

quarters, as she apparently resided in the village for nine months, and the remaining 27 months of the three years mentioned in the sub-section in the township. We gather from the statement of the facts that the woman is simply a harmless, homeless indigent, and we do not see why she was sent to gaol at all. She should have been committed to the House of Refuge in the first instance. We do not see that the town is in any way liable for her maintenance.

Maintenance of Indigent by Township.

519—M. G. H.—About twenty years ago a man and woman came to our township worthless, and in some way managed to buy and hold a lot, and was of course assessed, and paid rates for it; but they had no way to live but by charity, both by private and municipal aid, often many times more than their taxes came to. About fourteen months ago the man died, and his friends came and took all the household goods and some cattle, also the old woman, into another municipality within the same county. This woman was not supposed to be this man's wife, but had lived with him as such. Now the cattle and lot are all gone, the friends and she disagree, and she leaves and is a fugitive and is now in the county jail. The county council claims that we must now again keep her, in part with the municipality that has had her last. The son of the man claims that his father willed the lot to him first. We claim we have no right to keep her and that the county ought to.

We do not think the township is under any legal obligation to maintain this indigent.

Proceedings to Construct Sewer.

520—W. L. S.—Our village council has under consideration a sewerage and drainage scheme. It has been suggested that the work be undertaken as local improvement, and that the local board of health make recommendation as provided in sub-section 4 of section 668 of The Consolidated Municipal Act, 1903. In that event would the property owners be deprived of the right of petition described in section 669? Would they have no voice in the matter other than the right of appeal to the court of revision?

If the construction of the sewer is proceeded with on sanitary grounds, upon the recommendation of the local board of health, and the affirmation by a two-thirds vote of all the members of the council at any regular meeting thereof, mentioned in sub-section 4 of section 668, the petition against the doing of the work mentioned in sub-section 1 of section 669 will not prevent the carrying out of the scheme by the council. The only remedy parties interested have is to appeal to the Court of Revision.

Letting of Drain by Township Engineer.

521—A. W.—An award being made under the Ditches and Watercourses Act to clean the brush and logs out of the creek, the parties whose lots the creek runs through have not complied with the engineer's request to have it cleaned out by a certain date. The engineer went to let the contract, but could get no one to take it. What is the engineer to do? Would he be acting legally if he hired a gang of men and cleaned the creek out?

We do not think the engineer has any authority to hire men to do this work as suggested. We do not see that he can do any more than comply with the provisions of sub-section 4 of section 28 of The Ditches and Watercourses Act (R. S. O., 1897, chapter 285), which provides that "the engineer may let the work and supply of material or any part thereof, by the award directed, a second time or oftener, if it becomes necessary in order to secure its performance and completion."

Resignation of High School Trustee.

522—D. M. V.—We have a high school in our township. The whole township is the high school district and three of the trustees are appointed by the township and three by the council of the county. One of the high school trustees appointed by the county council wishes to resign and sent his resignation to the secretary of the high school board, and the latter wrote the resigning trustee

that it could not be accepted by the board as it had to be sent to the county clerk. The trustee maintains that it is the duty of the secretary to receive such resignation and then deal with it as it should be dealt with. Which is right? What is the proper course to follow?

The statutes make no provision for the resignation of a high school trustee.

Duties of Pound Keeper.

523—H. W. E.—A farmer came into the village and purchased a horse from a merchant. He took the horse on trial. If it suited him he would keep it and pay for it, if not he would return it in two days. He kept it for a week and then returned it, putting it in the merchant's stable. The merchant refused to take her back and turned her out, as he considered he had sold her. The village constable put the horse in pound for running at large, contrary to by-law. The pound-keeper notified both of the parties that the horse was in pound, and they both disclaimed the horse.

1. Has the pound-keeper to advertise the horse, seeing that both parties disclaim her?

2. How long has the pound-keeper to keep the horse in pound before advertising the same for sale?

3. Has he to hire an auctioneer? The pound-keeper is bailiff also.

1. Yes.

2. Section 12 of chapter 272, R. S. O., 1897, provides that "in case an animal is impounded, notices for the sale thereof shall be given by the poundkeeper or person who impounded the animal within *forty-eight hours* afterwards, but no pig or poultry shall be sold till after four clear days, nor any horse or other cattle till after *eight* clear days from the time of impounding the same."

3. We do not think it is necessary that the pound-keeper should engage an auctioneer to sell the horse.

Closing Road Allowance.

524—C. W.—1 About four years ago Mr. A. bought a lot lying along the townline between this and the township east, also bordered on the south by the Y. road. Across the corner of this lot from townline to Y. road, the public have travelled fifty years or more. This cross-road was never established by by-law, and never had any money, public or private, spent on it; neither was there any statute labor spent on it, it being mostly smooth rock. The road is not travelled very much but is a short cut for people of adjoining township when coming west. Mr. A. wants the road closed, and has been advised to get the township council to close it by by-law. Does its long use establish it as a public road, and has the council the authority to pass such a by-law?

2. The council dug a ditch along the road in front of a man's farm and built a culvert for him to get to his premises. A few yards from the culvert he used to enter one of his fields from the road and demands a culvert at that place also. We think he could get to his field from his own premises without any great inconvenience. Should we build the second culvert?

1. We do not think the council is bound to or should interfere in this matter. Fifty years user of the road by the general public might give rise to a presumption of its having been dedicated for public highway purposes, so as to give the council power to deal with it as a public highway, but we do not see that under the circumstances, the council should invite litigation by passing a by-law to close it.

2. We are of opinion that the council cannot be compelled to erect the culvert asked for.

Trustee May Purchase School Debentures.

525—C. H. S.—Is it legal for the school trustees of a rural school section to purchase debentures sold for the purpose of erecting a new schoolhouse for the said section?

We do not see that any legal objection can be taken to this course. The money is raised and the debentures issued by the council of the municipality, and the levy to meet their payment is made by the council. We do not think that section 105 of The Public Schools Act, 1901, applies to a case of this kind.