

THE MUNICIPAL WORLD

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Calendar for July and August, 1903.

Legal, Educational, Municipal and Other Appointments.

- JULY 1.** Dominion Day (Wednesday.)
 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 Council to pass By-law that nomination of members of Township Councils shall be on Third Monday preceding the day for polling.—Municipal Act, Section 125.
 Before or after this date Court of Revision may, in certain cases, remit or reduce taxes. Assessment Act, Section 74.
 Last day for revision of rolls by County Council with a view to equalization.—Assessment Act, Section 87.
 Last day for establishing new High Schools by County Councils.—High School Act, Section 9.
 Treasurer to repair half-yearly statement for council.—Section 292, Municipal Act.
 Treasurer to prepare statement of amount required to be raised for sinking fund to be laid before Council previous to striking annual rate.—Municipal Act, Section 418, (4)
 Last day for completion of duties of Court of Revision.—Assessment Act, Section 71, subsection 19.
- 5.** Last day for service of notice of appeal from Court of Revision.—Assessment Act, Section 75.
 Make returns of deaths by contagious diseases registered during June.
- 15.** Last day for making returns of births, deaths and marriages registered for half year ending 1st July.—R. S. O., Chapter 44, Section 11.
- 20.** Last day for performance of statute labor in unincorporated townships.—Assessment Act, Section 122.
- 31.** Last day to which judgment on appeals, Court of Revision, may be deferred, except as provided in the Act respecting the establishment of Municipal Institutions in territorial districts.—Assessment Act, Section 75, subsec. 7.
- AUGUST 1.** Last day for decisions by Court in complaints of municipalities respecting equalization.—Assessment Act, Section 88, subsection 7.
 Notice by Trustees to Municipal Councils respecting indigent children due.—Public Schools Act, Section 65, (8) ; Separate Schools Act, Section 28, (13).
 Estimates from School Boards to Municipal Councils for assessment for school purposes, due.—High Schools Act, Section 16, (5) ; Public Schools Act, Section 65, (9) ; Separate Schools Act, Section 28, (9) ; Section 33, (5).
 High School Trustees to certify to County Treasurer the amount collected from County pupils.—High Schools Act, Section 16, (9).

NOTICE.

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The Municipal World

PUBLISHED MONTHLY

In the Interests of every department of the Municipal Institutions of Ontario.

K. W. MCKAY, EDITOR,

A. W. CAMPBELL, C. E. } Associate
J. M. GLENN, K. C., LL.B. } Editors

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ST. THOMAS, JULY 2, 1903.

County Councils.

The most important municipal amendment passed at the recent session of the Legislature is that relating to the constitution of county councils. Very little attention appears to have been paid to it and published reports of discussions in reference thereto were brief. The present constitution of county councils was determined by the Act of 1896. This was the result of some years of careful investigation on the part of the late Premier Hardy and some members of the present Government, and it was then thought to be the only feasible scheme. Every phase of the question was considered and the best plan adopted. No particular objection was raised to the Act which appeared to work well except in two or three instances where it was found impossible to form districts out of adjoining municipalities. There was no popular agitation for the change. The amendments just passed were not taken seriously when introduced; they appeared to be an echo of the arguments advanced in 1896 when the alternative plan now proposed was found to be objectionable. We will be pleased to receive the opinions of our subscribers in reference to the amendments, so that all may become acquainted with the question and effect of the new law which provides that the county councils of local municipalities within a county may by resolution declare that it is expedient that the council of such county shall be composed of the reeves of the townships and villages and the mayors of towns not separated from the county, instead of representatives of the county council divisions constituted under the present Act, where a majority of the councils of the local municipalities pass resolutions and proper notice thereof

is given to the county clerk, it will not be necessary to hold elections for county councillors, and thereafter county councils shall be composed of the mayors and reeves.

A new feature is that when voting on questions involving the expenditure of more than \$1,000 for any purpose, a mayor or reeve shall count in proportion to the equalized value of his municipality. A correspondent in the present issue directs attention to other matters more important than the expenditure of money. The question of changing the present system should not be hastily considered. A session of the Legislature will be held before the Act can go into operation in any county, this gives every opportunity for a full discussion and consideration of desirable amendments.

Communication.

To the Editor of the Municipal World:

SIR—The County Council Amendment Act upon which you invite criticism should be filed away as a curious legislative freak.

The opponents of the existing system of county representation are in the habit of claiming that owing to the severance of the connection between the local and county councils, interest in the former has diminished almost to vanishing point and that consequently it is now almost impossible to secure live men to fill the positions of local councillors.

The amending Act which apparently voices the sentiments of this opposition provides that the proposed sweeping changes in county representation shall be affected by resolutions passed by a majority of the local councils in any county. But if the opponents of the existing system are correct in their statements, the local councils being composed of persons, who may almost be said to have been pitchforked into office, would scarcely represent the true feelings of the community. It does not therefor appear reasonable for this and other apparent reasons, to place this power in the hands of the local councils.

The amending Act proposes to substitute for the existing system of county representation, the reeves of townships and villages, and the mayors of towns, giving to each member of a county council, thus constituted, equal voting power on all questions whatever, (affecting current annual expenditure) and, in fact, on all questions whatever, which do not involve an expenditure of over \$1,000.

It will be remembered that prior to 1897, whilst the smaller municipalities were each represented in county council by their reeve or mayor, the fair proportion of representation was secured to the larger township municipalities by means of one or more deputy reeves in proportion to their population.

Questions of considerable importance (such as the equalization of assessments) not directly involving any expenditure of

money will often arise, and the expenditures of large sums for annual current expenses (such as for the repairs of county roads) are liable to be required. Yet the amended Act in respect to these is framed with an utter disregard of the well recognized principles of representative government and makes no provision for securing a fair representation for, or for protecting the interests of the larger municipalities. Nor does the 'local option' feature of the amending Act render such omission more excusable. To argue that a local option to commit suicide would be unobjectionable, because no sane person would take advantage of it, would be equally reasonable.

When this matter was before the legislature, it was reported in the press that if the amending Act became law a certain prominent western county would eagerly adopt the new system. But municipal statistics furnish the information that this county comprises (beside 2 towns,) 15 townships and 6 villages. Under the amending Act the 15 township reeves (taking the average) would each represent a population of 3,000 and \$1,600,000 of assessed property, whilst the six village reeves would each represent between 500 and 600 of population, and \$12,000 of assessed property. Between the certain ills under the existing Act, from which this county would flee however serious they may appear, and the uncertain ills which would be evolved from the amending Act, this county looks to be between the 'devil and the deep blue sea'. In taking the benefit of the option, it may go farther and fare worse!

The amending Act further provides that on any question involving an expenditure in excess of \$1,000 for any purpose other than the "annual current expenses" of the municipality the value of each member's vote shall be based upon the amount of equalized assessment which he represents. This provision is open to several objections. Difficulties may easily arise in determining whether a proposed expenditure comes under the head of "current annual expenses" or otherwise. Further, a numerical majority if so disposed, would have little difficulty in dividing up or otherwise manipulating a proposed expenditure although in excess of \$1,000, in such manner as to over-ride a majority in value of the members of a council, and thus effectually dispose of such little protection as even this provision proposes to provide for the larger municipalities.

EDWARD KENRICK,
Co. Councilor, Wentworth Co.

Mr. John J. Fair, Jr., of Millbrook, has been appointed clerk of the township of Cavan, to succeed Mr. Geo. Sootheran.

* * *

Mr. John H. Kean Jr. has been appointed clerk of the village of Tiverton, in the place of Mr. G. S. Evans.

* * *

Mr. J. D. Harkness, of the "Spectator" has been appointed clerk of Palmerston in succession to Mr. Geo. F. Downie.

Municipal Legislation, 1903.

The Municipal Amendment Act, 1903.

This Act is much more voluminous even than usual. It contains, however, many useful provisions necessitated by the consolidation of the municipal law at the recent session of the Legislature. The provisions of the Act to which, we think special attention should be drawn are as follows: Section 14 provides for a change in the composition of county councils. The councils of local municipalities in a county are empowered to declare by resolution that it is expedient that the council of such county should be composed of the Reeves of townships and villages and the mayors of towns not separated from the county. After the passing of resolutions of this nature by a majority of the councils of local municipalities in the county, the clerk of the county shall certify the facts to the county council, and shall also prior to the 15th of October insert a notice of the passing of such resolutions in some newspaper published in the county town, and in one other newspaper published in the county, thereafter it shall not be necessary to hold an election for county councillors, as theretofore provided in the Act. Section 15 repeals section 71 of the Municipal Act, and substitutes another section, making further provision for the constitution and election of councils in towns and cities. Sections 26 and 27 regulate the place where, and number of times electors may vote at municipal elections. Section 32 authorizes a judge of the high court or the judge or acting judge of the county to try proceedings to vacate the seat of a member of a council, and by Section 45 *quo warranto* proceedings are abolished. Section 56 relates to the composition of the council of the city of Toronto, and section 64 explains more definitely the duties of auditors. Section 84 repeals sub-section 3 of section 384 of the Act, as amended by section 15 of the Municipal Amendment Act, 1901, and substitutes a new section relating to the issue of debentures under money by-laws. Section 93 renders debentures valid when interest has been paid thereon for one year. Section 102 relates to the cost of maintenance of persons committed to a House of Refuge, who have not resided continuously in the local municipality or from which they are sent, for the period of three years, immediately preceding their committal, and section 105 makes provision for the submission of questions of general policy to the electors at municipal elections. Section 112 authorizes the compulsory commutation of statute labor in unincorporated villages; and section 117 empowers municipalities to establish fuel yards under certain conditions. Section 125 enables county councils to pass by-laws

for regulating traffic and the width of tires, and section 132 authorizes the taking of the proceedings therein mentioned to relieve townships of the maintenance of bridges over 300 feet in length. Section 143 repeals section 664 of the Act, and introduces a new section relating to the making of local improvements in municipalities, and the following fifteen sections make numerous amendments to the local improvement clauses of the Act. Section 165 provides for the incorporation of the trustees of a police village under certain circumstances, renders them responsible for the maintenance and repair of all works, improvements and services undertaken by them under the Act, and subjects them to liability for default. 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:—

1. Section 1 of *The Municipal Act* is amended by inserting therein after the word "and" at the end of the first line the words "except where otherwise expressly provided."

2. Section 2 of *The Municipal Act* is amended as follows:—

MEANING OF "COUNTY TOWN."

(a) By striking out at the end of the paragraph numbered 4, the words "in which the assizes for the county are held" and inserting in lieu thereof the words "in which the court house for the county is situate."

MEANING OF "ELECTORS."

(b) By inserting in the paragraph numbered 5 after the word "by-law" in the third line the words "resolution or question."

NO "DEPUTY" REEVE.

(c) By striking out the paragraph numbered 12.

WHEN ASSESSMENT ROLL FINALLY REVISED.

3. Section 3 of *The Municipal Act* is amended by inserting therein after the word "revised" at the end of the second line the words "or confirmed."

POWERS OF CORPORATIONS TO BE EXERCISED BY COUNCIL.

4. Section 10 of *The Municipal Act* is amended by striking out the word "exercised" in the second line and inserting the word "exercisable" in lieu thereof.

ANNULLING INCORPORATION OF VILLAGE.

5. Subsection 1 of section 19 of *The Municipal Act* is amended by striking out the words "the village should become unincorporated" in the third and fourth lines and inserting in lieu thereof the words "the incorporation of such village should be annulled."

TAKING OF CENSUS OF TOWNS AND VILLAGES ABOLISHED.

6. Section 20 of *The Municipal Act* is repealed.

AMENDMENT OF PROCLAMATION EXTENDING LIMITS OF TOWN OR CITY.

7. Section 24 of *The Municipal Act* as amended by section 3 of *The Municipal Amendment Act 1902* is amended by striking out the words "or in any further proclamation in amendment thereof" and by striking out all the words in the said section after the words "attach thereto" and by adding at the end of the said section

the words "The said Proclamation before it takes effect may be amended in any respect by a further proclamation."

ANNEXATION OF VILLAGE OR TOWN TO ADJACENT VILLAGE, TOWN OR CITY.

8. Subsection 1 of section 26 of *The Municipal Act* is repealed and the following substituted therefor:—

(1) The council of any village or town may by resolution declare that it is expedient that such village or town be annexed to an adjacent city, town or village and in case the council of such city, town or village passes a resolution to the same effect, the council of such first mentioned village or town may submit the resolution to the electors and if a majority of the electors voting thereon are in favour of the resolution, the Lieutenant Governor in Council may by proclamation annex the one municipality to the other upon such terms as may have been agreed upon or determined by arbitration.

ELECTORS ENTITLED TO VOTE ON ANNEXATION BY LAWS.

9. Subsections 4 and 5 of section 26 of *The Municipal Act* are amended by striking out the words "qualified municipal electors" and "municipal electors" wherever they occur in the said subsections and inserting in lieu thereof the word "electors."

10. Section 26 of *The Municipal Act* is amended by adding thereto the following subsection:—

(8) The term "electors" where it occurs in this section shall have the same meaning as in subsection 1 of section 19 of this act.

ADDED TERRITORY MAY REMAIN IN FORMER ELECTORAL DISTRICT.

11. *The Municipal Act* is amended by inserting therein the following section:—

26a. The Lieutenant-Governor in Council, in and by any proclamation for adding territory to a city or town, or for annexing a village or a town to an adjacent city, town or village may provide that the territory added or the village or town annexed, shall for the purpose of elections to the Legislative Assembly continue for such period of time as may be mentioned in the proclamation, to form part of the electoral district of which it had theretofore formed a part.

UNITING OF TOWNSHIP MUNICIPALITIES ABOLISHED.

12. Sections 33 and 34 of *The Municipal Act* are repealed.

AUTHORITY TO SET APART HAMLET RESCINDED AND PROVISIONAL COUNTY CORPORATIONS ABOLISHED.

13. Sections 37, 38 and 40 to 54, both inclusive, of *The Municipal Act* are repealed.

COMPOSITION OF COUNTY COUNCILS.

14. *The Municipal Act* is amended by adding thereto the following section as section 68a:—

68a. The council of any local municipality within a county, at a special meeting called for that purpose, may by resolution declare that it is expedient that the council of such county should be composed of the Reeves of townships and villages and the mayors of towns not separated from the county, instead of representatives of the county council divisions constituted under this Act, and may cause a copy of such resolution, duly certified by the clerk and Head of the council under the corporate seal, to be deposited with the clerk of the county on or before the first day of October, in any year, immediately preceding a year in which county councillors are to be elected under this Act.

(2) In case a resolution has been duly passed and deposited with the clerk of the county in any year under the preceding subsection by the councils of a majority of the local municipalities in the county, the clerk of the county shall certify the facts to the county council

in writing signed by him, and shall also, on or before the 15th day of October in such year insert a notice of the passing of the resolution by a majority of the councils of the local municipalities of the county, in some newspaper published in the county town and in one other newspaper published in the county. After the publication of such notice it shall not be necessary to hold an election of county councillors in such county or to appoint nominating officers therefor, but the county council for the following year and thereafter shall be composed of the Reeves of all townships and villages in the county and the mayors of all towns not separated from the county for municipal purposes, and the following subsections of this section shall apply to such county:—

(3) No reeve or mayor shall take his seat in the county council until he has filed with the clerk of the county council a certificate of the township, village or town clerk under his hand and the seal of the Municipal Corporation that such reeve or mayor was duly elected, and has made and subscribed the declarations of office and qualification as such reeve or mayor.

(4) The certificate in subsection 3 mentioned may be in the following form:—

I, (A.B.) of _____, Clerk of the Corporation of the Township (*Town or Village, as the case may be*) of _____ in the county of _____ do hereby, under my hand and the seal of the said Corporation, certify that (C.D.) of _____ Esquire, was duly elected Reeve (*or Mayor, as the case be*) of the said Township of (*Town or Village as the case may be*) and has made and subscribed the declaration of office and qualification as such Reeve (*or Mayor, as the case may be.*)

ELECTION OF WARDEN.

(5) The members elect of every county council, being at least a majority of the whole number of the council shall at their first meeting after the yearly elections, and after making the declarations of office and qualification when required to be taken, organize themselves as a council by electing one of themselves to be warden.

(6) At every such election the clerk of the council shall preside, and if there is no clerk the members present shall select one of themselves to preside, and the person so selected may vote as a member.

CASTING VOTE.

(7) Where the number of votes cast for a warden is even, and no election can be had during the first day of meeting, if no choice is made after the council has voted twice, on the second day, the member representing the municipality having the largest equalized assessment shall have two votes, and in case of two or more municipalities having an equalized assessment of the same amount, the clerk shall in open council draw lots to ascertain which member shall give the casting vote.

(8) In every question arising in a county council constituted under this section which involves the expenditure of money to an excess of \$1,000 for any purpose other than the current annual expenses of the municipality, the result shall be determined by adding together the equalized assessments of the municipalities whose representatives vote for such expenditure and against such expenditure respectively instead of by a majority vote of the members as in other cases.

POWERS OF COUNTY COUNCILS.

(9) Such county council shall have all the rights, powers and authority vested in county councils by this Act, and subject to the provisions of subsection 8 of this section, may do and perform all acts, matters and things which county councils might or could do under this Act; and all parts of this Act affecting or applicable to county councils, except the provisions thereof relating to the election of county councillors and the election of a warden, shall apply to the county councils constituted under the preceding subsections of this section.

MEANING OF "LOCAL MUNICIPALITY."

(10) The words "local municipality" or "local municipalities" in the preceding subsections of this section shall not include a city or town separated from the county for municipal purposes.

COMPOSITION OF COUNCILS IN CERTAIN TOWNS AND CITIES.

15. Section 71a of *The Municipal Act* is repealed and the following substituted therefor:—

71a—(1). The council of every town having a population of not more than 5,000 shall consist of a mayor, who shall be the head thereof, and of six councillors, who shall be elected by a general vote.

(2). At any time, after two annual elections have been held under the provisions of subsection 1 of this section, the council of the town may by by-law provide for the division of the town into wards, and at the annual municipal election held next after the passing of such by-law and thereafter at each annual election so long as the said by-law shall remain in force one councillor shall be elected by the electors of each ward, and the remaining councillors to complete the full number of six shall be elected by general vote.

(3). The council of any town having a population of more than 5,000, and the council of any city having a population of 15,000 or less, may by by-law provide that the council of such city or town shall be composed of a mayor and one alderman for each 1,000 of population to be elected by general vote, or of a mayor and six aldermen, when the population is less than 6,000.

(4). At any time after two annual elections have been held under the provisions of subsection 3 of this section, the council of the town or city may by by-law provide for the election of aldermen by wards as provided in section 71 of this Act.

(5). In any city having a population of more than 15,000, the council may by by-law provide that the aldermen shall be elected by a general vote of the municipal electors, and may in like manner repeal any such by-law.

(6). No by-law shall be passed under this section by the council of any city or town, nor shall any by-law repealing the same be so passed until it shall have been submitted to the electors at an annual municipal election, and shall have received the assent of a majority of the electors voting thereon.

(7). Upon a petition signed by at least twenty per cent. of the electors of the city or town, as the case may be, being presented to the council on or before the first day of November, in any year, for the submission of a by-law under subsections 2 and 4, and upon a petition signed by at least 400 electors of a city being presented to the council on or before the said date for the submission of a by-law, or the repeal thereof under subsection 4 of such city or town, as the case may be, to submit the by-law at the then next ensuing annual municipal election. Provided that no by-law passed under subsections 2, 3 and 4 of this section shall be repealed until at least two annual municipal elections have been held under such by-law, and no by-law passed under subsection 5 of this section shall be repealed until at least five annual municipal elections have been held thereunder.

(8). The word "electors" in this section shall mean the persons qualified to vote at municipal elections in the city or town as the case may be.

(9). Every by-law passed under this section shall come into force and take effect at the next annual municipal election.

(10). The population of any city or town shall, for the purposes of this section, be determined by the latest census of the Dominion of Canada.

QUALIFICATION OF MAYOR, ALDERMAN, COUNCILLOR, ETC.

16. Subsection 1 of section 76 of *The Municipal Act* is amended by striking out the word

"rated" in the 12th line and inserting the word "assessed" in lieu thereof.

EXEMPTION FROM DISQUALIFICATION.

17. Clause (b) of subsection 2, of section 80, of *The Municipal Act* is amended by adding after the word "office" in the fourth line of the said clause the following words:—

"Or by reason of any such exemption being founded on any contract or agreement made between him and the council of any such municipal corporation with respect to such exemption."

CLERK OR TREASURER OF COUNTY ELIGIBLE TO SIT IN COUNTY COUNCIL.

18. Section 81 of *The Municipal Act* is amended by striking out all the words therein after the word "councillor" at the end of the 7th line of said section.

BY-LAWS FOR HOLDING NOMINATIONS IN CERTAIN CITIES.

19. *The Municipal Act* is amended by adding the following as section 95a:—

95a. In cities having a population of over 100,000 inhabitants, the council thereof may, by by-law to be passed not later than the 15th day of November in any year, enact that the meeting of electors for the nomination of candidates for the offices of Mayor, Alderman and Public School Trustees, shall be held on the 23rd day of December, except where the said 23rd day of December falls on a Sunday, in which case the nomination shall be held on the following day, and that the election of Mayor, Aldermen and Public School Trustees in such municipality (except such members as have been previously elected) shall be held on the 1st day of January next thereafter, except where the 1st day of January falls on a Sunday, in which case the election shall be held on the following day.

20. Section 99 of *The Municipal Act* is repealed.

21. Section 103 of *The Municipal Act* is repealed.

ELECTION OF TOWNSHIP COUNCILLORS MAY BE HELD WITHIN A CITY, TOWN OR VILLAGE.

22. Section 105 of *The Municipal Act* is amended by striking out all the words therein after the word "election" in the first line down to and including the word "election" in the second line, and by inserting the word "shall" after the word "thereof" in the third line of the said section.

ADMINISTRATION OF OATH TO VOTERS.

23. Section 117 of *The Municipal Act* as amended by section 6 of *The Municipal Amendment Act, 1902*, is repealed, and the following substituted therefor:—

117. Such oaths or affirmations may be administered by the returning officer or deputy returning officer, as the case may be, if he shall think proper, and shall be administered at the request of any candidate or his authorized agent, and no enquiries shall be made of any voter except with respect to the facts specified in such oaths or affirmations.

