

A. takes B.'s cattle to pound, claiming they had no right on his premises whether he has fence or not. A.'s land is deeded. Has he a right to do so?

2. C. has no legal fence in front of his place along the road. D.'s cattle enter his field there. C. takes D.'s cattle to pound, claiming that municipality's by-law pertains only to line fences. Is he right?

3. E. has a government lot, on which there is a marsh not fenced. E. takes all cattle he finds in said marsh to pound, claiming that all cattle must be herded, and maintains that, according to municipality's by-law, cattle have only the right to road allowances. Is he right?

1. Yes. We assume that, by the expression "A.'s land is deeded," you mean that he is the owner of the land.

2. C. has the right to impound these cattle.

3. Yes. The by-law allowing cattle to run at large does not make it lawful for them to roam at will over, or commit damage upon, private property.

Tile Drainage Levy.—Municipal Line Fence.—Township Bridge.

265.—C. H. L.—The council of this municipality, in 1886, appointed an inspector under the Act respecting tile, stone and timber drainage debentures. This inspector certified to the necessary amount of tile placed in his own land, and made application for a loan of \$300. He obtained the required amount, and shortly after sold his farm and left the locality. The purchaser subsequently discovered that no tile or very little was placed as represented. However, he has ever since paid his assessments on said loan, though under protest. Said purchaser now makes application to council to be relieved from any further payment, stating that council had no right to accept certificate from inspector in regard to his own property. Has the council a legal right to collect this assessment?

2. Our public grounds, where town hall is situated, has public street on three sides, with a row of private lots on one side as in the accompanying diagram. Has the municipality a right to keep in repair or build line fence between public grounds and private lots?

3. On a certain road, which originally was built over a ravine, but subsequently was diverted for the purpose of building a dam and grist mill. This dam, I understand, was built by private enterprise. Across this dam and present roadway there is a bridge or wasteway with timbers built up from a depth of twelve or fourteen feet. Said bridge is now out of repair and present owner of mill refuses to put it in repair, stating that it is public property. What proportion of this bridge should the council build or repair?

4. Or can the council legally build a bridge suitable for their own purposes right over this bridge irrespective of it or the sub-structure?

1. There is nothing in The Tile, Stone and Timber Drainage Act to prevent a council from loaning money to its inspector. The only prohibition in the Act is that contained in section 12, which prohibits the council from loaning to any member of the council. Section 17 authorizes the council to levy and collect a special rate upon the land in respect of which the money is loaned to repay the amount loaned and interest thereon, and the effect of this section and the by-law, Form 1, is to make the rate a lien or charge on the land. We are, therefore, of the opinion that the purchaser in this case must pay the rates as they become due, and that if he neglect to do so they may be recovered in the same manner as other

special rates imposed under the provisions of The Municipal Act.

2. We are of the opinion that The Line Fences Act does not apply to grounds upon which a town hall is erected, and, therefore, that the municipality is not bound to either build or repair any part of the fence between these lands and private lots.

3. Assuming that this road is a public highway, the municipalities must maintain it or close up the road. We cannot see how the mill-owners can be compelled to contribute any part of the expense of maintaining the bridge.

4. If the road is a public highway, the council may build such a bridge thereon, as the public necessities require.

Limited Restraint of Cattle Running at Large—Statute Labor.

266.—G. S.—I. Incorporated village of a large area being about five miles across one way and four miles across the other all except a portion in centre being farm property and bush land. The business portion of said village is about in the centre and it is very desirable that cattle should not be allowed to run at large in this part of the village. At the same time it would be hard on the farmers to pass a by-law to prohibit cattle from running at large all over the village. Would it be legal for the council to pass a by-law to prohibit cattle from running at large in the business portion of the said village, and could council enforce the same?

2. Can money be taken from commuted statute labor money and used for keeping certain streets clean during the summer months? Is it legal?

1. Yes. The by-law should describe definitely the area or streets to which it is intended to apply. See subsection 2 of section 546 of The Municipal Act.

2. Yes, if directed by by-law passed pursuant to subsection 5 of section 561 of The Municipal Act.

Taxation of Solicitor and Client's Bill.

267.—CLERK.—Are solicitor's fees as between solicitor and client taxable by the taxing officer, or does the Act refer only to such fees as have been charged in cases which have been before the Court?

Yes.

Abolishing Statute Labor.

268.—W. P.—I. Has a municipal council power to abolish statute labor? I do not mean commute, but entirely abolish.

2. If they have not this power, what is the very lowest rate per day they can commute it? In my opinion statute labor is a farce and a fraud, and to commute it is not much better. I fail to see the object in commuting, for this reason: If I have four days statute labor to perform on an assessment of say \$700, and the said labor is commuted at, say 75c. per day, I will have charged against me the sum of \$3.00. If statute labor is abolished entirely, and the roads are kept in repair by grants made by the council, I will have to pay a just proportion of the grant in my taxes. What, then, is the use of commutation? My policy would be to wipe it out entirely, no commutation about it; then employ practical men to repair the roads and pay them. Each ratepayer will then have to contribute towards these repairs as per his assessment, the same as he is assessed for statute labor. I am anxious to get reliable information on this subject previous to a meeting of council.

1. Yes. Section 101 of the Assessment Act provides as follows: The council of

every township shall have the power to pass by-laws to reduce the amount of statute labor to be performed by the ratepayers or others within the township, or to entirely abolish such statute labor and the performance thereof by all persons within said township. See also subsection 6 of section 561 of The Municipal Act.

2. Our answer to question No. 1 renders it unnecessary to reply to this.

When Preparation of Voters' List Commenced.

269.—WROX.—1. In a municipality where there are no appeals from the assessment to the court of revision, and where the roll has been returned by the assessor to the clerk on the first day of May, what is the date on which the clerk may begin to make out the voters' list?

2. I think you should revise your answer to clause 6, of question 226, by G. G. A., in your May number.

Subsection 16 of section 6 of The Voters' List Act provides as follows: "An assessment roll shall be understood to be finally revised and corrected when it has been so revised and corrected by the court of revision for the municipality, or by the judge of the county court in case of an appeal, as provided in The Assessment Act, or when the time during which the appeal may be made has elapsed, and not before." This subsection is not perfectly clear. It states that the roll shall be understood to be finally revised (1) when it has been so revised by the court of revision, or (2) when so revised by the judge of the county court in case of an appeal, as provided in The Assessment Act, or (3) when the time during which the appeal may be made has elapsed and not before. Subsection 19 of section 71 of The Assessment Act requires the court of revision to finish its business before the 1st day of July, and section 75 gives a right of appeal to the county judge within five days after the date fixed for the closing of the court of revision. If there is any appeal from the assessment roll to the court of revision the clerk cannot know whether there will be an appeal to the county judge until after the 5th day of July, and he cannot, therefore, complete his voters' list until after that date, and if there is any appeal to the county judge he must wait until after the judge has disposed of all appeals. Subsection 16 does not say that the roll shall be understood to be finally revised if there is no appeal to the court of revision when the time for giving such appeal has expired. The words "the appeal" in the latter part of the subsection appear to refer to the appeal to the county judge. Sections 55 and 56 of The Assessment Act give the date on which the assessor is required to have his roll completed, and subsection 2 of section 71 requires a complaint to be made to the clerk within fourteen days from that date, or within fourteen days after the return of the roll in case the same is not returned within the time fixed for that purpose. Independently of subsection 16. However, the roll must be regarded as finally revised upon the expiry of the date limited for entering complaints