

# The Municipal World

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## CONTENTS

|   | PAGE |
|---|------|
| Editorial .....   | 122  |
| New Municipal Legislation .....   | 123  |
| ENGINEERING DEPARTMENT.   |      |
| Hamilton Municipal Works .....  | 129  |
| QUESTION DRAWER.  |      |
| 332 Proceedings to fill Vacancy in Council ..   |      |
| 333 Jurisdiction of Fenceviewers—Damages for Trespass of Animals .....  |      |
| 334 Assessment of Fixed Machinery .....   |      |
| 335 Duties of Collector as to Seizure for Taxes   |      |
| 336 Method of Expending Commuted Statute Labor Moneys .....   |      |
| 337 Power to Sell Road Grader—Penalty for Using Poisoned Bait .....   |      |
| 338 Salary of Medical Health Officer .....  |      |
| 339 Presiding Officer at Council Meetings ..  |      |
| 340 Assessment for Public and Separate School Purposes .....  |      |
| 341 Investment of Municipal Funds .....   |      |
| 342 Power of Local Boards of Health as to Appointment, Dismissal and Fixing Salaries of Officers .....                    |      |
| 343 Procedure at Council Meeting .....  |      |
| 344 Contents of Summary of Assessment Roll  |      |
| 345 Liability for Statute Labor—Assessment  |      |
| 346 Power of Council to Borrow Money for School Purposes .....  |      |
| 347 Power of Council to Borrow Money for School Purposes .....  |      |
| 348 Jurisdiction Over Sand and Gravel on Lake Shore .....   |      |
| 349 By-Law Regulating Height, etc., of Fences .....   |      |
| 350 Assessment of Tenant .....  |      |
| 351 Assessment of Lands for School Purposes .....   |      |
| 352 Park Commission a Corporate Body .....  |      |
| 353 Qualification of Farmer's Son—Duty of Assessor to Place Number on Roll .....  |      |
| 354 Compelling Removal of Fences From Roadway .....   |      |
| 355 Assessment of Income .....  |      |
| 356 Business Assessment of a Sawmill Not in Use .....   |      |
| 357 Method of Assessment for School Purposes .....  |      |
| 358 Council's Power to Borrow Money for School Purposes .....   |      |
| 359 Length of Statute Labor Day .....   |      |
| 360 Assessment of Son of Tenant as a Farmer's Son .....   |      |
| 361 Business Assessment of Telephone Co. ..   |      |
| 362 Power of Council to Borrow Money for School Purposes .....  |      |
| 363 Removal of Semaphore Wires—Regulating Firing of Guns on Highway .....   |      |
| 364 Assessment of Rented Post Offices .....   |      |
| 365 Reduction of Length of Statute Labor Day .....  |      |
| 366 Incorporation of Police Village—Agreement with Council .....  |      |
| 367 Place for Holding Municipal Meetings—Effect of Meeting in Wrong Place .....   |      |
| 368 By-laws Exempting From Taxation Must be Submitted to Ratepayers .....   |      |
| 369 Effect of Business Assessment upon Assessment for Income .....  |      |
| 370 By-law Necessary for Purchase of Land   |      |
| 371 Expenditure of Statute Labor Commutation Money—Railway Co. Should Build Fences—Regulation of Barbed Wire Fences ..... |      |
| 372 Penalty for Neglecting to Give Information to Assessor .....  |      |

## CALENDAR FOR JUNE AND JULY, 1907

Legal, Educational, Municipal and Other Appointments

### JUNE—

- 1 Public and Separate Schools Boards to appoint representatives on the High School Entrance Examination Board of Examiners.—High Schools Act, section 41 (2.)  
By-law to alter school boundaries, last day for passing.—Public Schools Act, section 41 (3.)
- 5 Make returns of deaths by contagious diseases registered during May.—R. S. O., 1897, chapter 44, section 11.
- 20 Earliest date upon which statute labor is to be preformed in unincorporated townships.—Section 27, chapter 25, 4 Ed. VII.
- 21 Provincial Normal Schools close.
- 26 High School entrance examinations begin.
- 28 High, Public, and Separate Schools close.—P. S. Act, section 96 ; H. S. Act, section 45 ; S. S. Act, section 81 (1.)
- 30 Protestant Separate Schools to transmit to County Inspector names and attendance during last preceding six months.—S. S. Act, section 12.  
Trustees' report to Truant Officer due.—Truancy Act, section 12.  
Last day for completion of duties of Court of Revision, except where assessment taken between 1st of July and the 30 of September.—Assessment Act, section 65, sub-section 20.

### JULY—

- 1 Dominion Day (Monday.)  
All wells to be cleaned out on or before this date.—Section 122, Public Health Act, and section 13 of By-law, Schedule B.  
Last day for County Council to pass by-law that nominations of members of Township councils shall be on third Monday preceding the day for polling.—Consolidated Municipal Act, 1903 section 125.  
Before or after this date Court of Revision may, in certain cases, remit or reduce taxes.—Assessment Act, section 112.  
Last day for revision of rolls by County Council with a view to equalization.—Assessment Act' section 81.  
Last day for establishing new High Schools by County Councils.—High Schools Act, section 9.  
Trustees to report to Inspectors regarding continuation classes.  
Legislative grant payable to treasurer.—Education Act, section 23 (4.)

|  |  |
|--|--|
| 373 Entry of Non-Resident in Voters' List ..   | 382 Disposition of Closed Roads .....  |
| 374 Opening of Road Across Railway Track   | 383 Power of Trustees to Charge Fees for Attendance of Non-Resident Pupils ..... |
| 375 Power of Councils to Borrow Money for School Purposes .....  | 384 Corporation Should Build and Maintain Fences .....                           |
| 376 Payment of Share of Public School Debt—Assessment for School Purposes—Apportionment of Drainage Tax on Land Sold—Time for Payment of Tile Drain Loan ..... | 385 Assessment of Retail Store and Boarding House .....                          |
| 377 Business Assessment of Dock .....  | 386 Qualification of Voters on Bonus By-law.                                     |
| 378 Distribution of Legislative and County School Grants .....   | 387 Cleaning Out and Construction of Drain. Duties of Pathmaster .....           |
| 379 Alien Farmer's Sons Cannot Vote on School Matters—Salary of School Auditor   | 388 Power to Abolish Pounds .....  |
| 380 Power to Compel Trustees to Erect School on the Site Selected by Arbitrators .....   | 389 Application of section 18a of The Consolidated Municipal Act, 1903 .....     |
| 381 Division of Assets and Liabilities between Newly Incorporated Village and Township—Lumber Co. Should Not Obstruct Road .....                               | 390 Effect of Undermining Road to Injury of Adjoining Owners .....               |
|  | 391 Election to Fill Vacancy in Council .....                                    |
|  | 392 Liability to Assessment of Hall Rented by Municipality .....                 |
|  | 393 Assessment of Hired Help, Etc.   |
|  | 394 Liability of Council to Open Roads and Streets .....                         |

# The Municipal World

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of the Municipal Institutions of Ontario

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ST. THOMAS, ONTARIO, JUNE 1, 1907.

## MUNICIPAL ASSOCIATIONS.

The influence of the Ontario Municipal Association is noticeable in the following sections of *The Municipal Amendment Act*—section 9, sub-section 2, sections 10, 13, 19, 31, 35 and 40. The most important amendment introduced on behalf of the Association was that providing for the repeal or amendment of section 606 which relates to the liability of municipal corporations in actions for damages caused by accidents on the highway. Three hundred and twenty-four municipalities petitioned for a change and the executive of the Association submitted an amendment which they supported before the Municipal Committee. There was considerable opposition from the members when the section was brought up for discussion both in the committee and in the Legislature. The amendment as published in the April number, had the support of the chairman of the Municipal Committee, but notwithstanding this, it was thrown out on the third reading, the active oppositionists being Messrs. FERGUSON, of Grenville, MCKAY, GRAHAM, LUCAS and others. The question is not a political one in any way. If this amendment is to be obtained, the municipal councils must start a campaign of education and do some personal work with their respective representatives in the Legislature. The Municipal Association must be supported in its future efforts to procure this and other legislation beneficial to the interests of municipal government in Ontario. There may have been some excuse for municipal councils that have not supported the Municipal Association in the past. The Legislature has recognized the benefits to be derived therefrom by passing section 19 of *The Municipal Amendment Act*, providing "that the Council of any municipality may subscribe and accept membership in any union or proposed union of Ontario municipalities, and may pay the fees for such membership and make any contributions for the expenses thereof and may pay the expenses of delegates sent to any meeting of such union or upon the business thereof." The effect of this should be to increase the interest in meetings of the Provincial Association and enlarge its sphere of usefulness. It will also encourage the formation of local associations similar to that of the Ontario Rural Municipal Association of which Mr. JAMES LAIDLAW, of Guelph, is Secretary.

## THE STATUTE LAW AMENDMENT ACT, 1907

The Following Sections in This Act Relate to Municipal Matters :

### Use of Town Hall by Justices of The Peace

4. *The Act respecting the Qualification and Appointment of Justices of the Peace* is amended by adding thereto the following as section 26 :

26 A Justice of the Peace shall have the right, unless another suitable place is provided by the municipality, to use the town hall of any municipality which has no police magistrate for the hearing of cases brought before him, but not so as to interfere with its ordinary use.

### Provision for Absence or Illness of Police Magistrate.

5. *The Act respecting Police Magistrates* is amended by adding thereto the following section :

39 In case of the illness or absence from the county of a police magistrate, any other police magistrate within the county, whether appointed for the county or for a city, town or village therein, shall have all the powers and may perform all the duties of the police magistrate during such illness or absence, and shall also have jurisdiction and power to continue and complete any proceedings begun before him, notwithstanding that the first mentioned police magistrate may in the meantime have recovered or returned.

### Collection of Costs by Corporation Where Solicitor or Counsel Paid a Salary

13 Where the remuneration of a solicitor or counsel employed by a corporation is wholly or partly paid by salary, the corporation employing such solicitor or counsel shall notwithstanding have the right to recover and collect lawful costs in all actions and proceedings in the same manner as if the solicitor or counsel were not receiving a salary where the costs are by the terms of his employment payable to the solicitor or counsel as part of his remuneration in addition to his salary. (See 3 Edw. VII, chap. 19, sec. 320, subsection 3.)

### Continuation of Exemptions from Taxation.

16. The proviso to section 591b of *The Consolidated Municipal Act, 1903*, as enacted by section 29 of *The Municipal Amendment Act, 1905*, as subsequently amended, is hereby repealed and the following substituted therefor :

Provided that in the case of any municipality in which taxes for the year 1907 will be levied upon an assessment made in the year 1906, the municipal council may, by a two-thirds vote of the members thereof, continue any such exemptions heretofore granted so as to apply to and include taxes to be levied in the year 1907.

### Method of Ascertaining Cost of Maintenance of Non-Resident Pupils Attending High Schools

40. Notwithstanding anything contained in section 34 of *The High Schools Act* and the amendments thereto, the liability of any municipality under subsections 6 7 or 9 of the said section as amended shall be determined as follows:—

From the total cost of maintenance of the High School there shall be deducted the amount of the legislative grant, —the remainder shall be divided by a number representing the total number of days' attendance of all pupils at such High School during the year for which payment is to be made and the resulting amount shall be multiplied by the total number of days' attendance of pupils in respect of whom such municipality is liable, the percentage mentioned in the subsection under which payment is to be made shall then be determined, and from this amount the fees paid by such pupils shall be deducted, and the resulting amount shall be the amount payable by such municipality.

# New Municipal Legislation

## The Municipal Amendment Act, 1907

The session of the Local Legislature for 1907 was productive of the usual number of amendments to The Municipal Act. The following are the main features of the Act, embodying these amendments: The first five sections relate to the conduct of municipal elections and the taking of proceedings to declare a seat vacant. Section 6 empowers auditors to administer oaths, Section 9 extends the borrowing power of municipal councils so as to enable them to borrow money, if necessary, to meet payments required to be made under the provisions of The Public Schools Act. Section 11 authorizes councils to expropriate lands required for corporate purposes. Section 17 contains additional provisions tending to the prevention of the smoke nuisance. Section 19 confers on the council of any municipality power to subscribe for and accept membership in any union or proposed union of Ontario municipalities. Section 21 extends the application of 617a of The Consolidated Municipal Act, 1903, to towns having an equalized assessment of less than \$1,000,000. Sections 24 to 26 (both inclusive) make provision for the settlement of disputes over bridges between counties and local municipalities, counties, and counties and separated cities and towns. Sections 27 and 28 provide for the settlement of disputes over county boundary lines and roads. Sections 31 to 36 inclusive make several amendments of more or less importance to the local improvement clauses of the Act, and sections 38 and 39 relate to police villages. The following is the full text of the Act:

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

### By-Law to Elect Council by General Vote, or to Return to Ward System May be Voted on at Any Time.

1. Subsection 6 of section 71a of *The Consolidated Municipal Act, 1903*, is amended by striking out the words "at an annual municipal election," in the 4th line thereof.

### By-Law to Keep Poll Open in All Cities Until 7 p. m.

2. Subsection 4 of section 128 of *The Consolidated Municipal Act, 1903*, is amended by striking out the words "of over 100,000 inhabitants" in the proviso therein.

### Form of Ballot.

3. Subsection 1 of section 141 of *The Consolidated Municipal Act, 1903*, is amended by adding thereto the following words "save

in the case where two or more candidates for any office have the same surnames, in which case the christian name or names of such candidates or the initial thereof shall be printed in front of the surname and in the same font of type as the surname wherever the surname appears on the ballot paper."

### Judge May Hear Evidence With a View to Making Recount.

4. Clause 1 of subsection 8 of section 189 of *The Consolidated Municipal Act, 1903*, is amended by adding thereto the following words: "and in any case where the deputy returning officers or any of them have failed to comply with the provisions of section 177 of this Act or any of them, or where from any other cause it appears desirable to do so, he may upon the application of any party to the proceedings hear such evidence as he may deem necessary for the purpose of making a full and proper recount of such ballot papers."

### Time for Taking Proceedings to Declare Seat Vacant.

5. Subsection 1 of section 220 of *The Consolidated Municipal Act, 1903*, is amended by adding after the word "time" in the eighth line thereof the words "within six weeks after the facts come to the knowledge of" and by adding after the word "relator" in the ninth line thereof the word "he."

### Auditor May Administer Oath.

6. Section 302 of *The Consolidated Municipal Act, 1903*, is amended by adding at the end thereof the following words:

"Any auditor appointed under this Act may administer an oath or affirmation to any person concerning any account or other matter to be audited."

7. Subsection 3 of section 304 of *The Consolidated Municipal Act, 1903*, is amended by striking out the word "from" in the sixth line thereof and substituting therefor the word "at."

### By-Law to Change Mode of Issuing Debentures.

8. Section 386 of *The Consolidated Municipal Act, 1903*, is amended by adding thereto the following subsection:

(4) In the case of any by-law heretofore or hereafter passed the municipal council may by by-law authorize a change in the mode of issue of the debentures from that defined by the by-law and may direct that the debentures be issued with coupons instead of in amounts of combined principal and interest or *vice versa* (as the case may be) and in case of the sale, pledge or hypothecation of any debenture issued under the authority of any such by-law the municipal council may upon again acquiring the same or at the request of any holder thereof cancel the same and thereupon issue one or more debentures in substitution therefor and make such new debenture or debentures payable by the same or a different mode of payment, and the assent of the electors shall not be necessary in any such case provided always that there be no change in the amount to be paid in each year.

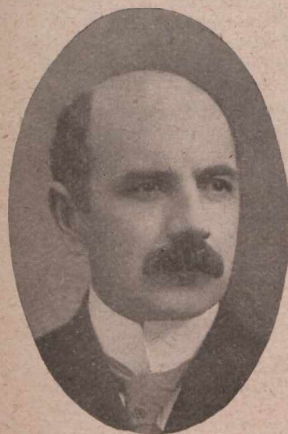
### Councils Empowered to Borrow

#### Money for School Purposes.

9.—(1) Subsection 1 of section 435 of *The Consolidated Municipal Act, 1903*, is amended by adding after the word "corporation" in the sixth line thereof the words: "and such further sums as may be required to be paid



HON. W. J. HANNA  
Provincial Secretary and Chairman of the Municipal Committee of the Legislature.



MR. P. H. BARTLETT  
BARRISTER OF LONDON.

Mr. BARTLETT makes a specialty of municipal law, and for the past three years has been the efficient Secretary of the Municipal Committee of the Legislature. Mr. Bartlett has drafted the various amendments to The Municipal and Assessment Acts, and other bills on cognate subjects referred to the municipal committee since he has held the position.



MR. W. C. CHISHOLM  
CITY SOLICITOR, TORONTO.

Mr. CHISHOLM takes charge of the legislation required by his municipality, and while watching the progress of amendments in committee, does much to improve the municipal laws of the Province. He is also an active member of the Executive of the Ontario Municipal Association.

to the treasurer of the respective Public School Boards from time to time upon the requisition of the school trustees as provided for by *The Public Schools Act.*"

#### Limit of Borrowing Powers for Current Expenses.

(2) Subsection 2 of section 435 of *The Consolidated Municipal Act, 1903*, as amended by section 15 of *The Municipal Amendment Act, 1904*, is amended by striking out the words "ninety per cent. of the estimates for the current year" where the same appear in the said section as amended and substituting therefor the words "ninety per cent. of the estimated ordinary expenditure for the preceding year, and such further sums as may be required to be paid to the treasurers of the respective Public School Boards from time to time upon the requisition of the school trustees as provided for by *The Public Schools Act.*"

#### Duties of Constables.

10. Section 491 of *The Consolidated Municipal Act, 1903*, is amended by adding after the word "offences" in the fourth line the words "(including offences against the by-laws of the municipality)" and by adding after the word "offenders" in the fifth line the words "and laying information before the proper tribunal and prosecuting and aiding in the prosecution of the offenders."