CANDIDATES IN CITIES OF OVER 30,000 TO FILE DECLARATION OF QUALIFICATION BEFORE 9 O'CLOCK P. M. ON DAY FOLLOWING NOMINATION DAY.

24. Subsection (3a) of section 129 of *The Municipal Act* as enacted by *The Municipal Amendment Act, 1900*, is amended by inserting after the word "or" in the second line thereof the following words "at any time before nine o'clock p. m."

EFFECT OF RETIREMENT BY A MAJORITY OF COUNCIL.

25. (1) Section 131 of *The Municipal Act* is amended by striking out the words "the number of members necessary to complete" and the word "is" in the 4th and 5th lines of the said section.

WHEN NEW ELECTION TO BE HELD.

(2) *The Municipal Act* is amended by inserting therein the following section:

131a. In cases arising under the two last preceding sections the new election shall be held as soon as practicable.

WHERE AND HOW OFTEN ELECTORS MAY VOTE.

26. Sections 158, 158a, 159 and 161 of *The Municipal Act* are repealed and the following substituted therefor:

158. (1) In cities and towns in which the aldermen or councillors are elected by general vote and in townships and villages every elector may vote once only for mayor or reeve, and once only for each alderman or councillor to be elected, and in case any elector is rated for the necessary qualification to vote in more than one ward or polling subdivision of the municipality in which he resides then he shall vote in the ward or polling subdivision in which he resides if qualified to vote therein; or in case he is not so rated in the ward or polling subdivision in which he resides, or is a non-resident,—then at the place at which he first votes and there only.

(2) In cities and towns in which the aldermen or councillors are elected by wards, every elector may vote once only for mayor at the polling place for the ward or polling subdivision in which he resides, or in case he is a non-resident or is not entered on the voters' list as entitled to vote in that ward or polling subdivision, then where he first votes and there only.

(3) In cities and towns in which aldermen or councillors are elected by wards every elector may vote once in each ward for each alderman or councillor to be elected for the ward.

PENALTY FOR VOTING OFTEN THAN ENTITLED.

27. Section 162 of *The Municipal Act* is repealed and the following substituted therefor:

162. (1) Any person who votes more often than he is entitled to under the provisions of this Act shall incur a penalty of \$50.

(2) The receipt by any voter of a ballot paper within the polling booth shall be *prima facie* evidence that he has there and then voted.

PENALTY FOR REFUSAL BY DEPUTY RETURNING OFFICER TO INITIAL BALLOT PAPER.

28. Section 166 of *The Municipal Act* is amended by striking out all the words therein after the word "aforesaid" in the eighth line of the said section.

AGENTS WHO MAY BE PRESENT AT POLLING.

29. Section 175 and section 175a of *The Municipal Act* enacted by section 11 of *The Municipal Act, 1901*, are repealed and the following substituted therefor:

175. In cities where the aldermen are elected by general vote not more than one agent of any candidate and in other municipalities not more than two agents of any candidate shall be entitled to be present at the same time in any polling place during the voting or at the counting of the votes.

INSPECTION OF BALLOT PAPERS.

30. Sub-section 1 of section 189 of *The Municipal Act* is amended by striking out the words "a petition questioning" in the 7th and 8th lines and inserting in lieu thereof the words "taking proceedings under the Act in contesting."

31. Sub-section 9 of the said section 189 is amended by striking out all the words therein after the word "person" in the second line and inserting in lieu thereof the words "may have under the provisions hereinafter contained by proceedings in the nature of *quo warranto* or otherwise."

PROCEEDINGS TO UNSEAT MEMBER OF COUNCIL.

32. Sub-section 1 of section 219 of *The Municipal Act* is repealed and the following substituted therefor:

(1) In case the validity of the election or the appointment or the right to hold the seat of a mayor, warden, reeve, alderman, county councillor or councillor is contested, the same may

be tried by a Judge of the High Court or the Judge or acting Judge of the County Court of the County in which the election or appointment of the person whose election or appointment, or whose right to sit is contested was elected or appointed. Any candidate at such election, or any elector who gave or tendered his vote thereat, or in case of an election by acclamation, or in case the right to sit is contested on the ground that a member has become disqualified or has forfeited his seat since his election or appointment, any elector entitled to vote at a municipal election in the municipality may be the relator for the purpose.

PROCEEDINGS TO UNSEAT MEMBER OF COUNCIL WHO HAS FORFEITED HIS SEAT OR BECOME DISQUALIFIED SINCE HIS ELECTION.

33. Subsection 1 of section 220, of *The Municipal Act* is amended by inserting therein after the words "or councillor" in the 8th line the words "or in case at any time the relator shows by affidavit to such Judge reasonable ground for supposing that any member of the council of a local municipality or of a county council has forfeited his seat or has become disqualified since his election."

CONTENTS OF NOTICE OF MOTION TO UNSEAT MEMBER OF COUNCIL.

34. Subsection 2 of section 221 of *The Municipal Act* is amended by striking out the words "or voter" in the third line and inserting in lieu thereof the words "or as an elector of the municipality," and by adding at the end of the said subsection the words "or the grounds of forfeiture or disqualification, as the case may be."

CASES IN WHICH PROCEEDINGS MAY BE TAKEN AGAINST TWO OR MORE MEMBERS OF THE COUNCIL OR COUNTY COUNCIL IN ONE MOTION.

35. Section 225 of *The Municipal Act* is amended by inserting after the word "elected" in the second line the words "or sitting as members of the council or county council."

PROCEEDINGS ON HEARING OF MOTION.

36. Section 226 of *The Municipal Act* is amended by inserting therein after the word "elected" in the fourth line the words "or to attack the right of any member to sit."

37. Section 227 of *The Municipal Act* is amended by inserting therein after the word "election" in the second line the words "or the right to sit."

38. Subsection 1 of section 232 of *The Municipal Act* is amended by inserting after the word "election" in the third line the words "or the right of any person to sit."

39. Section 233 of *The Municipal Act* is amended by striking out all the words therein after the word "removed" in the 7th line and inserting in lieu thereof the words "or in case the Judge determines that some person duly elected has become disqualified or has forfeited his seat then except as provided by section 215a the Judge shall order a new election to be held."

40. Section 234 of *The Municipal Act* is amended by inserting therein after the word "invalid" in the second line the words "or in case the Judge determines that all the members of the council have become disqualified or have forfeited their seats."

41. Section 238 of *The Municipal Act* is amended by striking out the word "may" in the first line, and by inserting after the word "person" in the 3rd line the words "or any person whose seat is attacked on the ground that he has become disqualified or has forfeited his seat, may."

WHEN DISCLAIMER TO RELIEVE FROM LIABILITY FOR COSTS

42. Section 241 of *The Municipal Act* is repealed and the following section substituted therefor:—

241. A disclaimer filed under section 240 of this Act shall relieve the person making it from all liability to costs, and where a disclaimer has

been made in accordance with section 238 or section 240 of this act it shall operate as a resignation and the vacancy so created shall be filled in the manner provided by this Act with respect to vacancies caused by resignation.

43. Section 243 of *The Municipal Act* is amended by inserting after the word "disclaiming" in the second line the words "under section 238 of this Act."

RULES OF PRACTICE.

44. Section 244 of *The Municipal Act* is amended by inserting thereinafter the word "elections" in the 7th line the words "or the question of the right of any person to sit in a council or county council."

REMEDY BY QUO WARRANTO ABOLISHED.

45. *The Municipal Act* is amended by inserting therein the following section:—

244a. In cases provided for by this Act in which the validity of an election is contested or in which the right to sit in any municipal council is questioned, *quo warranto* proceedings shall not be taken but in every such case the practice and procedure shall be as prescribed by section 219 and following sections of this Act and the Rules of Court heretofore or hereafter made as provided in section 244 of this Act. (New)

PROCEDURE

46. Section 248 of *The Municipal Act* is amended by inserting after the word "motion" in the first line the words "under this Act."

47. Section 249 of *The Municipal Act* is amended by striking out the words "a trial upon" in the second line and inserting in lieu thereof the words "the hearing of."

48. (1) Section 251 of *The Municipal Act* is amended by striking out the words "section 166" in the second line and inserting in lieu thereof the words "sections 162 and 166"

ENFORCING PENALTIES FOR CORRUPT PRACTICES AT ELECTIONS.

(2) The said section is further amended by adding thereto the following subsection:—

(2) The judge shall direct that in default of payment of any such penalty and costs within the time fixed by the Judge, the offender shall be imprisoned in the common gaol of the county for such period, not exceeding thirty days, as shall be directed by the said judgment, and in case of such default of payment the Judge shall issue a warrant for the arrest and confinement of the offender in such common gaol in accordance with the said judgment unless the penalty and costs are sooner paid. R. S. O. 1897, c. 223, s. 162 (3).

LIMITATION OF TIME FOR PROCEEDINGS.

49. Section 256 of *The Municipal Act* is amended by inserting after the word "proceedings" in the first line the words "under this Act."

WHEN NO PENALTY RECOVERABLE.

50. Section 257 of *The Municipal Act* is amended by striking out the words "or any other Act of the Legislature of Ontario" in the second line and inserting after the word "election" in the fourth line the words "or at the voting upon a by-law."

ELECTION OF WARDEN—CASTING VOTE.

51. Section 263 of *The Municipal Act* is amended by striking out all the words therein from the commencement of the said section down to the word "votes" in the fifth line and inserting in lieu thereof the following:—

263. Where the number of votes cast for two or more members upon the election of a warden is even, and no election can be had during the first day of meeting, if no choice is made after two votes have been taken in the council on the second day, the senior member representing the division having the largest equalized assessment shall have two votes, but should two divisions have the same equalized assessment then the senior member representing that division which has the larger number of voter

according to the last revised voters' lists shall have two votes.

MEETINGS OF COUNTY COUNCIL TO BE HELD AS APPOINTED BY RESOLUTION.

52. Section 265 of The Municipal Act is amended by striking out the words "either within or without the municipality" in the third line and by striking out the words "by by-law or" in the fourth line.

COUNCILLORS MUST BE QUALIFIED TO VOTE ON QUESTION.

53. Section 269 of The Municipal Act is amended by inserting after the word "three" in the second line the words "not disqualified to vote on the question."

SPECIAL MEETING—WHERE TO BE HELD.

54. Section 271 of The Municipal Act is amended by adding after the word "by-law" in the first line the words "or resolution."

HEAD OF COUNCIL MAY VOTE—EQUALITY OF VOTES TO NEGATIVE QUESTION.

55. Section 274 of The Municipal Act is repealed and the following substituted therefor:—

274. The head of the council or the presiding officer or chairman of any meeting of any council, except in cases where he is disqualified to vote by reason of interest or otherwise may vote with the other members, on all questions, and except where otherwise expressly provided by this Act any question on which there is an equality of votes shall be deemed to be negatived. (*New*)

COMPOSITION OF COUNCIL OF CITY OF TORONTO.

56. The Municipal Act is amended by adding the following as section 276b:—

276b. Notwithstanding anything in this Act or in any special Act contained upon and from the date of the next municipal elections, the municipal council of the city of Toronto shall thereafter consist of the mayor and four controllers to be elected from the city at large, and eighteen aldermen, three of whom shall be elected from each of the six wards of the city, and the four controllers so elected, together with the mayor, shall be the Board of Control for the said city.

(2) Each elector entitled to vote for mayor shall also be entitled to vote for four persons to be elected controllers, or for one or more thereof less than four, and the aldermen shall be elected in the manner at present provided by law by the municipal electors entitled to vote in each of the wards in which they may be qualified so to vote.

(3) The candidates for the office of controller shall be nominated at the same time and place and in the same manner as candidates for the office of mayor are nominated, and the provisions of this Act providing for the nomination and election of a mayor including election by acclamation and the filling of any vacancy that may occur in the said office shall except as otherwise provided herein *mutatis mutandis* apply to the nomination and election of controllers.

(4) Any person desiring to vote for a controller or for controllers shall do so by placing a cross opposite the name or names of the candidates for whom he so desires to vote, and if he desires to give more than one vote for any of such candidates he shall place opposite the name of such candidate as many crosses, (not exceeding four) as he desires to give votes for such candidate, and in no case shall he give more than four votes, and any ballot containing more than four votes for a controller or controllers shall be rejected so far as the votes for controllers are concerned.

(5) No person shall be qualified to be elected to the position of controller who has not served for at least two years as a member of the city council prior to the date of his nomination as controller in addition to possessing the property and other qualification as required for mayor by section 76 of this Act.

(6) Where at any election in the City of Toronto four controllers are to be elected, there shall be added to the directions contained in Schedule B. of this act, the following paragraph specially applicable to the election of controllers:—

Where four controllers are to be elected and the voter desires to give one, two, three or four votes for one or more candidates, he shall place one cross thus X or two crosses thus XX or three crosses thus XXX or four crosses thus XXXX (as he may desire) on the right hand side opposite the name of the candidate for whom he votes.

(7) All powers, duties and obligations given, conferred or placed upon aldermen in cities shall be possessed and exercised by, and shall be binding upon any controller provided for under this section.

(8) Subsections 1, 2, 5, 6 and 7 of section 276 of this Act shall not apply to the City of Toronto.

(9) Subsection 4 of the said section 276 is amended by substituting \$1,000 for \$700 therein.

57. Subsection 8 of section 277 of *The Municipal Act* is amended by striking out the words "free library" in the third line and inserting in lieu thereof the words "public library."

INSPECTION OF MINUTES AND PROCEEDINGS OF COMMITTEES OF COUNCIL

58. Subsection 1 of section 284 of *The Municipal Act* is amended by inserting after the words "as well as" in the second line the words "the minutes and proceedings of committees of the council whether the acts of such committees have been adopted or not and also."

ADVERTISEMENT OF DEBT BY-LAW TO BE SENT TO SECRETARY BUREAU OF INDUSTRIES.

59. Subsection 2 of section 285 of *The Municipal Act* is amended by striking out the words "section 390" in the fourth line and substituting therefor the figures "338."

TREASURER TO PAY OUT MONEYS ON ANY BY-LAW OR RESOLUTION OF THE COUNCIL.

60. Section 290 of *The Municipal Act* is amended by striking out the word "lawful" in the fourth line thereof.

NOTICE OF DISMISSAL OF TREASURER TO BE GIVEN TO SURETIES.

61. Section 294 of *The Municipal Act* is amended by adding at the end thereof the following words "and the council shall forthwith give notice of such dismissal to the sureties of such treasurer."

AUDITORS AND THEIR DUTIES.

62. Subsection 1 of section 299 of *The Municipal Act* is amended by inserting the words "and section 309" after the word "sections" in the first line, and striking out the words "as to cities" at the beginning of the second line of the said subsection.

63. Subsection 1 of section 301 of *The Municipal Act* as enacted by section 9 of *The Municipal Amendment Act, 1898* is amended by inserting after the word "year" in the fourth line the words "for the succeeding year."

64. (1) Subsection 1 of section 304 of *The Municipal Act* is amended by inserting after the word "auditors" in the first line the words "appointed under section 299."

(2) Subsection 2 of the said section is amended by striking out the words "The auditors shall" at the commencement of the said subsection, and inserting in lieu thereof the words "The auditor or auditors of every municipality other than the City of Toronto shall annually," and by striking out the words "within one month after their appointment" in the thirteenth and fourteenth lines, and inserting in lieu thereof the words "in the case of auditors appointed under section 299 within one month after their appointment, and in the case of auditors appointed under section 301 or section 309 within one month after the expiry of each

year for which they are appointed," and by striking out the words "inhabitant or ratepayer" in the 14th line and inserting in lieu thereof the word "resident."

(3) Subsection 3 of the said section 304 is amended by striking out the word "They" at the commencement of the subsection and inserting in lieu thereof the words "The auditor or auditors of every municipality."

(4) Subsection 9 of the said section 304, is amended by striking out the words "East Algoma" and "West Algoma" and inserting in lieu thereof the words "Port Arthur and Rainy River, Fort William and Lake of the Woods, Sault Ste. Marie, Algoma, Manitoulin, East Nipissing, West Nipissing."

65. Section 309 of *The Municipal Act* as enacted by section 10 of *The Municipal Amendment Act, 1898*, is further amended by adding after the word "auditor" in the second line thereof the words "or auditors."

ELIMINATION OF WORDS "DEPUTY REEVE."

66. Subsection 2 of section 311 of the *Municipal Act* is amended by striking out the words "deputy reeve" in the second line.

67. Section 316 of *The Municipal Act* is amended by striking out the words "reeve or deputy reeve" in the first and second lines and inserting in lieu thereof the words "or reeve."

68. Section 319 of *The Municipal Act* is amended by striking out the words "or deputy reeve" in the second line.

SERVANT OF COUNCIL GUILTY OF MALFEASANCE

69. (1) Subsection 1 of section 324 of *The Municipal Act* is amended by striking out the words "or officer" at the end of the sixth line and inserting in lieu thereof the words "officer or servant."

POWER TO ENGAGE COUNSEL IN INVESTIGATION OF MALFEASANCE.

(2) The said section 324 is amended by adding thereto the following subsection:

(3) The council requesting any such investigation may engage and pay counsel to represent the corporation therein, and may pay all proper witness fees to persons summoned to give evidence at the instance of the corporation and any person charged with malfeasance, breach of trust or other misconduct, or whose conduct is called in question on such investigation may be represented by counsel thereon (*New*)

GENERAL POWER OF COUNCIL TO MAKE REGULATIONS TO BE EXERCISED BY BY-LAW.

70. Section 326 of *The Municipal Act* is amended by inserting after the word "may" in the first line the words "by by-law."

AUTHENTICATION OF BY-LAWS.

71. (1) Section 333 of *The Municipal Act* is repealed and the following substituted therefor:

333. Every by law shall be under the seal of the corporation and shall be signed by the head of the corporation, or by the officer or chairman presiding at the meeting at which the by-law was passed and by the clerk of the corporation and every original by-law so sealed and signed when produced by the clerk or any officer of the corporation charged with the custody thereof, shall be received in evidence in any court of justice without proof of the seal or signatures, unless it is specially pleaded or alleged that the seal or one or both of the signatures has or have been forged.

CERTIFICATE OF CLERK THAT PETITION FOR BY-LAW DULY SIGNED.

(2) *The Municipal Act* is amended by adding thereto the following section as section 337a.

337a. Where by this or any other Act it is provided that a by-law may be passed by any municipal council upon the application of a certain number of ratepayers, such by-law shall not be finally passed by the council until the clerk of the municipality has certified that the application was signed by the requisite number of persons who represent the requisite

amount of property according to the last revised assessment roll of the municipality. (New.)

ADMISSION OF AGENTS TO POLLING-PLACE.

72. Section 344 of The Municipal Act is amended by striking out all the words therein after the word "officer" in the fourth line and inserting in lieu thereof the words "or in the case of a municipality not divided into polling subdivisions to the clerk of the municipality or other person acting as returning officer as the case may be."

PREPARATION OF BY-LAW VOTERS' LISTS

73. Section 348 of the Municipal Act is amended by striking out the words "under the provisions of sections 353 and 354 of this Act" where they occur in the eighth and ninth lines of the said section.

CLERK HAS NO CASTING VOTE ON BY-LAW.

74. Section 351 of The Municipal Act is amended by inserting therein after the word "inclusive" in the fourth line the words "except section 179."

75. Subsection 1 of section 353 of the Municipal Act is amended by striking out the word "requiring" in the second and third lines and inserting in lieu thereof the words "for contracting a debt which requires."

REQUISITES OF MONEY BY-LAWS.

76. Subsection 1 of section 354 of The Municipal Act is amended by striking out the word "requiring" in the second line and inserting in lieu thereof the words "for contracting a debt which requires" and by striking out the words "in the case of a by-law for contracting a debt" in the sixteenth line of the said section.

77. (1) Sections 356 and 357 of The Municipal Act are amended by inserting at the commencement of each of the said sections respectively the words "in the case of a by-law for contracting a debt."

OATH OF LEASEHOLDER VOTING ON BY-LAW.

(2) The said section 357 is further amended by inserting in the form of oath given in the said section after the third paragraph thereof the following:

Or in the case of a by-law or resolution to be voted upon by leaseholders for a specified term of years.

That you are (or your wife is) a leaseholder within this municipality (or ward as the case may be) under a lease extending over a period of not less than _____ years from _____ (inserting the period fixed by the section under which the vote is taken.) [See section 19 (1) a.]

78. Section 364 of The Municipal Act is amended by inserting after the words "whether the" in the ninth line the word "required."

79. Subsection 4 of 366a of The Municipal Act is amended by inserting after the word "Algoma" in the second line the word "Manitoulin."

ELECTOR ENTITLED TO VOTE ON BY-LAW MAY APPLY FOR SCRUTINY.

80. Section 369 of The Municipal Act is amended by inserting after the word "elector" in the third line the words "who was entitled to vote upon the by-law."

COUNCIL TO PASS BY-LAW WITHIN SIX WEEKS AFTER ITS CARRYING BY THE ELECTORS.

81. Section 373 of The Municipal Act is amended by adding at the end thereof the following proviso:

Provided however that where a by-law which the council has been legally required by petition or otherwise to submit to a vote of the electors is duly carried it shall be the duty of the council within six weeks thereafter to pass the said by-law.

APPLICATION TO QUASH BY-LAW.

82. (1) Subsection 1 of section 378 of The Municipal Act is amended by inserting after the words "apply to" in the third line the words "a judge of."

(2) Subsection 4 of the said section 378 is amended by striking out the words "any costs which may be adjudged to them" in the last two lines and inserting in lieu thereof the words "any costs which may be awarded to the municipality against the applicant."

(3) Subsection 6 of the said section 378 is amended by striking out the word "adjudged" in the fourth line and inserting in lieu thereof the word "awarded."

83. Section 378a of The Municipal Act is amended by striking out all the words in the last three lines and inserting in lieu thereof the words "a deposit in lieu of a recognizance under section 378."

ISSUE OF DEBENTURES UNDER MONEY BY-LAWS.

