless the local board has

formally adopted what was done by the secretary, we do not see that the attendant on the sick family has any claim against either the local board or the council of the municipality. If the local board has assumed liability by adopting or confirming the action of the secretary of the board, if the head of the family refuses to pay the attendant's charges, the municipality will have to pay them, and collect them from the person liable for the support of the family, under the authority of section 93 of chapter 248, R. S. O., 1897.

(Municipal Officers of Ontario)



M. N. MOUSSEAU

CLERK TOWNSHIP OF ROCHESTER

Impounding Animals in Police Village.

484—PARK HEAD—I live in a township near an unincorporated police village. My cattle strayed into the village. Have the trustees the power to appoint a man to impound them and charge me twenty-five cents per head, when it is not a by-law of the township?

Sub-section 1 of section 746b of The Consolidated Municipal Act, 1903, authorizes the trustees of police villages to pass by-laws for any of the purposes mentioned in section 546 of the Act. The latter section relates to by-laws for the restraining and regulating of cattle running at large on the highways of the municipality, and providing for impounding them. If the trustees have passed a by-law under the above authority they may cause stray cattle to be impounded thereunder, and if they have not passed such a by-law, and a by-law of this nature is in force in the township, the trustees may cause the cattle to be impounded under the provisions of the latter by-law.

Levy of School Rates—Payment of Expenses of Attendance on Persons in Quarantine.

485—J. G. Mc.—1. As I understand the statutes, 7 Edw. VII., 1907, the ratepayers (of a township) attached to an urban municipality for school purposes should not be taxed for general school rate, neither would they receive a proportion of the \$300 to be raised in each section by general levy. Is this correct?