#### Council May Expropriate Land Required for Municipal Purposes.

11. Paragraph 1 of section 534 of *The Consolidated Municipal Act, 1903*, is amended by adding after the word "obtaining" in the first line the words "with the consent of the owner or for entering upon, taking and acquiring without the consent of the owner."

#### Cities May Regulate Buildings for Blacksmith Shops, etc.

12. Subsection (b) of section 541a of *The Consolidated Municipal Act, 1903*, as enacted by section 19 of *The Municipal Amendment Act, 1904*, and as amended by section 21 of *The Municipal Amendment Act, 1905*, is further amended by striking out the word "and" after the word "stores" therein, and by adding at the end thereof the following words: "blacksmith shops, forges, dog kennels, hospitals or infirmaries for horses, dogs, or other animals."

#### By-Law for Laying Pipes or Conduits for Electric Wires.

13. Section 559 of *The Consolidated Municipal Act, 1903*, as amended by section 20 of *The Municipal Amendment Act, 1906*, is amended by adding thereto the following paragraph:

4a. For constructing or laying down pipes or conduits for enclosing wires for the transmission of electricity under such streets, alleys, lanes, parks or public squares within the municipality as shall be designated and approved of by "The Ontario Railway and Municipal Board" upon the application of the municipality, or to carry such wires across or along any such streets, alleys, lanes, parks or public squares and for erecting poles on such streets, alleys, lanes, parks or public squares for the support of such wires and for authorizing the municipality to enter into agreements with electric light or power, telegraph or telephone companies for the use of such pipes, conduits or poles, and upon payment of such rental as may be agreed upon, and for issuing debentures of the corporation for the amount sufficient to pay for the construction or laying down of such pipes or conduits or the erection of such poles and any debt incurred under such by-law shall be payable within thirty years from the date of the issue of the debentures. But no such by-law shall be finally passed until the same shall have received the assent of the electors qualified to vote upon money by-laws as provided by this Act.

#### Contracts With Street Railway Companies for Street Watering.

14. Section 568 of *The Consolidated Municipal Act, 1903*, is amended by adding thereto the following subsection:

(3) Every municipal council shall have power to contract with any street railway company for watering such streets or highways within the municipality as may be agreed upon between the council and the company for any number of years, not exceeding five, and for renewing such contract from time to time for a period not exceeding five years as may be agreed upon between the council and such company.

#### By-Law Relating to Works for Development of Water Power, etc.

15. Subsection 5 of section 569 of *The Consolidated Municipal*

*Act, 1903*, as enacted by section 21 of *The Municipal Amendment Act, 1906*, is amended by adding after the word "waterworks" in the eleventh line the words "or works for the development of a water power for generating, transmitting or distributing electrical power or energy."

#### Laundry Licenses.

16. The paragraph immediately preceding subsection 39 of section 583 of *The Consolidated Municipal Act, 1903*, is repealed and the following substituted therefor: "By the councils of cities and towns," and the said subsection 39 is amended by adding at the end thereof the words: "The council may in any such by-law provide that any such license may be refused for any particular location when in the opinion of the council it is not desirable to grant the same."

#### Smoke Prevention.

17. Subsection 6 of section 586 of *The Consolidated Municipal Act, 1903*, is repealed and the following substituted therefor:

6. For compelling the owner, lessee, tenant, agent, manager or occupant of any premises or steam engine in which a fire is burned, and every person who operates, uses or causes or permits to be used any furnace or fire within the limits of the municipality, to prevent the emission to the atmosphere of such fire, of opaque or dense smoke for a period of more than six minutes in any one hour. The point at which such emission shall be determined shall be that point at which the smoke is discharged from the opening, flue, stack or chimney to the atmosphere. Nothing herein contained shall apply to any furnace or fire used in connection with the reduction, refining, or smelting of ores or minerals or the manufacture of cement, or to private dwelling houses except they be apartment houses of a greater height than three stories and basement.

And no prosecution shall be commenced under any by-law passed in pursuance of this subsection until at least ninety days' notice in writing has been given by the municipality to the person to be proceeded against of the existence of the by-law and the infringement complained of.

#### Aid to Association for Promotion of Military Art, Science and Literature.

18. The paragraph numbered 7 in section 591 of *The Consolidated Municipal Act, 1903*, is amended by inserting after the word "association" in the first line the words "or any association or corporation having for its object or one of its objects the promotion of military art, military science and military literature."

#### Membership in Union of Municipalities.

19. Section 596 of *The Consolidated Municipal Act, 1903*, as amended by section 33 of *The Municipal Amendment Act, 1906*, is further amended by adding thereto the following words: "and the council of any municipality may by resolution for and on behalf of the municipality subscribe for and accept membership in any union or proposed union of Ontario municipalities designed for the object or purpose of furthering the interests of municipalities and may pay the fees for such membership and make any contributions for the expenses thereof and may pay the expenses of delegates sent to any meeting of such union or upon the business thereof."

#### Maintenance of Bridges Between Municipalities.

20. Subsection 1 of section 617 of *The Consolidated Municipal Act, 1903*, is amended by striking out all the words thereof after the word "respectively" in the ninth and tenth lines.

#### Proceedings to Relieve Town of Maintenance of Bridge Over 300 Feet in Length.

21. Subsection 1 of section 617a of *The Consolidated Municipal Act, 1903*, is amended by adding after the word "township" in the first line the words "or of any town having an equalized assessment of less than \$1,000,000," and by adding the words "or town" after the word "township" in the fifth and seventh lines thereof.

22. Subsections 2, 3, 4, 5 and 6 of section 617a of *The Consolidated Municipal Act, 1903*, are amended by adding after the word "township" where the same occurs in such subsections the words "or town."

#### Judgment of Divisional Court in Certain Cases to be Registered.

23. Subsection 7 of section 617a of *The Consolidated Municipal Act, 1903*, as enacted by section 32 of *The Municipal Amendment Act, 1905*, is amended by adding thereto the words "and in case the order of the Judge of the County Court is varied or set aside, the judgment of the Divisional Court shall be registered in like manner as in the case of the order of the County Court Judge."

### Settlement of Disputes Over Bridges Between County and Local Councils.

24. Section 618 of *The Consolidated Municipal Act, 1903*, is repealed and the following substituted therefor :

618.—(1) Whenever there is a dispute between a county council and the council of any local municipality (other than a city or separated town) within the county, as to whether the duty or liability to build and maintain a bridge in whole or in part belongs to or rests upon such county council or the council of such local municipality, or as to the proportions in which they should respectively contribute to the building or maintenance of such bridge, the council of such county or of such local municipality may by resolution set forth the grounds of complaint or the question in dispute and may by such resolution declare that application should be made to the Judge of the County Court of the county for an order determining the matter in dispute.

#### Resolution to be Served.

(2) After the passing of such resolution the clerk of the county or such local municipality shall forthwith serve a copy thereof, certified to be a true copy under his hand and the corporate seal of the county or local municipality upon the clerk of the county or of the local municipality concerned in the matter in dispute as the case may be.

#### Procedure After Resolution Served.

(3) After the service of such resolution application may be made by or on behalf of the corporation, the council of which has passed the same to the Judge of the County Court of the county for an appointment in writing for the hearing of an application to determine the matter in dispute. A copy of the appointment shall be served upon the clerk of the other municipality interested, at least thirty days prior to the date fixed by the Judge for hearing such application.

#### Hearing of Application.

(4) At the time and place named in such appointment the Judge of the County Court shall hear the application, and the municipal corporations interested may be represented by counsel thereon and the Judge shall if he sees fit or either of the parties desire, hear evidence on oath upon the matter in dispute.

#### Duty of Judge at Hearing—Order of to be Registered.

(5) The Judge shall determine which municipal corporation shall build or maintain the bridge or the proportions for which each municipality shall contribute to the cost of the building and maintenance of the same, and the order of the Judge shall be registered in the registry office for the registry division in which the bridge in dispute is situate, and from and after the date of such registration and subject to the determination of any appeal from the Judge's order, the bridge shall be built and maintained and kept in repair by the corporation made liable therefor, or by the corporations in the proportions fixed by the order of the Judge, and the order of the Judge shall be enforced in like manner as an order of *mandamus*.

#### Appeal to Divisional Court.

(6) There shall be an appeal from the order or decision of the Judge to the Divisional Court of the High Court of Justice and the proceedings incident thereto shall be the same, as nearly as may be, as in the case of an appeal from a Judge of the High Court sitting in court, and in case the order of the Judge of the County Court is varied or set aside, the judgment of the Divisional Court shall be registered in like manner as in the case of the order of the County Court Judge.

### Settlement of Disputes as to Bridges Between Counties, and Counties and Cities and Separated Towns.

26. *The Consolidated Municipal Act, 1903*, is amended by adding thereto the following section :

618a. Whenever there is a dispute between a county council and the council of any city or town separated from the county, or between a county council and the council of any other county or union of counties, as to whether the duty or liability to build and maintain a bridge in whole or in part rests upon such county council or the council of such other municipality or as to the proportion in which they should respectively contribute to the building or maintenance thereof, and in case the municipalities interested shall fail to agree it shall be the duty of each to appoint arbitrators as provided by this Act, to determine the matters in dispute and the award made by such arbitrators shall be final and conclusive.

### Settlement of Disputes as to County Boundary Lines.

27. Section 654 of *The Consolidated Municipal Act, 1903*, as amended by section 35 of *The Municipal Amendment Act, 1906*, is hereby repealed and the following substituted therefor :

654. If the several townships interested in a county boundary line road do not agree as to the necessity for a deviation of the road from the boundary line, or as to the location of the deviation, or as to the adoption of an existing road for the deviation or as to the apportionment of the cost of opening and maintaining such deviation, any township interested may apply to "The Ontario Railway and Municipal Board" to determine the matter in dispute, and the Board or any member thereof after notice to the several townships interested, and after hearing such of the representatives of such townships as may appear before them, may make such order as may be deemed just and such order shall be final and shall not be subject to appeal.

### Settlement of Disputes as to County Boundary Roads.

28. *The Consolidated Municipal Act, 1903*, is amended by adding the following as section 654a :

654a. If the several townships interested in a county boundary line road do not agree as to the apportionment of the cost or the work to be done in opening or maintaining the road the council of any township interested may apply to the wardens of the bordering counties to determine jointly the proportion of the cost or work to be paid or done by each of the townships interested, and the mode of expenditure, and the wardens, together with the Judge of some other county to be agreed upon by the wardens, or in case of disagreement to be named by the Chairman of "The Ontario Railway and Municipal Board," shall hear and determine the matter in dispute and their decision shall be final and shall not be subject to appeal.

*Municipal Officers of Ontario,*



TOM C. LOCKWOOD

CLERK VILLAGE OF BRIGHTON

MR. LOCKWOOD was appointed three years ago, and is probably one of the youngest municipal clerks in Ontario at the present time, having been appointed at the age of 20. He is also agent of the Canadian Express Co. and Great Northwestern Telegraph Co.

#### Meeting of Wardens and Judge.

29. Section 655 of *The Consolidated Municipal Act, 1903*, is amended by striking out the words "a county judge" in the last line but one of the said section and by adding thereto the following subsections :

(2) The wardens shall meet at the time and place so named and may agree upon the Judge of some other county to act as the third arbitrator, but in case the wardens fail to agree upon a County Judge at the said meeting it shall be their duty forthwith to notify the Chairman of "The Ontario Railway and Municipal Board," and the Chairman shall thereupon make an order appointing a Judge of some other county to act as third arbitrator and shall notify each of the wardens of his appointment.

(3) The wardea of the county in which the township making the application is situate shall within eight days after a County Judge has been agreed upon by the wardens or notice of his appointment has been received from the Chairman of "The Ontario Railway and Municipal Board" convene a meeting of the wardens and such County Judge.

30. Section 656 of *The Consolidated Municipal Act, 1903*, is amended by striking out the words inserted therein by section 29 of *The Municipal Amendment Act, 1904*, and by section 34 of *The Municipal Amendment Act, 1906*, respectively.

31. Section 667 of *The Consolidated Municipal Act, 1903*, as amended by section 33 of *The Municipal Amendment Act, 1905*, is further amended by adding after the word "improvement" in the sixth line the words "the whole or any part of."

#### Permanent Sidewalk and Pavement.

32. Subsection 4 of section 672 of *The Consolidated Municipal Act, 1903*, is amended by adding the following clause thereto :

(d) Or unless the work or improvement has been constructed under section 677 hereof,

### Rates for Construction of Sewer.

33. Section 673 of *The Consolidated Municipal Act, 1903*, is amended by adding thereto the following, as sub-section 2b :

(2b) To remove doubts it is hereby declared that it is and always has been lawful for the council of any city, town or village by an affirmative vote of three-fourths of all the members of the council to enact by by-law in the case of the construction of a sewer other than a sewer having a sectional area of more than four feet that a certain sum per foot frontage (fixed by the council) shall be borne and paid by the property fronting or abutting on the street or streets on which such sewer is constructed and by the owners thereof and that the remainder of the cost of construction opposite such property as well as the total cost of construction opposite exempt property and at street intersections shall be paid by the municipality at large. The provisions of this Act, relating to local improvements, shall in all other respects extend and apply to any such sewer and the construction thereof and to the issue of debentures to pay therefor and all proceedings for any of these purposes or connected therewith shall be the same as provided in the said Act for local improvements in other cases.

### Street Extensions.

34. *The Consolidated Municipal Act, 1903*, is amended by adding thereto the following section :—

675b. In case the engineer of a city, which has adopted the local improvement system with respect to the opening, widening or extension of streets in accordance with section 682 of this Act, reports, and the council of such city, by resolution or the adoption of the report passed on a two-thirds vote of all the members thereof, affirms that it is necessary and in the interests of the city at large that a public street should be opened, widened or extended and that it would be inequitable to assess the whole cost of such opening, widening or extension upon the property in the immediate neighborhood thereof, the corporation of such city, notwithstanding that a sufficiently signed petition against the same has been presented, may carry out such work, but the corporation shall in such case pay out of the general funds of the municipality at least twenty-five per cent. of the total cost of the work after deducting the usual and legal allowances assumed by the municipality in local improvement works, and the remainder of the cost shall be assessed and levied upon the real property benefited by such work to be ascertained in the manner provided by this Act and the provisions of this Act in respect to local improvement works shall (except as varied by this section) apply to such street opening, widening or extension. The share or proportion of the cost of such work which should be assumed by the municipality shall be subject to an appeal to the Court of Revision and the County Judge, and may be increased upon such appeal.

### Works Constructed Under Section 677.

35. *The Consolidated Municipal Act, 1903*, is amended by adding thereto the following section as 677b thereof :

677b. To remove doubts it is hereby declared that the intent and meaning of section 677 of this Act is and always has been that the provisions of sections 670 and 672 of this Act apply to the works and the cost thereof of the nature described in the said section 677 and constructed under the provisions thereof and that the provisions of this Act relating to borrowing money and issuing debentures to pay the cost of local improvements apply to works constructed under the provisions of said section 677."

### Trustees for Managing Fire Engines and Appliances.

36. Sub-section 4 of section 687 of *The Consolidated Municipal Act, 1903*, is repealed, and the following substituted therefor :—

(4) In any case where a fire engine and appliances for the purpose of fire protection have been or are about to be purchased the council of the township may pass a by-law directing that on a day to be named in the by-law a board of three trustees with the powers and for the purposes hereinafter mentioned shall be elected in the manner and for the terms directed in the said by-law, and may in such by-law provide for filling any vacancy or vacancies in such board of trustees as may therein be directed. The said by-law may likewise provide for the election of an auditor, and may authorize such board of trustees to appoint an auditor in addition to the auditor so elected and may prescribe the duties of such auditors.

### Granting Aid to Refining Works.

37. Section 700 of *The Consolidated Municipal Act, 1903*, as amended by section 34 of *The Municipal Amendment Act, 1904*, is amended by adding after the word "smelting" in the second line thereof the words "or refining."

### Arbitration in Default of Agreement between Council and Police Trustees.

38. Section 740 of *The Consolidated Municipal Act, 1903*, is

amended by adding at the end thereof the following words—"and in case the trustees and the council fail to agree as to such proportion the same shall be determined by the Judge of the county as sole arbitrator on application made to him for that purpose by the trustees or the council."

### Acquisition of Land by Police Trustees for Highway Purposes.

39. 1. Subsection 1 of section 746 of *The Consolidated Municipal Act, 1903*, is amended by adding after the word "public" in the sixth line the words "highway or for a public," and by adding after the word "such" in the ninth line the word "highway."

(2) Sub-section 2 of section 746 of *The Consolidated Municipal Act, 1903*, is amended by adding after the word "such" in the third line thereof the words "public highway."

(3) Sub-section 3 of section 746 of *The Consolidated Municipal Act, 1903*, is amended by adding after the word "public" in the second and sixth lines thereof the word "highway."