84. (1) Subsection 3 of section 384 of The Municipal Act as amended by section 15 of The Municipal Amendment Act 1901, is repealed and the following substituted therefor:

(3) The debentures shall, save as hereinafter provided, be dated and issued all at one time, and in such case within two years after the passing of the by-law; Provided that in any case where, because of the proposed expenditure upon the objects for which the debt is contracted, being estimated to extend over a series of years, and it being undesirable to have large portions of the moneys on hand unused and uninvested, or for other like or sufficient causes set out in the by-law, it would, in the opinion of the municipal council, be to the advantage of the municipality to issue the debentures in instalments the by-law may provide that the debentures may be issued in instalments of such amounts (not exceeding in the aggregate the total amount for which provision is made by the by-law) and at such times, as the exigency of the case demands, but so that the whole shall be issued within five years, and the first instalment within two years, after the passing of the by-law and in such case the debentures may be issued according to the provisions of the by-law. This subsection shall apply to by-laws passed on or before the 15th day of April, 1901, as well as to by-laws passed after the said date. R. S. O. 1897, c. 223, s. 384 (3); 1 Edw. VII, c. 26, s. 15. (Amended.)

(2) Subsection 4 of the said section is amended by striking out all the words therein after the word "are" in the eleventh line and inserting in lieu thereof the word "issued."

INTEREST MAY BE INCLUDED WITH PRINCIPAL IN DEBENTURES.

85. Section 386 of The Municipal Act is amended by adding thereto the following sub-section:

(3) Any municipal council issuing debentures under any by-law may include the interest on the debentures in the amount payable, in lieu of the interest being payable annually in respect of each debenture and any by-law authorizing the issue of debentures for a certain amount and interest, shall be taken to authorize the issue of debentures in accordance with this section to the same amount with interest added.

BY-LAWS FOR RAISING MONEY NOT FOR ORDINARY EXPENDITURES.

86. Subsection 1 of section 389 of The Municipal Act is amended by striking out the words "last preceding section" in the first and second lines, and inserting in lieu thereof the words "two last preceding sections," and by striking out the words "receive the assent of" in the seventh line and inserting in lieu thereof the words "be submitted to."

87. Subsection 1 of section 389 of The Municipal Act is amended by adding after the word "assessment" in the fourth line thereof, the words "or under section 9 of the Act for the Improvement of Public Highways passed in the first year of the Reign of His Majesty King Edward the Seventh."

PUBLICATION OF NOTICE OF PASSING MONEY BY-LAW.

88. Subsection 1 of sec. 397 of The Municipal Act is amended by striking out the words

"an adjoining" in the fifth line and inserting in lieu thereof the words "a neighboring."

89. Subsection 2 of section 397 is amended by striking out the words "(or in the case provided for by section 400 within one month) from the date of registration," and inserting in lieu thereof the words "after the first publication of this notice."

90. Section 398 of the Municipal Act is amended by adding at the end thereof the words "and it shall not be necessary to publish notice of the passing or the registration thereof."

91. Subsection 1 of section 399 of The Municipal Act is amended by inserting therein after the word "thereof" in the seventh line the words "or where publication of the notice of registration is required by section 397 then after the first publication of such notice," and by inserting after the words "made to" in the eighth line the words "or brought in."

WHEN LEVY OF YEARLY RATES NOT SUFFICIENT TO PAY DEBTS.

92. Subsection 2 of section 402 of The Municipal Act is amended by striking out the words "on or prior to the 29th day of March, 1873."

DEBENTURES TO BE VALID WHEN INTEREST PAID FOR ONE YEAR.

93. Section 432 of The Municipal Act is repealed and the following substituted therefor:—

432. Where in the case of any by-law heretofore or hereafter passed by a municipal council the interest for one year or more on the debentures issued under such by-law and the principal of the matured debentures (if any) has or shall have been paid by the municipality, the by-law and the debentures issued thereunder remaining unpaid shall be valid and binding upon the corporation and shall not be quashed or set aside on any ground whatever. (New.)

CONSOLIDATION OF LOCAL IMPROVEMENT DEBENTURES.

64. Sub-section 5 of section 433 of The Municipal Act is amended by striking out the word "council" in the second line and inserting in lieu thereof the words "any municipal council."

APPOINTMENT OF ARBITRATORS.

95. (1) Section 454 of the Municipal Act is amended by striking out the words "shall nominate, in the eleventh and twelfth lines and inserting in lieu thereof the words "on notice to the opposite party shall appoint."

LIMIT OF ONE MONTH FOR MAKING AWARD ABOLISHED.

2. Section 456 of The Municipal Act is repealed.

PERSONS DISQUALIFIED FROM ACTING AS ARBITRATORS

96. Section 457 of The Municipal Act is amended by striking out all the words after the word "arbitration" in the eighth line.

JURISDICTION OF MAYORS OVER CERTAIN OFFENCES.

97. Section 474 of The Municipal Act is repealed.

QUALIFICATION OF CERTAIN OFFICIALS AS JUSTICES OF THE PEACE

98. Section 475 of The Municipal Act is amended by striking out the word "alderman" in the first line and inserting in lieu thereof the words "or member of a county council."

POLICE FORCE IN CITIES AND TOWNS.

99. Section 488 of The Municipal Act is amended by striking out all the words therein after the word "required" in the fifth and sixth lines.

REMUNERATION OF MEMBERS OF POLICE FORCE.

100. Sub-section 1 of section 492 of The

Municipal Act is amended by striking out all the words therein after the word "force" in the eighth line.

BY-LAWS OF CITY COUNCIL TO REGULATE GOALS IN CITIES NOT SEPARATED FROM COUNTY

101. Section 507 of The Municipal Act is amended by striking out the words "a separate county" in the first line and inserting in lieu thereof the words "separated from the county."

APPORTIONING OF COST OF MAINTENANCE OF PERSON COMMITTED TO HOUSE OF REFUGE.

102 Section 524 of The Municipal Act is amended by adding thereto the following subsection:—

(9) Where a person sent to the House of Refuge has not resided continuously in the local municipality, by or from which he is sent, for the period of three years immediately preceding his committal, every city, town, village or township, whether in the same county or in an adjoining county, in which such person has resided during such period, shall be responsible for a proportionate share of the cost of his maintenance and support at the House of Refuge, and of the expenses connected with his committal thereto; and the local municipality which makes the payments in the first instance may recover from any other municipality so made liable in the Division Court held within or near to the municipality suing, such proportion of the said cost and expenses as the length of residence of the inmate in the municipality against which the claim is made bears to the whole of the said period of three years; and any such suit may be brought against one or more municipalities liable in order that the rights and liabilities of all the municipalities concerned may be settled in one suit. Provided that any sums advanced by any municipality towards the maintenance and support of such person during the said period of three years prior to his committal to the House of Refuge shall be treated as part of the said cost and expenses, and be taken into account in fixing the proportions to be paid by the different municipalities concerned.

KEEPING AND RENDERING OF ACCOUNTS BY INSPECTOR.

103. Section 525 of The Municipal Act is amended by striking out all the words therein after the word "earnings" in the sixth line.

COMMITTALS TO INEBRIATE ASYLUMS.

104. Paragraph numbered 2 in section 529 of The Municipal Act is amended by striking out all the words after the words "habitual drunkards" in the fourth line and inserting in lieu thereof the words "such persons being habitual drunkards who also are within the description of persons referred to in section 526 and as may by the council be deemed and by by-law be declared to be expedient."

SUBMISSION OF QUESTIONS OF GENERAL POLICY TO ELECTORS AT MUNICIPAL ELECTIONS.

105. Section 533 of The Municipal Act is amended by adding the following paragraph:—

1a. For providing for the submission to a vote of the electors at any annual municipal election of any question not specifically authorized by law; for determining whether such questions shall be voted upon by the municipal electors generally or by the electors qualified to vote on a by-law for the creation of debts only, and for prescribing the procedure to be taken for such vote.

(a) The oaths to be taken by voters upon any such question shall, with such variations as may be necessary, be in the form prescribed for use at municipal elections or voting on money by-laws as the case may be.

(b) All the provisions of this Act respecting corrupt practices at municipal elections and voting on by-laws and all regulations and penalties provided by this Act with respect to the taking of the votes of electors on a by-law shall mutatis mutandis apply to the taking of a vote on any question submitted as aforesaid.

APPEAL FROM BY-LAW FIXING BOUNDARIES OF POLLING SUB-DIVISIONS.

106. Subsection 8 of section 536 of The Municipal Act is amended by adding at the end thereof the words "and the procedure in such an appeal shall be that prescribed by section 378 except that no recognizance or deposit shall be required." (Amended).

WHEN DOG DEEMED TO BE AT LARGE.

107. Paragraph numbered 2 in section 540 of The Municipal Act is amended by adding thereto the following clause:

(a) For the purpose of the two next preceding paragraphs a dog shall be deemed to be running at large when found in a street or other public place and not under the control of any person. (New).

CHILDREN AND MOVING VEHICLES.

108. Paragraph numbered 5 of the said section 540 is amended by inserting after the word "vehicles" in the second line the words "or from jumping on to sleighs or conveyances of any kind while in motion."

INDECENT PLACARDS, WRITINGS, ETC.

109. The paragraph numbered 1 in section 549 of The Municipal Act is repealed, and the following substituted therefor:

(1) For preventing the posting up or exhibiting of placards, play bills, posters, writings or pictures which are indecent, or may tend to corrupt or demoralize the public or individuals or the writing of words which are indecent or may tend to corrupt or demoralize the public or individuals or the making of pictures or drawings which are indecent, or may tend to corrupt or demoralize the public or individuals, on walls or fences or elsewhere in streets or public places.

SPITTING ON SIDEWALKS, IN PUBLIC HALLS, ETC.

110. Section 553 of The Municipal Act is amended by adding thereto the following words and paragraph 4:

By the councils of cities, towns and villages:

4. For prohibiting spitting on sidewalks and pavements, and in the passage ways, stairways and entrances to buildings used by the public, and in rooms, halls, buildings and places to which the public resort, street cars, public conveyances and in such other public places as the council may by such by-law designate.

COMMISSIONERS TO MANAGE SEWERAGE SYSTEM.

111. Section 554 of The Municipal Act is amended by inserting therein immediately after the paragraph numbered 1 the following:

By the councils of cities and towns.

1a. For placing the management of the entire sewerage system of the Municipality in the hands of Commissioners where such system includes the disposal or purification of sewage upon a sewage farm by filtration or other artificial means; provided however that no by-law to be passed under this sub-section shall have any force until the same shall have received the assent of the ratepayers in the manner provided for by this Act in the case of by-laws for the creation of debts.

1b. The provisions of sections numbered from 40 to 46, both inclusive, of The Municipal Waterworks Act and the amendments thereto heretofore or hereafter passed, are hereby incorporated with this Act as if the same were repeated herein, in so far as the same are applicable to such sewerage system, with the substitution of the words "sewerage system" for the words "waterworks" where they occur in the said sections.

COMPULSORY COMMUTATION OF STATUTE LABOR IN UNINCORPORATED VILLAGES.

112. Section 561 of The Municipal Act is amended by adding thereto the following paragraph:

10. To compel all persons (resident or non-resident) liable to statute labour within any unincorporated village the limits of which are defined in the by-law, to compound for such labor at any sum not exceeding \$1 for each

day's labour, and to provide that such sum shall be paid in commutation of such statute labour, and to enforce the payment of such commutation in money in lieu of such statute labor; and for the purpose of enforcing such payment the like remedies may be had, and proceedings taken against the person in default, as are provided by subsection 1 of section 107 of The Assessment Act, in case of neglect or refusal to pay any sum for statute labor commuted under section 103 of The Assessment Act.

CLEANLINESS OF WATER AND SUCTION PIPES.

113. The paragraph numbered 8 in section 562 of The Municipal Act is amended by inserting therein after the word "sewer" in the third line the words "water pipe, suction pipe."

WORKS FOR THE PREVENTION OF DRAINAGE FLOODING.

114. Section 1 of the Act passed at the first session held in the 62nd year of the reign of Her late Majesty Queen Victoria, chaptered 5, is amended by striking out all the words therein after the word "purposes" in the last line but one of the said section.

PROCEEDINGS FOR TAKING VOTE ON BY-LAW TO ACQUIRE WATER RIGHTS.

115. (1) Subsection 3 of section 565 of The Municipal Act is amended by striking out the words "persons named in the said sections" and inserting in lieu thereof the words "electors qualified to vote on by-laws for the creation of debts."

(2) Subsection 4 of said section 565 is amended by striking out the words "same class of persons as voted upon the by-law," and inserting in lieu thereof the words "electors qualified to vote on by-laws for the creation of debts."

SUPPLYING WATER TO PERSONS ON LINE OF SUPPLY.

116. Article (d) of subsection 4 of section 566 of The Municipal Act is amended by adding thereto the following proviso:

"Provided, however, that this shall not apply to cases where any such supply pipe for water has been laid under the special powers contained in the proviso in subsection 5 of section 569 of this Act, until the debentures issued for said supply pipe or main have been paid off, or unless the person requiring such supply of water shall enter into a satisfactory bond to the municipality to secure the payment of the annual water rates, and the annual special rate required to pay for the debt incurred therefor, or such proportionate part thereof as the supply pipe or main opposite such person's property bears to the whole length of the said supply pipe or main.

ESTABLISHMENT OF FUEL YARDS.

117. Section 568 of the said Act is amended by adding thereto the following as sub-section 2

(2) Subject to the consent of the Lieutenant-Governor in Council, and within the limitations and restrictions, and under the conditions set forth in any Order-in-Council in that behalf municipal councils of cities and towns shall have power to borrow from any bank or other corporation or person such sums of money as may be necessary for the purpose of purchasing coal, wood, peat or other fuel, and to temporarily operate fuel yards by purchasing supplies of such fuel, and selling and disposing of the same to the residents of the municipality in anticipation of or during a period of such scarcity or failure of supply of fuel, or such threatened scarcity or failure of supply thereof as may appear to create an emergency; and any by-law passed under the authority of this subsection shall not require the assent of the ratepayers, but shall require a vote of two-thirds of the council of such municipality.

BY-LAWS FOR STREET RAILWAYS

118. Subsection 4 of section 569 of the Municipal Act and all by-laws heretofore passed under the powers by the said subsection conferred, are repealed.

PARK COMMISSIONERS AUTHORIZED TO PLANT AND TRIM TREES ON STREETS.

119. Subsection 4 of section 574 of The Municipal Act is repealed, and the following substituted therefor:—

By the Councils of Cities, Towns and Villages; (4) For authorizing the Board of Park Management or the Park Commissioner, or other officer appointed by the Board of Park Management or in case there is no Board of Park Management by the Council in that behalf, or three Park Directors (who may be members of the Municipal Council or ratepayers of the Municipality or both to be appointed at the first meeting of the Council in each year, by the Council in that behalf,) to plant, or cause to be planted, trees upon the streets of the Municipality, and in the public parks thereof and to trim, or cause to be trimmed, all trees in public parks of the Municipality, and all trees the branches of which extend over the streets thereof; and the Board of Park Management, Park Commissioner or other officer or the Park Directors, or any of them, so appointed, shall not, nor shall such Municipality be liable for injury to trees occasioned thereby, when reasonable care, skill, and judgment have been exercised in such trimming.

POWER OF PARK COMMISSIONERS TO CUT DOWN TREES ON STREETS.

120. Subsection 5 of section 574 of The Municipal Act, as amended by section 25 of The Municipal Amendment Act 1902, is repealed, and the following substituted therefor:

(5) For authorizing the Board of Park Management, the Park Commissioner or other officer appointed by such Board or by the Council or the Park Directors appointed as provided by the next preceding subsection hereof, to cut down or remove, or cause to be cut down or removed all decayed trees, and remove and transplant or cause to be removed or transplanted, any trees, shrubs or saplings growing or planted in any public park, place, square, highway, street lane or alley, or other means of communication under its control, after giving forty-eight hours' notice of the intention to do so; and the Corporation shall not, nor shall the Board of Park Management, Park Commissioner or other officer or the Park Directors, or any of them, be liable to any owner or owners of adjoining property for any act so performed; provided that no live tree, unless within 20 feet of other trees, shall be removed without the consent of the owner of the property in front of which such tree is situate.

BOARD OF PARK MANAGEMENT TO HAVE POWERS OF COUNCIL FOR CUTTING DOWN TREES.

121. Section 574 of The Municipal Act is amended by adding thereto the following subsection:—

(6) In cities where there is a Board of Park Management such board may, if so authorized by by-law of the city council, exercise any of the powers vested in the council with respect to the cutting down and removing or removing and transplanting or the trimming of trees, shrubs or saplings in any public place, square, highway, street, lane or alley or other means of communication under the control of the council.

ACQUIRING LANDS FOR PARKS ETC., IN ADJOINING COUNTIES.

122. Section 576 of the Municipal Act is amended by adding after the paragraph numbered 1 the following words and paragraph 1a, "By the councils of cities of 40,000 inhabitants or more."

1a. For entering upon, taking and using and acquiring so much real property as may be required for the use of the corporation for public parks, squares, boulevards and drives in any municipality (other than those mentioned in the preceding paragraph) in the same county or in adjoining counties within a radius of twenty miles from the limits of such city, if in the opinion of two-thirds of the members present at any regular meeting of the city

council it is deemed desirable or necessary, without the consent of the owners of such real property but making due compensation therefor to the persons entitled thereto, to be determined under the provisions of this Act, by arbitration, where the parties do not agree.

123. Subsection 2 of section 576 of The Municipal Act is amended by inserting after the word "adjoining" in the second line the words "or other"; and by adding after the word "municipality" in the same line, the words "as by either of the two next preceding paragraphs is provided."

CRISERS AND VENDORS OF SMALL WARES.

124. Paragraph number six in section 580 of The Municipal Act is amended by striking out all the words therein after the word "market-place" in the second line and substituting therefor the words "or on public streets or on any vacant lot adjacent to the market-place or to a public street."

REGULATION OF TRAFFIC AND WIDTH OF TIRES.

125.—(1) Cause (e) of section 584 of The Municipal Act is repealed and the following substituted therefor:—

(e) For regulating the conveyance of traffic on such roads and the width of tire on the wheels of all vehicles used for the conveyance of articles of burden, goods, wares or merchandise on such roads.

(2) The said section is further amended by adding thereto the following clause:—

"(f) For regulating the use of lock shoes on vehicles used on such roads.

BY-LAWS FOR THE CONSTRUCTION & C OF FERRIES.

126. (1) Section 38 of The Municipal Amendment Act, 1902, is repealed.

(2) The Municipal Act is amended by inserting therein the following as section 591c.

591c. The councils of any township, town, or village, may pass by-laws for the construction, leasing and operation of such ferries or ferry boats as may be required to be used on or over any navigable water separating a part of such municipality from another part of the same municipality, or separating a part of the said municipality from any other municipality in the Province of Ontario, and may make an annual grant for the purpose of maintaining and operating such ferries or ferry boats or any one or more of them.

RENEWAL OF EXEMPTION FROM TAXATION.

127. Section 25 of The Municipal Amendment Act, 1899 and sections 9 and 10 of The Municipal Amendment Act, 1900, are declared to have conferred upon municipal councils as from the respective dates of the enactment of the said sections the power to grant renewals from time to time of the exemptions from taxation in the said sections mentioned for any period not exceeding ten years at any one time, and neither of the said provisions shall be taken or deemed to have limited the power to grant such renewals to one renewal only; and every municipal council which has exercised the power of granting exemptions from taxation under either of the said sections is declared to have and to have had power to renew the same from time to time for any period not exceeding ten years at any one time. Provided that no by-law granting a renewal of any such exemption shall be passed until the same has been submitted to and has received the assent of the electors thereto as provided by paragraph number 12, in section 591 of The Municipal Act with respect to bonuses for the promotion of manufactures.

REWARDS TO CHILDREN OF FIREMAN AND PERSONS

DISTINGUISHING THEMSELVES AT FIRES.

128. Clause 2 of section 592 of The Municipal Act is amended by inserting the words "and children" after the word widows" in the seventh line thereof.

REWARDS FOR APPREHENSION OF CRIMINALS.

129. Section 593 of The Municipal Act is amended by striking out the words "or conviction of the criminal or" in the third and

fourth lines and inserting in lieu thereof the words "and conviction of the criminal or for the apprehension."

NOTICE OF ACCIDENT FOR DAMAGES FOR NON-REPAIR OF STREETS.

130.—(1). Subsection 3 of section 606 of the Municipal Act is amended by striking out the proviso at the end of the said subsection.

(2) The said section 606 is amended by adding at the end thereof the following subsection:—

(5) Provided that in case of death of the person injured the want of the notice required under subsections 3 and 4 of this section shall not be a bar to the maintenance of the action and

Provided further that the want or insufficiency of the notice required under subsections 3 and 4 of this section shall not be a bar to an action, except where the action is founded on the existence of snow or ice on the sidewalk, if the court or judge before whom the action is tried considers that there is reasonable excuse for the want or insufficiency of such notice and that the defendants have not thereby been prejudiced in their defence. (New)

DEVIATION OF BOUNDARY LINE.

131. Subsection 2 of section 617 of The Municipal Act is amended by inserting after the word "municipalities" in the fifth line the words "provided that such deviation is only for the purpose of getting a good line of road."

PROCEEDINGS TO RELIEVE TOWNSHIP OF MAINTENANCE OF BRIDGES OVER 300 FEET IN LENGTH.

132. The Municipal Act is amended by adding thereto the following section as 617a:—

617a. (1) The council of any township in which a bridge over 300 feet in length is situate may by resolution declare that owing to such bridge being over 300 feet in length, and being used by the inhabitants of municipalities other than the township, and being situate on a highway which is an important road, affording means of communication to several municipalities, it is unjust that the township should be liable for the maintenance and repair of the bridge, and that it should be maintained and repaired by the corporation of the county, and that application should be made to the Judge of the County Court of the County for an order declaring such bridge a county bridge, to be maintained and kept in repair by the county corporation.

(2) After the passing of such resolution the clerk of the township shall forthwith serve a copy thereof certified to be a true copy under his hand and the corporate seal upon the clerk of the county.

(3) After the service of such resolution upon the county clerk application may be made by or on behalf of the township to the judge of the county court of the county for an appointment in writing for the hearing of the application by the township for an order declaring the bridge to be a county bridge to be assumed, maintained and kept in repair by the corporation of the county. A copy of the appointment shall be served upon the clerk of the county at least thirty days prior to the date fixed by the judge for hearing such application.

(4) At the time and place named for such appointment the county judge of the county court shall hear the application, and the township and county respectively may be represented by counsel thereon, and the judge shall, if he sees fit or the parties desire, hear evidence on oath for and against the application.

