

are assessed" upon Assessment Roll which would be the same method as indicated in question four above?

7. What is the meaning of last three words or said subsection "or otherwise respectively?"

8. How does the whole of subsection 3 affect sec. 93 of Assessment Act quoted above?

1. We think the council has power to do what is proposed to be done under section 94, Consolidated Assessment Act. This section gives the council power to direct by by-law that a sum not exceeding \$1 per day shall be paid for the whole or any part of the township. See also section 29, Municipal Amendment Act, 1895, which authorizes the reducing or varying statute labor in defined localities.

2. Yes.

3. No.

4. Yes.

5. As they may by by-law decide.

6. Yes.

7. See answer to question 83 in March number.

8. Section 521 of the Municipal Act authorizes council by by-law to fix ratio of service as they may deem advisable. If no by-law is passed the ratio is fixed by section 93 applies.

Statute Labor—Choses in Action—Locaters' Taxes—Jurisdiction of Collector.

126.—J. W.—1. If A be assessed for two lots, nine and ten, concession 6, which by admeasurement, 216 acres. The assessed value of said lots being \$216. Under sub-section 2, section 100, chapter 48, V. 55, how many days statute labor will A be liable to perform?

2. Please define "choses in action," V. 55, chapter 48, section 33, sub-section 3?

3. A, locates a certain lot, but does not fulfil his duties as locatee. After some years, B applied to have A's location of said lot cancelled, and to be located in his (A's) stead. B's application is granted in both particulars. In consequence, of B occupying the said lot, the district treasurer returns arrears of taxes, which accrued against the lot while it was in A's name. B paid the arrears under protest, and now demands that the same be refunded. Can he compel the township to refund the said arrears?

4. Is it legal for a collector of taxes for municipality A, to go into an adjoining municipality, B, and distraint for taxes charged against a person for property in municipality A, who lives in municipality B? Both municipalities are in the district of Parry Sound.

1. Four days, under scale set forth in section 93.

2. A chose in action, is the right which a person has in personal property, when he has not possession of it. Blackstone says: "Property in chattels personal" may be either in possession, which is when a man hath not only the right to enjoy, but hath the actual enjoyment of the thing; or else it is in action, where a man hath only a half right, without any occupation or enjoyment." Money due in bond, note or other contract, damages due for breach of covenant for the detention of chattels, or for torts are instances of choses in action.

3. No.

4. No.

No Dog-Tax—No Sheep Fund—Pathmaster's Term—Resolutions of Council.

127.—STAFFORD.—About five years ago, a municipal council determined to collect a dog

tax, but on a petition of twenty-five or more ratepayers being sent into council, the council agreed not to collect the dog tax, but did not pass a by-law to that effect.

Since that time, the council has paid for sheep killed by dogs. If the council now pass a by-law abolishing the dog tax,

1. Can the council be compelled to pay for sheep killed by dogs, after the passing of the by-law, and during the existence of such by-law?

2. How long does a pathmaster hold office?

3. Should all motions in council be made in writing?

1. No. Unless there was a balance to the credit of the dog tax fund, at the time of the passing of the by-law. The liability of the municipality would be limited to such balance.

2. Until his successor is appointed

3. Yes.

Petition—By-Law—Snow Roads—Liability.

128.—R. A. T.—1. Is a council compelled to submit a by-law in aid of an electric radial railway on petition of fifty resident ratepayers, although they may know the vast majority is opposed?

2. Would they be justified in refusing if presented with a petition signed by a very large number opposing it?

3. As spring is nearly here, can council be compelled to shovel out all roads to the ground to admit of large loads being taken through? One road I know of is passable, but no heavy loads can get through. As soon as thaw comes some parts of roads will be utterly impassable unless they are shovelled to the ground. Is a council justified in spending money to open them, or let the sun do the work?

4. Are they liable for damages because heavy loads cannot be drawn through?

1. Yes, but should demand cash deposits to cover all expenses before doing so.

2. Yes.

3. The township council may pass by-law under section 521, Consolidated Municipal Act, but apart from this section the council would be justified in expending a reasonable sum for the purpose mentioned.

4. No, but the municipality would be liable as damages for any accident caused by the road being out of repair.

Watercourses—Culverts.

129.—J. W.—Some years ago a ditch was dug along a concession line under the Municipal Drainage Act. In digging this ditch some water runs were cut off, that formerly crossed the road to the north, which now causes a great flow along the ditch referred to on the south side of the road, and flooding some lands in high water. Can a culvert or culverts be put across the road to allow the water to cross the road to the north as formerly?

The council may direct that culverts be put across the road, but a private individual has no right to do so. The remedy of the private individual in this case would appear to be under the Ditches and Watercourses Act.

Tenders for Collection of Taxes.

130.—T. H.—Is it legal for the municipal council to receive tenders for the collection of taxes of the township?

Section 278, Consolidated Municipal Act, sub-section 2, reads: No municipal council shall assume to make any appointment to office, or any arrangement

for the discharge of the duties thereof, by tender or to applicants at the lowest remuneration.

Waterworks Repairs.

131.—WATERWORKS.—Under the Local Improvement Act, a number of ratepayers in the township of A. laid a three-inch water-pipe in front of their properties, each paying for the number of feet laid according to number of feet frontage that they owned.

Said water-main connects with the town of B. The pipe burst. How is the cost of repairing it to be charged—nothing having been said about repairs in the by-law?

2. At the terminus of the pipe C. wants to attach a three-fourth inch pipe. Can he do so without contributing to laying the main line?

1. Before answering this question we require fuller information as to by-law passed for laying the pipe in the township and particulars of agreement with the town of B.

2. We think not.

By-Law—Licenses—Vote (n.

132.—SUBSCRIBER.—By virtue of chapter 56, section 18, of an act passed by the legislative assembly of the Province of Ontario, in the 53rd year of Her Majesty's reign, in re liquor license laws. The ratepayers petitioned the council to pass a by-law prohibiting the granting of a license to any person in the township.

The council accordingly drafted a by-law and appealed to the ratepayers for their decision. At the poll some thirty-nine voted for the by-law and but two persons voted against it. Now it is claimed that because two-third of the ratepayers did not turn out and vote for the by-law that it is not carried. Of course it was published over a month in a local paper. Will you kindly give your ruling on this question?

A majority of those voting is sufficient.

County Bridges—Approaches.

133.—REEVE.—1. What is the legal meaning of a bridge?

2. If a marsh half a mile wide has a road across, all being a solid road-bed filled in but about 20 feet of a bridge spanning the channel, the marsh at certain seasons being covered with water, would the said road be termed a bridge or an approach?

3. If a running stream, being river, lake, pond, etc., over 100 feet wide have a solid road-side on either or both sides reducing the span or bridge to 25 feet, would the said roadway be a bridge or an approach?

4. Must every bridge 100 feet and over and the approaches 100 feet each side of bridge be kept up by the county, or is it optional unless said bridge is assumed by by-law?

5. Must every such bridge be assumed by by-law?

1. By "bridge" is meant the structure necessary for passage over a river, lake or pond.

2. The approach is that part necessary to get from the road on the bridge.

3. It is an approach.

4. The county is bound to keep up certain bridges. It may assume others, and when it does assume any bridge by by-law it must then keep up the approaches for 100 feet, in case of assumed bridges, as well as those under its jurisdiction by statute.

5. If the county desires to assume any bridge not within its jurisdiction by statute it is necessary to do so by by-law.