## An Act to Amend The Public Schools Act 1907

As during the session of the Legislature for 1906, school legislation received considerable attention during the session just closed. The principal provisions of the Act into which the propositions of the individual legislators was crystallized are the following : Section 1 makes provision for the attendance at the public schools of the Province of the immigrant children therein mentioned. Section 7 supplies the machinery which has hitherto been lacking for the collection of arrears of school taxes in unorganized territory, and section 11 prescribes the mode of appealing against a by-law altering the boundaries of school sections in the Territorial Districts. Section 15 makes additions to the powers and duties of school trustees, and section 17 authorizes urban school boards to expend moneys for the purpose of promoting and encouraging physical training. Section 18 requires municipal councils to account annually for all moneys collected under any rate for school purposes. Section 19 makes important changes in section 70 of The Public Schools Act, 1901, as enacted by section 39 of chapter 53 of The Ontario Statutes, 1906, and fixes beyond a doubt the application of sub-section 3 of section 70 to organized townships in the territorial and judicial districts of the Province. The following is the full text of the Act :

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :

### Right of Immigrant Children to Attend Schools.

1. Section 6 of *The Public Schools Act* is amended by adding thereto the following, as subsection 2 :

(2) Every corporation, society, agent or person having the custody of any child heretofore or hereafter brought into the Province of Ontario, shall be entitled to send such child to the Public or Separate School of the municipality or school section in which the child resides, as if he were the child of a ratepayer in such municipality or school section ; and every such corporation, society, agent or person having the custody of such child shall be subject to the Acts respecting truancy and compulsory attendance at school, and to the penalties imposed by such Acts in the same manner and to the same extent as any ratepayer.

### Continuation Classes—Rate to be Levied for.

2. Section 8 of the said Act is amended by adding thereto the following as subsection 7 :

(7) Where the Board of Trustees of a union school section establishes continuation classes in the union school, or joins with one or more other Boards of Trustees in establishing such classes as hereinbefore provided, the Municipal Council of each municipality having the whole or part of its territory within the union school section shall levy and collect upon the taxable prop-

perty of such union school section within its jurisdiction, its proper share of the expense of establishing and maintaining the said continuation classes according to the equalized assessment of each portion of the said union school section in the respective municipalities.

#### Time for Raising Money for School Site and Buildings in New Section.

3. Subsection 5 of section 12 of the said Act as amended by section 9 of the Act passed in the sixth year of His Majesty's reign, chaptered 53, is further amended by striking out the words "the formation of such section" in the sixth line of said section 9 and inserting in lieu thereof the words "time for appealing against the by-law forming such section has expired or after the final disposition of the appeal, if any," and by adding at the end of the said subsection the words "at any time after a Board of Trustees has been elected, they may take the proper steps under the provisions of this Act to raise funds for and purchase a school site and erect school buildings."

#### Effect of Trustee who Has Resigned Continuing to Perform Duties.

4. Section 16 of *The Public Schools Act* is amended by adding the following as subsections 2 and 3 :

(2) Where after the resignation of a rural school trustee he has continued to act for three months without his right to do so being called in question by proceedings to vacate his seat, or for the holding of a new election, he shall be deemed to have continued to be a trustee notwithstanding his resignation, and shall hold office for the residue of the term for which he was elected.

(3) The preceding subsection (2) shall apply retrospectively.

#### Township Council to Pay for Maintenance of Pupils at Urban Schools and Cost of Transportation.

5. Section 21 of the said Act is amended by adding at the end thereof the following :

"And the Township Council shall pay to the trustees of such rural school section their actual disbursements for the maintenance of their pupils at, and the transportation of their pupils to and from the school they attend, not exceeding the minimum sum required by subsections 2, 3 and 4 of section 70 of this Act, to be levied, collected and applied to teachers' salaries in school sections where schools are maintained."

The said trustees shall also be entitled to receive such share of the legislative and county grants as may be determined by the Minister of Education in case the amount received from the Township Council is not sufficient to cover the said actual disbursements.

#### Powers of Trustees in Unorganized Townships.

6. Subsection 5 of section 25 of the said Act is amended by adding at the end thereof the words :

"and may at any time after their election take the proper steps in accordance with the provisions of this Act, to raise funds for and purchase a school site and erect school buildings."

#### Collection of Arrears of Taxes in Unorganized Territory.

7. *The Public Schools Act* is further amended by inserting therein the following as section 29a :

29a.—(1) Every collector shall, on or before the first day of June in the year following the year in which any school rate becomes due and payable in an unorganized township in a Provisional Judicial District, make a return to the sheriff of the district, showing each lot or parcel assessed, upon which the school rates have not been fully paid, the name of the person assessed as owner or occupant and the amount of school rates chargeable against the lot or parcel and in arrears at the date of such return with the year for which the rates so in arrears were imposed.

(2) The sheriff shall enter in the book to be kept by him for that purpose the particulars furnished by the collector as aforesaid.

(3) The collector shall not receive any payments on account of school rates so in arrears after the expiration of two years from the date when the same became due and chargeable, but in the case of payments made before the expiration of the period of two years the collector shall forthwith notify the sheriff thereof and the sheriff shall enter such payment against the proper lot or parcel in the book to be kept by him for the purpose. After the expiration of the said period of two years all such arrears shall be payable to the sheriff and the sheriff shall enter such payment in the book kept by him as aforesaid and shall return the amount so paid to the secretary-treasurer of the Public School Board.

(4) Whenever it appears from the entries in the book to be kept by the sheriff as aforesaid that any school rate is in arrears for three years from the 31st day of December in the year in which the same became payable the sheriff shall proceed to collect the same by the sale of the lands assessed and the procedure in relation to such sale and the provisions applicable to deeds, the redemption of lands thereafter and deeds to be given to the tax purchasers shall be the same as nearly as possible as in the case of the sale of lands by the sheriff for arrears of taxes in organized municipalities in a Provisional Judicial District.

#### Reference of Selection of School Site to County Judge.

8. Subsection 1 of section 37 of *The Public Schools Act* is amended by adding at the end thereof the following words :

"Unless a suitable school site cannot be obtained at such a distance, and in case of dispute under this subsection as to the location of a school site, the matter shall be referred to the County Judge, whose decision shall be final and shall not be subject to appeal."

#### By-Law to Consolidate Schools to Remain in Force for Three Years.

9. Section 41 of the said Act is amended by inserting after the word "years" in the fifth line of paragraph 3 of the said section the words :

"except a by-law to consolidate two or more sections for the purpose of providing a central school which shall, unless set aside as aforesaid, remain in force for a period of at least three years," and

By inserting after the word "effect" in the second line of paragraph 3 of section 41, the words "except as herein otherwise provided."

10. Subsection 3 of section 42 of the said Act is amended by inserting the words "except as herein otherwise provided" after the words "effect" in the ninth line.

#### Appeals as to Alteration of School Boundaries in Districts.

11. Section 42 of the said Act is amended by adding thereto the following as subsection 6 :

(6) In any judicial or territorial district the appeal shall be to a board of three arbitrators, which shall be composed of the Senior District Judge, or some person appointed by him for that purpose, the Public School Inspector and some person appointed by the township council. The notice of appeal shall be given to the Clerk of the township, the Public School Inspector, and the said Senior District Judge. The township council at its first meeting after service of such notice upon the township clerk, shall appoint an arbitrator to be a member of the said board, and the clerk of the township shall forthwith notify the Public School Inspector of such appointment.

The said Senior District Judge shall, upon receipt of the notice of appeal notify the Public School Inspector of his willingness to act as arbitrator as aforesaid, or shall appoint some person to act in his stead, and notify the Public School Inspector of such appointment.

When the Board of Arbitrators is complete the Senior District Judge, or his said appointee, shall convene first meeting of the board, and shall be chairman thereof. All the provisions of the preceding subsections of this section shall, so far as they are applicable, be binding upon the said board of arbitrators and upon all parties concerned.

#### Jurisdiction of County or District Judge.

12. Subsection 4 of section 45 of the said Act as enacted by section 29 of the Acts passed in the sixth year of His Majesty's reign, chaptered 53, is amended by adding the following paragraph :

"Provided, however, that if such question arises touching any arbitration or award to which the County or District Judge has been a party, the said summary application shall be heard and determined by the Judge of the adjoining County or District having the largest population according to the last Dominion census."

13. Sub-section 10 of section 46 of *The Public Schools Act*, is amended by inserting after the word "effect" in the first line the words "except as herein otherwise provided," and by adding at the end of the said sub-section the words "but the trustees may at

any time after their election take the proper steps in accordance with the provisions of this Act to raise funds for and purchase a school site and erect school buildings.

#### Determining Time for Maintenance of Schools in Districts.

14. Sub-section 5 of section 65 of the said Act is amended by adding thereto the following :—

“In any of the districts subject to an appeal to the Minister of Education, the Public School Inspector may determine the length of time, which shall not be less than six months, during which a school shall be maintained each year, and it shall be the duty of the trustees to maintain such school during the whole of the time so determined.”

#### Duties and Power of Trustees.

15. Section 65 of the said Act is amended by adding thereto the following as paragraphs 14, 15 and 16 :

- (14). To provide and pay for such dental and medical inspection of the pupils as the regulations of the Department of Education may prescribe.
- (15) To permit the school house and premises to be used for any educational or other lawful purpose which, in their discretion, they think proper, providing the proper conduct of the school is not interfered with.
- (16) To establish, conduct and maintain free evening lectures to the citizens at large, and in such case to include in their estimate for the current year the expense thereof which shall be treated as part of the expenses of the school or schools under their charge.

#### Expropriation of Land for School Purposes.

16. Section 68, of the said Act, as enacted by section 38 of the Act passed in the sixth year of His Majesty's reign, Chaptered 53, is amended by inserting therein the two following sub-sections as sub-sections 2a and 2b :—

“2a. A notice for lands, as aforesaid, may be desisted from at any time before any evidence is taken as to the value of the said lands, before the arbitrators appointed under this section, and in such case a new notice may be given with regard to the same or other lands to the same or any other owner, but in such case the school board or board of education giving the notice so desisted from shall pay to the owner to whom such notice was given, all damages and costs by him incurred in consequence of such notice having been given ; provided, however, that the right of desistment shall not be exercised more than once.”

“2b. Where the notice provided for in sub-section 2 of this section has been registered in the registry office of the urban municipality in which the land is situated, the notice of desistment may be similarly recorded, and such registration shall cancel the notice so recorded and be a notice to all persons whomsoever that the expropriation proceedings under the said first named notice have been desisted from.”

#### Grant for Encouragement of Physical Training.

17. Section 69 of the said Act is repealed and the following substituted therefor :—

- 69 (1) Every Urban school board shall have power to expend such sums as they may deem expedient in promoting and encouraging gymnastics and other athletic exercises provided such sums shall not exceed two hundred dollars per annum when the annual registered attendance of pupils does not exceed 3,000 and \$50 additional for each additional thousand in attendance.
- (2) Such board may also provide uniforms for classes in military drill.
- (3) Where a board of education has been established in any city or town, the allowance for games to high schools and public schools may be consolidated, and games for the high schools and public schools held on the same day.

#### Annual Accounts.

18. Sub-section 1 of section 71 of the said Act is amended by adding thereto the following paragraphs :—

“Every municipal council shall annually account for all monies collected under any rate for public school purposes. In urban municipalities such accounts

shall be rendered to the board of education or to the board of school trustees. In rural municipalities the account for each school section shall be rendered to the Secretary of the school section.

“In case the municipal council at any time has collected from the public school supporters of any municipality or school section any sum in excess of the sums disbursed on account of the public school or schools within such municipality or school section, the sum so in excess shall be credited to the Board of Education or the Board of School Trustees on whose account such excess has been collected.”

19. Subsections 1, 2, 3, 4, 5 and 6 of section 70 of the said Act, as enacted by section 39 of the Act passed in the sixth year of His Majesty's reign, chaptered 53, is repealed, and the following substituted therefor :

#### Amount to be Raised by County for Rural Schools.

70 (1) The municipal council of every organized county shall levy and collect by an equal rate upon the taxable property of the public school supporters of the whole county, (not included in urban municipalities or annexed to any urban municipality for school purposes) according to the equalized assessments of the municipalities in the manner provided by this Act and the *Municipal and Assessment Acts*, a sum which shall be equal to at least that portion of the legislative grant which is apportioned by the Minister of Education on the basis of the equipment and accommodations of the rural public schools of the county, and such sums shall be payable to the trustees of the respective schools receiving such legislative grants in the same proportions as the said grants are apportioned.

#### Amount to be Raised by Townships for Teachers' Salaries.

(2) Where the assessed value according to the equalized assessments aforesaid, for the three next preceding years of all the taxable property of the public school supporters in any township in an organized county, is at least equal to an average annual assessment of \$30,000 for each public school section therein the municipal council of such township shall, each year, levy and collect by assessment upon the taxable property of the public school supporters of the whole township (not included in urban municipalities or annexed to any urban municipality for school purposes) in the manner provided by this Act and the *Municipal and Assessment Acts*, the sum of \$300 at least for every public school where the teacher or principal teacher is engaged for a whole year exclusive of vacations, and a proportionate amount of such sum of \$300 at least where a teacher or principal teacher is engaged for six months or longer ; and the additional sum of at least \$200 for every assistant teacher engaged for a whole year exclusive of vacations, and a proportionate amount of such sum of \$200 at least for every assistant teacher engaged for six months or longer.

(3) In every organized county where such assessed value, according to the equalized assessments aforesaid for the three next preceding years, is less than an average annual assessment of \$30,000 for each public school section in any township, and in every organized township in the territorial or judicial districts, whatever its assessments may be, the municipal council of such township shall, each year, levy and collect as aforesaid the sum of \$150 at least for every public school where a teacher or principal teacher is engaged for a whole year exclusive of vacations, and a proportionate amount of said sum of \$150 at least where a teacher or principal teacher is engaged for six months or longer ; and an additional sum of at least \$100 for every assistant teacher engaged for a whole year exclusive of vacations, and a proportionate amount of such sum of \$100 at least where such assistant teacher is engaged for six months or longer.

(4) The sums so levied and collected by the council of the township shall be applied exclusively to teachers' salaries.

20. Subsection 8 of section 70 of *The Public Schools Act* is amended by inserting “and 3” after the figure “2” in the second line of the said subsection 8.

21. Subsection 9 of the said section 70 is amended by inserting after the word “ratepayers” in the fifth line, the words “and out of the legislative grant.”

[Continued on page 144.]



# Engineering Department

A. W. CAMPBELL, O. L. S., C. E., M. C. S. C. E.

## HAMILTON MUNICIPAL WORKS.

The last published report of the city engineer of Hamilton (1905) is a valuable record of the city's progress, and of municipal experience in civic services. The population of the city is placed at 59,547, the area 6,000 acres, the assessed value \$32,315,410. The water supply is taken from Lake Ontario, and is filtered through sand before being pumped to the city. The sewage disposal plant, a chemical precipitation process, was the first in

"The cast-iron pipes, which compose the supply mains and distribution system of a waterworks, form the largest part of the cost of construction. The city has been growing rapidly eastward, or towards the source of supply, and water services are being introduced rapidly, so that at the present time we have more services in proportion to the length of pipe than formerly; or in other words, the pipes, as the city grows, become more productive of revenue.



BRICK PAVEMENT ON CANNON STREET, AT ELGIN STREET, HAMILTON

Canada. The city, while becoming famous as a manufacturing centre, has the advantage of being situated in one of the most picturesque as well as fertile areas of Ontario.

The following paragraphs are from the report of Mr. E. G. BARROW, city engineer, or other officials of his department.

### Waterworks.

"Our source of supply being Lake Ontario, distant five miles from the centre of the city, makes it necessary to have large supply mains leading from the pumps to the city in order to avoid loss of head by friction, which increases directly as the length of pipe, and is decreased very largely by the size. This makes the cost of construction in our city greater than those where the source of supply is close at hand.

"The pressure in the pipes is greater than it has ever been since the waterworks were established, and since the construction of the James street reservoir the fluctuation in pressure, which was so frequent under the old system of pumping direct with standpipe, has entirely disappeared.

"The expense of lifting water by pumping, so far as the fuel is concerned, is nearly in direct proportion to the height lifted, so that any pressure in excess of that actually needed is so much money wasted, and may be a source of weakness, as leaks and break-downs are more likely to occur with increased pressure.

"Buildings have of late been greatly improved as regards fire proof materials, fire walls, etc., and the large factories and other large industries and institutions have introduced the automatic sprinkler systems, so that in the future, immunity from fire will be expected as much from

improved building construction and devices, such as the automatic sprinklers, as from the ordinary water supply.

"The purchase of a Smith Tapping Machine and of a Rotary Pump, driven by a gasoline engine, have made a splendid addition to our waterworks equipment. Some years ago the purchase of these were recommended, and it seems almost incredible that we should have been left so long without these most useful and almost indispensable articles.