(5) In case the judge finds that the allegations contained in such resolution are proved or partly proved he shall make an order in writing declaring the bridge to be a county bridge to be maintained and kept in repair by the corporation of the county in which it is situate, and shall in and by such order either declare that the whole of the cost of such maintenance and repair shall be paid by the county or that the township pay to the county such proportion of such cost as he may deem just, which order shall be registered in the Registry

Office for the registry division in which the township is situate; and from and after the date of such registration the bridge shall be a county bridge and shall be maintained and kept in repair by the corporation of the county at the expense of the county, or of the county and township as the case may be, and the liability of the county for such maintenance and repair shall be the same as if the bridge were a bridge assumed by by-law of the county council in pursuance of this Act.

(6) In case the township is ordered to contribute to the maintenance and repair of such bridge the corporation of the county shall be entitled to be paid the proportion named in such order of any sum expended by it in such maintenance and repair, and such proportion shall, on the demand from time to time of the county council, be levied, collected and paid over to the county by the township.

TRANSFER OF CERTAIN POWERS OF JUSTICES IN SESSION TO COUNTY COUNCIL RESINDED.

133. Section 626 of The Municipal Act is repealed.

POWER OF COUNCIL TO OPEN, ETC., ROADS.

134. Paragraph 1. in section 637 of The Municipal Act is amended by inserting after the word "communications" in the fourth line the word "wholly."

POWER TO PASS OVER LANDS LYING BETWEEN HIGHWAY AND TIMBER GRAVEL, ETC.

135. Paragraph 10 of section 640 of The Municipal Act is amended by adding thereto the following clause:—

(c) When such timber, gravel, stone or other material or materials is or are situate at a distance from the road or highway, upon which the same are to be used, the corporation may by its servants, officers or workmen enter upon and pass through or into or over the lands of any person lying between such road or highway and such timber, gravel, stone or other material or materials. Provided that before so doing the corporation shall pay to the owner of any such lands such compensation as may be agreed upon, or in default of agreement such compensation as may be determined by arbitration under the provisions of this Act.

POSSESSION OF UNOCCUPIED ROAD ALLOWANCES.

136. Section 642 of The Municipal Act is amended by inserting after the words "laid out" in the second line the word "immediately."

AIDING IN MAKING ROADS AND BRIDGES.

137. Section 644 of The Municipal Act is amended by inserting the word "immediately" after the word "any" in the second line and by striking out the word "an" in the last line and inserting the word "such" in lieu thereof.

ENFORCEMENT OF REPAIR OF TOWNSHIP ROADS.

138. Section 648 of The Municipal Act is amended by striking out all the words in the last line after the word "action" and inserting in lieu thereof the words "on the part of the councils of all the townships interested."

PETITION TO COUNTY COUNCIL TO ENFORCE OPENING UP OF ROAD.

139. Section 649 of The Municipal Act is amended by striking out the words "all the township councils" in the first line and inserting in lieu thereof the words "the councils of all the townships" and by striking out the words "township councils" in the last line and inserting in lieu thereof the words "councils of the townships."

COUNTY AIDING LOCAL MUNICIPALITIES IN MAKING ROADS AND BRIDGES.

140. (1) The paragraph numbered 5 in section 658 is amended by striking out all the words therein after the words "county work" in the seventh line.

(2) The paragraph numbered 7 in the said section is repealed.

ASSESSMENT FOR COST OF IMPROVEMENTS IN UNITED COUNTIES.

141. Subsection 5 of section 659 is amended by striking out all the words therein after the word "assessed" in the seventh line and inserting in lieu thereof the words "in such county and not upon property in any other county united with it; and any debenture that may be issued for such purpose shall be issued as the debenture of the united counties, but it shall be stated in the body thereof that it is to be a charge upon such one county only, and such debenture shall be as valid and binding upon such county as if such county were a separate municipality."

SIDE LINES IN DOUBLE FRONT CONCESSIONS.

142. (1) Subsection of section 663 of The Municipal Act is amended by striking out the word "joining" in the last line but one of the said subsection, and inserting in lieu thereof the word "connecting."

(2) Subsection 3 of the said section 663 is amended by striking out the word "roadway" in the third line, and inserting in lieu thereof the words "connecting road."

(3) Subsection 4 of the said section 663 is amended by inserting the word "connecting" after the word "proposed" in the second line.

LOCAL IMPROVEMENTS.

143. Section 664 of The Municipal Act is repealed and the following substituted therefor:

664. The council of every township, city, town and incorporated village for the purpose of effecting local improvements and works, the whole or a part of the cost of which it proposes to assess upon the real property specially benefited thereby, may, subject, as hereinafter provided, pass by-laws for the following purposes:

1. For (a) opening, widening, extending, prolonging, altering the grade of or diverting any public street, lane, alley or place, or opening up or establishing a new street in the municipality, or (b) constructing or reconstructing any bridge, culvert, subway or embankment as part of any public street, lane, alley or place, or any roadway or pavement thereon, or (c) constructing, reconstructing, enlarging or prolonging and extending any common sewer or drain into or through the lands of any owner other than the municipal corporation and making all proper and necessary connections therewith.

(2) For (a) constructing, reconstructing, enlarging or prolonging and extending any common sewer or drain, and constructing and making all proper and necessary private drains connections therewith in and along any public street, lane, alley or place or any part thereof, or (b) for constructing roadways, or macadamizing, planking, paving or curbing any public street, lane, alley or place, or (c) for resurfacing with asphalt or other suitable material a pavement having a concrete foundation which in the opinion of the engineer is sufficient therefor, or (d) for constructing sidewalks or footways in, upon and along any public street, lane, alley or place and for reconstructing any such roadway, curbing or sidewalk, or footway, when the term of the special assessment therefor shall have expired or the work or improvement shall be worn out, or (e) for setting apart a portion or portions of any public street or place for the purpose of a boulevard or boulevards, thereon and therein and for constructing and maintaining such boulevard or boulevards, (f) for sodding any portion of and planting maintaining and caring for trees, shrubs and plants upon and in any public street, square or other public place.

3. When the Municipal Corporation owns a system of waterworks, gas works or electric light, heat and power works or any of them, for constructing, extending and maintaining all such mains, conduits and pipes, and for constructing all such branch mains, conduits and pipes, erecting all such poles and wires making connections with all buildings and premises and constructing all such other works and doing all such other things as may be necessary for the supplying of water, gas, electric light, heat or power or any of them for public as well as for private uses.

4. For providing the means of ascertaining and determining the probable cost of every such work, improvement or service above mentioned.

5. Subject as hereinafter provided, for providing the means of ascertaining and determining what real property will be benefited by the construction and carrying out of any of the above mentioned works, improvements or services; what portion thereof is liable for special assessments therefor and what portion thereof, if any, is exempt from such special assessment; what proportion or amount of the cost of any such proposed improvement, work or service is to be assumed and borne by the municipal corporation as its share or part thereof, and what proportion or amount thereof is to be charged against and specially assessed upon the assessable real property benefited thereby; the proportion in which the assessment of that part of the said cost which is chargeable against the real property benefited is to be made upon the various portions of real property benefited thereby; the time to be allowed for the payment of any debt which may be created for the purposes of any such improvement, work or service and the number of annual special assessments which will be imposed to pay the interest upon the said debt and create a sinking fund sufficient to extinguish the debt at maturity, or to pay the annual instalments covering interest and part of the principal of the debt as the case may be.

6. Subject also as herein provided for assessing the cost of any such improvement, work or service or such portion of the cost thereof as may be permitted by this Act upon the real property to be benefited thereby and for levying and collecting such cost or such portion thereof by an annual special rate upon the said real property according to the frontage thereof.

7. For regulating the time or times and the manner in which the special assessments to be levied and collected under this section are to be paid, and for arranging the terms upon which the owners and other persons liable to pay the same may commute by the cash payment of their proportionate shares of the cost of any such work, improvement or service in principal sums.

8. For effecting any of the improvements, works or services mentioned above with funds provided by persons desirous of having the same effected.

664a. If the contemplated work or improvement is the construction of a common sewer having a sectional area of more than four feet one-third of the whole cost thereof shall be provided for by the council. The council of every municipality shall also provide, in connection with all sewers and railways, the cost of all culverts and other works necessary for street surface drainage, and may also in the case of roadways and sidewalks provide the cost of that part of every work, improvement or service which is incurred at and is chargeable in respect of street intersections; and also that part thereof done or made opposite real property which by any general or special Act is exempt from special or local assessment.

144. Section 668 of The Municipal Act is amended by striking out the words "the four preceding sections" occurring in the second and third lines thereof and substituting therefor the words "in section 664 of this Act."

145. Section 669 of The Municipal Act is amended by inserting therein the following as subsection (1b):—

(1b) It shall be sufficient if the notice of the proposed work or improvement by a general description, describes the street, lane, alley or place or the portion thereof whereon or wherein and the points between which the same is to be made or done, and the street, lane, alley or place or portions thereof upon which the real property benefited and proposed to be specially assessed fronts or abuts; and the number of such annual special assessments. It shall not be necessary in such cases to state the value of the real property rateable for the work or improvement or to impose a rate upon such real

property by any description other than that hereinbefore mentioned.

146. Subsection 2 of section 669 of The Municipal Act is amended by adding at the end thereof the following words: "Provided, however, that in the case of municipalities which have passed a by-law under the provisions of section 682 of this Act, a notice may be given within such two years if such notice is for a different kind of pavement, or for a less expensive pavement, though of the same kind, than the one included in the notice previously given.

147. (1) Subsection 2 of Section 671 of The Municipal Act is amended by striking out the word "proposed" in the third line of the said subsection, and by striking out the word "total" in the third line and inserting in lieu thereof the words "estimated or actual," and by striking out the words "proposed assessment on" in the fourth line and inserting in lieu thereof the words "frontage of," and by striking out the word "same" in the sixth line and inserting in lieu thereof the words "special assessment."

(2) Subsection (3) of section 671 of The Municipal Act is repealed and the following substituted therefor:

(3) The said notice may be in the form or to the effect following:

Take notice that the municipal council of the corporation of the _____ of _____ intends to construct (or has constructed as the case may be) _____ street between _____ (describing the work or improvement) on (or in) _____ street between _____ (describing the points between which the work or improvement is to be made or done) and intends to assess a portion of the final cost thereof upon the real property to be immediately benefited thereby fronting or abutting upon (give the name or names of the street, lane, alley or place or streets, lanes, alleys or places, and the points between which the real property fronts or abuts, upon which the proposed special assessment is to be made) and the annual rate per foot on the frontage upon each such street and the number of such annual assessments and that a statement showing the lands liable to and proposed to be specially assessed for the said improvement (or work), and the names of the owners thereof, so far as the same can be ascertained from the last revised assessment roll and otherwise is now filed in the office of the clerk of the municipality and is open for inspection during office hours. The cost (or estimated cost as the case may be) of the improvement (or work) is \$ _____ of which \$ _____ is to be provided out of the general funds of the municipality.

A Court of Revision will be held on the _____ day of _____ 19 _____ at the _____ (insert the place of meeting) for the purpose of hearing complaints against the proposed assessment or the accuracy of frontage measurements or any other complaint which the persons interested may desire to make and which is by law cognizable by the Court.

Dated _____ Clerk.

148. Subsections 4 and 5 of section 671 of The Municipal Act are repealed and the following substituted therefor:

(4) The council shall for the purpose of making the special assessment for the cost of any work, improvement or service procure a measurement to be made of the frontages liable to assessment for such cost and of the frontages exempt from taxation, and shall for at least ten days before the time fixed for hearing appeals from such assessment, keep a statement of the same open for inspection in the office of the clerk of the municipality.

(5) From any such assessment or proposed assessment there shall be the right of appeal to the Court of Revision and from the Court of Revision to the County Judge. The Court of Revision and the county Judge shall have power to correct any errors in the names of the owners or in the frontage measurements of the properties assessed or caused by the omission of property which should be assessed and to determine the proportion of assessment of corner lots or triangular or other irregular pieces of land, and the proportion of the cost to be borne by the municipality where the cost exceeds the

estimates by 10 per cent., and also whether or not the property is or will be benefited by the work or improvement and the proceedings thereon shall be the same (as nearly as practicable) as in the case of appeals from ordinary assessment under The Assessment Act.

149. Subsection 6 of section 671 of The Municipal Act is amended by striking out all the words after the word "appeal" at the end of the first paragraph.

150. Subsection (1) of section 672 of The Municipal Act is amended by striking out all the words therein from the commencement thereof down to and including the word "Act" in the sixth line.

151. Section 674 of the Municipal Act is amended by striking out the word "and" where the same occurs in the fourth line of subsection (1) and in the second line of subsection (2) thereof and substituting therefor the word "or" in each case.

152. The Municipal Act is amended by inserting the following as section 675a:

675a. In case the engineer of a city, having a population of 100,000 or over and which has adopted the local improvement system with respect to macadamizing or paving of streets as provided by 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 the existing roadway upon any street or a portion of any street is out of repair, foundering and dangerous and that by reason of such street being an important thoroughfare leading to and from the business centre of the city into and from adjoining municipalities, it is necessary and in the interests of the city at large and for the general public convenience and safety that such roadway or the longitudinal sections of such roadway lying between the street railway thereon and the curbing of such roadway should be macadamized or paved and that by reason of the amount of traffic upon such street a more expensive work is required on such roadway or longitudinal sections thereon than would be necessary to meet the requirements of the immediate neighborhood, and that it would be inequitable to assess the whole cost of the work upon the property fronting or abutting thereon, the corporation may macadamize such roadway or longitudinal sections thereon, or construct a pavement thereon suitable for the traffic thereon notwithstanding that notice has been given, and that a sufficiently signed petition against such work has been presented under section 669 of this Act, but the corporation of the city shall in such case pay out of the general funds of the municipality at least twenty-five per cent. in case there are street railway track allowances to be paved and in other cases fifty per cent. of the total cost of the work, after deducting the amount payable by the city for the usual and legal allowances for street intersections, exempt properties, flankages and the pavements upon the allowance, if any, for street railways, and the remainder of the cost shall be assessed and levied upon the real properties liable to assessment, fronting or abutting upon such roadway.

153. Subsection 1 of section 677 of The Municipal Act as amended by section 33 of The Municipal Amendment Act, 1901, is further amended by adding after the word "sand" in the subsection as so amended the words "or of cement, concrete or brick."

154. Subsection 2 of section 677 of The Municipal Act as enacted by section 35 of The Municipal Amendment Act 1902, is repealed.

155. Subsection 1 of section 680 of The Municipal Act is amended by striking out the amendments made thereto by section 48 of The Municipal Amendment Act, 1900, and by adding at the end of the said subsection the words "And where no by-law has been passed under section 682 of this Act such exemptions shall be upon the value of the lands only and not on the improvements thereon."

156. Subsection (3) of section 682 of The Municipal Act is amended by striking out the words "in clause 3 of" occurring in the first line thereof.

157. Section 684 of The Municipal Act is amended by adding thereto the words:—

"Provided that if the grounds of and attached to a school maintained in whole or in part by a Legislative grant or a school tax are not owned by the school board or the municipality but are held under a lease, agreement or other right of occupancy the unexpired term of which does not extend beyond the period of the proposed assessment the said grounds shall be liable to be and shall be assessed for local improvements and the municipal council shall assume and pay the special rates assessed against the same during the unexpired term of such lease, agreement or right of occupancy or any renewal thereof or until said lands are no longer used for school purposes and as soon as said lands cease to be used for school purposes and thereafter during the currency of the debenture issued to pay for said work the said special rates fixed by the by-law providing for the payment of the said work shall be payable by the owner of the said lands and may be a charge upon the said lands and may be collected in the same manner as the rates imposed by the said by-law.

158. The said section 684 is further amended by adding thereto the following subsection:—

2. All land exempt from a local improvement rate imposed by any by-law as soon as it ceases to be used for any purpose that would render the same so exempt, or as soon as it ceases to be the property of any person entitled to exemption, or when the term of such exemption expires, as the case may be, shall thereupon become liable to be rated for the work, improvement or service at the rate fixed by the by-law providing for the payment for such work, improvement or service, and the same shall be a charge upon the said land, and may be collected in the same manner as the rates imposed by such by-law.

159. Section 39 of The Municipal Amendment Act, 1902, is amended by substituting the figures "1904" for the figures "1903" in the fifth line thereof.

POWERS OF MUNICIPAL COUNCILS TO PASS BY-LAWS

AIDING SMELTING WORKS.

160. Section 700 of The Municipal Act is amended by striking out all the words after the word "municipality" in the first line, and inserting thereof the words "may pass by-laws."

161. Section 700a of The Municipal Act enacted by section 23 of The Municipal Amendment Act, 1898, is amended by striking out all the words therein after the words "iron works" in the eighth line.

162. The Municipal Act is amended by inserting therein the following section as section 700b:—

700b. The word "bonus" where it occurs in sections 700 and 700a shall have the meaning assigned to it by and shall include the matters set forth in section 10 of The Municipal Amendment Act, 1900, with respect to bonuses in aid of manufacturers. (New.)

MEANING OF "BONUS" IN RELATION TO GRAIN ELEVATORS.

163. Section 701 of The Municipal Act is amended by adding thereto the following subsection (2):—

(2) The word "bonus" in this section shall have the meaning assigned to it by and shall include the matters set forth in section 10 of The Municipal Amendment Act, 1900, with respect to bonuses in aid of manufacturers. (New.)

SUMMARY REMEDY IF BY-LAWS NOT OBTAINED.

164. Section 703 of The Municipal Act is amended by inserting after the word "person" where it occurs in the fifth and sixth lines respectively the words "or corporation."

POLICE VILLAGES.

165. The Municipal Act is amended by adding thereto the following sections:—

INCORPORATION OF

751.—(1) When the census returns of a police village, taken under the direction of the

council or councils or the county or counties in which the village is situate, show that the same contains over 500 inhabitants, then on petition of not less than fifty resident freeholders of the police village, the council or councils of the county or counties in which the police village is situate shall by by-law declare the police trustees of the said police village a corporation under the name of "The Board of Police Trustees of the Police Village of (naming it)."

(2) If the police village or any part thereof has been laid out in lots on a registered plan each petitioner shall state the number of the lot owned by him.

(3) No by-law shall be passed under this section until the petition therefor has been lodged with the clerk of the county at least one month before the meeting of the council at which the same is to be considered, nor unless public notice has, within two months previous to the meeting of the council at which the same is to be considered, been published at least once a week for two successive weeks in some newspaper at or nearest to the police village.

LOCAL IMPROVEMENTS IN

752. After the passing of the by-law incorporating the police trustees of any police village the board of police trustees shall have power from time to time to pass by-laws for the construction and maintenance of any of the works, improvements or services to be paid for by local rate mentioned in section 664 and following sections of this Act which may be undertaken by the corporation of any incorporated village; and every such by-law shall be filed with the clerk of the township or the clerks of the townships in which such police village is situate, and the rates required to be levied under such by-law shall be entered on the township rolls and shall be levied and collected in the police village, and all monies raised under any such by-law shall be paid out by the treasurer of the township or treasurers of the townships upon the order of the board of police trustees.

POLICE TRUSTEES RESPONSIBLE FOR NON-REPAIR AND LIABLE FOR DEFAULT.

753. After the incorporation of the board of police trustees in any police village the said Board shall be responsible for the maintenance and repair of all works, improvements and services undertaken by them under the powers by this Act conferred; and any monies required for the purpose of such maintenance and repair shall be levied by the council of the township, or the councils of the townships, upon all the property liable to assessment in the police village upon the requisition of the board of police trustees.

754. On default of any board of police trustees to maintain and keep in repair works constructed by such Board as aforesaid the said board of police trustees as a corporation shall be responsible for all damage by reason of such default; and the provisions of section 606 of this Act shall, as to any such works, apply to every such board of police trustees; and the said board of police trustees shall have the same remedy against any person other than a servant or agent of the corporation as any municipal corporation would have in the like case under section 609 of this Act.

PROVIDING FOR PAYMENT OF DAMAGES AND COSTS

755. (1) All damages and costs awarded against a board of police trustees under the preceding section, and all sums and amounts agreed upon, and certified by the inspecting trustee as properly payable to any person in settlement of any claim for damage sustained through any neglect or default in the maintenance and repair of any work improvement or service done or made under the provisions of this Act, shall be paid by the treasurer of the township, or the treasurers of the townships, out of the moneys, in his or their hands, to the credit of the police village; and in case there are not sufficient unappropriated moneys in hand to the credit of the police village for the purpose, any amount so paid shall be raised and levied by special rate upon all the assess-

able property in the police village in the same manner as other municipal taxes.

REMEDY FOR NON-REPAIR TO BE AGAINST BOARD OF POLICE TRUSTEES.

(2) No action or other proceeding shall lie or be brought against the corporation of any township for damages sustained by reason of the non-repair of any work, improvement or service done or made by a board of police trustees, incorporated under this Act, or to enforce the maintenance and repair of any such work, improvement or service, but every such action or other proceeding may be brought or taken against such board of police trustees in the same manner, and with the like remedies, as in the case of similar works constructed by municipal corporations.

LIGHT AND HEAT.

756. The board of police trustees of any police village shall have power to pass by-laws for the purpose mentioned in paragraphs 1, 2 and 4 of sections 566 and 568 of this Act, but under and subject to the provisions contained in the said section governing the exercise of the said power; and every such by-law shall be filed with the clerk of the township, or clerks of the townships, in which the police village is situate, and the council or councils of the said township or townships shall levy and collect the money required to be raised under the said by-law by special annual rate upon all the assessable property in the said police village.

757. The provisions contained in sections 751 to 756 of this Act shall not be taken or deemed to affect the powers heretofore conferred upon the police trustees of any police village, or the powers of the council of any township with relation thereto, but the incorporated board of police trustees of any police village shall be elected in the same manner, and in addition to the powers by this Act conferred, shall have and may exercise all powers and shall perform all the duties of police trustees in any village heretofore set apart.

The Assessment Amendment Act.

Section 1 of this Act repeals paragraph number 4 of section 7 of the Assessment Act, and substitutes therefore a section, providing that the buildings and grounds of and attached to or otherwise bona fide used in connection with and for the purposes of every university, every college or institute of learning affiliated to or represented by statute on the senate or governing body of any university, every high, public and separate school, shall be exempt from taxation, so long as such buildings and grounds are actually used and occupied by such institution but not if otherwise occupied. This section also enacts a new paragraph to section 7 (4a) providing that every other school or seminary of learning which is conducted in conformity with regulations to be prescribed by the Lieutenant Governor in council, as necessary to be fulfilled in order to obtain exemption from taxation, shall be so exempted. By section 2 the house and premises of any army or navy officer in actual service, while occupied by him, is exempted from taxation to the extent of \$3,000 instead of \$2,000 as formerly. By section 3 the exemption of income derived from personal earnings is increased from \$700 to \$1,000. Section 4 provides for the immediate assessment and taxation of property theretofore exempt, on its transfer to some person not entitled to exemption, or upon its ceasing to be used for purposes, that entitled it to

exemption under the Act. Section 5 renders all property exempted from taxation by the Act liable to assessment and taxation for local improvement purposes. Section 6 makes provision for the assessment (in a municipality divided into wards) of the land of the companies mentioned therein in the ward where the head office of the company is situated, if the head office is located in the municipality. If it is not, the assessment may be in any ward. Section 7 exempts from assessment the rolling stock of any street or electric railway company, and renders liable to assessment the land belonging to any of the companies mentioned in sub-section 2 of section 18 of the Assessment Act, as enacted by the Assessment Amendment Act, 1902, not situated upon any street, etc, or other public place. Section 8 makes provision for the opening of the whole question of assessment, upon appeals against any assessment, and for making any change in a collectors' roll rendered necessary by any changes thus made in the assessment roll. Section 11 provides for advertising in a local newspaper the municipality's intention to purchase lands advertised for sale for taxes, and adds further terms on which the lands sold may be redeemed. Section 12 makes provision for validating proceedings under the Act, notwithstanding the performance in certain cities and towns of certain duties after the date or within a longer time than is in the Act set out. The following is the Act in detail:

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

1.—(1) The paragraph numbered 4 including clause (a) appended thereto of section 7 of *The Assessment Act* is repealed and the following substituted therefore:

EXEMPTION OF BUILDINGS, ETC., OF UNIVERSITIES ETC.

4. The buildings and grounds of and attached to or otherwise bona fide used in connection with and for the purposes of every university, every college or institute of learning affiliated to or represented by statute on the senate or governing body of any university, every high school, public or separate school, whether vested in a trustee or otherwise, so long as such buildings and grounds are actually used and occupied by such institution, but not if otherwise occupied.

OF OTHER SCHOOLS AND SEMINARIES OF LEARNING

4a. Every other school or seminary of learning which is conducted in conformity with regulations to be prescribed by the Lieutenant-Governor-in-Council as necessary to be fulfilled in order to obtain exemption from taxation.

The Lieutenant-Governor in Council for this purpose may establish regulations prescribing the character and description of the schools and seminaries of learning which may become entitled to exemption in whole or in part, the standard of studies to be pursued therein, and any other conditions to be fulfilled; and may require such schools and seminaries of learning to submit to any prescribed inspection.

Upon filing with the clerk of the municipality a certificate of compliance with such regulations signed by an officer designated for that purpose any such school or seminary of learning shall be exempt from taxation, to the extent mentioned in the certificate, until the same is revoked.

(2) The paragraph numbered 3 of said section

7 is amended by striking out all the words after the words "burying ground" in the second line.

EXEMPTION OF HOUSE AND PREMISES OF ARMY AND NAVY OFFICERS.

2. The paragraph numbered 13 in the said section 7 is repealed and the following substituted therefor:

13. The house and premises of any officer, non-commissioned officer or private of His Majesty's regular Army or Navy in actual service, while occupied by him, to the extent of \$3,000 of the value thereof; and the full or half pay of anyone in either of such services; and any pension, salary, gratuity or stipend, derived by any person from His Majesty's Imperial Treasury, and the income of any person in such Naval or Military services, on full pay, or otherwise in actual service.

INCOME EXEMPTION RAISED TO \$1,000.

3. The paragraph numbered 26 in the said section 7 and clause (a) appended thereto are repealed and the following substituted therefor:

26. The annual income of any person derived from his personal earnings to the amount of \$1,000 and the annual income of any person to the amount of \$400 derived from any source other than personal earnings.

EFFECT OF TRANSFER OF EXEMPTED PROPERTY TO PERSON NOT ENTITLED TO EXEMPTION.

4. *The Assessment Act* is amended by adding thereto the following section:

7a-(1) Whenever a transfer is made of any property theretofore exempt from taxation under section 7 of this Act, to some person not thereafter entitled to such exemption, or when ever property used for some purpose which would entitle it to exemption under the said section ceases to be so used or whenever the period, for which any property is declared to be exempt from taxation under any statute or by-law, expires such property shall immediately be liable to taxation for so much of the taxes as such property would have been liable for after such transfer, if it had not been exempt; and the taxes levied and collected in respect thereof shall form part of the general taxes of the municipality.

(2) If the assessment for such municipality or the ward or part thereof where such property is situated has been completed before such transfer, or so far completed that the same cannot be assessed in the usual manner, then the Assessor or Assessment Commissioner of the municipality shall assess the said property as though the Assessment Rolls were not completed, and the person assessed therefor shall have the right to appeal against such assessment within four days after receiving notice thereof; and, if he appeals therefrom, all the provisions of this Act as to appeals to or from the Court of Revision shall apply thereto; and thereafter such owner and occupant shall be liable for the taxes thereon at the rate fixed for such year as though the name of the owner and the description of the property, and the value thereof and other particulars were inserted in the usual way.

(3) All remedies for collecting such taxes shall be applicable to such owner and property.

(4) These provisions shall not apply to enable any taxes for the current year to be collected upon any property transferred after the by-law fixing the rate of taxation for such year has been passed.

EXEMPTED PROPERTY LIABLE TO ASSESSMENT FOR LOCAL IMPROVEMENTS.

5. *The Assessment Act* is amended by adding thereto the following section:—

7b. The exemptions provided for by section 7 of this Act shall be subject to the provisions of *The Municipal Act* with respect to the assessment of property for local improvements.

ASSESSMENT OF LANDS OF WATER, LIGHT, HEAT, POWER TELEPHONE, ETC., COMPANIES.

6. Subsection 2 of section 18 of *The Assessment*

Act as enacted by *The Assessment Amendment Act, 1902*, is repealed, and the following substituted therefor:—

(2) The property by subsection 3 of this section declared to be "land" within the meaning of this Act, owned by companies supplying water, heat, light and power to municipalities and the inhabitants thereof, telephone companies, telegraph companies, and companies operating street railways and electric railways shall, in a municipality divided into wards, be assessed in the ward where the head office of such company is situate, if such head office is situated in such municipality, but if the head office of such company is not in such municipality then the assessment may be in any ward thereof.

EXEMPTION OF ROLLING STOCK OF STREET OR ELECTRIC RAILWAY COMPANIES.

7.-(1) Subsection 4 of section 18 of *The Assessment Act*, as enacted by the Assessment Amendment Act, 1902, is repealed, and the following substituted therefor:—

(4) The rolling stock of any street railway company or electric railway company shall not be "land" within the meaning of this Act and shall not be assessable.

LAND OF ABOVE COMPANIES TO BE ASSESSED AT CASH VALUE.

(2) The said section 18 is further amended by inserting therein the following subsection:—

(3a) Land belonging to any of the companies mentioned in subsection 2 of this section, and not situate upon any street, road, highway, lane or other public place, shall likewise be assessed at its actual cash value, as the same would be appraised upon a sale to another company possessing similar powers, rights and franchises.

WHEN APPEAL FILED, COURT OR JUDGE MAY OPEN WHOLE QUESTION OF ASSESSMENT.

8. Subsection 20 of section 71 of *The Assessment Act* is repealed, and the following subsections inserted in lieu thereof:—

"(20) In case any person appeals against any assessment, as hereinbefore provided, upon any ground, the Court of Revision or the Judge of the County Court, or the County Judges hearing the Appeal, under sec. 84 of this Act, or the Court of Appeal, as the case may be, may re-open the whole question of the assessment, so that omissions from or errors in the assessment roll may be corrected, and the accurate amount for which the assessment should be made, and the person or persons who should be assessed therefor may be placed upon the assessment roll by the Court, Judge or Judges, and if necessary the roll of any particular Ward or Subdivision of the Municipality, even if returned as finally revised, may be opened so as to make the same correct in accordance with the finding of such Court, Judge or Judges.

AMENDMENT OF COLLECTOR'S ROLL.

"(21) If such corrections are made after the Collectors' Roll or rolls for the municipality for the year for which such assessment has been made, have been prepared, the Clerk of the municipality shall alter or amend the Collectors' Roll or rolls to correspond with the changes made by such Court, Judge or Judges, and by inserting the proper rates therefor, and the rates or taxes shall be collectable in accordance with such corrected rolls in the same manner and with the like remedies as if the same had been in the rolls when first prepared and certified by the Clerk of the municipality."

9. Subsection 3 of section 74 of *The Assessment Act* is amended by adding at the end thereof the words "under either of the preceding subsections."

10. Section 170 of *The Assessment Act* is amended by inserting after the word "year" in the third line the words, "or so soon thereafter as the balance is ascertained."

MUNICIPALITY TO ADVERTISE INTENTION TO BUY LANDS SOLD FOR TAXES—TERMS OF REDEEMING.

11. Subsection 3 of section 184 of *The Assess-*

ment Act is amended by striking out the words "in writing" in the eighth line, and inserting in lieu thereof the words "by public advertisement in the local newspaper or in one of the local newspapers in which the original sale was advertised" also by adding after the word "sale" in the fifteenth line thereof the following words "and also the taxes including the local improvement rates and interest thereon which would have accrued against the property if it had remained the property of the former owner, and been liable for ordinary taxation; and if the value thereof is not shown upon the Assessment Roll, such taxes shall be computed at the rate fixed by by-law for each year for which such taxes are payable upon the value placed thereon upon the Assessment Roll for the last preceding year in which it was assessed; and the local improvement rates shall be computed at the rate fixed in the by-law by which the same were rated or imposed, and upon the frontage as shown upon the list of properties and the frontages thereof as settled by the Court of Revision for such local improvement."

IRREGULARITY IN PERFORMANCE OF DUTIES NOT TO INVALIDATE PROCEEDINGS UNDER THIS ACT.

12. Section 224 of *The Assessment Act* is amended by adding at the end thereof the following words:—

"Provided, however, that in cities or towns the performance of any such duty after the date or within a longer time than hereinbefore set out shall not render any proceeding under this Act invalid or illegal so long as the provisions of this Act are in other respects duly complied with."

The Municipal Drainage Amendment Act.

Sections 1, 2 and three make provision for the appointment of two drainage viewers to act with the engineer or surveyor in performing his duties under the Act. Sub-section 4 also fixes the remuneration to be allowed these officials. Section 4 requires the engineer or surveyor to render an account under oath in detail of services performed to the municipality for which he has done the work. Section 5 allows costs on the division court scale only, where the amount awarded on a claim for damages in connection with a drainage work does not exceed \$60. The following is the Act in detail:

His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

APPOINTMENT AND DUTIES OF TWO DRAINAGE VIEWERS.

1. Section 3 of *The Municipal Drainage Act* is amended by adding after the words "land surveyor" in the thirteenth line of said Section 3 the following words, "and the drainage viewers if any appointed as hereinafter provided."

2. Subsections 3 and 4 of the said section 3, and sections 5, 6, 7, 8, 8a, 9, 10, 10a, 11, 12, 13, 14, 15 and 75 of the said Act are amended by adding after the words "engineer or surveyor," wherever they occur in the said sections, and the amendments thereto, the words "and the drainage viewers, if any," and wherever in the said sections, words are used requiring the engineer or surveyor to do any act or to report upon any matter the said words shall be deemed to require such act or report to be done or made by the engineer or surveyor and the drainage viewers, if any appointed under this Act.

3. The said Act is further amended by adding thereto the following Section:—

3a. (1) The Council of any Municipality, at the first meeting of each year, may appoint two residents of said Municipality, to be called Drainage Viewers, whose duty it shall be to accompany the engineer in laying out any

drainage work to be constructed under this Act, or the repair of any drainage work under section 75 of this Act, and to assist the said engineer or surveyor in making the assessment of the various properties to be assessed for the cost of the construction or repair of any drainage work to be constructed under this Act or to be repaired under the said section.

(2) In case the Drainage Viewers and Engineer or Surveyor do not agree as to any matter required to be done or reported upon by them, the joint act or report of one of the Drainage Viewers and the Engineer or Surveyor shall be a sufficient compliance with the provisions of this Act.

(3) Where Drainage Viewers are appointed they shall attend all Courts of Revision held for the purpose of trying complaints arising upon the assessments made by the Engineer or Surveyor and the Drainage Viewers.

REMUNERATION OF DRAINAGE VIEWERS.

(4) Drainage Viewers appointed in any municipality under this Act shall each be entitled to the sum of \$2 a day and necessary travelling expenses, while actually engaged in the performance of the duties required of them under this Act, and the said fees and expenses shall be part of the cost of the work, and shall be payable in the same manner as the fees and expenses of the Engineer or Surveyor.

ENGINEER OR SURVEYOR TO RENDER DETAILED

ACCOUNT TO MUNICIPALITY.

4.—(1) Any Engineer or Surveyor employed or appointed to perform any work under the provisions of the said Act shall send in his accounts to the said Municipalities for his services, under oath, giving detailed information as to the number of days occupied in superintending the drainage work, the number of days engaged in laying out the work, and the number of days engaged in the office making plans and preparing his report, also the number of days on which he was engaged in making assessments and inspecting the work, showing the number of hours occupied in each day; and the said account shall also set out whether said work was performed on the works or in the office, and whether the time so occupied was the time of the engineer himself, or that of a clerk or assistant.

(2) The said account upon the written request of the Municipal Council or of any person assessed, to be filed with the Clerk of the Municipality, shall be audited by the County Judge free of charge.

(3) The clerk shall deliver the account to the County Judge who shall appoint a time and place at which he will proceed with the audit.

(4) The clerk shall give at least two days notice of such audit to the engineer or surveyor and the head of the municipality as well as to any person requiring the audit.

(5) At the time and place named in such appointment the County Judge shall audit the account and may disallow any charges which he may deem unreasonable and shall certify thereon the amount to which in his opinion the engineer or surveyor is entitled and the amount disallowed shall not be recoverable by the engineer or surveyor.

COSTS WHEN AMOUNT AWARDED BY REFEREE DOES NOT EXCEED \$60.

5. Subsection 1, of Section 93, of the said Act as enacted by Section 4 of the Act passed in the first year of His Majesty's reign, intitled *An Act to amend The Municipal Drainage Act*, is amended by adding at end of paragraph 1 thereof the following words: "But where the amount awarded upon a claim for damages in connection with a drainage work does not exceed \$60, the costs allowed to the plaintiff shall be on the Division Court scale, so far as the name is applicable."

The Public Schools Amendment Act.

This Act contains several amendments, having considerable practical interest.

Section 1 amends section 16 of the Public Schools Act, 1901, so that it is now unnecessary that a school trustee wishing to resign, should obtain the consent in writing of his colleagues in office. It is now sufficient if he gives notice in writing of his resignation to each of his colleagues. Section 2 makes the provisions of section 41 apply to cases of uniting parts of existing sections so as to form a new section. Section 3 changes the time for the equalization of union school assessments from once in every THREE years, to once in every FIVE years. Section 4 fixes the liability for the payment of the cost of equalizing union school assessments on the municipality in which the union school is located. When the union school section comprises parts of two or more municipalities, these costs are to be paid by the municipalities in the same proportion as the equalized assessments of the municipalities bear to each other. On the refusal of the council of an urban municipality to pass a by-law for the issue of debentures for the purchase of a school site etc, section 5 requires the council to submit the question to the duly qualified electors, on its being requested by the Board of Trustees to do so. Section 6 makes additional provision for the payment of the travelling expenses of a public school inspector, and section 94 for the granting of a retiring allowance to a public school inspector. 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:

TRUSTEE MAY RESIGN ON GIVING NOTICE IN WRITING TO EACH OF HIS COLLEAGUES.

1. Section 16 of *The Public Schools Act* is amended by striking out the words "with the consent, expressed in writing," in the fourth line, and inserting in lieu thereof the following words, "by giving notice in writing, of such resignation to each."

PROCEEDINGS TO UNITE PARTS OF EXISTING SECTIONS INTO A NEW SCHOOL SECTION.

2. Sub-section 2 of section 41 of *The Public Schools Act* is amended by adding after the word "section" in the 4th line the following words "or to unite parts of existing sections so as to form a new section."

UNION SCHOOL ASSESSMENTS TO BE EQUALIZED EVERY FIVE YEARS.

3. (1) Subsection (1) of section 54 of *The Public Schools Act* is amended by striking out the word "three" in the first line of the said subsection and inserting in lieu thereof the word "five."

(2) Subsection 2 of the said section is amended by striking out the word "three" in the last line of the said subsection and inserting in lieu thereof the word "five."

(3) Subsection 3 of the said section is amended by striking out the word "three" in the last line of the said subsection and inserting in lieu thereof the word "five."

PAYMENT OF COST OF EQUALIZING UNION SCHOOL ASSESSMENTS.

4. The cost of proceedings under the said section 54, including the fees of assessors and arbitrators, shall be borne and be paid by the municipality in which the union school section is situate, and in case such section includes portions of two or more municipalities the said cost shall be borne and be paid by the municipalities in the same proportion as the equalized

assessments of the municipalities bear to each other.

SUBMISSION OF BY-LAW TO RAISE MONEY TO PURCHASE SCHOOL SITE TO ELECTORS BY COUNCIL OF URBAN MUNICIPALITY.

5. Sub-section 1 of section 76 of *The Public Schools Act* is repealed and the following substituted therefor:—

(1) The municipal council of any urban municipality may, on the application of the board of public school trustees, pass a by-law for borrowing money by the issue and sale of debentures for the purchase of a school site or for the erection of a school house or any addition thereto or for the purchase or erection of a teacher's residence, which debentures and the money to be raised annually therefore shall be chargeable only upon the property of ratepayers who are supporters of public schools. Where the municipal council refuses to issue such debentures to raise or borrow the sum required for the said purposes then the question shall be submitted by the municipal council, if requested by the board of trustees, to the vote of the electors qualified to vote under *The Municipal Act* for the creating of debts, and who are supporters of public schools, in the manner therein provided, and on the assent of such electors being obtained the council shall issue such debentures to raise or borrow such sum to be chargeable as aforesaid.

TRAVELLING EXPENSES OF INSPECTOR.

6. Sub-section 8 of section 86 of *The Public Schools Act* is amended by striking out all the words of the sub-section after the word "addition" in the third line, and substituting therefor the following words "such sum annually for reasonable travelling expenses, as may be determined by the county council, but in no case shall the sum so paid be less than \$150 annually. Where the number of schools exceeds fifty there shall be paid annually the further sum of \$1.50 for each additional school up to one hundred and fifty."

GRANT OF RETIRING ALLOWANCE TO INSPECTOR.

7. Section 94 of *The Public Schools Act* is amended by adding the words "or Public School Inspector" after the word "teacher" in the 1st and 5th lines, and by adding after the word "trustees" in the 2nd line of the said section the words "in the case of a teacher and the county council, in case of a Public School Inspector," and by striking out the word "him" in the 2nd line and inserting in lieu thereof the words "the teacher or Public School Inspector as the case may be."

An Act Amending the Act for the Improvement of Public Highways.

Section 1 of this Act extends the time for designating the highways to be improved in any county until the 1st January 1905, and section 2 empowers local municipalities to adopt the road scheme at any time prior to the 1st January 1906. Section 3 abrogates the provision that the mileage of road to be assumed was to be in proportion to the assessed area of each township and county. Section 4 provides that no county shall be entitled to any portion of the sum set apart under the Act, until the by-law designating public highways within the county as a county system has been approved by the Lieutenant Governor in council. Section 5 empowers a county council to make a grant to townships which are not traversed by the roads improved under the Act as an equivalent for the amounts such townships may contribute for the establishment of a county system of highways. Section

6 makes provision for granting aid to counties in which a road system had been established prior to the passing of the Act. Section 7 authorizes county councils to make grants for the improvement of roads in incorporated villages, and in towns not separated from the county. By section 8 intersections of county roads and other roads are made part of the county road system. Section 9 relieves a county council of any responsibility for building, maintaining or repairing sidewalks on any county road. And section 10 confers on county councils all the powers given to townships, cities, towns and incorporated villages by the Act respecting snow fences (R. S. O. 1897, chapter 240). The following is the Act:

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

HIGHWAYS MAY BE DESIGNATED BY COUNTY FOR IMPROVEMENT UNTIL 1ST JAN. 1905.

1. Sub-section 1 of section 2 of Chapter 32 of the Acts passed in the first year of His Majesty's reign intitled *An Act for the Improvement of Public Highways*, as amended by Section 27 of the Act passed in the second year of His Majesty's reign chaptered 12, is amended by striking out the figures "1904" in the second line thereof and inserting the figures "1905" in lieu thereof.

LOCAL MUNICIPALITIES MAY ADOPT ROAD SCHEME UNTIL 1ST JAN., 1906.

2. Section 4 of the said Act is amended by striking out the figures "1904" in the fifth line thereof and inserting the figures "1906" in lieu thereof.

MILEAGE NO LONGER ASSUMED TO BE PROPORTIONED TO ASSESSED VALUE.

3. Section 7 of the said Act is repealed.

BY-LAW DESIGNATING PUBLIC HIGHWAYS TO BE APPROVED BY LIEUTENANT-GOVERNOR.

4. No county shall be entitled to receive any portion of the sum set apart by *The Act for the Improvement of Public Highways* passed in the first year of His Majesty's reign as aforesaid unless and until the by-law designating public highways within the county as a county system of highways has been approved by the Lieutenant-Governor in Council.

COUNTY MAY MAKE ANNUAL GRANTS TO TOWNSHIPS NOT IMMEDIATELY INTERESTED IN COUNTY SYSTEM.

5. Where it appears that the highways designated as county roads established under this Act do not pass through one or more of the townships in the county or where it appears that such highways pass through but a small portion of any township, the county council may by by-law make a grant of a specific amount or an annual sum or both for the permanent improvement of highways in such township or townships as an equivalent for the amount which such township or townships may contribute for the establishment of a county system of highways.

AID TO COUNTY IN WHICH ROAD SYSTEM ALREADY ESTABLISHED.