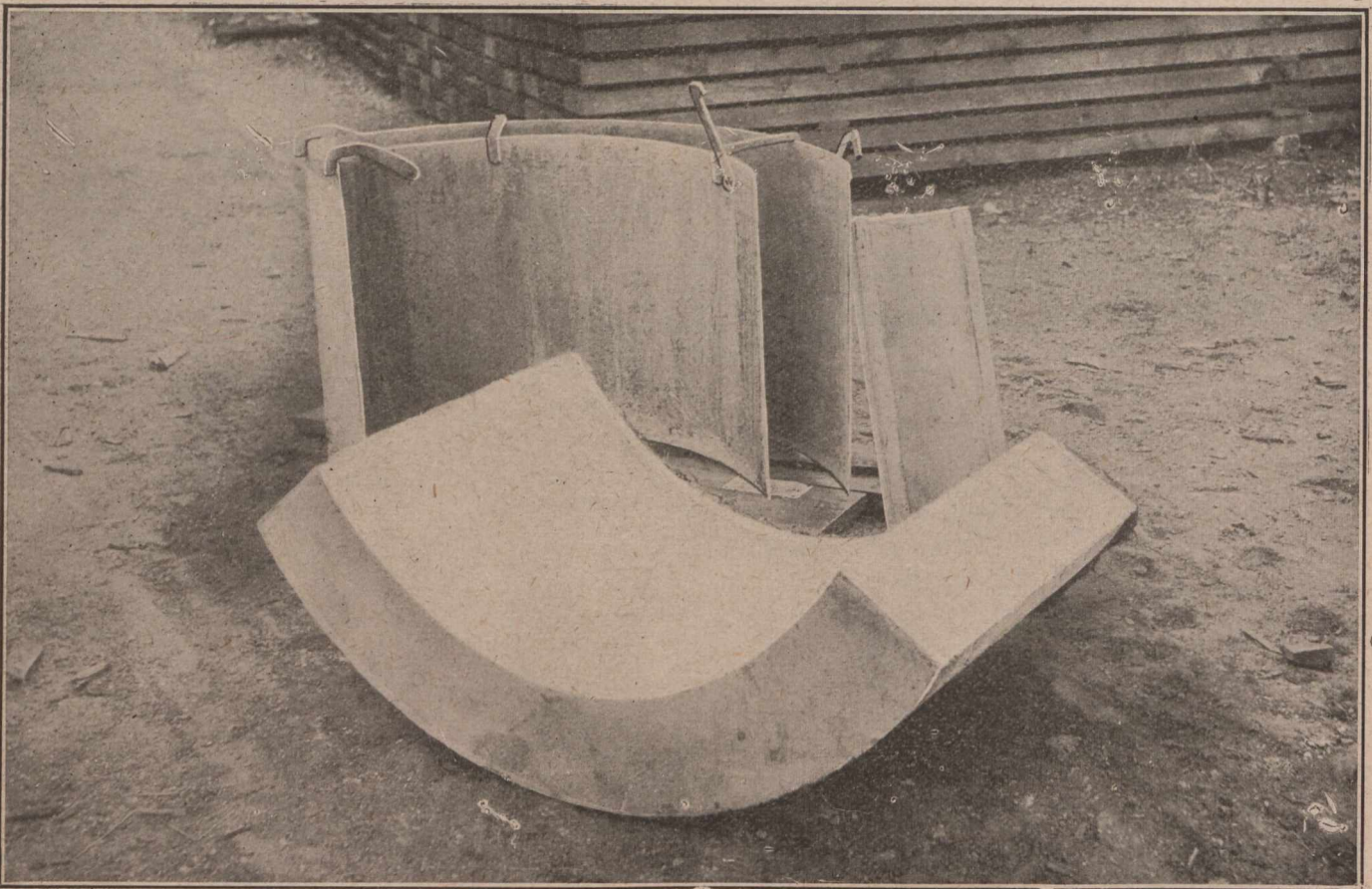
"The water is of good quality, especially for ordinary domestic use, and judging from the few deaths from typhoid fever which have occurred in our city, it would rank far above most cities in the United States and Canada, and is excelled only by that obtained through the various filtering plants in Germany, Holland and a few cities in Europe.

"In view of the vigorous advocacy of the concrete construction idea early in the year, it may appear some-

service stop cock is located, measured and registered.

"In my last report, I strongly urged the installation of water meters on large consumers. There were not as many placed in service during the year as I had hoped for. In 1906 I trust that a large number will be installed. The prime reason why I urged for the use of a greater number of meters is that it will inevitably bring about one of two desirable results: It will either increase the income or decrease the consumption; and it will do both, particularly the latter. This statement is made from knowledge gained from practical experience.

"There are 219 meters in service. These meters registered 323,866,000 gallons for the three-quarters (9 months) of this year, or at the same ratio for the four quarters (12 months) 404,832,000 gallons. Of this amount 353,536,000 gallons are paid for at a rate per 1,000 gallons.



TOP SECTION OF THREE-FOOT CONCRETE SEWER CONSTRUCTED WITH MUCH SUCCESS IN HAMILTON

what surprising that more buildings of this class have not been erected. The fact is, however, that this class of construction leaves so many openings for sharp practice on the part of contractors that but few have cared to take the risk involved. My department has had considerable trouble during the year with contractors on this class of work, and in several instances work has been ordered down because of the poor quality of the material used. Until such time as concrete construction is undertaken by reputable contractors, and carried on by capable workmen in a careful manner, it will not likely become a popular building method.

"It is my intention as soon as the snow leaves the ground in the spring to commence to take the measurements, as regards locations, of all service stop cocks, and register them in an appropriate book for the convenience of the department. This will be continued until every

#### Street Improvements.

"The plant of the Kramer-Irwin Company was taken over and operated by the city. A good many repairs had to be made before it was in good running order. The repairs to the asphalt pavement were made at a cost of 98 cents a yard, whereas the price by contract was from \$1.25 to \$1.40, a difference of about 33 cents a yard in favor of the work done by the city, and as there were 10,058 yards re-paved, this would make a total saving of \$3,319.00 for the year, which proves that the purchase of the plant was a good investment, although the plant cannot be classed as up-to-date. The tar-macadam was repaired on King William street, between James and Hughson streets, by placing asphalt on the macadam sub-structure, and has made a good road. The same was done on York street, but owing, probably to the lateness of the year, when this work was done, it did not

prove quite as good as that on King William street. The difficulty with asphalt is that it requires so much attention to prepare it. The quality and quantity of sand required depends on the amount of bitumen contained in the asphalt, and to obtain this information resort has to be made to chemical analysis. Unless these conditions are observed failure will likely ensue.

"The cement sidewalks were laid at an average cost of 12.3 cents a square foot this year, as against 13 cents last year. The total length laid was 18.9 miles. In 1904 16.58 miles were laid; 32,257 lineal feet of cement curb were laid in 1905 at a cost of 33.06 cents per lineal foot.

"The demand for this class of sidewalk does not diminish, and it looks probable that there will be quite a large amount laid in 1906.

"Without a doubt the permanent pavement giving the greatest satisfaction is the vitrified brick, laid on a 6-inch concrete base.

"Gravel roads for streets where the traffic is not great have proven very satisfactory. The fault with the macadam is that the stone is not uniform enough in quality. The tarmacadam has done well on residential streets, and is liked much by those driving over it.

"During the year the question of doing road work under the local improvement system was discussed. The sewers for many years and also the sidewalks have been constructed under this system, and from enquiries made it was found that such was the plan adopted by most cities with their roadways. It did not meet with much favor, but I believe the time will come when this principle will have to be adopted in our city for constructing the roadways.

Sewers.

"For the first time in this city a large sewer was constructed of cement and has proved superior to brick both as to cost and in the smoothness of its surface. It

is probable that hereafter all trunk sewers will be built of this material. By-laws were introduced prohibiting the fouling of gulley drains and injury to common private sewers.

"A plan showing the site of the proposed west end sewage disposal works was prepared and submitted to the Provincial Board of Health, and was approved of by that body after an inspection had been made by Dr. HODGINS and a Government engineer.

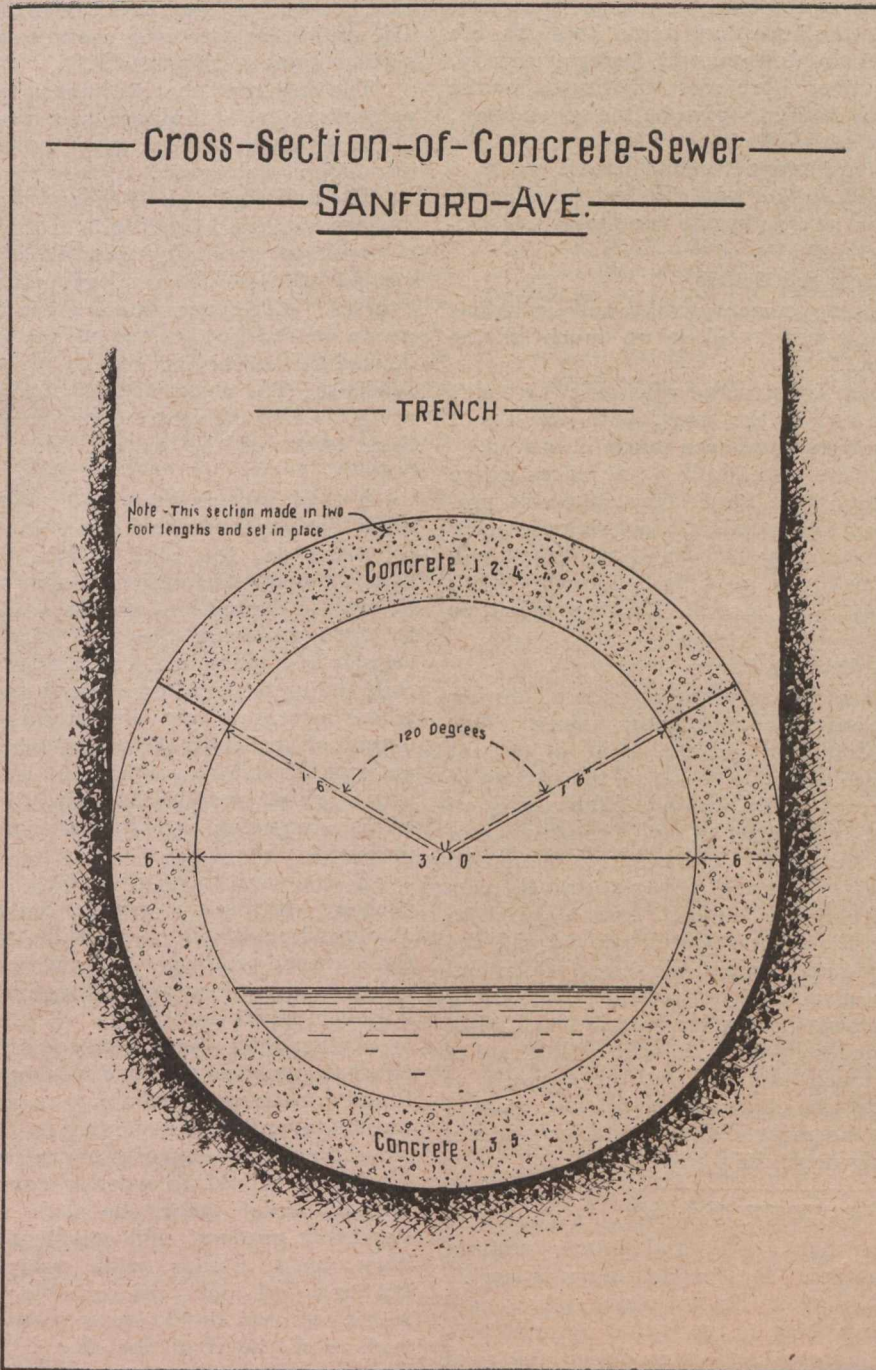
Street Cleaning and Sprinkling.

"In carrying out this important work during the year the idea of using the least possible amount of water and removing the dust from the roads at frequent intervals was pursued with gratifying results, and the work of sweeping the streets at night was most satisfactory. The expenditure under cleaning account was \$14,304.69, and for street watering account \$11,757.97, to which should be added \$3,338.51 spent cleaning asphalt paved roadways, making a total expenditure under the cleaning and watering account of \$29,401.17.

"Though the mileage has been considerably added to during the year, it has been found possible to do the watering work with 22 carts, but on occasional windy days these were augmented by the addition of some six or seven extra carts. The season commenced much earlier than in the year 1904, and the carts were out a total of 4,853 hours more than in the year 1904, and 15,-

485 loads more water were used. The first watering was done March 31st, and the work was practically completed on October 30, but a few carts were out odd day after that.

"On account of the increased mileage, and to keep the number of carts employed down to 22, it was found advisable to alter two of the old style carts and fit them out with Studebaker sprinklers. These sprinklers have been found capable of throwing the water farther, thus allowing the cart to cover very much more ground, and it is now pro-



CONCRETE SEWER IN HAMILTON

posed to add these sprinklers to four more carts.

"This year we also adopted a standard color (yellow for tank and red gear) for all the carts. This yellow color, I may say, makes the cart easily distinguishable at a distance, and helps the foremen, in this way, considerably in the carrying out of the work, besides making a rather nice appearing cart. The work of repairs has been done as much as possible by the men in the employ of the department.

"Considerable difficulty has been experienced in getting a satisfactory brand of hose for use on the carts. We had been using cotton hose, but found that its life was short, frequent repairs and renewals being necessary. Later in the year rubber hose was substituted for the cotton hose. This was found to give better satisfaction, but still we are not satisfied that we have yet got the proper article, and intend to experiment further.

"The asphalt paved streets were flushed periodically at night throughout the season by the carts with satisfactory results.

#### Curbs and Gutters.

"The work of laying cement walks and curbs has again, as in the past few years, taken up much of the time of the department.

"Cement curbs were constructed whenever the walks were placed inside the line of the trees, with the result that the streets and gutters have been much improved.

"Cement gutters were also laid in a few places where the grades of the streets were very steep, thereby preventing the washing out of macadam alongside the curb.

"The work of constructing curbs and gutters should be gone on with as speedily as possible, as much saving in the wear of streets and also in cleaning would be effected.

#### A Concrete Sewer.

"The most important sewer work considered during last year was the Sanford avenue main sewer. This sewer is 36 inches in diameter and was built of cement concrete. Moulds were correctly placed in the bottom of the excavation to line and grade, these moulds being of such dimensions that two-thirds of the circumference of the sewer could be constructed. The concrete, composed of 1 part cement, 3 parts sand and 5 parts gravel, was thoroughly rammed around the moulds and allowed to firmly set, after which the centres were removed and the remaining one-third or upper part of the sewer, which had been previously made in sections two feet long, according to the diameter of the sewer, were lowered in place, after which filling was immediately gone on with. The rate of progress was very much impeded by the quantity of quicksand, which had to be contended with, but there is no doubt that this is the most durable and economical method of constructing large main sewers."

#### DRAINAGE OF ROADS.

Give up the idea that gravel and stone, without drainage, will make a road. Road construction is largely a matter of good drainage. Do not waste gravel and broken stone by putting them on roads that are not properly drained. The natural soil over which the road passes must be kept strong enough to support traffic. Dry earth will do this. Wet earth will not—for wet earth is mud, soft and yielding, whether on the surface or below it. Mud below a bed of gravel is worse than mud on top of it. In considering the improvement of a road, and its drainage, the following are important:

(1) Consider the main water courses crossing or adjacent to the road, which can be used as outlets, and the natural slopes of the road to these.

(2) Then grade the road, and the open drains at the side, so that water will flow steadily to these outlets.

(3) Every side drain should have an outlet; nor should depressions be left at the side to hold water.

(4) Place culverts under the road wherever needed to provide an outlet for the water.

(5) Crown the road well so that water will flow readily to the side drains.

(6) Dispose of the water in small quantities. Do not carry it in long ditches past natural outlets, to avoid making culverts.

(7) Lay tile drains to lower the water line. In general, tile without gravel is better than gravel without tile. Tile drains are especially useful to underdrain hills where springs come to the surface.

The only road that will not be improved by the most perfect system of drainage that can be given it is a road of pure sand. In all other cases every dollar put into drainage is well spent.

The drainage usually found on existing roads consists of open ditches on each side of the graded portion, with a depth of about eighteen inches. They are frequently carried through rises of ground, past natural water courses. Little attention is given to the regularity of the grade in the bottom, or to the amount of fall, as evidenced by the varying depths of stagnant water at wet seasons. The object of these drains was more to procure earth to raise the centre of the road above the water line than to lower the water. Very often they have no outlets.

A road that is built and maintained with a view to good drainage is almost certain to be a good road. If this is done, the road surface will be kept hard and smooth, and sufficiently crowned, so that water will not lie on it in depressions or ruts, but will flow immediately to open drains at the side. These drains will have a regular and constant fall to a free outlet. Further than this, the under-flow, or sub-soil water, will be removed where necessary by tile drainage. The method and extent of drainage must depend largely upon the character of the soil over which the road passes; clay, loam, gravel, sand, swampy, springs, flat, undulating, are all terms suggesting conditions that modify the plan of drainage.

A drain without an outlet is useless—or worse than useless. If there is not an outlet, the water is held in elongated ponds by the roadside, to soak into and soften the travelled roadway. This water is drawn up into the entire roadway just as a sponge will absorb water, and hold it in all its pores.

Rather than spend money year after year in a useless effort to maintain the road without drainage, it will be found a measure of economy to at once provide proper outlets, even if it is necessary to carry the drain a considerable distance across private property.

A road should, in order to construct it economically, without hand labor, be such as modern machinery, especially graders, will readily form. For this reason, deep, open ditches, with sharp angles and narrow bottoms, are not now suitable; but instead, a cross-section of road should show gentle curves, the rounded surface of the road not sharply defined from the ditch. The latter should be about two feet wide in the bottom, where a wheeled scraper can work, and about eighteen inches in depth. The crowning of the road materially aids surface drainage, shedding water to the side drains. Roads should be well crowned when first constructed, as the tendency is to settle and become too flat. A well-rounded road will last much longer than one that is too low and flat.

Mr. W. M. MORRISON, of Presque Isle, has been appointed clerk of the township of Sarawak to fill the vacancy caused by the death of the late clerk, Mr. JOHN MCKENZIE.

# QUESTION DRAWER

Subscribers are entitled to answers to all Questions submitted if they pertain to Municipal Matters. It is requested that all facts and circumstances of each case submitted for an opinion should be stated as clearly and explicitly as possible. Unless this request is complied with it is impossible to give adequate advice.

Questions, to insure insertion in the following issue of paper, should be received at office of publication on or before the 20th of the month.

Communications requiring immediate attention will be answered free by post, on receipt of a stamped-addressed envelope. All Questions will be published unless One Dollar is enclosed with request for private reply.

## Proceedings to Fill Vacancy in Council.

332—J. McD.—One of our municipal councillors after attending two sittings this year has moved out west and will not be here for any more sittings this year. What are the legal proceedings for the municipality to take now to fill the place?

It does not appear that the member of the council has resigned in accordance with the provisions of section 210 of The Consolidated Municipal Act, 1903. His seat does not therefore become vacant until he has absented himself from the meetings of the council for three months without being authorized so to do by a resolution of the council entered on its minutes. (See section 207 of the Act). After the member of the council has thus been absent from the council, the council should declare his seat vacant, and the proceedings prescribed by section 212 of the Act should be taken to fill the vacancy.

## Jurisdiction of Fenceviewers—Damages for Trespass of Animals.

333—W. J. H.—Have township fenceviewers jurisdiction over fences along public highways? I see in April issue that a farmer may throw down his road fences and then collect damages if cattle destroy his crop. Kindly let me know if the same law applies to sheep, and if that law applies to this district? Our township is incorporated.

Township fenceviewers have nothing to do with fences between the highway and owners of adjoining lands. The balance of the question is governed by section 94 of chapter 109, R.S.O., 1897, which provides that "No damages shall be recovered in respect of injuries committed in any of the said Districts upon any land by horses, cattle, sheep, or swine straying upon such land, unless the animal so straying was running at large contrary to a municipal by-law in that behalf, and where no by-law prohibiting or regulating the running at large of the class of animals to which the animal trespassing belongs, is in force in the municipality, township or place, then no such damages shall be recovered unless such animal has broken through or jumped over a fence then being in reasonably good order and of the height of four and one-half feet; but this section shall not apply to breachy or unruly animals."

## Assessment of Fixed Machinery.

334—J. Y.—Are the boiler, engine and general machinery of a steam saw mill assessable? Clause D of sub-section 7 of section 2 of The Assessment Act, chapter 23, 4 Edw. VII., in conjunction with section 5 of same Act seems to say it is, while sub-section 16 of section 5 also of same Act seems to exempt all such machinery when used simply for manufacturing or farming purposes (and I suppose cutting logs into lumber is manufacturing).

If the boiler, engine and machinery are attached to the land or buildings thereon, they are fixed machinery used for manufacturing purposes, and are exempted from assessment and taxation by paragraph 16 of section 5 of The Assessment Act, 1904.

## Duties of Collector as to Seizure for Taxes.

335—T. R.—The James Bay Railway runs through the township of R. I notified them about November 5th to pay their taxes

before December 15th, but they did not do so until the latter part of January, and would not pay statute labor. I put an ad. in the newspaper calling upon all delinquents to pay up by February 25th, I wrote to J. B. Ry. Co. on Feb. 26th, telling them to pay at once. but they paid no attention. They claimed when they paid the other taxes that the laws of Ontario did not compel them to pay statute labor. On March 16th I went and seized on some timber and ties that had been used in wooden bridge. On 18th I advertised it by posting up six notices in conspicuous places. I also called on station agent and reported seizure to him, and told him to wire the company. He said he thought the timber belonged to Mr. S., head contractor. I said, if so, let him send me an affidavit, sworn to, and I would release timber. On 22nd the company sent the amount in dispute, but no costs. I answered the letter on the 23rd, telling them to send costs before 12 o'clock on 25th, or sale would take place at 2 p. m. on the 25th as advertised. I did not hear from them and went on with the sale and sold nine pieces of timber to three parties, amounting in all to \$16.65. The costs I charged are: Seizure, 50c.; mileage, 9 miles, \$1.00; advertising, 45c.; selling, \$1.00; mileage to sell, \$1.00, and \$1.50 per day to man to watch timber and ties (7 days \$10.50), making in all \$14.45. The balance I sent to the township clerk. On the 27th I was notified by railway company that the timber belonged to Mackenzie & Mann and not the railway company, and they would hold me personally responsible for my illegal act. They wrote also to purchasers of timber threatening to prosecute them if timber was not taken back. What I want to know is:

1. Was what I did lawful?
2. Can they hold me personally responsible?
3. Can they hold township or purchasers?

1, 2 and 3. If the timber was the property of Mackenzie & Mann, the collector and purchasers are all liable in damages for wrongful conversion.

## Method of Expending Commuted Statute Labor Moneys.

336—J. J. D.—In this municipality people who do not perform their road labor during the time it is being done usually pay it to the tax collector, as it is charged on their tax notice. Then the pathmasters the following year for the different road divisions do the expending of what amount belongs to each division.

Our council is of the opinion now that the money is usually poorly expended, and would like to know if they could not direct the expending of commutation money in the treasury so long as they expend the full amount coming to each division in the division it belongs. They propose appointing a commissioner to give out jobs to the lowest bidder where the work is most needed. Kindly give your opinion on this matter.

We are of opinion that the council's idea as to the expenditure of money paid in as commutation for statute labor, a good one, but that the council has no legal authority to carry it out. The positive provision of sub-section 2 of section 15 of chapter 25 of The Ontario Statutes, 1904, must be observed. This sub-section enacts that "in every such case (that is where statute labor has been returned by the pathmaster as unperformed, and the commutation money therefor has been placed on the collector's roll and paid to the collector) the clerk shall notify the overseer of highways, who may be appointed for such division in the following year, or after it has been collected, of the amount of such commutation, and the overseer shall expend the amount of such commutation upon the roads in the statute labor division where the property is situate, and shall give an order upon the treasurer of the municipality to the person performing the work."

**Power to Sell Road Grader—Penalty for Using Poisoned Bait.**

337—A. X.—1. Some years ago our council purchased a road grader. The present council wants to sell it, if possible, to some private person in the municipality. Can they legally do so, and how?

2. A trapper is reported to be using poisoned bait for game in close proximity to a settlement. Several dogs have been poisoned and died from the effects of it. The trapper has practically admitted his guilt, he having promised to procure another dog in place of one poisoned.

A. How close to settlers' premises can a person legally use poisoned bait?

B. What is the penalty for using it too close to occupied premises?

1. If the council has no further use for the grader, we see no objection to its selling it to such person as it sees fit, and for what it considers the most advantageous price. We think it would be advisable to pass a by-law making provision for the sale.

2. Sub-section 1 of section 10 of The Ontario Statutes, 1900, provides that "No person shall take or kill any game animal or bird by the use of poison or poisonous substances, or expose poison, poisoned bait or other poisoned substances in any place or locality where any game animal or bird, or any dogs or cattle may usually have access to the same."

3. Sub-section 1 of section 29 of the above Act provides that any person who commits any offence against the Act other than under sections 14 or 17, shall be liable for each offence to a fine not exceeding \$25 and not less than \$5.

**Salary of Medical Health Officer.**

338—J. J.—The council of B. engaged a medical health officer at a salary of \$5.00 a year. Is he entitled to his pay whether he is called upon or not?

Yes, unless otherwise provided by the terms of his engagement.

**Presiding Officer at Council Meetings.**

339—J. H. M.—In a town where there is a mayor and reeve, should the reeve preside at the meeting in case of the mayor's absence?

The reeve or any other member appointed for the purpose by the council may preside at a meeting of the council in the absence of the mayor. The reeve has not this right simply because he is the reeve, and unless he has been appointed to the position by the council. Section 273 of The Consolidated Municipal Act, 1903, provides that "in the case of the absence of the head of the council from illness or any other cause, or in case his office is vacant, the council may, from among the members thereof, appoint a presiding officer, who during such absence or vacancy shall have all the powers of the head of the council."

**Assessment for Public and Separate School Purposes.**

340—CLERK—1. A Protestant leases or buys a piece of property assessed in a separate school and moves upon it. How may he make use of the nearest public school? State necessary proceedings.

2. A Catholic leases or buys a piece of property assessed in a separate school and moves upon it. How may he make use of the nearest public school? State necessary proceedings.

3. A Catholic bought a piece of property 15 years ago that was at that time assessed to a public school. Since then he has had it assessed to a separate school (without filing notice). He now wishes to have part of it assessed back to the public school. What is the necessary procedure?

1. This owner or lessee should be assessed as a public school supporter in the school section, in which the land he occupies is located. If he has been wrongly entered on the assessment roll as a separate school supporter, he should apply to the council for the purpose of

having the mistake remedied, under the authority of section 50 of The Separate Schools Act (R. S. O., 1897, chapter 294).

2. If this owner or lessee wishes to withdraw his support from the separate school, and to be assessed as a public school supporter in the section in which the land he occupies is located, he should give to the clerk the notice in writing mentioned in section 47 of the above Act.

3. He should give the notice referred to in our reply to question number two, specifying in the notice which part of his property he wishes withdrawn from the support of the separate school.

**Investment of Municipal Funds.**

341—J. McC.—Section 420, chapter 19, Consolidated Municipal Act, 1903, provides that sinking funds that cannot be immediately used shall be invested in Government securities, municipal debentures, or in first mortgages on real estate held and used for farming purposes, and being the first lien on such real estate, or in local improvement debentures of the municipality.

Are we to assume that we can invest our sinking funds in the debentures of another municipality but not in the debentures of our own municipality?

We are of opinion that a council cannot invest any of the funds mentioned in the section quoted in any of its own debentures, except those issued for local improvement purposes, or in debentures of the municipality which are approved by the Lieutenant-Governor by order-in-council. This mode of investment is specifically authorized by sub-section 1 of this section, in the ninth line.

**Power of Local Boards of Health as to Appointment, Dismissal and Fixing Salaries of Officers.**

342—S. S.—1. Has the local board of health power to dismiss the sanitary inspector on any infectious disease when the epidemic is over and all the places in the municipality have been disinfected?

2. Has the local board of health power to set their salaries and that of the medical health officer and the sanitary inspector as regards an infectious disease when it is going around in a municipality?

3. Has the secretary of a local board of health a vote at the board?

1. The local board of health has nothing to do with the appointment or dismissal of a sanitary inspector. The council only has authority to do this. (See section 31 of The Public Health Act, R. S. O., 1897, chapter 248).

2. The Act makes no provision for the payment of salaries to members of a local board of health in a township, and the local board has no power to fix the salaries of the medical health officer, or sanitary inspector. This is the province of the council as provided in section 31 of the above Act.

3. Since this municipality is a township the clerk is ex-officio a member of the local board of health, as provided in section 48 of the above Act, and he has the same voting powers as any other member of the board.

**Procedure at Council Meeting.**

343—J. R.—Is it or is it not good procedure after the minutes of the former meeting have been read, and previous to their being signed, to put a motion that a clause in the report of committee, and which report had been adopted by the council, be struck out of such report, and that the minutes be then signed, or should the minutes be confirmed as being a correct record of the proceedings of the previous meeting, and at a proper stage in the order of business a resolution to expunge the clause sought to be repealed be presented and voted upon by the council?

The minutes of a council meeting are simply a true record of what business was actually transacted at the meeting. If they have been correctly transcribed, they should be confirmed as read at a subsequent meeting. A motion to adopt or confirm the minutes should not embody or be supplemented by any original matter, for

instance the alteration or expunging of any resolution passed or report adopted at the meeting, of which the minutes are under consideration. Matters of this kind should come up at a subsequent meeting in the way of a motion for the reconsideration of the resolution or clause in the report to which objection is taken.

#### Contents of Summary of Assessment Roll.

344—J. G.—When the clerks of local municipalities fill out and send to the county clerk a summarized statement of the contents of the assessment roll, should the value of real property exempt from taxation or liable for local improvements only be included in the total assessment?

We are of opinion that it should be so included.

#### Liability for Statute Labor—Assessment of Hired Help.

345—J. S.—Where owners of property have their hired men assessed with them, does that relieve said men from performing statute labor? And if not, are they amenable to the law enforcing the performance of such labor?

Although we do not think the assessor has any authority to assess a hired man with the owner who employs him for the latter's land, unless the former is the actual owner or tenant of some part of it, still, if he is so assessed, he is "otherwise assessed" within the meaning of sections 4 or 5 of chapter 25 of The Ontario Statutes, 1904, and cannot be compelled to perform the statute labor mentioned in either of the above sections. This is a matter that should be adjusted by an appeal to the Court of Revision.

#### Power of Council to Borrow Money for School Purposes.

346—A. J. M.—With further reference to your reply of the 28th ult., re Public Schools Act, I enclose a letter from the Department for your consideration. Does this change your view of the question?

DEAR SIR,—I am directed by the Minister of Education to acknowledge yours of the 13th inst., and to say in reply that the intention of the Act is that the township council shall make such provision as will insure the trustees having funds for the payment of the teachers' salaries before the taxes are collected. It has been concluded that as the township officers are more familiar with financial matters than the trustees, the council should raise the funds instead of the trustees borrowing on their promissory notes.

I have the honor to remain  
Your obedient servant  
(Sgd.) A. H. U. CALQUHOUN  
Deputy Minister of Education.

No. We never had any doubt as to the correctness of the opinion we originally expressed on this question. At its recent session the Legislature confirmed our view of the matter by passing the following amendment which appears in section 9 of The Municipal Amendment Act, 1907: "Sub-section 1 of section 435 of The Consolidated Municipal Act, 1903, is amended by adding after the word 'corporation' in the sixth line thereof the words 'and such further sums as may be required to be paid to the treasurer of the respective public school boards from time to time upon a requisition of the school trustees as provided for by The Public Schools Act.'" Had the Deputy Minister's contention been correct, the passing of this amendment would have been unnecessary and uncalled for.

#### Power of Council to Borrow Money for School Purposes.

347—J. R.—I enclose circular published by Inspector of Schools in Northumberland county on the very thing that has been troubling the board of trustees in our township, and at the last meeting of the council the reeve read from THE MUNICIPAL WORLD question No. 262 and answers to same, and by so doing satisfied the trustees (for the time at least).

What are your views on this sheet?

Cobourg, April 24th, 1907.

*Township Councils and Trustees of Rural Public Schools:*

GENTLEMEN,—In many quarters there seem to be conflicting

views and consequent mistakes regarding the powers of township councils in the matter of requests from boards of trustees for money to meet the payment of teachers' salaries quarterly. It seems that THE MUNICIPAL WORLD has advised councils that it is illegal for them to borrow money for such a purpose. On hearing this, I at once wrote to the Department for advice, as I left the impression throughout the county last term that, if any board of trustees had not a sufficient sum to pay its teachers quarterly, it could issue an order on the township treasurer for the amount and it would be honored. This would ensure quarterly payments with no inconvenience to trustees. The following reply will set at rest all doubts as to the duties of the several parties interested:—

Toronto, April 11th, 1907.

DEAR SIR,—I am directed by the Minister of Education to acknowledge receipt of yours of April 8th, and would say in reply that the Schools' Act requires that the township council shall make provision for the payment from time to time of such sums as may be required by the trustees for teachers' salaries even before the taxes are collected. The amount would not necessarily be confined to the \$300.00 township grant.

I have the honor to remain  
Your obedient servant,  
A. H. U. CALQUHOUN,  
Deputy Minister of Education.

A. ODELL, ESQ.,  
Inspector Public Schools,  
Cobourg, Ont.

In this, as also in all other matters, I have only to mention the law for a prompt and cheerful compliance. You will kindly see that teachers receive their salaries quarterly, if not now so paid.

One other matter closely allied to the foregoing must be given attention. The official seal of the section will be used much more frequently hereafter on account of these orders and it is important that only such seals should be used as will leave distinct and clean impressions. The lamp-black seal must be ruled out, as no treasurer will care to handle dirty official papers. The Cramahe township council refused to honor orders that have not the impress of the seal right in them and other townships might very well follow its example in this. A pad of blank orders will be sent out shortly to each board of trustees to be used in making payment of salary.

I have the honor to be,  
Your obedient servant,  
A. ODELL,  
Inspector.

P. S.—Official seals may be ordered through the township clerk.  
A. O.

The contents of the circular do not incline us to alter the opinion we have invariably expressed on this question in the slightest particular. As additional proof of the correctness of our opinion, we may say that the Legislature at its recent session took our view of the matter, and enacted an amendment to section 435 of The Consolidated Municipal Act, 1903, which grants to municipal councils the power, which we held they did not formerly possess, namely, to borrow money for the purposes of section 70 of The Public Schools Act, 1901, as enacted by section 39 of chapter 53 of The Ontario Statutes, 1906. We are in receipt of The Municipal Amendment Act, 1907, which is published in full in this issue, and it will be seen that sub-section 1 of section 9 of the Act provides that "sub-section 1 of section 435 of The Consolidated Municipal Act, 1903, is amended by adding after the word 'corporation' in the sixth line thereof the words 'and such further sum as may be required to be paid by the treasurers of the respective public school boards from time to time upon a requisition of the school trustees as provided for by The Public Schools Act.'"

#### Jurisdiction Over Gravel and Sand on Lake Shore.

348.—W. T. U.—A great amount of discussion has taken place the last year or so as to the rights of the public and property owners along the lake (Huron) shore. Farmers have been forbidden to take gravel off the shore by persons owning summer resorts. The owner's claim that they own the land to the water's edge, and can fence it if they wish, excluding the public altogether. It has always been believed that a road allowance is reserved above high water mark.