6. Where at the time of the passing of the said Act the municipal council of any county had by by-law established a system of county roads equal in every respect to the requirements of the Public Works Department, such system of county roads shall be deemed to be within the meaning and intent of the said Act without any submission thereof to the ratepayers or to the township councils, as provided in sections 3 and 4 of said Act, but nothing in

this section contained shall be deemed as preventing the county council from granting an equivalent to any township not benefited by the said county road system, as provided by section 5 of this Act.

COUNTY GRANT TO ROADS IN VILLAGES AND TOWNS.

7. The county council of any county may make a grant by by-law to any incorporated village or town in the county not separated from the county, for the purpose of improving certain highways to be designated in such by-law in such village or town, but such highways shall not form a part of the county system of highways.

INTERSECTIONS OF OTHER HIGHWAYS TO BE PART OF COUNTY ROAD SYSTEM.

8. Wherever a county road intersects a highway which is not a county road the continuation of the county road to its full width across the road so intersected, including the bridges and culverts thereon or touching thereon, shall be a part of the county road system.

COUNTY COUNCIL NOT LIABLE FOR SIDEWALKS ON COUNTY ROADS.

9. A county council shall not be liable for the building, maintenance or repair of sidewalks on any county road or portion thereof.

COUNTY COUNCILS TO HAVE POWERS AS TO SNOW FENCES.

10. The county council shall in respect to county roads have all the powers given to townships, cities, towns and incorporated villages under *The Act respecting Snow Fences*.

11. This Act shall be read and construed in conjunction with said chapter 32 of the Acts passed in the 1st year of His Majesty's reign.

Separate Schools Amendment Act.

This Act adds a section (29 a) to the Separate Schools Act, (R. S. O. 1897, chapter 294) authorizing the trustees of every rural separate school to select a site for a new school house, or to agree upon a change of site for an existing school house. The consent of a majority of the supporters of the school is to be obtained to the adoption or change of the school site at a special meeting to be called for the purpose. Provision is also made for arbitration proceedings when the trustees and the ratepayers disagree, and for a reconsideration of their award within the time mentioned in the Act. Section 2 makes provision for the organization of separate schools in unorganized townships. Section 3 provides for the holding of the election of separate school trustees in cities, towns and incorporated villages by ballot, when so required, at the same time as the municipal elections are held, and section 4 requires a separate school supporter to support the separate school nearest to his place of residence BY ROAD. 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:—

1. The *Separate Schools Act* is amended by adding thereto the following section as section 29a.

PURCHASE OF NEW SCHOOL SITE AND CHANGE OF OLD.

29a (1.) The trustees of every rural school shall have power to select a site for a new schoolhouse or to agree upon a change of site for an existing schoolhouse, and shall forthwith call a special meeting of the supporters of

the school to consider the site selected by them; and no site shall be adopted or change of school site made, except in the manner hereinafter provided, without the consent of the majority of such special meeting.

ARBITRATION IN CASE OF DISAGREEMENT.

(2) In case a majority of the supporters present at such special meeting differ as to the suitability of the site selected by the trustees, each party shall then and there choose an arbitrator, and the inspector of separate schools for the district in which the school is situate, or, in case of his inability to act, any person appointed by him to act in his behalf, shall be a third arbitrator; and such three arbitrators, or a majority of them present at any lawful meeting, shall have authority to make and publish an award upon the matter submitted to them.

RECONSIDERATION OF AWARD.

(3) With the consent, or at the request of the parties to the reference, the arbitrators, or a majority of them shall have authority, within one month from the date of their award, to reconsider such award and within two months thereafter to make and publish a second award, which award (or the previous one if not reconsidered by the arbitrators) shall be binding upon all parties concerned for at least five years from the date thereof.

FORMATION OF SEPARATE SCHOOLS IN UNORGANIZED TOWNSHIPS.

2. Section 1 of the Act passed at the second session held in the 62nd year of the Reign of Her Late Majesty Queen Victoria, chaptered 37, and intitled *An Act to amend The Separate Schools Act* is amended by prefixing to the said section the words "In unorganized townships and."

ELECTION OF TRUSTEES BY BALLOT TO BE ON SAME DAY AS MUNICIPAL ELECTIONS IN CITIES ETC.

3. Subsection 1 of section 32 of *The Separate Schools Act* is amended by striking out all the words after the word "require" in the fourth line down to and including the word "ballot" in the fifth line, and inserting in lieu thereof the following words "the election of members of the board for such city, town or incorporated village to be held by ballot on the same day as municipal councillors or aldermen are elected, as the case may be."

SEPARATE SCHOOL SUPPORTER TO SUPPORT NEAREST SEPARATE SCHOOL "BY ROAD."

4. Section 44 of *The Separate Schools Act* is amended by adding after the word "nearest" in the fourth line the words "by road."

The High Schools Amendment Act.

By section 1 county councils are required to pay a sum equal to 80 per cent of the average annual cost of the maintenance of county pupils where the trustees of any high school located in a city (not having a population of 50,000 or over) or town separated from a county, notify the county clerk that such high school is open to county pupils on the same terms as high schools in the municipalities not separated from the county. Section 2 makes provision for the maintenance of county pupils in city, town and village high schools, and for additional aids to high schools by the county. Section 3 empowers Boards of Trustees to make application to the municipal council, or councils at any time during the year for grants for permanent improvements. The following is the Act in full:

His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

WHEN COUNTY COUNCIL TO PAY 80 % OF AVERAGE ANNUAL COST OF MAINTAINING COUNTY PUPILS IN HIGH SCHOOLS IN CITIES AND SEPARATED TOWNS.

1. Subsection 6 of section 34 of *The High Schools Act* is amended by striking out the word "the" immediately following the word "pay" in the sixth line thereof, and inserting the following words "a sum equal to eighty per cent. of the average annual," and by adding after the word "schools" in the seventh line the following words "provided that this subsection shall not apply to cities having a population of 50,000 or over."

2. Subsection 7 of section 34 of *The High Schools Act* and subsections 8, 9, and 10 of the said section as enacted by section 2 of the Act passed in the second year of His Majesty's reign, chaptered 42, are repealed and the following subsections substituted therefor:

MAINTENANCE OF COUNTY PUPILS IN CITY, TOWN, AND VILLAGE HIGH SCHOOLS.

(7) When the trustees of any High School in a village, township, town or city have notified the clerk of any county, adjacent to that in which the high school is situated, that such high school is open to pupils resident in such adjacent county on the same terms as to county pupils, the council of such adjacent county shall in all cases pay for the maintenance of pupils from such county attending such high school a sum equal to 65 per cent. of the average cost of the yearly maintenance of pupils at such high school, after deducting the amount of the Government grant to such high school, and the fees payable by such pupils thereat, but this subsection shall not apply to cities having a population of 50,000 or over.

ADDITIONAL AID TO HIGH SCHOOLS BY COUNTY.

(9) The council of any county may by a two-thirds vote give additional aid to any one or more high schools or Collegiate Institutes in the county without giving such aid to all the high schools in such county.

TIME FOR APPLICATION FOR GRANTS FOR PERMANENT IMPROVEMENTS.

3. Section 36 of *The High Schools Act* is amended by striking out the words "made on or before the first day of August in each year" in the sixth and seventh lines of the said section.

An Act Respecting Municipal Houses of Refuge.

Section 1 of this Act makes it compulsory for every county or union of counties in this Province to erect a House of Refuge prior to the 1st January, 1906. With the consent of the Inspector of prisons and public charities, the councils of two or three contiguous counties may establish a joint House of Refuge. The plans for every such House of Refuge shall be submitted to the Inspector of prisons and public charities for his approval before its erection. Section 4 provides for the appointment of a Board of Management. By section 5, the Act respecting Provincial Aid towards the establishment of Houses of Refuge is made to apply to Houses of Refuge erected under this Act. The Act does not apply to any county or union of counties in which a House of Refuge has heretofore been erected. The following is the Act in full:

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

COUNTY HOUSES OF REFUGE TO BE BUILT BEFORE 1ST JANUARY, 1906.

1. The corporation of every county or union of counties, before the first day of January, 1906, shall erect and establish for such county, or union of counties, a house of refuge for the reception of persons of the classes described in section 526 of *The Municipal Act* and amendments thereto; provided that, in lieu of establishing separate houses of refuge, the councils of two or three contiguous counties may, with the approval in writing of the inspector or one of the inspectors of prisons and public charities, enter into an agreement for the erection and maintenance of, and may, before the said date, erect and establish a joint house of refuge for such county, and the erection and maintenance of such joint house of refuge shall be deemed a sufficient compliance with the provisions of this Act.

POWERS OF COUNTIES AS TO HOUSES OF REFUGE.

2. For the purpose of erecting, establishing, maintaining and governing such house of refuge, or joint house of refuge, county councils shall have and shall exercise the powers conferred upon the councils of counties by section 524 and following sections of *The Municipal Act* respecting the establishment, maintenance and management of houses of refuge and the commitment of persons thereto.

PLANS TO BE APPROVED OF BY INSPECTOR OF PRISONS &c.

3. The plans for every such house of refuge, or joint house of refuge, shall be submitted to the inspector of prisons and public charities for his approval before the erection thereof.

APPOINTMENT OF BOARD OF MANAGEMENT.

4. (1) In case a county council establishes a separate house of refuge the council shall by by-law appoint two persons, who may be members of the council, who shall, together with the warden, form a board of management and shall have the management, regulation and control of the house of refuge.

(2) Where two counties agree to establish a joint house of refuge the council shall in and by the agreement provide for the appointment of one person who, with the warden of each county, shall form the board of management as aforesaid. In case three counties agree to establish a joint house of refuge the board of management shall consist of the wardens of the counties.

ACT RESPECTING PROVINCIAL AID TO HOUSES OF REFUGE TO APPLY.

5. Chapter 312 of the Revised Statutes of Ontario, 1897, shall apply to houses of refuge erected under this act.

ACT NOT TO APPLY WHERE HOUSES OF REFUGE ALREADY ERECTED.

6. This act shall not apply to any county, or union of counties, which has heretofore erected and shall continue to maintain a house of refuge, either separately or jointly with a local municipality or some other county municipality.

At the session of Legislature now drawing to a close, the Municipal Act was consolidated. The consolidated Act contains all the amendments to the Municipal Act passed since the revision of the Ontario statutes in 1897 up to, and including those passed at the session now closing. The old numbering of the sections is retained. Where a clause or section of the Municipal Act has been repealed it is omitted, and a note inserted stating the reason for the hiatus in the numbering.

A Good Roads Report.

The seventh annual report of the Commissioner of Highways, just issued, is one of the most complete of these publications on road and street construction in Ontario that has yet appeared. The table of contents is unusually lengthy and covers every branch of the question of road management and construction that is applicable to conditions in this Province. County and township roads, city and town streets are all dealt with while numerous specifications are included. The report is fully illustrated. Copies have been sent to all municipal councillors, in Ontario, and to the officers and directors of farmers' institutes and horticultural societies. Others desiring copies may obtain them by writing the Commissioner of Highways, Department of Public Works, Toronto.

The following from the *Orillia Packet* in reference to road making in the county of Simcoe, is worthy of attention: Many of the most ardent advocates of the county system of building roads share the disappointment of the township council at the results that are being attained. But the very essence of the plan was given up when the county councillors resolved to dispense with the use of machinery and of skilled supervision. To use unscreened gravel, filled with sand and boulders; to break stone by hand, and to leave the roads to be rolled by traffic, is inevitably to waste money, and to have roads which in the end will not give satisfaction. The first cost of machinery is considerable, but, in capable hands we believe, it can be made to pay for itself by more and better work.

* * *

It is reported that the council of the township of Dawn is going extensively into the gravelling of its roads this year. The construction of three pieces of road to cost about \$10,000 is contemplated.

* * *

A by-law providing for the purchase of the electric light plant by the town, was recently carried by the electors of Palmerston by a majority of 154.

* * *

The electors of the town of Gananoque have carried a waterworks by-law by a majority of 28.

* * *

An action instituted by Mr. H. H. Burrows against the town of Galt for unstated damages for wrongful ejection from the building occupied by the Galt Carpet Company, has been decided by Mr. Chancellor Boyd in favor of the town.

* * *

The council of Barrie has shewn their appreciation of the services of Mr. E. Donnell, town clerk and treasurer, by increasing his salary to \$950.

Question Drawer

Subscribers are entitled to answers to all Questions submitted if they pertain to Municipal Matters. It is particularly 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 stamp-addressed envelope. All Questions answered will be published unless \$1 is enclosed with request for private reply.

Council Can Make Grant to Repair Road in Adjoining Municipality.

377—E. A.—The ratepayers of the township of A without exception, in order to reach their nearest town and only convenient market must travel over a road situated in the township of B which is an adjoining municipality. This road is very little used by the residents of B and had been sadly neglected and consequently is in a very bad state of repair. The council of B have made a grant for the improvement of this road providing the council of A grant an equal amount. Can the council of the township of A legally make this grant? Can they legally spend money of the municipality for this kind?

Yes. Section 644 of the Municipal Act provides that "the council of ANY municipality may pass by-laws for granting aid to any adjoining municipality in making, opening, maintaining, widening, raising, lowering and otherwise improving any highway, road, street, bridge or communication, passing from or through an adjoining municipality.

Clerk Should Not be Appointed Arbitrator Under the Public Schools Act.

378—W. D. M.—Is it lawful for a township council to appoint its clerk as one of the arbitrators to act on the petition for the formation of a Union School Section between their municipality and adjoining Municipalities? Section 46 Public Schools Act in which appointment is made forbids the council to appoint one of themselves as arbitrator: it makes no mention of the clerk. The question has arisen in our municipality and your opinion would be appreciated.

Though the Public Schools Act, 1901, does not, in express terms, prohibit a council from appointing its clerk to act as an arbitrator under section 46 of the Act, we would not advise any council to appoint its clerk as arbitrator because his appointment might invite litigation.

School Arbitrators Not Required to Take Oath of Office.

379—D. C.—Should school arbitrators take an oath of office?

No.

Remedy Against Negligent Collector.—Township Council Cannot Pass By-Law Regulating Width of Tires.

380—J. A. G.—I. Be kind enough to let me know if we can charge something to a collector who does not perform his duty? There are about \$1,200 of taxes unpaid, and of that amount there is about \$600, that is very easy to collect, only some one will have to seize for some of it and others are ready to pay, only they are waiting for the collector to go to their places and collect it, as he did not leave the slip at home, but at a neighbor's.

2. Can we pass a by-law to compel people to have wide tires on their vehicles carrying loads and what would be the best way to frame such by-law? How long have we to pass it before it comes into force.

1. If the collector neglects or refuses to perform his duties, the council should dismiss him and appoint some other competent person to continue and complete the collection of the taxes. If the municipality has sustained or sustains any loss by reason of the default of the collector, he and his sureties can be compelled to make it good. Assuming, of course, that the council obtained from the collector the bond that the statute requires prior to his entering upon the discharge of the duties of his office.

2. There is no statutory provision at present in force enabling a township council to pass a by-law of this kind, but a bill having this object in view is now before the Provincial Legislature, and if it is passed at its present session, we will reproduce it in these columns.

Liability of Railway to Construct Crossing.

381—T. D. R.—About 20 years ago the G. T. R. Co. put in a railway crossing on what was supposed then to be a highway. This crossing was afterwards found, by a later survey to be the width of the highway to one side of the proper line of road, and is still being used at considerable inconvenience to the public. The said Company refuse to put a crossing on the proper road allowance without being paid for same by the township. Can Council compel Company to put in crossing without expense to the municipality?

Section 1 of the Railway Act provides: "The railway committee shall have power to enquire into, hear and determine any application, complaint or dispute respecting: (h) the construction of railways upon, along and across highways—but it is doubtful whether any relief would be granted under the circumstances of this case and, if the cost of making the crossing sufficient for public travel will not be large, it will be cheaper to pay the company for doing the work than to incur the expense of going before the railway committee for relief.

Separate School Supporter Should Pay Taxes to Nearest School—Effect of Removal of School Trustee—Election to Fill Vacancy.

382—P. S.—1. John is situated within three miles of two Separate Schools. To which one should he be forced to pay his taxes, to the one closest to his place of residence by calculating the distance in a straight line, or to the closest one by following the road?

2. James who is one of the school trustees of a section is leaving the said section. (a) How will his successor be appointed? (b) but James has property in the section on which he pays taxes. Can he remain in the trusteeship though leaving the section? (c) Can he appoint his successor? (d) Can the two other trustees appoint his successor?

1. Section 44 of the Separate Schools Act (R. S. O., 1897, chap. 294) provides that "any supporter of a separate school whose residence is within three miles of two or more separate schools, shall, after the first day of January, 1897, be *ipso facto* a supporter of the separate school NEAREST to his place of residence." "Nearest" means in a direct line, 2nd not by the usually travelled road. (Since the above was written the Separate School School Amendment Act, 1903, has come to hand Section 4 of this Act adds after the word "nearest" in section 44 of the Separate Schools Act the words "by road.")

2. (a) His successor should be elected by the ratepayers of the section qualified to vote at election of trustees at a special meeting of such ratepayers called for the purpose by the secretary of the board of trustees pursuant to subsection 4 of section 19 of the Public Schools Act, 1901. It will be necessary, however, for the remaining trustees to first declare the seat vacant and to then order a new election as provided by section 104 of the Public Schools Act, 1901.

(b) No.

(c) No.

(d) No.

No Exemption From School Taxes or of Private Residence

383—A. B. C.—The council of 1899 passed a by-law, granting exemption of taxes on factory and dwelling which is a mile away from factory in March. In June, 1899, they amended by-law to read all taxes and school-tax over and above \$50. The school tax would amount to about \$150. Can the above stand the courts, that is can a council exempt from school tax partially and can they exempt from general tax a dwelling a mile away from factory, which was prior to purchase by present owner, paying taxes? What course would you advise?

The council had no authority whatever to exempt from assessment and taxation, wholly or partially this dwelling-house. Whether it is situated a mile away from the factory or in its immediate vicinity. Nor had it any power to exempt the factory (which we assume is a manufacturing institution) from school taxes or any part thereof. The law on this subject is now to be found in sections 8, 9, 10 and 11 of chapter 33 of the Ont. Stats, 1900.

Railway Co. Not Liable for Construction of Portion of a Ditch Under D. & W. Award.

384—C. R. W.—An award dated Dec. 11th, 1902, was made under the provisions of the Ditches and Watercourses Act by the engineer. After each of the persons affected thereby had been notified, by the township clerk as required by section 18 of the said Act, it was found that the owner of one parcel of land affected was the C. P. R. Company and not the private owner stated in the requisition.

As the company is not liable under the Act, it will now be necessary to divide the work and fees awarded to the owner of the said parcel amongst the other owners. What steps will it be necessary to take to do this?

Unless the parties to the award other than the railway company voluntarily agree to pay for the portion of the drain awarded to be constructed by the railway

company, or to construct it, the council is, under the circumstances stated, powerless, in so far as dividing the work or cost of construction amongst the owners other than the railway company is concerned, and to compel them to perform the work or pay such cost. Subsection 1 of section 21 of the Ditches and Watercourses Act (R. S. O., 1897, chapter 285), empowers the council to enter into an agreement with a railway company for the construction of any ditch or culvert on their lands, and to assess the cost of the work and collect it from the owners of lands, parties to the award proportionately as mentioned in this subsection but the council has no authority to enter into such an agreement until it has obtained the consent in writing of two thirds of the owners liable for the construction of the ditch in respect to which the work on the railway lands is to be undertaken. (See subsection 2 of section 21.) In this case neither was the agreement mentioned in subsection 1 entered into with the railway company, nor was the consent mentioned in subsection 2 obtained and filed with the clerk of the municipality.

Hotel-Keeper Can be Clerk.—Council Should Not Dig Ditch Along Road.

385—J. P. McN. 1—Can a hotel-keeper act as clerk for a township council?

2. When a ditch is to be dug along a nine mile road that was never dug when it benefits the farmers who own the land along the road, have they a right to do part of the work, of digging ditch? If they have, what portion would it be right to demand of them or has the township to bear all expenses of ditch?

1. Yes.

2. The council should not and cannot legally bear the expense of digging, this ditch or cause it to be dug, for the purpose of draining the lands of owners along the road. Proceedings should be initiated by one of the parties interested pursuant to the provisions of the Ditches and Watercourses Act (R. S. O., 1897, chapter 285) so that the rights and liabilities of the municipality and other owners interested may be properly adjusted.

Opening of Road—Liability for Placing Obstructions on Highway.

386 CLERK.—1. There is a trespass road that runs to a lake. It has been used over twenty years as a winter road, was used by nearly a quarter of the settlers in the Township. Now the owners of the land have shut the road. The council have been petitioned to get the right of way. The council has tried to purchase it, and has also tried to lease it, for a term of years, but the owners refuse to do either. They say that the settlers would be piling tan-bark and wood on the shore if they could get to the lake. Can the council force a road when it can go no farther than the lake?

2. If they can force the road, could it be opened as a winter road only?

3. Could the parties claim damages for the people piling bark and wood on the 66 feet?

1. The mere fact that this road when established will terminate at the lake, does not preclude the council from opening and establishing it, if the needs of the public require it. It is optional with the council, however, as to whether it estab-

lishes this road or not, pursuant to the authority of section 637 of the Municipal Act, after the provisions of section 632 have been strictly complied with, and it should not do so, unless public convenience demands it.

2. If this road is opened and established as a public highway, the public will have the right to use it as such at any and all times during the year. Its user cannot be confined to the winter months only.

3. If by the sixty-six feet is meant the highway to be established, no one could recover damages from the municipality, by reason of the piling of bark or wood on the highway, unless he met with an accident in consequence of their being there. The parties placing these or any other obstructions on the highway will be liable to be indicted for causing and maintaining a nuisance thereon. It is probable that the proprietors of lands along the lake shore own the land down to the waters edge, so it lies in their power to prevent the piling of bark and wood along the shore.

An Assessment Appeal.

387—A. W.—I have 100 acres of land—I have 80 acres rented—it is all in a good state of cultivation. I have reserved 18 acres—6 acres cleared, balance in woods and pasture. I am living on the 18 acres that I reserved. The buildings are about the same. I am assessed at \$20 per acre and the balance of the farm at \$11.50 per acre. There is no difference in the quality of the land. I have appealed against my assessment. If I cannot get my assessment reduced at the Court of Revision or equalized, what further steps can I take to get justice? Would you advise me to appeal to the County Judge?