1. Can owner's fence and control the land to the water's edge along the lake shore?

2. Can they forbid people from putting up tents and camping along the shore by their property?
  3. Is there a road allowance reserved along the shore above high water or low water mark?
  4. If owners cannot control the land to the water's edge, to whom will persons wanting gravel and sand have to apply—the municipal council or government?
1. Yes, unless there is some provision to the contrary in the deeds under which they claim title to their lands.

2. Yes, unless there has been some reservation of the lake shore for public purposes.

3. Not unless it was so reserved when the municipality was originally surveyed, or has since, by lawful authority, been opened and established as a public highway.

4. As stated in our reply to question number one, unless some provision has been made to the contrary, the owners of lands adjoining the lake control them to the water's edge, including the gravel and sand thereon. If, in granting patents for the lands, the Government reserved the lake shore, applications for sand or gravel should be made to the Government. If there is a road allowance along the lake shore, the council of the municipality controls the gravel and sand thereon.

#### By-Law Regulating Height, etc., of Fences.

349—J. H.—Our council intend to amend the by-law to regulate the height and description of line fences so as to conform more particularly to the modern woven wire fence. As there is a large number of line fences already built of wire and of different heights and number of wires, it does not seem quite clear how they can pass a by-law and allow fenceviewers to enforce it without causing some disturbance.

The council, by its by-law, has no authority to interfere with the height or description of existing fences in the municipality, without providing for compensation to owners required to alter the nature of their fences in order to conform to the requirements of the by-law, to the extent of the extra expense such change would involve. In deciding disputes referred to them after the by-law has been passed, the fenceviewers should be guided by the provisions as to the height and description of fences awarded to be constructed.

#### Assessment of Tenant.

350—W. J. C.—A. lives in one municipality and his business calls him into another municipality every week day throughout the year where he rents and uses a stable. Has he a right to be assessed in the latter municipality as a tenant?

Yes.

#### Assessment of Lands for School Purposes.

351—H. E.—Our school section is only about one-third settled. About a dozen farmers in the section have a fair clearing, and fair buildings, and the other third have small clearings. Part of the two-thirds is taken up with speculators not living in the section, and doing no clearing or road work, while the rest of the farmers are working hard to clear their farms and build roads right past the uncleared lot. The speculators, and some of the farmers with small clearings, want to have the section assessed by valuation and make about a dozen men pay nearly all the taxes, and they claim they will not pay their taxes unless it is assessed by valuation. We called a vote of the section and it was carried unanimously to assess the same as we had in the past, that is, \$1.00 per acre for bush land and \$3.00 per acre for cleared land, and the settlers that came in here and worked hard to clear up their land and build up the country, think they are paying enough when they pay \$3.00 for every \$1.00 that the man with the bush pays, and the most of the men with a fair clearing have never received any good of the school, nor are they likely to get any good of it.

1. The trustees do not want to assess by valuation of the property and buildings, but if it is the only legal way, have the implements to be valued too? We have no municipality.

2. If we assess the section by valuing all cleared land at \$3.00 per acre, and all bush land at \$1.00 per acre, and call a court of revision for the correction of any errors there are, due notice having been given for the inspection of the roll, and the assessment roll

signed by the Chairman and Secretary of the court of revision, can we legally seize and sell anything the owner has on the lot if he will not pay his taxes?

1 and 2. Neither the trustees nor their assessor have or has any authority to arbitrarily fix any definite sum per acre for the assessment of all lands in the municipality, regardless of their location, the nature of the soil, buildings thereon, nature and quantity of timber, etc. All lands should be assessed at their actual value, under all the circumstances of each particular case, as required by section 36 of The Assessment Act, 1904. This applies to the assessment of lands in school sections in unorganized townships, as well as in organized municipalities. If there is no appeal against an assessment, or if there is an appeal, and the Court of Revision confirms or alters it, the owner of the land must pay his proportionate part of the taxes calculated on the amount of the assessment, and if he does not pay the taxes, the collector may seize his goods and sell them to realize the amount, as provided in section 103 of the above Act. Farm implements cannot be assessed.

#### Park Commission a Corporate Body.

352—J. McC.—The council of our municipality appointed a member of the civil service to be a member of the board of Park Management, and it appears that a rule of the civil service forbids any member accepting a corporate office. Would you consider a park commission, appointed under the Public Parks Act a corporate body?

We are of opinion that a park commissioner is the holder of a corporate office. The board of park management is distinctly constituted a corporate body by section 5 of The Public Parks Act. (R. S. O., chapter 233).

#### Qualification of Farmer's Son—Duty of Assessor to Place Number on Roll.

353.—O. B.—1. Has a farmer's son the right to be placed on the voters' list as farmer's son if the father is not owner but is a lessee of a farm and together with his father lives and works on the farm?

2. Whose duty is it to place the numbers on the roll—that of the assessor or the clerk?

1. If the farm actually occupied by the father is not less in quantity than twenty acres, and the father is a leaseholder of the farm, the term of whose lease is not less than five years, and the son or sons possess the other qualifications mentioned in clause "fourthly" of sub-section 1 of section 86 of The Consolidated Municipal Act, 1903, he or they is or are entitled to be placed on the municipal voters' list as a farmer's son or sons.

2. This is the duty of the assessor. Sub-section 3 of section 22 of The Assessment Act, 1904, provides that "the assessor shall set down the particulars in separate columns as follows:

Column 1—The successive number on the roll, etc."

#### Compelling Removal of Fences from Roadways.

354—E. G. H.—The Government built a bridge over a river in our township to connect two roads. Said bridge was built on a proper line. There are about thirty rods of road to open from bridge to one of the roads. This thirty rods is claimed to have been a Government road at one time, when the road turned and run parallel with the river, but it has since been closed. Said piece of road is claimed to have been closed twenty years and owners of the property claim compensation for the re-opening of the road.

1. Has the council a right to pay for this piece of road, or if not, how will it proceed to force the fences off and open the road?

If the road referred to was reserved by the Crown for the purpose of a public highway when the township was originally surveyed, the owners, whose fences are erected thereon, are not entitled to compensation for giving up possession of the respective portions they have fenced in, as they have no property in the soil of the road. The



council may pass a by-law under the authority of sub-section 3 of section 557 of The Consolidated Municipal Act, 1903, providing for the removal of all fences from the road.

#### Assessment of Income.

355.—F. G.—Can you assess a party for income on a mortgage taken last May and interest due this month, as the interest due is a fixed amount?

This income is a fixed amount, capable of being definitely estimated, and if the recipient is a householder or head of a family within the meaning of paragraph 19 of section 5 of The Assessment Act, 1904, as enacted by section 1 of chapter 36 of The Ontario Statutes, 1906, and the amount exceeds \$300, or the recipient's income from all sources exceeds \$300, it is assessable under section 11 of The Assessment Act, 1904, sub-section 2.

#### Business Assessment of a Sawmill Not in Use.

356.—S. S.—i. If a saw mill has not been running for two years, and the machinery is still in it, is it liable for business assessment?

2. If property has been built and used for a parsonage and is now used as a rented residence, can it be assessed?

1. If the mill premises are not in use, no person can be said to be "carrying on the business of a manufacturer" therein, and we do not think the owner is liable to the business assessment mentioned in clause (d) of sub-section 1 of section 10 of The Assessment Act, 1904.

2. We are of opinion that this property is assessable, and even if not rented as a private residence, it would be liable to assessment and taxation, as it is not "a place of worship and land used in connection therewith" within the meaning of paragraph 2 of section 5 of the above Act.

#### Method of Assessment for School Purposes.

357.—H. S.—i. When assessing for school purposes in unorganized townships, do you assess cleared land so much per acre and bush land so much per acre, or bush land if timber on it so much, or if no timber on it so much.

2. There is a mining property in this unorganized school section. They have about 300 acres and are trying to sell it for \$200,000. They have done no work on it for five years. Have done work on it previous to that time to the amount of five or six thousand dollars. There is no building on the said property to speak of. How would you assess this Mining Co., so much per acre, or so much on their price? They are trying to sell it. The people that own it live in Toronto.

1. ALL lands in a school section in any unorganized township should be assessed for school purposes at their actual value, as provided in sub-section 1 of section 36 of The Assessment Act, 1904.

2. Sub-section 3 of section 36 of the above Act provides that "in estimating the value of mineral lands, such lands and the buildings thereon shall be valued and estimated at the value of other lands in the neighborhood for agricultural purposes, but the income derived from any mine or mineral work shall be subject to taxation in the same manner as other incomes under the Act."

#### Council's Power to Borrow Money for School Purposes.

358.—W. J. W.—A union school section has been formed in the township of E. The adjoining township is D, an unorganized township, part of which is included in the union school section.

The trustees of said school section asked the council of this township to pass a by-law sanctioning the raising by loan, through the bank, of \$500 for the immediate needs of this said school section, and to lodge that sum in said bank in the name of the secretary-treasurer of said school section.

They also state that the amount they expect for the remainder of this year is \$1250.00, of which the above mentioned \$500 forms a part, and that formal requisition for the whole sum, asking said council to assess, will be sent in due course to said council in terms of section 65, clause 9, The Public School Act, 1901, but meantime

under The Consolidated Municipal Act, 1903, section 435, sub-sections 1 and 4, said trustees believe the best course is to ask said council to raise a portion of the money they require as the said council only appear to have the power to do this except for teachers' salaries, for which the trustees can borrow. The above request was sent by mail through the township clerk, unaccompanied by any details or minutes of ratepayers, or trustees' meetings in said union school section, and no one to represent them was present at the last regular meeting of the council at which the request was taken up. The council laid it over until legal advice had been secured.

Under the above conditions could they have legally complied with the said request?

A building is being rented to be used as a school for the present. Taxes in this and the adjoining townships are chargeable against land still held by the Crown and lapse when claims are cancelled. The said school is urgently needed, but the said council do not see that they have it in their power to comply legally with said request.

The sub-sections quoted give the council of the township this power, but it should not be exercised until after the trustees who require the money have submitted their estimates for the year under the provisions of The Public Schools Act, 1901. The latter part of sub-section 4 prohibits the borrowing by the council for the trustees of any sum in excess of the estimates so submitted.

#### Length of Statute Labor Day.

359.—A. M.—Is there anything in the statutes preventing a municipal council reducing the statute labor day from eight hours to six?

No.

#### Assessment of Son of Tenant as a Farmer's Son.

360.—J. R.—Can the assessor put a son of a tenant on the assessment roll as a farmer's son?

If the father or mother actually occupies land not less in quantity than twenty acres, and the son possesses the qualifications mentioned in clause "fourthly" of sub-section 1 of section 86 of The Consolidated Municipal Act, 1903, and the term of the lease held by the father or mother is not less than five years, as provided in sub-section 3 of section 86, the son can be placed on the assessment roll as a farmer's son.

#### Business Assessment of Telephone Co.

361.—A. J. M.—Our assessor has assessed the Bell Telephone Co. for business tax in two unincorporated villages in our township. The Bell Co. contend that this assessment is illegal. What is your view?

We assume that neither of the unincorporated villages have been set apart as a police village, and, if this is so, we are of opinion that the assessor had no power to assess the telephone company for the business assessment mentioned in sub-section 1 of section 14 of The Assessment Act, 1904. This sub-section relates only to cities, towns, villages and police villages. The company may, however, and should be assessed for the business assessment mentioned in clause (i) of sub-section 1 of section 10 of the above Act.

#### Power of Council to Borrow Money for School Purposes.

362.—J. J. F.—I wrote to our inspector of public schools about what appeared in the question drawer, No. 262, April number of THE WORLD, and the inspector says that in his opinion you are wrong in your interpretation of the Amended School Act of 1906. He submitted my letter to the Minister of Education, who wrote me as follows through the Deputy that the amendment to the School Act passed last session of the Legislature made it obligatory on the township council to pay to the school board from time to time such moneys as are required to pay teachers' salaries even before the taxes are collected. Kindly look into this matter more thoroughly and let me hear from you through your question drawer.

The opinion we gave originally on the point involved in the question referred to, and to which we have ever since strictly adhered, was correct in every particular. The Legislature, at its recent session, evidently took the

same view of the matter as we did. Section 9 of The Municipal Amendment Act, 1907 (printed elsewhere in these columns) provides as follows: "Sub-section 1 of section 435 of The Consolidated Municipal Act, 1903, is amended by adding after the word 'corporation' in the sixth line thereof the words 'and such further sum as may be required to be paid to the treasurers of the respective public school boards from time to time upon a requisition of the school trustees as provided for by The Public Schools Act.'"

#### Removal of Semaphore Wires—Regulating Firing of Guns on Highway.

363—J. A. C.—1. A semaphore wire near a railway station crosses a public highway overhead, and is so low that it interferes with a high load, such as a load of hay, etc., if the driver is standing. Is there any required height for such overhead wire? If so, how high must it be?

2. Has a township council any power to pass legislation to prohibit hunters from shooting on the public highway? In our township we often find as many as four or five men with guns standing within a distance of one-quarter of a mile or less waiting for hares to come out of the swamp when run by hounds, and it has become a serious menace during the hunting season.

1. If the railway is under the jurisdiction of the Federal Parliament, as we have no doubt it is, the matter should be referred to the Board of Railway Commissioners for Canada, and if the wire is a nuisance or dangerous to travel along the highway, the board will probably order that the cause for complaint be removed.

2. Sub-section 9 of section 586 of The Consolidated Municipal Act, 1903, empowers the councils of townships, etc., to pass by-laws "for regulating or preventing the firing of guns or other firearms, etc."

#### Assessment of Rented Post Offices.

364—T. L.—1. The Government allows the postmaster here a certain annual allowance for rent, but does not lease the post office building direct? Would not the building be liable for taxes?

2. The customs office is leased direct by the Government who pay the rental direct to the owner of the building. Would it also be liable for taxes?

1. The Government has apparently nothing to do with the leasing of this building, nor any interest in the lease. We are therefore of opinion that the premises are liable to assessment and taxation in the usual way.

2. We are of opinion that, under the circumstances stated, these premises are exempt from assessment and taxation, under the authority of the following decided cases: *Shaw v. Shaw*, 12 U. C. C. P., P. 457; the *Principal Secretary for War v. City of Toronto*, 22 U. C. Q. B., P. 551, and the *Attorney-General of Canada v. City of Montreal*, 13 S. C. R. 8, 352.

#### Reduction of Length of Statute Labor Day.

365—A. M.—Is there anything in the statutes preventing a municipal council reducing the statute labor day from eight hours to six?

I am not desirous of reducing the number of hours, but increasing the days, as wages are high here, and some men would rather pay the dollar a day than do the work, and another man cannot be hired at this low wage for an eight-hour day. Another township has adopted this plan.

We are not aware of any law prohibiting the reduction by the council of the length of a day's statute labor from eight hours to six.

#### Incorporation of Police Village—Agreement with Council.

366—A. C.—1. We have a police village in our municipality with 400 of population. About a year ago said village was established. It was never incorporated. Some of the ratepayers are thinking of getting it incorporated. Is it necessary to have the sanction of a majority of the ratepayers of said village to get incorporated? If a majority is against it, what steps should the trustees take to incorporate in the face of not having the majority.

2. Can the township council make an agreement with the trustees of unincorporated police village to have said trustees to assume all roads and bridges within the village bounds in lieu of a portion of liquor license and percentage of road and bridge money collected on whole municipality?

1. Sub-section 1 of section 752 of The Consolidated Municipal Act, 1903, prescribes the procedure to be followed in incorporating a board of police trustees. This incorporation cannot be sought until the population exceeds 500 inhabitants, as shown by a census of the police village, taken in the manner provided in this sub-section. When the population has reached the requisite number, the council of the county has no power to incorporate the board of police trustees, unless a petition of not less than fifty resident freeholders of the police village is presented for the purpose.

2. The only agreement the police trustees and township council are authorized to enter into, is that mentioned in section 740 of the above Act. The council of the township cannot by agreement with the police trustees, or otherwise, rid itself of responsibility for accidents happening owing to the non-repair of streets and roads in the unincorporated police village. Section 741 of the Act defines the duties of the trustees in regard to sidewalks, streets and culverts within the limits of the village. Section 742a of the Act authorizes the township council, by by-law, to allow the police trustees the sums collected in the police village for license fees, etc.

#### Place for Holding Municipal Meetings—Effect of Meeting in Wrong Place.

367—P. C.—1. For three years the nomination was held in R. R., half a mile out of the municipality, and the voting is also held in the said R. R. Is it legal?

2. Can they collect taxes?

3. Are their by-laws any good?

4. Can they sell debentures? Are they any good?

5. How can C. township be brought in when there were but 30 homesteads in the township?

1. This municipality being in one of the Territorial Districts of Ontario, section 22 of chapter 225, R. S. O., 1897, regulates the time and place for holding its nomination meetings. This section provides that "a meeting of the electors shall take place for the nomination of candidates for the offices of reeve and councillors of the municipalities formed in accordance with this provision of this Act, on the last Monday in December annually, at such PLACE THEREIN as may from time to time be fixed by by-law of the council. Holding meetings in a town outside the municipality for nomination purposes is not a compliance with the provisions of this section. In regard to voting outside of the municipality we are not aware of any law authorizing that to be done.

2, 3 and 4. The mere fact that meetings for nomination purposes have been held in a town outside the municipality does not prevent the council from enforcing payment of taxes, invalidate their by-laws or debentures, or prevent the sale of debentures by the council.

5. This question is somewhat hard to understand. If reference is made to the union of two townships in one municipality, the procedure for this purpose will be found in sub-section 2 of section 1 of chapter 225, R. S. O., 1897.

#### By-Laws Exempting From Taxation Must be Submitted to Ratepayers.

368—C. H.—Under section 591 Municipal Act and governing clauses councils are in granting exemption and fixed assessments supposed to do so only by a vote of property owners.

1. What section or amendment allows council to grant exemption and fixed assessments without submitting the by-law to a vote of the property owners?

2. Have cities more powers than other municipalities to do this?

See section 591, sub-section 12 (a).

591b, page 409.

591a defines bonus. See (g).

366a requirements necessary to pass.

1. Unless special legislation is obtained enabling it to do so, the council of no municipality can legally pass a by-law exempting a manufacturing institution from taxation, or fixing the assessment at a sum stated, until such by-law has first received the assent of the electors in the manner provided by section 338 and following sections of The Consolidated Municipal Act, 1903. Section 591b applies only to by-laws providing for exemption from taxation that were in existence at the time of the passing of that section (1902) and grants permission to extend the time for exemption, by a two-thirds vote of the members of the council and without the assent of the electors, until the 31st December, 1904, and no longer.

2. No.

#### Effect of Business Assessment Upon Assessment for Income.

369—W. M.—Is the income tax abolished by the operation of the business tax?

The reason I ask, our business men here claim because of the business tax they are clear of income tax.

It is in some cases. Sub-section 7 of section 10 of The Assessment Act, 1904, provides that "except as provided in clause (c) of sub-section 1 of section 11 of this Act, every person liable to assessment in respect of a business under sub-section 1 shall not be subject to assessment in respect of income *derived from such business.*" If the owner of the business derives an income from a source other than from the business in which he is engaged and which is liable to a business assessment under sub-section 1, he is liable to assessment for the amount of that income.

Clause (c) of sub-section 1 of section 11 of the Act provides that "every person liable to business assessment under clause (f) of sub-section 1 of section 10 (is liable to assessment) in respect of the income derived by him from his business profession or calling to the extent to which such income exceeds the amount of such business assessment."

#### By-Law Necessary for Purchase of Land.

370—J. N. H.—The council authorized the buying of a small piece of land by resolution. Is it legal to do this, or have we to pass a by-law?

We are of opinion that a resolution of the council is not sufficient for this purpose. A by-law should be passed under the authority of sub-section 1 of section 534 of The Consolidated Municipal Act, 1903, which empowers councils of counties, cities, townships, towns and villages to pass by-laws "for obtaining such REAL and personal property as may be required for the use of the corporation; and for erecting, improving and maintaining a hall, and any other houses and buildings required by and being upon the land of the corporation, and for disposing of such property when no longer required."

#### Expenditure of Statute Labor Commutation Money—Railway Co. Should Build Fences—Regulation of Barbed Wire Fences.

371—T. A. M.—1. May commutation moneys be legally employed in village laying down sidewalks?

2. Can railway company be compelled to fence the right of way through organized township?

3. Can council compel owner of barbed wire fence along a street or highway to remove same, as it is a public nuisance?

1. We assume that an unincorporated village, still forming part of the township municipality, is referred to. Commuted statute labor money can be expended only in the statute labor division in which the land in respect of

which it has been paid is located. Sub-section 2 of section 15 of chapter 25 of The Ontario Statutes, 1904, provides that "in every such case the clerk shall notify the overseer of highways, who may be appointed for such division in the following year, or after it has been collected, of the amount of such commutation, and the overseer shall expend the amount of such commutation upon the roads in the statute labor division where the property is situate, and shall give an order upon the treasurer of the municipality to the person performing the work.

2. Clause (a) of sub-section 1 of section 199 of The Dominion Railway Act, 1903, provides that a railway company shall erect and maintain upon the railway, fences of the minimum height of four feet six inches on each side of the railway. If the company neglects or refuses to perform this duty, the matter should be brought to the attention of the Board of Railway Commissioners for Canada, if the railway is one under the jurisdiction of the Federal Parliament, as we have no doubt it is. Sub-section 3 of section 199 provides that "whenever the railway passes through any locality in which the lands are not improved or settled and enclosed, the company shall not be required to erect and maintain such fences, etc., unless the board otherwise orders or directs.

3. No, since the municipality is a township, but the council may pass a by-law under the authority of sub-section 4 of section 545 of The Consolidated Municipal Act, 1903, "for providing proper and sufficient protection against injury to persons or animals by fences constructed wholly or partly of barbed wire or any other material."

#### Penalty for Neglecting to Give Information to Assessor.

372—C. W.—Schedule E to The Assessment Act, 1904, speaks of penalties for neglecting to fill up the return. Please to tell what are these penalties? I cannot find them in the Act.

The penalty for making default in the return of Schedule E by any person when required by the assessor to fill it out and return it to him under the authority of section 18 of The Assessment Act, 1904, will be found in sub-section 1 of section 21 of the Act, and the penalty for knowingly stating anything falsely in such statement, in sub-section 2 of that section.

#### Entry of Non-Resident in Voters' List.

373—J. H. S.—Suppose a person is assessed for property in a town, but is living in H. or any other place, or just outside the town, would I be justified in placing his name on part 2 of the list? If put on part 2, what would happen if, say after the list is revised, the party or parties came back to live on their property, would they be debarred from voting at elections to Legislative Assembly?

The clerk cannot do otherwise than place the name of a non-resident voter in part 2 of the voters' list, as he is entitled to vote at municipal elections only. If he possesses the necessary qualifications he should be placed in part 1 of the voters' list for H. or in whatever municipality he is residing. If, owing to his moving backwards and forwards, he does not, on election day, possess the qualifications as to residence necessary to entitle him to vote at Legislative elections, he has no one to blame but himself.

#### Opening of Road Across Railway Track.

374—P. L. M.—The council has been petitioned by a large number of ratepayers of the village to open the C. S. street to the lake for public communication. The opening to be made is across the G. T. Railway, thence northerly to the lake shore. This street has been travelled before some 25 or 30 years past. Since then the Railway Co. has built a fence on the north side of the railway across the street, also one on the south side with gates for access to the station, etc. Can the council compel the Railway Co. to remove the fence? If they can, what are the proceedings to take?

From the facts stated it is not clear whether the street was ever laid out, opened, established, or assumed

by the council as a public highway. The mere fact that it was used as such many years ago does not constitute it a public highway. If the street is a public highway (and as to this we cannot say) the railway company has no power to erect and maintain fences across it, and if they refuse or neglect to remove them, the matter should be brought to the attention of the Board of Railway Commissioners for Canada, which will probably make an order for their removal.

#### Power of Councils to Borrow Money for School Purposes.

375—F. A.—In the April number of THE MUNICIPAL WORLD I notice in answer to G. W., 262, that municipal councils have no power to borrow money to pay teachers' salaries with. Would you kindly explain fully what is meant by section 39 (10) of the late amendments to The Public Schools Act, 1906?

The answer referred to is absolutely correct. See our replies to questions numbered 346 and 347 and several other enquiries in this issue.

#### Payment of Share of Public School Debenture—Assessment for School Purposes—Apportionment of Drainage Tax on Land Sold—Time for Payment of Tile Drain Loan.

376—G. W. R.—1. The township of A. is issuing debentures for a loan to a union school section of A. and B. townships, payable in five years. X., a ratepayer in the section, and whose property is in the part in B., wishes to pay his assessment at once. Please explain how it is arranged that he may do so. The school, of course, is situated in the township of A.?

2. A Protestant buys a piece of land from a Roman Catholic, said land having for a number of years been assessed for separate school purposes. Will the assessor be justified if requested by said purchaser to assess the property in the public school section or must the notice be sent to the clerk?

3. A Protestant rents and moves upon a piece of property owned by a Roman Catholic, the renter to pay the taxes. The property has been assessed to a separate school for a number of years. What will be necessary for the renter to do, to become a ratepayer of the public school?

4. A. owns 50 acres, all of which is assessed for the construction of a certain drain under The Drainage Act. The assessments run for three years yet. A. sells to B. 20 acres. Nothing is said about the division of the drainage tax, and the 20 acres are not equally benefited in proportion with the 30. How should the clerk be guided in placing the assessment for said drain on the collector's roll?

5. A property owner in the township applies for a tile loan under The Tile Drainage Act. The council accepts the application. When should the debentures be issued and the by-law passed, before or after a portion of the work is done?

1. We are of opinion that such an arrangement for payment as that suggested is unauthorized. The Public Schools Act contains no such provision as that contained in section 54 of The Municipal Drainage Act (R. S. O., 1897, chapter 226).

2. The assessor should assess the purchaser of the land, as a public school supporter. No special notice to the clerk is necessary to enable him to do this.

3. The assessor should assess the lessee as a public school supporter. Section 53 of The Separate Schools Act (R. S. O., 1897, chapter 294) provides that where land is assessed against both the owner and tenant, then the tenant shall be deemed and taken to be the person primarily liable for the payment of school rates, and for determining whether such rates shall be applied to public or separate school purposes, and no agreement between the owner and tenant as to the payment of taxes as between themselves shall be allowed to alter or to affect this provision otherwise.

4. The clerk has no alternative other than to place the drainage assessment on the roll against the whole 50 acres. He has no authority to apportion it between the present owners himself. They should take advantage of the provisions of section 6a of The Municipal Drainage Act (R. S. O., 1897, chapter 226) as enacted by section 4 of chapter 28 of The Ontario Statutes, 1899.

5. Section 9 of chapter 41, R. S. O., 1897, empowers the council to issue debentures for the amount applied for within the sum authorized by the Act, and by by-law of the municipality, as it may deem expedient and proper on the receipt, acceptance and approval of the application for the loan. The latter part of section 16 of the Act provides that "the report (that is, of the inspector) shall be entered in a book to be provided by the council for that purpose, and the money shall NOT be advanced by the council until the report of the DUE COMPLETION of the work has been so made."

#### Business Assessment of Dock.

377—J. F.—Can a dock be assessed for business tax? If so, can we collect for 1905-06 as well as this year?

If the dock is being used for the purpose of carrying on any business liable to a business assessment under sub-section 1 of section 10 of The Assessment Act, 1904, it should be assessed for a business assessment at the rate prescribed for the business engaged in. A business tax for the years 1905 and 1906 cannot now be collected unless it was entered on the collector's rolls for those years, and can be got from the person or persons assessed.

#### Distribution of Legislative and County School Grants.

378—D. M.—Kindly explain what the municipal equivalent raised by the townships with their county rate is, and how it is administered.

1. Is it given back to the schools of each township?
2. If so, does each section get an equal amount?
3. Do the towns and villages receive any of the special legislative grant?
4. If they do not, do they have to make up any part of it, or is it made up entirely out of the municipal equivalent?
5. We raise \$158 with our county rate and only received \$128 special legislative grant. How was that?

1. We assume that reference is made to the levy mentioned in sub-section 1 of section 70 of The Public Schools Act, 1901, as enacted by section 39 of chapter 53 of The Ontario Statutes, 1906. If this is so, the latter part of this sub-section provides that "such sum shall be payable to the trustees of the respective schools receiving such Legislative special grants in the same proportions as the said special grants are apportioned."

2. Not necessarily. The method of apportioning the Legislative grant will be found in section 7 of chapter 38 of The Ontario Statutes, 1901. Each rural school section should receive from the county a sum equal to its share of the Legislative grant.

3. Yes (see sub-section 1 of section 7 of chapter 38 of The Ontario Statutes, 1901), but they are not entitled to any portion of the county grant levied under sub-section 1 of section 70 of The Public Schools Act, 1901, above referred to.

4. Our answer to question number three renders it unnecessary to reply to this.

5. We do not understand the difference in these figures. It seems to us, the amounts should be the same. The county treasurer would be better able to explain this than we are, and probably an enquiry sent to him would elicit the desired information.

#### Alien Farmer's Son Cannot Vote on School Matters—Salary of School Auditor.

379—E. T. P.—1. In your last issue you answered a question for me, sub-question 5, No. 209, page 84, E. J. P. May I ask if a farmer's son, who is a United States citizen, cannot vote at a school meeting, he being assessed for part of the property? How can a ratepayer who is a United States citizen vote at a school meeting? I should think he being assessed for part of the property would make him a ratepayer.

2. I have been elected auditor by trustees of public school section, and have audited the accounts of the section for the years 1904-05-06. I have sent in my account for auditing and writing warrant for the section, and now the trustees refuse to pay me for my services. Can I not claim or demand wages for my services within 14 days, providing I send them notice to that effect? You will understand that I had no agreement with the trustees at the time they elected me auditor, but I cannot see why I cannot claim wages for this work?

1. If a farmer's son is assessed as such, he is not qualified to vote at an election of school trustees or on any school question unless he is qualified to vote under section 86 of The Consolidated Municipal Act, 1903. He is not qualified to vote as a farmer's son under this section, unless he is a subject of His Majesty by birth or naturalization, and therefore cannot vote at a school meeting. If he is assessed for part of the property he is not (or should not be) assessed as a "farmer's son," but as owner or tenant of part of the property, and if he is thus assessed he can vote as mentioned in section 13 of The Public Schools Act, 1901.

2. Assuming that the appointment was made pursuant to the provisions of The Public Schools Act, 1901, we do not think the auditor can recover any pay for making the audit, as the Act makes no provision for the payment of any salary to an auditor of the accounts of a school section.

#### Power to Compel Trustees to Erect School on Site Selected by Arbitrators.

380—W. N.—I am a member of the township council, and we are having some trouble with a school section. They had a meeting nearly two years ago to select a school site, and three sites were voted on, then arbitration. They, the inspector and one of the arbitrators chose a different site from any of those voted on by the ratepayers. They (the trustees) called a meeting of the ratepayers to enable them to apply to the council for debentures to build. The ratepayers refused. They (the trustees) called another meeting of the ratepayers on the 25th inst., and they chose two sites and wanted the council to pass a by-law to enable them to build two school houses. Those that wanted the school built on site chosen by the arbitrators were represented by counsel at the last meeting of council, who said that the school must be built on the site chosen by the arbitrators, and said that he was going to issue a writ to compel the trustees to build, and he also says that the award of arbitrators was not legal, but an amendment of 1906 makes it legal, and that they (the trustees) must go on and build and raise the money in one year, and that your answer is wrong in saying that the trustees cannot build without the sanction of the ratepayers.

1. Is there an amendment of 1906 to legalize the award of arbitrators, which was legal before 1906?

2. Can the council change this school section in any way that would break the award?

3. Can the council build a second school or raise debentures to build one until there is one built on the arbitrators' site?

1. The award of the arbitrators was apparently made since the passing of section 2 of chapter 30 of The Ontario Statutes, 1904. Therefore we are of opinion that the arbitrators had authority to select a site other than that selected by the trustees. We do not find any provision in The Public Schools Amendment Act of 1906 affecting this question in any way.

2. No.

3. The council has nothing to do with the building of a second school house in the section, nor has it any authority to raise money for the purpose by the issue of debentures, until the proposal for such loan has been submitted by the trustees to and sanctioned at a special meeting of the ratepayers of the section called for the purpose, as provided in sub-section 1 of section 74 of The Public Schools Act, 1901. Neither has the council any power to issue such debentures for the purpose of raising money to build the school house on the site selected by the trustees until the proposal for the loan has been sanctioned in a similar way. If the ratepayers of the section will not sanction

the loan, the trustees are powerless in the matter. It is absurd to say that they can erect the school house on the site selected by the arbitrators or anywhere else, if they are not provided with the money required to enable them to do so.

#### Division of Assets and Liabilities Between Newly Incorporated Village and Township—Lumber Co. Should Not Obstruct Road.

381—SUBSCRIBER—1. The village in our township has just been incorporated. How should the township property be divided between the two municipalities. Should it be on basis of assessment? The property is lock-up, village lot, mortgage on Agricultural Society property, township cemetery, money on hand and office furniture.

2. A lumber company doing business in our township dump their logs on the lake shore road, leaving scarcely room for a wagon to pass and frequently logs roll into the middle of the road, and have to be drawn or rolled out by private individuals. Can they claim this much or any part of this road for a dump or cut the trees or shrubs growing on said road-side? This road has been opened and in use for more than twenty years and farmers have given deviations around wet and rocky places on the shore, and the township has surveyed and improved the same.

3. Is the company liable for damages caused by reason of this dump of logs?

4. Is the township liable if notified to have the same removed?

5. Can said company boom logs on shore of lake so as to hinder farmers from watering stock in front of gateway?

1. Section 13 of The Consolidated Municipal Act, 1903, provides that "in cases where a village is separated from the township or townships in which it is situated, etc., the provisions of this Act for the disposition of the property and the payment of debts, upon the dissolution of a union of townships, shall be applicable, as if the localities separated had been two townships; and the councils of the village and of the township or townships shall respectively perform the like duties as by such provisions devolve upon the councils of separated townships, the said village being considered as the junior township." Section 32 of the Act prescribes the method of disposing of property when the municipalities separated are two townships.

2. The lumber company has no right to use the highway for the purpose of dumping or piling logs, or any other private purpose. If it persists in using the highway in this way, it can be restrained from further offending by injunction obtained from the proper court.

3. If the company has caused any injury to the highway by using it for the purposes of its business, it can be compelled to compensate the municipality for the damage done to the highway.

4. The township would probably be held liable in damages to any person injured by reason of the piling of the logs or placing of any other obstructions on the highway, and the municipality would have a remedy over against the lumber company for the amount of the damages recovered and costs.

5. We do not think the company can be prevented from using the waters of the lake for the purpose mentioned, but they must do the work in such a way as not to prejudicially affect the rights of owners of lands down to the water's edge, or the free use of the highway by the general public.

#### Disposition of Closed Roads.

382—J. H. M.—In whom is the title of the land of closed streets vested? Has the council the right to grant a deed, or does the land revert back to the party who set apart the land for streets?