Not having definite personal knowledge of the respective values of the lands referred to, we cannot say whether they have been equitably assessed or not. If on appeal to the Municipal Court of Revision, you are not given the redress to which you deem yourself entitled, your only remedy is to appeal from the decision of the court to the county judge.

Production of Treasurer's Books for Provincial Municipal Auditor.

388—INQUIRER.—Our treasurer has been notified by the Provincial Municipal Auditor to bring all books in connection with our last municipal audit to a place twenty miles distant in our county.

Are all treasurers compelled by law to do so? Our books have been audited in the usual way. If all treasurers are compelled to do so, please give act.

We are of opinion that the Provincial Municipal Auditor has power to compel the attendance of the treasurer of the township at the place, and for the purpose named by him. (See sections 10 and 12 of chapter 228, R. S. O., 1897.) We think, however, that if it be represented to the auditor that the attendance of the local treasurer at the place appointed would involve that official and the municipality in considerable trouble and expense, he would, we have no doubt,

appoint some more convenient place for the audit.

Duty of Medical Health Officer as to Isolation—Contagious Disease Patient.

389—J. L. M.—In your last issue you reply "No" to a question of J. E. H. asking if the M. H. O. is forced to remove a scarlet fever patient to an isolation hospital or tent and provide a nurse at the expense of the township.

1. Does your reply mean that the M. H. O. or township is not forced to supply an isolation hospital or tent?

2. Are the new regulations re Scarlet fever passed by the Provincial Board in February 1903 yet in force?

3. What is the meaning of section No. 5 of these regulations?

1. Our reply means that the medical health officer shall at once place the person attacked with scarlet fever in the isolation tent or hospital, *if such an institution has been provided* under the Public Health Act and it is the duty of the council of the municipality, and on the default of the council, of the Local Board of Health, to provide such an institution, when they deem it necessary in order to stamp out or prevent the spread of any contagious disease.

2. Yes. They were made an order-in-council and came into force on the 5th March, 1903.

3. This section means that the medical health officer shall place the patient afflicted with scarlet fever in the isolation tent or hospital, provided one has been provided under the Act, and if no such institution has been provided, it is his duty to take such steps for the isolation of the person afflicted, as, in his opinion, will be most effectual in preventing the spreading of the disease.

Opening of Road Allowance.—Liability to Build Fence Along Highway.—Removal of Obstructions From Road Allowance.

390—C. H. K.—Our township has a piece of road allowance across lots 26, 27 and 28 which is not open. The road on either side is now open and passable. A portion of this unopened road would be very expensive to build.

1. Has our council the power to pass a by-law to open the road across lot 28?

2. Could they be compelled to open it across the three lots if they considered it not in the interests of the township?

3. Could the owner of lot 28 be made to build a fence along said road if opened?

4. Is there any law compelling a man to build a fence along the public highway?

5. Our township opened up a piece of road allowance between lots 15 and 16. The owner of lot 16 disputed the line. Surveyors were employed and staked out the proper line. He still refused to move his fence; the council threatened to serve him with a writ; he then moved it all but a couple of panels promising to do so when it got dry enough. Early this spring before the frost was all out he moved a portion of this fence back in the old place again. The council advertised to sell all the wood on the said road including said fence. He forbid the sale. The council then served him with a writ. He paid all costs but has not yet moved his fence. He now claims that the fence does not belong to him. Has the council the right to advertise and sell all the wood, including said fence?

6. If not, what steps must be taken to make him move his fence?

1. Yes. Section 637 of the Municipal Act confers this power on the council, after it has strictly observed the provisions of section 632. It is optional with the council as to whether it opens this piece of road or not, and it should not do so, unless public convenience demands it.

2. No.

3. No.

4. No.

5. Sub-section 7 of section 640 of the Municipal Act authorizes township councils to pass by laws providing for selling timber and trees on any allowance or appropriation for a public road, but the council has no authority to sell a fence belonging to a private owner, although it may be located on a road allowance over which it has jurisdiction.

6. The council may pass a by-law pursuant to sub-sections 3 and 4 of section 557 of the Municipal Act directing the removal of this fence by the owner, and on his default for five days after notice to remove it, for its removal at the expense of the owner.

Time When Assessment Roll Finally Revised.

391 A. A. W.—Court of Revision on Assessment Roll for 1903 met and was closed on June 1st 1903. Notice of each alteration made in the Roll was served on the respective parties on June 3rd 1903. No notice of appeal has been received by the clerk. Does the roll become finally revised on the 8th day of June 1903, or will it not be finally revised until the 6th day of July next?

The assessment roll cannot be considered as finally revised until after the 6th day of July next. Assuming that the council has not passed a by-law pursuant to section 58 of the Assessment Act, parties desiring to appeal from the Court of Revision to the county judge are required by sub-section 2 of section 75 of the Act to serve a written notice of intention to appeal upon the clerk of the municipality "written five days after the DATE herein limited for the closing of the Court of Revision." The time limited in the Act for the closing of the Court of Revision is the 1st day of July in every year. (See sub section 19 of section 71).

Alteration of School Boundaries.

392—J. F. G.—Can we re-organize all the school sections in the township of W. before five years, the other school sections formed?

If the statement of facts means that this township has been divided into school sections pursuant to the provisions of sub-section 1 of section 12 of the Public Schools Act, 1901, and the object of this inquiry is to ascertain whether the boundaries of all or any of these school sections can be altered within five years after the date of such division, we are of opinion that such alterations can legally be made any time after the original division of the municipality into school sections, in accordance with the provisions of section 41 of the Act. The boundaries of the sections so altered, cannot, however, be again interfered with until after the expira-

tion of five years from the date when the by-law effecting the alterations comes into force.

Retiring Allowance to Clerk.

393—C. H. K.—Our clerk has served our Township over twenty years and is about to resign on account of failing health. If the council should make him a grant, would they be obliged to pay it all at once, or could they pay it by instalments and would it all have to be paid before this council's term expires?

A grant of this kind is not part of the ordinary expenditure of a municipality, and unless the amount is to be paid within the municipal year in which it is made, the assent of the duly qualified electors, will have to be first obtained to a by-law making provision for the grant. (See sub-section 1, of section 389 of the Municipal Act.) The grant cannot legally exceed the aggregate salary or other remuneration of the clerk for the last three years of his service (See section 322 of the Act), and, if made, we would advise its payment within the municipal year in which it is granted.

Erection of Wire Fences.

394—A. J. M.—1. What steps do farmers have to take if they want to build wire fences along the Government Road?

2. Does the township bear one-half the expense? If so, how much per rod?

1. We are not aware of any law which requires farmers to take any particular steps before building wire fences along any highway or government road in a township.

2. The township is not bound to bear any part of the expense of a fence along a highway.

Proceedings to be Taken to Construct Cement Sidewalks in Unincorporated Village.

395—X. Y. Z.—The township of A has undertaken the building of cement concrete sidewalks under the provisions of Municipal Local Improvement Act by petition, the petition being signed by the requisite two-third of the property owners representing more than one-half the value of the property abutting thereto and benefited thereby, and have decided by by-law of the council that the property immediately abutting thereto and benefited thereby shall pay 60 per cent of the cost of construction of said walks and an unincorporated town plot in said township municipality shall be taxed for the remaining 40 per cent of the walks aforesaid. The said unincorporated town lot being a portion only of the township municipality and has never been erected into an incorporated village or even a police village.

1. Can a township municipality legally fix a tax or charge of 40 per cent or any other per cent by by-law on a portion only of the municipality for sidewalks?

2. Or would they have to fix the percentage not payable by the property benefited, etc., as a charge on the whole municipality and then allow the applications for exemption come in the regular way as provided for in section 8 of the Assessment Act?

3. Would the fact that no notices having been served on the owners of property in the town plot area that it is proposed to tax for the 40 per cent, (showing the amount that their lands would have to pay), affect the case?

4. Should this work be executed under the provisions of section 676 of the Municipal Act?

5. If the plan proposed is legal, under what section of the Act has the municipality power to borrow money for the construction of the work, etc.?

6. Please state what the procedure is under circumstance of the aforesaid character.

1. The council of a township municipality has no authority to pass a by-law, making a provision of this kind—unless what is termed the "Town Plot" had previously been set apart as a hamlet pursuant to the provisions of section 37 of the Municipal Act and the provisions of section 678 observed. We may state that all of section 37, except clause (a) of sub-section 3, is omitted from the Municipal Act as consolidated at the present session of the Legislature.

2. The council of a township has no authority to assume payment out of the general funds of the municipality of any part of the cost of the construction of cement sidewalk, which is properly chargeable against private property benefited under the local improvement clauses of the Municipal Act. Section 678 of the Act applies only to cities, towns and incorporated villages. Section 8 of the Assessment Act can have no application to this case, as the "town plot" is unincorporated and section 8 applies only to INCORPORATED towns and villages.

3. No.

4. The private owners benefited, may construct the sidewalk under the provisions of section 676 of the Municipal Act with the consent of the council, and this would probably be the best way to proceed, under the circumstances.

5. Our answers to previous questions renders it unnecessary to reply to this.

6. The council should pass a by-law pursuant to section 664 and following sections of the Municipal Act. Section 665 makes provision as to the mode of assessing the cost of the construction of these sidewalks, against the properties benefited.

Grant for Erection of Bridge.

396—R. S.—A township council decides to build a steel bridge to cost some \$2,000.

1. Can they borrow money say for two years on their note to pay for the said bridge?

2. If not, will it be necessary to take a vote of the ratepayers to issue debentures for the said purpose?

1 and 2. The amount to be expended for building a steel bridge in a municipality is not part of its ordinary expenditure, and unless it is to be paid within the municipal year in which it is decided to expend it, a by-law providing for the raising of the sum required must be submitted to and receive the assent of the duly qualified electors of the municipality, before the money can be borrowed.

Enforcing Payment of Dog Tax.

397—SUBSCRIBER.—Some three years ago our council imposed a dog tax. One of our residents the C. P. R. section foreman refused payment of tax of two dogs and defies council to collect it. When the assessor failed to deliver dog tags, said owner would not accept

them. Kindly let me know what steps should be taken to collect said tax?

The collector for the municipality has authority to collect this tax at the same time and with like authority as the other taxes payable by ratepayers in the municipality. If the party liable has sufficient goods and chattels not exempt from seizure, the collector can realize the amount by distress and sale of a sufficient portion of such goods and chattels. If the collector fails to collect the amount, "he shall report the same under oath to any justice of the peace, and such justice shall, by an order under his hand and seal, to be served by any duly qualified constable, require the dogs to be destroyed by the owners, or by a constable, and for the purpose of carrying out the said order, any constable may enter upon the premises of the owner of the dog ordered to be destroyed, and destroy such dog." See section 6 of chapter 271 (R. S. O. 1897).

Compelling Removal of Fences from Road Allowances.

398—J. B.—In our township there are a number of fences on the road allowance, making the road narrower than it should be and in the winter time making travel difficult on account of snow drifts.

1. Would it be legal to pass a by-law that a person whose fence was in the road allowance after being notified by the township clerk to remove such fence within ten days, and such fence not removed, to bring him before a Justice of the Peace and have him fined five dollars and costs?

2. If such by-law would be illegal, would you suggest a remedy.

1 and 2. If these fences have been placed upon the road allowance by their respective owners, the council of the township has authority to pass a by-law, pursuant to sub-sections 3 and 4 of section 557 of the Municipal Act, providing for their removal at the expense of the parties who placed them there, if such parties fail to remove the fences for five days after receiving notice to do so, or the offenders may be indicted for maintaining a nuisance on the highway, or an action may be brought to restrain them from continuing the fence upon the highway. A township council has no authority to pass a by-law of the kind mentioned.

Illegal Grant to Telephone Company.

399—J. B.—Has a municipal council the right of giving, say \$100.00 to a Committee formed to buy the poles to connect two villages in the same township, being considered as local improvements? Wires and apparatus to be put up by the Bell Telephone Co., which will then be their property.

We are of opinion that a township council has no authority to make a grant of the kind mentioned.

Proceedings to Compel Removal of Fences from Highway.

400—C. W. R.—In our township we have a side road, C living on west side of it, D on the east side. Their fences were both put up 25 or 30 years ago with about 1 rod of a bow in the centre leading to the surveyor's stake at both ends of lot. C has straightened his, not interfering with the road bed as the road is not graded.

1. Can C legally move his fence?
2. If so, what steps should council take to make D move his fence back to get road right width?

1. It is not stated whether straightening this fence involved the moving of a part of it on to the road allowance, or the removal of a part of it from the road allowance to C's land. If the former C has no authority to place any part of his fence on the allowance for road, and if the latter is the case, he has a perfect right to erect the fence on his own land.

2. If D's fence is now on the road allowance, the mere fact that it has been so placed for 25 or 30 years, does not give him the right to keep it there and he can be compelled to remove it, by by-law of the council, passed pursuant to sub-sections 3 and 4 of section 557 of the Municipal Act, if he erected the fence himself, or caused it to be erected on the highway—or he may be indicted for maintaining a nuisance on the highway, if he neglects or refuses to remove the fence on receiving reasonable notice to do so. If, on the contrary, all the fence is now standing on D's land, he cannot be compelled to remove any part of it, or straighten it with the line of the road.

Assessment of Dogs.

401—SUBSCRIBER—1. A was assessed for a dog; he appeals to the Court of Revision held May 26th of same year to have said dog struck off the roll on the ground that said dog had been killed. Was the Court justified in striking said dog off the roll?

2. B was also assessed for a bitch. He also appeals to the Court to have it struck off the roll on the ground that he gave the bitch to a man in an adjoining municipality. C was also assessed for a dog; he also appeals to the Court on the ground that he had sold the dog to a man in an adjoining municipality. The Court having no evidence in the last two appeals, that the dogs had been assessed in the adjoining municipality, or had been killed, was the Court justified in striking the last two off the roll? The Court being satisfied that if either of said dogs came back in their township and damaged sheep, that the council would have to pay the cost.

1. No.
2. It was the duty of the assessor to assess the dog and bitch, and they were properly assessed if they were the property of the parties at the time of the assessment, and the Court of Revision had no right to strike them off the assessment roll. Their duty is to correct errors made by the assessor. In these cases he made no error.

Witness Who Cannot Read—Under Twenty-One—Deed is Binding.

402—K. M.—1. Can a man who cannot read act as a witness in a contract or deed, etc.?

2. Can a person under twenty-one (above seventeen to twenty) act as a witness in the same case?

3. B is under twenty-one years of age (twenty). A sells land to B. B pays A in cash for it. A gives a clear deed of the land to B. Is this deed good, as good as if B was over twenty-one years of age?

1. Yes, but a witness of this kind is not at all satisfactory or desirable.

2. Yes.

3. The deed is binding in so far as A is concerned, but may be repudiated by B within a reasonable time after he becomes of age.

One Bank, the Better Plan.

403—R. M.—Is it lawful for a municipality to divide their money in two banks?

Sub-section 5 of section 291 of the Municipal Act provides that "the treasurer shall open an account in the name of the municipality in such of the chartered banks of Canada, or at such other place of deposit, as may be approved of by the council." This provision does not prohibit the opening of an account in the name of the municipality in more than one chartered bank, but we are of opinion that it would be unwise for a council to instruct their treasurer to do this, as it would entail more labor on the treasurer and would most likely lead to trouble and confusion.

Should be Inserted in Part I.

404—F. J. S.—Please let me know in what part of Voters List, Farmer's Sons, M. F. should be placed, Part I or Part III?

Assuming that these farmer's sons possessed the qualification mentioned in sub-section 1 of section 86 (fourthly) of the Municipal Act, they are entitled to vote at municipal elections. The letters "M. F." after their names indicate that they are qualified to vote at Legislative elections also, therefore, their names should be inserted in part 1 of the Voter's List. (See section 6 of chapter 7, R. S. O., 1897.)

Sidewalk Assessment.

405—VILLAGE CLERK.—Our corporation has constructed granolithic side-walks on several streets. The town pays 75 per cent and the property owners pay 25 per cent of the cost of construction. The walks will be extended to several other streets this summer.

1. How are the property owners who are now paying 25 per cent to be assessed for future sidewalks?

2. Do property owners contribute to the general rate to pay the 75 per cent. when said property owners are paying the 25 per cent?

1. Sub-section 1 of section 680 of the Consolidated Municipal Act, 1903, provides that any real property, specially assessed by any council for any local improvement or work under the Act, shall be exempted by the council upon the value of the land only and not of the improvements thereon from any general rate or assessment for the like purposes, except the cost of works at the intersection of streets and except such portion of the general rate as may be imposed to meet the cost of like works opposite real property which is exempt from such special assessment."

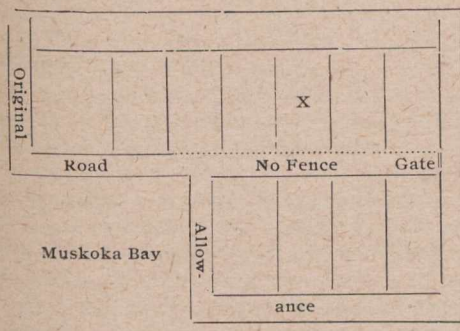
2. No. Only to the extent mentioned in our answer to question No 1.

Power to Remove Gate Across Street.

406—W. H. C.—I send you a diagram enclosed. The owners of the property marked X

have closed the street without authority from the Council. The neighboring property owners object, and have asked the Council to order the street re-opened. Have the parties any right to close this street. It has always been opened to the water's edge; is shown on a registered plan by a P. L. S. and certified to in accordance with the registry Act. The dotted line is the street line, but the owners of property marked X have no fence, and they put the gate across the street presumably to save fencing their own property and keeping out cows.

2. Can the Council remove the gate?
3. If not, what steps can be taken to re-open the street and keep it open.



1. We gather from the facts as stated that W street is not an original or public allowance for road, but is a reservation for street or road purposes shown on a registered plan of a survey of the lands in the vicinity into town lots. In the case of *In re Morton* and the city of St. Thomas, (6 A. R., 323), it was held that the registration of a plan of a sub-division of a town lot and sales made in accordance with it, does not constitute a dedication of the streets thereon to the public. Unless this street has been assumed as a public highway by by-law of the municipality, the owner of the lands adjoining has a legal right to enclose it with a fence or gate. If on the contrary this street has been assumed by by-law of the council as a public highway, no one has any right or power to enclose or obstruct it in any way.

2. If it has not already done so, the council should pass a by-law pursuant to section 637 of the Municipal Act, providing for the assumption opening and establishing of this street, after the provisions of section 632 have been strictly observed and then the municipality will be in a position to prevent its obstruction in any way.

Setting Aside Bicycle Path—Assessment of Separate School Supporters—Appeals to Court of Revision.

407—J. C. M.—1. Our council (township) passed a by-law setting aside side of roadway as a bicycle path and requesting all to take side on a leading road when meeting or passing teams. Can such a by-law be enforced?

2. Has township to make such a path?
3. Where there are a number of R. C. Separate School Sections in a municipality the assessor is to place the parties in section nearest residence. Where there is no residence, where would the distance be measured from?

4. Can there be any appeal to council or Judge to place parties in a different section from that made by assessors. As I understand it, council can only act when assessor or clerk makes an error in placing a party by mistake in a separate or public school.

1. Sub-section 1 of section 640 of the Municipal Act empowers councils of townships to pass by-laws "for setting apart so much of any highway or road as the council of the municipality having control over the same, deems necessary for the purpose of a bicycle path," but the council has no authority to provide by by-law that a bicycle rider shall take the side of the road when meeting or passing teams. Sub-section 2 of section 1 and sub-sections 3 and 4 of section 2 of chapter 236, (R. S. O., 1897), regulate the conduct of bicycle riders when meeting a passing team or vehicle, or overtaking any such on a public highway.

2. No.

3. Section 46 of the Separate Schools Act, (R. S. O., 1897, chapter 294), provides that a non-resident land owner may, on giving the notice under section 3 of the Assessment Act, require that all his land, situated either in the municipality in which the Separate school is situated or within three miles in a direct line of the site of the Separate school, shall be assessed for the purposes of the Separate school."

4. Yes. See sub-section 8 of section 49 of the Separate Schools Act.

Proceedings at Court of Revision.—A Poundage By-Law.

408 A. W. W.—1. At our Court of Revision an appeal was made against the agent of the Deer Lake Cheese Factory. The Court consisted of the reeve and four councillors who had voted the reeve in the chair. As, however, the reeve was president of the Cheese Factory Co. he could not act in this matter, consequently a councillor was voted chairman temporarily. It was moved by A, seconded by B the chairman that the property be assessed at \$325. In amendment by C, seconded by D, that the property be assessed at \$400. This leaving it a tie what was the proper course to pursue. Ultimately the question was reconsidered and as a good many on the roll were not appealed against who in proportion might have been, and a motion was made and carried unanimously assessing the property at \$300.

2. I am also instructed to ask your opinion on copy of enclosed by-law No. 117. If not legal, what steps will make it legal? It has never been amended or repealed and has never been placed in Court until recently, but has been on the by-law book and supplied to pound-keepers for a good many years. It was not of use at a trial recently but I have not been able to learn the correct grounds for ignoring it.

1. Each of these motions should have been put to the meeting, and if the vote on each had been a tie, they should both have been declared "lost" by the chairman. (See section 274 of the Municipal Act.) If they were not put to the vote of the meeting, they were simply nullities and should not be recorded. The motion to assess the factory at \$300 seems to have been carried in due form and will fix the assessment, unless altered on appeal to the county judge, under the provisions of the Assessment Act.

2. The greater part of the by-law submitted is unnecessary, as the Act respecting pounds, (R. S. O., 1897, chapter 272) already makes similar provisions. Before going into a minute examination of the

by-law, we would like to know the grounds on which it was objected to, as this would make an investigation and criticism of it more satisfactory.

Release of Treasurer's Surety—Substitution of New Surety—Audit of Treasurer's Accounts.

409—X. Y. Z.—1. If a bondsman for the treasurer gives a written notice to the reeve to be presented to the Council at their next meeting, that he desires his name withdrawn as bondsman for the treasurer and that he will not consider himself liable for any malfeasance of office after the date of the ensuing meeting, does such a notice relieve him from responsibility after the council meets?

2. Would a motion stating that the certain bondsman is relieved from liability after that date be sufficient action on the part of the council?