If this is an original road allowance, the council may convey it to the owners of adjoining lands, as provided in sub-section 11 of section 640 of The Consolidated Muni-

icipal Act, 1903, and if such owners respectively refuse to become the purchasers, the road can be sold to any other person or persons, and a deed or deeds executed therefor. If the road is one that has been in any other way legally opened, assumed and established as a public highway, it may, by taking the proper proceedings, and passing the necessary by-law be sold to any person for such sum as may be agreed upon, and a deed of the portion sold executed by the council in favor of the purchaser. In no case does the portion of road closed necessarily revert to the original owner of the soil.

#### Power of Trustees to Charge Fees for Attendance of Non-Resident Pupils.

383—H. S.—We have a farmer living outside of the section sending three children to school and the trustees here told him he would have to pay 50 cents per head until taxes were collected and if anything was due him it would be refunded. He paid one month's fees. Now he says he has rented a farm in the section and that qualifies him as a ratepayer although he does not live on this rented farm. I suppose it does qualify him as a ratepayer, but I tell him he has got to pay his fee until property is assessed and taxes collected and if anything is due him it will be refunded.

I have not seen his lease of rented farm yet, the property he claims is not assessed yet as we are waiting on Assessor's Guide before assessing and who should the property be assessed in owner or tenant's name?

Suppose assessed in owner's name and that the tenant removes crop before taxes are collected outside of section, could this crop be seized if taxes were not paid? If crop was in another section on the other hand, and suppose the tenant was assessed, and not the owner, and the tenant removed the crop to his own barn, which is outside the section, could it be seized if taxes were not paid?

I might say this is a very tricky party to do business with, and I want to be on the safe side. We want this party to come into this school section but he refuses, and we know the renting of the land from his father-in-law is only a trick to try and avoid us from collecting monthly fee.

Can we refuse to assess the property in the tenant's name if he demands it? We can assess it in the owner's name, can we not, and let tenant and owner make arrangements to suit themselves outside of assessing the property? Do we have the right to assess the property in whose name we wish, either owner or tenant?

My idea is this: to collect monthly fee, let tenant rent land if he likes; we assess the owner and let tenant pay over to owner amount of rent, less school taxes. Do you think this would be proper?

If he does not reside on the farm he has rented or elsewhere in the section, the tenant is a non-resident, and if the property he has rented is assessed for an amount equal to the average assessment of residents his children shall be admitted to the public school of the section on the same terms and conditions as children of residents, as provided in sub-section 4 of section 95 of The Public Schools Act, 1901. If the property is not so assessed, the non-resident must pay the fees mentioned in sub-section 2 of section 95. The property rented must be assessed to both the owner and the tenant, and their names bracketed together on the roll, as directed by clause (e) of sub-section 1 of section 22 of The Assessment Act, 1904.

#### Corporation should Build and Maintain Fences—Qualification of Voters On a Tax Exemption By-Law.

384—J. F. L.—About 30 years ago an Agricultural Society purchased a piece of land and built a high board fence around it. Now the property has been turned over to the corporation who are fencing it with an ordinary fence and using it for pasturing, etc.

1. Is the corporation compelled to build and maintain the whole fence or should the adjoining property pay for half the fence?

2. Do corporations have to build and maintain all the fence around public properties?

3. In voting on a by-law to grant a mill exemption for ten years from taxes in an incorporated village, can the following persons vote: (1) An owner paying taxes but not assessed high enough to appear on the voters' list? (2) Can a tenant holding a lease of property for five years whose name appears on the last revised assessment roll have a right to vote? (3) Can a person who pays business tax have a right to vote on such by-law?

1 and 2. We are of opinion that The Line Fences Act (R. S. O., 1897, chapter 284) does not apply to municipal corporations as owner of real estate. They should build and maintain all the fences required around the real property of which they are owners.

3. (1) No. Sub-section 1 of section 353 of The Consolidated Municipal Act, 1903, provides that in order to entitle an owner to vote on a by-law of this kind he must at the time of tendering his vote, in his own right or in right of his wife, be a freeholder, assessed on the last revised assessment roll of the municipality for real property of sufficient value to entitle him to vote at any municipal election.

(2) No, unless the period of exemption is not to extend for a longer time than five years.

3. No.

#### Assessment of Retail Store and Boarding House.

385—H. S.—How would you assess a business like this? Store and boarding house combined; stock in store about \$5,000; building worth \$2,000; barn and stable \$300; land buildings on one-fifth acre; does not own any other land; owes about \$7,000 on stock (wholesale creditors); have \$1,000 out in notes drawing interest; \$1,000 in mortgages; \$3,000 on books; a banking account, running account, store business a turn over for the year of \$10,000; business done in boarding house in connection with store about \$400 a year.

What and how would you assess this business and what would the business assessment be on this business?

The land and all the buildings thereon should be assessed at their actual value in accordance with the provisions of section 36 of The Assessment Act, 1904. The stock in the store cannot be assessed. It is personal estate, and the Act makes no provision for the assessment of personal property of any kind. The amount owing on the stock should not be taken into consideration in assessing this property, nor the amounts outstanding in notes and mortgages, nor the book accounts. The business of a retail merchant appears to be the preponderating business carried on, on these premises, and the person conducting it is liable to the business assessment mentioned in clause (g) of sub-section 1 of section 10 of the above Act. (See also sub-section 2 of section 10 of the Act.)

#### Qualification of Voters on Bonus By-Law.

386—J. L. B.—The village is about to vote on bonus by-law. Who can vote? The vote will be taken from last year's list. There has been considerable property change hands. Will we be able to use this year's assessment roll? Kindly give us all the information you can on the subject.

The electors entitled to vote on a by-law of this kind are those mentioned in sections 353 and 354 of The Consolidated Municipal Act, 1903. The list should be specially prepared by the clerk from the last revised assessment roll of the municipality entirely regardless of the municipal voters' list. If this year's assessment roll has been finally revised, this is the roll the clerk should use in preparing the voters' list. If not, he should use that for last year. No elector should be entered on the list who is not shown to be qualified to vote on a bonus by-law by the assessment roll from which the list is prepared.

#### Cleaning Out and Construction of Drain—Duties of Pathmaster.

387—S. W.—Enclosed is a plan of a section of our township, also by-law No. 10.

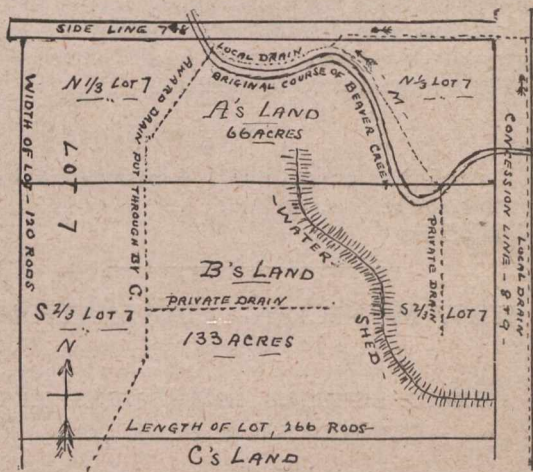
The dotted line on plan indicates drains and the double line the original course of Beaver Creek. The dotted line M is a drain which was dug 31 years ago, A doing one-sixth and B five-sixths of the work.

Since the construction of said drain C, lying to the south of B, had an award drain put through to Beaver Creek, as shown on plan. This spring B required drain M repaired, and as A objected to the repair on the ground that B had no right to two drains across

his land. B went on and dug the drain at his own expense under the provisions of by-law No. 10, section 6, thinking it would be cheaper for him to dig the whole drain than pay his share of the engineer to have it put through under an award.

After B repaired the drain A filled it up. B now asks the pathmaster of the road division to compel A to re-open said drain re by-law 10, section 5.

1. Can the pathmaster compel A to re-open said drain ?
2. Can B be compelled to take all his water to the award drain, it being much more expensive to take it that way, also being out of its natural course ?
3. Can A, by bringing on the engineer, cause the drain to be closed after it has remained open for 30 years, if B objects to the closing thereof ?
4. Can the pathmaster be punished for refusing to have anything to do with it after being notified by B to compel A to open said drain ?



1 and 2. We do not understand from the statement of the facts that the drain "M" was constructed under the provisions of any Drainage Act then in force, but pursuant to a private, informal arrangement between A and B. If this is so, we do not think that the pathmaster can compel A to open up the drain throughout his portion of it, nor can B enter on A's land for the purpose without A's consent. If "M" is the natural course for the water, B should institute proceedings for the construction of a drain under The Ditches and Watercourses Act (R. S. O., 1897, chapter 285) and in this way the rights and liabilities of all parties concerned can be properly adjusted.

3. If A institutes proceedings under the Act, and the engineer makes an award in pursuance thereof, he will cause such a drain to be constructed by the several owners interested, as he deems the locality requires.

4. No. We do not think that the by-law submitted to us has any application to a drain of this kind.

**Power to Abolish Pounds.**

388—C. H. G.—1. What is your opinion as to the legal construction of the within enclosed by-law No. 414 ?

2. Have township councils power to abolish pounds and to inflict fines thereon upon any person violating the same ?

1. We are of opinion that the by-law submitted to us is sufficient for the purposes for which it was passed.

2. In the case of *Milloy v. Township of Onondaga* (6 O. R., p. 573) it was held that a township council could, by poundage by-law, legally impose a fine on persons transgressing its provisions, and we are of opinion that the council may dispense with pounds and pound-keepers, and in a by-law regulating the running at large of cattle impose a fine for offences against its provisions. Application of Section 18a of The Consolidated Municipal Act, 1903.

389—W. C. D.—Does sub-section 9 of section 18 of The Con-

solidated Municipal Act, 1904, apply to section 18 only, or does it also apply to section 18a ? If not, has the council of any town or incorporated village power to enter into a special agreement with the owners of lands in the corporation used wholly for farming purposes, granting them a reduction on the rate of taxation as set forth in said section 18a ?

Section 18 makes provision for the separation of farming lands from towns or incorporated villages, and sub-section 9 renders the whole of the section inapplicable to any town which is separated from the county for municipal purposes, and to any town incorporated as such town since the 15th day of August, 1866. Section 18a relates to a different matter altogether, namely, agreements with owners of farm lands in towns and villages as to the rate of taxation thereon. The latter section applies to ALL towns and incorporated villages in which are situated lands wholly used for farming purposes.

**Effect of Undermining Road to the Injury of Adjoining Owners.**

390—E. M.—We have drawn gravel for the last thirty years from a ridge of gravel, and it crosses a corner of my farm and crosses the road to another farm, and the owner forbids us to come any further and threatens to prosecute if we undermine his fence. Kindly inform us what steps to take, as parties want to start drawing.

The municipality has no legal right to excavate the highway for the purpose of removing gravel to such an extent as to injure the fences or cause the subsidence of the lands of owners adjoining the highway. If it does so, the owners thus injured are entitled to damages for the injury they have sustained. The municipality should purchase what gravel it needs from the owner. If they are unable to agree as to the price to be paid for the gravel, the council should proceed to expropriate the required quantity under the authority of sub-section 10 of section 640 of The Consolidated Municipal Act, 1903, and the price can then be settled by arbitration under the Act as provided in clause (a) of this sub-section.

**Election to Fill Vacancy in Council.**

391—X. Y. Z.—A vacancy has occurred in the council of our township through the resignation of a member. Can it be filled in any other way than by a regular election which, of course, may acclamation at the nomination meeting ?

I notice in a city near by they are going to fill a like vacancy by accepting the candidate who stood highest among the defeated candidates in the last municipal election in the city. Can this be done in a township also ?

We are of opinion that a new election must be held to fill this vacancy. We presume that the city referred to is one in which the aldermen are elected by a general vote, and that the provisions of section 215a of The Consolidated Municipal Act, 1903, are being followed in filling the vacancy. This section, however, does not apply to township municipalities. Had the vacancy occurred after the 1st day of November, it would have been in the discretion of the council as to whether it directed that an election be held to fill the vacancy or otherwise.

**Liability to Assessment of Hall Rented by Municipality.**

392—A. J. M.—Our township council rents a hall for municipal purposes by the year. The hall is the second story of a general store. The proprietor contends that the hall is exempt from taxation under sub-section 4 of section 5 of The Assessment Act and consequently that his assessment for the building and business should be reduced. What is your view ?

The clause quoted exempts "every city, town and township hall, or any hall by by-law of a township council declared to be a public hall" from assessment and taxation. The hall rented by the council cannot be termed a "township hall" within the meaning of paragraph 4 of section 5 of The Assessment Act, 1904, and, unless it has been declared to be a public hall by by-law of the township council, it is liable to assessment and taxation in the usual way.

### Assessment of Hired Help—Liability of Farmer's Son for Statute Labor.

393—J. S.—1. In our township ratepayers have their hired men assessed with them to give them votes. Does this relieve them of the performance of the statute labor? If not, are said ratepayers liable?

2. Are farmers' sons not required to perform statute labor. What steps have to be taken to compel the performances of said labor?

1. Assessors should not assess hired help with their employers, unless they are satisfied that they are actually tenants or owners of the land for which they are assessed. If, however, they are on the assessment roll as tenants or joint owners with their employers, they are "otherwise assessed" within the meaning of section 5 of chapter 25 of The Ontario Statutes, 1904, and are not liable to the day's statute labor mentioned in this section. These assessments, if wrongly made, should be adjusted on appeal to the township Court of Revision.

2. Farmer's sons, entered on the assessment roll, as such should perform one day's statute labor, as provided in section 6 of the above Act read with section 5 of the Act. It is not now allowable to assess farmers' sons as joint owners with their fathers or mothers, unless their joint ownership is an actual fact.

### Assessment of Commercial Wires of a Railway Company.

394—F. W. R.—Does section 8, chapter 36, of 1906 Statutes, do away with the assessment of the first commercial wire of railway company telegraph lines at \$40 per mile, making the assessment of all commercial wires of railway telegraph companies, \$5.00 per mile for each wire?

The effect of the section quoted is to render telegraph and telephone wires when owned by a steam railway company, and used for commercial purposes, assessable at \$5.00 per mile only, regardless of any distinction between the first and any other wire of the company used for these purposes.

### A CLEANING UP DAY.

The mayor of Denver, Col., has established a very successful annual "cleaning up" day for that city, and the following are some of his pertinent suggestions for its observance:

If your store front, residence or fence is dingy, order it painted.

If your awning is old, torn or faded, get a new one.

If your sidewalk, gate or fence needs repairing, fix it.

If your advertising sign is old or faded, take it down or paint it.

Resolve never to throw paper in the streets.

Take all dandelions out of your lawn; they will spoil its beauty.

Destroy the young weeds that are starting on your property and on your neighbor's property.

Burn all the rubbish possible; allow no one to throw it on streets, alleys or vacant lots.

Promise not to spit on the sidewalk.

Organize a block improvement society and allow no weeds to grow on sidewalk area or vacant property in your block.

Ask your milkman, groceryman and expressman to have their wagons painted.

Irrespective of the size of your house, make your lawn the finest.

Illuminate the front of your store in the business section.

Every effort put forth or dollar spent to improve our city's appearance will be returned twofold.

Mr. K. L. AITKEN, Consulting Engineer, who was retained some time ago by the Waterworks Department of the City of Hamilton, and the Hamilton Gas Light Company, to report upon electrolytic damage to their piping systems, has returned to Toronto after spending a week on this work. No statement has been given out as yet, as the report will require another month to complete, other than general information to the effect that a large flow of current from the street railway tracks to the two piping systems was found. The matter of electrolytic damage is a serious one, and the results of the Hamilton test are being awaited with interest.

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Of the 126 Bills passed by the Legislature at its recent session thirteen referred to public and forty-five to private municipal affairs.

### NEW MUNICIPAL LEGISLATION

#### (THE PUBLIC SCHOOLS AMENDMENT ACT CONCLUDED FROM PAGE 128)

##### Status of Teachers in Central Schools.

22. The said section 70 is amended by adding thereto the following as a new subsection:

- (3) Where two or more school sections are consolidated for the purpose of providing a central school, all the teachers in the said central school shall, for the purposes of this section, be deemed principal teachers unless their number is greater than the number of sections consolidated, in which case the number of teachers in excess of the number of school sections aforesaid shall, for the purposes of this section, be deemed assistant teachers.

##### County Clerk to Furnish Inspector With School Statistics.

23. Section 73 of *The Public Schools Act* is amended by adding thereto the following sub-section:—

- (2) It shall be the duty of the clerk of every county to furnish the public school inspector forthwith on demand with such school statistics in regard to assessments as the Minister of Education may direct.

24. Sub-section 8 of section 80 of the said Act is amended by inserting after the word "disease" in the third line the words "or consumption."

##### Approval of Appointment of Additional Inspector.

25. Sub-section 3, of section 86 of the said Act as enacted by section 46 of the said Act, passed in the 6th year of His Majesty's reign, Chaptered 53, is amended, adding at the end of the said sub-section 3 the following paragraph:—

"In any county in which any public school inspector has charge of less than 140 schools or departments with separate registers the appointment of an additional inspector shall be subject to the approval of the Lieutenant-Governor in Council."

26. Sub-section 8 of section 86 of *The Public Schools Act*, as enacted by section 47 of the said Act, passed in the sixth year of His Majesty's reign, is amended by inserting before the word "postage" in the ninth line the word "printing."

27. Sub-section 6 of section 87 of *The Public Schools Act* is amended by striking out the words "at his discretion" in the first line and substituting therefor the words "subject to the approval of the Minister of Education."