3. Will it be necessary to make a new bond if a number of the bondsmen withdraw and are relieved by the council?

4. Can any bondsman require the council at any time to make an audit or investigation of the treasurer's books?

1. No.

2. A resolution of this kind would relieve the surety of responsibility for any defaults or irregularities of the treasurer, subsequent to its date, but not before. In *County of Frontenac v Breden* (17 Grant 645) one of the sureties of a treasurer, being desirous of being relieved from his suretyship, the treasurer offered to the council a new surety in his place, the council thereupon passed a resolution approving of the new surety, and declaring that on the completion of the necessary bonds the withdrawing surety should be relieved. No further act on the part of the council took place, but the treasurer and his new surety (omitting the second surety) joined in a bond conditioned for due performance of the treasurer's duties for the future, and the treasurer executed a mortgage to the same effect. The clerk, on receiving these gave up the treasurer the old bond and the treasurer destroyed it. Eight years afterwards a false charge was discovered in the accounts of the treasurer of a date prior to these transactions, and it was held that the sureties on the first bond were responsible for it.

3. Yes.

4. No, but he has the right to examine the books of the treasurer for his own protection and at his own expense.

Liability for Accidents on Sidewalks in Unincorporated Village—Removal of Obstructions From Road Allowance.

410—CLERK—1. There is a small village in our municipality. Some eight years ago a sidewalk was laid by the villagers without consulting council. No grant, statute labor or municipal aid was ever given towards said sidewalk. Now they are in a very dangerous condition. Are we liable for damages for accidents?

2. Can we remove these sidewalks?
3. Should we grant aid to improve them? Would that increase our liability?

4. A sideroad (an original road allowance) has been opened for over thirty years and heavily travelled and is kept up by statute labor and grants when necessary. One of the owners of a farm along said sideroad finds tha

his line fence is not in its proper place, and deliberately, without consulting council, moves said fence right out on said roadway. Can he lawfully do this?

5. What would be our lawful course of procedure in such a case?

1. Assuming that the village is unincorporated and still forms part of the township municipality, the latter is liable for any damages sustained by accidents resulting from the unsafe condition of these sidewalks.

2. Yes.

3. The council can grant moneys to be expended in repairing these sidewalks and should do so, in order to avoid liability for accidents, if they decide to allow them to remain. The making of such a grant will not add to the liability of the municipality, but rather lessen it, as, if the sidewalks are repaired, there will be less probability of accidents happening.

4. No.

5. If the fence has, without doubt, been placed upon the allowance for road, by the land owner, the council is authorized by sub sections 3 and 4 of section 557 of the Municipal Act to pass a by law directing the removal of the fence to its proper place, and, in case the party who placed it there, makes default in removing it, for five days after receiving notice to do so, providing for its removal at his expense. The offender may also be indicted for causing and maintaining a nuisance on the public highway and be compelled by injunction to remove the fence from the road allowance.

Payment of Fees of Engineer—Liability for Damages Caused by Cattle Running at Large.

411—J. H.—1. In regard to paying an engineer. A brings on the engineer, who goes down through the land of B, C, D, and E, and cannot get fall through to suit A. The engineer did not make an award. Who has the right to pay him?

2. If a council passes a by-law in regard to cattle running at large they put a tax of \$2.00 a head for every one that runs at large. Is the council responsible for any damage done by them or the parties who turn them out?

1. A is the person who employed the engineer to do this work, and should therefore pay the engineer's fees and charges. The municipality in any event is not responsible.

2. The owners of cattle running at large are liable for any damage occasioned by them, the council has nothing to do with it. The fact that cattle are allowed to run at large by a by-law of the municipality, and that a tax is imposed on them, does not affect in any way the responsibility of their owners for any damage they may occasion.

Proceedings to Clean out River.

412—E. H.—We have two branches of the Grand River running through our township and there are several Government drains emptying into said streams. The rivers, (or rather creeks) are blocked with float wood and trees, and in some places washes, which very materially affects the water emptying out of the drains. Now we as a Council wish to know how to pro-

ceed to have said streams cleaned out; under which of the Drainage Acts it would come, or if the parties property through which the streams run are liable for the cleaning out of said streams?

If the obstructions in these streams have been wilfully caused by persons owning land along their banks, the council may accomplish their removal at the expense of the several offenders, by passing a by-law pursuant to sub-sections 12 and 13 of section 562 of the Municipal Act. If, on the contrary, these obstructions are the result of natural processes, such as the falling of trees or timber across or into the streams, the accumulation of dead leaves, sand or gravel, their removal can be accomplished by a by-law passed under the provisions of the Municipal Drainage Act, (R. S. O. chapter 226) pursuant to a petition prepared and filed in accordance with section 3 of the Act.

Opening and Establishing of Road Allowances.

413—J. C. McM.—Our council passed a by-law establishing a road to connect with a road through one L. H.'s farm which had been used by the public for some 20 years to a private dock on the said L. H. farm. On the said road L. H. kept a gate, and about two months ago he told the public he would put a lock on the said gate. The public came to our council and asked us to give them an opening to the river any point within 66 feet of said water. It was a matter where immediate steps were to be taken to allow the general public to enter our town. Our council passed a by-law establishing a road from the road now striking his line fence to the nearest point on said river, and as I was appointed to notify L. H. re the decision of the council, and that the work of opening said road was to commence the following day, I did so personally. He protested against same, and said he would fight the case. I then asked him if he would allow the council to establish the old road to the river. To this he objected, so we had our men go on and open up the road as near the line of road allowance as possible through his field which is a meadow. He refused to put up a fence to keep the cattle from destroying his hay. I had a fence put across the road for 30 days to keep same out of field. Notices of the by-law were posted up in due form.

1. Can we be held responsible if any damages should occur to his crop after the 30 days?

2. Should he have had 30 days notice under the circumstances when he threatened to close up the said road, and the traffic was absolutely necessary?

3. If we have made a mistake, where? and how shall we arrange same, so the fence can be left open and no damages to us, or, under the circumstances, are we liable for any damages?

1. It is somewhat difficult without a diagram of the locality to understand the relative positions of the several roads mentioned. We gather however, that the council has passed two by-laws establishing roads in this vicinity, one to connect with the road formerly used through L. H.'s farm and the other, to connect with this road, through L. H.'s farm to the river, the latter being in lieu of the road formerly used through L. H.'s farm. We also gather that the latter road was never in any way dedicated to the public for use as a highway. The council is empowered by section 637 of the Municipal Act to pass a by-law to establish a road through L. H.'s land, after all the provisions of section 632 have been strictly observed.

L. H. is entitled to compensation from the council for the land taken for the purpose of establishing this road and for all damages he has thereby sustained, part of which is the cost of building such fences as the opening of the road renders necessary. If the amount of this compensation cannot be agreed upon between L. H. and the council, it must be settled by arbitration under the Municipal Act. (See section 437.)

2. The road formerly used through L. H.'s land does not appear to have been a public thoroughfare, as L. H. had a gate across it all the time, and could close it whenever he so desired. All the notice necessary to be given before passing a by-law to establish a road through L. H.'s land, is that required by section 632 of the Act.

3. Assuming that the by-law, establishing the road through L. H.'s land is properly framed, (as to which we cannot say, not having seen it), and before its passing the provisions of section 632 were strictly observed, we do not see that any mistake has been made. The council will, however, have to arrange with L. H. the amount of the compensation to which he is entitled, as stated in our answer to question No. 1.

Division of Township into School Sections—Alteration of Boundaries of—Council Can Lease Road—Effect of Resignation of Reeve—Authentication of By-laws.

414—J. B.—1. Can a council form a township into school sections when there is part of it formed into sections and some of them are not five years since they were formed?

2. Can a council form a school section 5 or 5½ miles long, and 2 miles wide?

3. Can a township council draw persons away from a town school after those residents were taken into the town school, or from the township as they were close to and around the town and their taxes are paid into the town of N. B.

4. Can a township council lease a side line in the township of W., District of Nipissing that runs into a lake. If they can't what steps are best to take to move the party off, that they leased it to as they take up the full 66 feet and no person can get to the lake. The municipality receives no rent?

5. If a reeve hands in his resignation when a council is opened and it is accepted, can a council go on with business?

6. If the by-laws are not signed at the next council meeting will they stand law?

7. Can a council withdraw any by-laws they passed at the second meeting that they passed at the meeting before, when they are not signed by the reeve?

1. Assuming that this has reference to the original formation of the township into school sections pursuant to section 12 of the Public Schools Act, 1901, the five year limit mentioned in section 41 of the Act does not apply, but if the formation of the new section in the township necessitates any alteration of the boundaries of those already in existence, the provisions of section 41 should be observed, in so far as the latter are concerned.

2. The latter part of sub-section 1 of section 12 of the Public Schools Act, 1901 contains the following clause: "Provided that no section formed hereafter shall

include any territory distant more than THREE MILES in a direct line from the school house." This section is peculiar because it assumes in effect that the school house exists before the section is formed, whereas the fact is that a school section is formed first and the school house built afterward. The only thing we can suggest is that the council should, when forming a school section, have regard to a convenient place for a school site and lay out the section with reference to such site and complying with the foregoing as nearly as possible.

3. The council of the township has nothing to do with lands paying school taxes and located within the limits of the town. If the "persons" referred to own lands in any of the school sections of the township, arrangements can be made for sending their children to the public schools in the town pursuant to section 21 of the Act, no matter in what rural section their lands are located.

4. Section 637 of the Municipal Act empowers councils of townships to lease road allowances therein, having first strictly observed the provisions of section 632.

5. Yes.

6. The by-laws are not duly authenticated until they have been signed by the reeve and clerk and the corporate seal of the municipality affixed thereto. If the reeve neglects or refuses to sign the by-laws, the council should appoint some other of their number to do so, in his place.

7. At a subsequent meeting a council can by by-law repeal by-laws passed at a former meeting, unless some special provision of the law prevents their doing so, for instance a by-law altering school section boundaries, passed pursuant to section 41 of the Public Schools Act, 1901 or the special circumstances of the case render this course, impossible, for instance, a by-law passed pursuant to the Municipal Drainage Act under which debentures have been issued, payable at a future date.

Township Council Cannot License Liveries—Nor Allow Wire Fences to be Built on Road Allowance.

415—T. S. M.—1. Has the Municipal Council in a rural district, power to make livery men pay a license?

2. Has the council power to pass a by-law allowing fences (wire) to be put out six feet on the road allowance?

1. No, sub-sections 1, 2 and 3 of section 484 of the Municipal Act apply to cities only, and sub-section 38 of section 583 applies only to towns and villages.

2. No.

Duties of Secretary and Members of Local Board of Health As to Quarantining Contagious Disease Patients—Clerk Must Act as Secretary of Local Board of Health.

416—G. L.—1. A physician notifies the Secretary of the Local Board of Health that scarlet fever exists in a house and also asks him to quarantine the house, which he does immediately. Who is entitled to pay him for his time and hire for horse and rig?

2. The Local Board of Health asks a physician to assist them to disinfect a school after scarlet fever. Who is to pay the physician and the members who assisted him? The physician is not the Medical Health Officer.

3. A member of the Local Board of Health quarantines a house but is unable to find any person to look after the wants of the inmates. He is obliged to do it himself. Who is to pay him for such attendance?

4. Can a township clerk resign his office as secretary of a Local Board of Health and still hold the office of clerk?

1. The secretary of the Local Board of Health should not have taken upon himself the responsibility in this instance of quarantining the premises of the persons afflicted with this disease. It was his duty to call the Local Board of Health together, as expeditiously as possible, and await their instructions as to what should be done. (See section 85 of the Public Health Act). We have no doubt, however, that the secretary considered this a case of emergency, and did what he considered best to protect the public, and we are of opinion that the Local Board of Health will be justified in paying him for his time, and livery hire.

2. The Local Board of Health should pay these accounts.

3. This is another case where the member of the Local Board of Health should have awaited the instructions of the Local Board of Health. Under the circumstances we are of opinion that neither the Local Board of Health nor the council is liable for the payment of the account. The member of the Local Board of Health will have to look to the persons afflicted to reimburse him.

4. Section 53 of the Public Health Act provides that "the clerk of the municipal council shall be the secretary of the Local Board of Health." No provision is made in the Act or elsewhere, for the appointment of any other person to fill this position. We are therefore of opinion that so long as the municipal clerk remains in office as such, he is required by the statute to be and also perform the duties of secretary of the Local Board of Health of his municipality.

Appointment of Auditor—Duties of

417—X. Y. Z.—In a municipality where the volume of detail in the treasurer's department has recently grown to considerable proportions, the auditors in their annual report, recommend that the present council appoint an auditor or auditors "whose office shall not expire until a complete report of the town's finances is presented to the next incoming council." The advantages claimed, are that the auditor's duties can then proceed simultaneously with the work of the council, and the statutory report be gotten out within the set period of one month after appointment. The latter is utterly impossible under present conditions without scamping the work. The council recognize the advantages claimed, and the following questions arise:—

1. Can the present council legally appoint one auditor for the purpose of auditing the current accounts of the town?

2. Can such auditor or auditors be legally empowered by the present council to prepare a report of this year's work for next year's council?

3. If the council can do neither of the above, what steps should be taken to secure the obvious advantage of the recommendation referred to?

1. Yes, sub-section 1 of section 301 of the Municipal Act provides that "the council of ANY municipality may pass a by-law declaring that it is expedient to appoint an auditor or auditors for the municipality in the month of November or in the month of December in each year, and thereafter while such by-law remains in force the council shall appoint an auditor or auditors in the month of November or in the month of December, according to the tenor of the by-law, instead of at its first meeting after being duly organized." Section 302 provides that "the auditors appointed under the next preceding two sections shall, every month, commencing at the end of the first month in the year following the said month of December, and so on to the end of each year, examine and report upon all accounts affecting the corporation, or relating to any matter under its control or jurisdiction."

2. No, sub-section 2 of section 301 of the Municipal Act provides that "notwithstanding this section, or any such by-law, the provisions of section 299 of this Act, as to the appointment of auditors, shall apply to the audit of the accounts of the year in which such by-law takes effect."

3. Our answers to the preceding questions renders it unnecessary to reply to this

Width of Prescriptive Road.

418—G. H. H.—We have in our township a road deviation from road allowance travelled for fifty years. No deed for same in possession of council. What width of road can council claim?

This road has been travelled and used as a public highway for so many years that the courts would probably assume its dedication to the public for highway purposes. The public or the municipality can claim as a highway only the road that has been actually travelled.

Payment of Fees of Sanitary Inspector.

419—G. C.—At the last meeting of our council our sanitary inspector presented a bill for \$3 for witnessing the burial of three horses. The council thought that the persons who owned these dead animals and who refused to bury them until they became a public nuisance, should have to pay the bill. We would like to know whether we have power to pass a by-law compelling them to do so. If so, in what way could we collect the inspector's fee from them?

Section 4 of schedule B appended to the Public Health Act, (R. S. O. 1897, chapter 248) provides that "No person shall suffer the accumulation upon his premises, or deposit, or permit the deposit upon any lot belonging to him of anything which may endanger the public health, or deposit upon, on, or into any street, etc., any manure or other refuse, or vegetable or animal matter, or other filth." Section 5 renders it obligatory on the sanitary inspector to keep a vigilant supervision over all such premises and streets, and at once to notify the owners or occupiers of such lots or premises, or who either personally or through their employees have deposited such manure, refuse, matter etc., in any street, etc., to cleanse the same.

and if the objectionable matter be not removed within twenty-four hours after such notification, "The inspector may prosecute the person so offending, and *he may also cause the same to be removed at the cost of the person or persons so offending.*" The penalty for the above offence and the mode of enforcing it, will be found in section 18 of schedule B. Nothing can be recovered from the party referred to in this case, unless the proceedings above provided for have been taken.

Proceedings by Municipality Under the Ditches and Watercourses Act.—Cutting of Shrubs on Streets.

420—A. B.—What proceedings are necessary to be taken by a township council in calling the engineer under the Ditches and Watercourses Act?

2. Would it be necessary for the council to pass a by-law before calling the engineer?

3. Who should serve the notices required by the Act on behalf of the corporation?

4. Can a township council be compelled to cut down alder bushes or other shrubbery growing on the highway?

1. A township council occupies the same position as a private owner as regards its power to initiate proceedings under the provisions of the Ditches and Watercourses Act. These proceedings will be found fully set forth in the Act. Sub-section 1 of section 7 renders the declaration of ownership unnecessary when the proceedings are initiated by a municipality.

2. No—a resolution of the council authorizing the initiating of proceedings under the Act to construct the drain (describing it) and empowering and instructing the reeve to sign all notices and requisitions required by the Act in carrying these proceedings to completion is all that is necessary.

3. These notices may be served by the clerk or any other person whom the council employs to do so.

4. Township councils should cause all alder bushes and other shrubs, which may be obstructing or impeding traffic on a highway, or interfering with the flow of water through drains thereon to be cut down, but unless they are causing injury or damage, or are likely to do so, the council is not compelled to cut them, provided they do not come within the definition of "noxious weeds." As to the destruction and prevention of the growth of these, see sec. 8 of Chap. 279, R. S. O., 1897, and sub-section 2 of section 547 of the Municipal Act.

Statute Labor and Expenditure of Moneys in Police Village.

421—J. A. C.—C is a police village situated partly in the township of S and partly in the township of H. The police trustees have an agreement with the township councils whereby they collect and pay to the trustees the amount of the village statute labor and also refund to the trustees the proportion collected in the village for road improvement purposes in the township.

1. Under these conditions have the councils of the townships power to appoint pathmasters or road overseers for the road divisions in the village and may these councils direct where and what work shall be done by such pathmasters, even when the majority of the trustees object?

2. Does the law respecting police villages give to the trustees the power to put into a general

fund the money received from the two townships in the manner before stated, and to expend the same (the whole amount) in one portion of the village which is altogether in one township? The trustees propose to construct a new cement walk on the south side of the village and pay for same with the money contributed in taxes by residents on both H and S portions. Can they legally do this?

3. What officials have control of the road work, side walk, construction and other such work in a police village?

1. Notwithstanding the fact that an area has been set apart for police village purposes, it still remains a part of the township or townships out of which it is formed, for all general purposes. We assume that the township councils have passed a by-law pursuant to section 103 of the Assessment Act, commuting statute labor within the area of the police village. If this is the case, the commuted statute labor must be collected by the township councils and expended by them through the pathmasters appointed by them in the road divisions within the limit of the police village. The township councils still have authority to appoint pathmasters for the road divisions within the limits of the police village to supervise the expenditure of the moneys collected by the township for commuted statute labor. The statutes do not give township councils any authority to pay these moneys over to the trustees of the police village. In this case, we do not see, however, what the pathmasters appointed can do. They cannot expend the commuted statute labor moneys as it has been paid over to the police trustees, and they cannot require the ratepayers to perform statute labor. We might add that there could be no objection to the appointment of the police trustees as pathmasters within the limits of the police village.

2. The trustees of a police village have the power to expend all or any part of the moneys legally under their control for the purposes mentioned in section 741 of the Municipal Act, in any part of the police village where they may deem such expenditure necessary and advisable.

3. Subject to our answer to question number one, the trustees, especially the inspecting trustee, appointed pursuant to section 735 of the Municipal Act are the proper officials to look after the work mentioned in section 741, and perform such other duties as are authorized by the Act within the limits of a police village.

Statute Labor in Unorganized Districts.

422—W. J. E.—1. In the township of H we have a road commission under the Bettes Act. Many of the lots which are settled upon have had only five dollars paid upon them, and in a few of these cases the holders claim that in as much as the title of the land is still held by the Government that they are not liable for statute labor. The Government price is fifty cents per acre. Are they right?

2. One man on a main road has three acres bought off a lot and is residing thereon. The assessor of the school section neglected to assess his lands for school taxes separately, and he claims that therefore he is not liable for road work. The commissioners contend that the school section's assessment is entirely distinct from the statute labor, and that the man is liable after being notified. Which is right?

1. Sub-section 1 of section 123 of the Assessment Act provides that "each owner or LOCATEE of land may be required each year to perform two day's statute labor for every one hundred acres he holds, etc. The parties referred to are LOCATEES of land in the township and are therefore liable to perform statute labor under the provisions of the above sub-section.

2. The commissioner's contention is right.

Licensing Peddlars in Villages.—Prevention of Disturbance in Building.

423—M. H. H.—1. Our incorporated village is situated nine miles in another county from a city, but the city grocers send travellers to solicit orders from private houses in our village and country round about for groceries, wines and liquors and deliver same next day. We have hotels paying \$300 a year license. These grocers do business, drive over our streets and roads and pay no toll or taxes. Can our village, county or township councils pass a by-law compelling them to pay a license or tax?

S. T. O.—Will you please inform me what power a village council has over a drill hall owned by the government, a captain having charge but has handed his keys to a corporal or sergeant. This drill hall is a nuisance. Some young men carry liquor there Saturday night and carouse all day Sunday, the building being frame, their voices can be heard several blocks away, cursing and swearing, being in order. The reeve has spoken to the captain without any result. Can our constable arrest these men for disorderly conduct, or can the council take any steps to have this building closed?

1. If these persons are the owners of the respective businesses mentioned in the adjoining municipality, they cannot be required to obtain licenses under a county by-law, before they can legally do business in this way in the municipality, the village council has no legal authority to pass a by-law imposing a license on hawkers and peddlars. (See sub-section 14 of section 583 of the Municipal Act.) In the case of Reg. v. Henderson (18 O. R., 144), the defendant, a wholesale and retail tea dealer residing and carrying on business in the city of Hamilton, sold tea by samples in the County of Halton to persons not being wholesale or retail dealers therein, and forwarded the orders to his own place of business at Hamilton, whence the tea, made up in parcels, ready for delivery, was sent to him at Milton for distribution to the purchasers. He was convicted of carrying on a petty trade. On appeal from this conviction it was held following the authority of Reg. vs. Coutts, (5 O. R., 644), that he was not a hawker, "since he was not carrying goods for sale," nor did the amendment of sub-section 14 by clause (a), bring him within its purview, since the Act as amended, applies only to "agents" and does not include a principal. See also Reg. v. Marshall, (12, O. R. 55)

2. It may be that the cursing and swearing are being carried on to such an extent that the thing is a nuisance. It depends upon whether the public is affected as distinguished from one or two individuals. If the public is affected the persons offending may be indicted for causing a nuisance. We would, however, suggest that a complaint be laid with the proper authorities.