

that they bargained for a commission or per centage on whatever amount they could get awarded to the "client"! Between such and the judge who takes a bribe to pervert his judgment, there is no moral distinction whatever.

Awards have been made, intelligible on no principle deducible by an impartial mind from the facts in evidence. In the case of contests between individuals and public companies, the results are sometimes ludicrous, were it not for the serious consequences involved. Compensation has been, before now, awarded for a strip of land to an amount exceeding what any man, in his senses, would give as the price of the whole property from which the strip was taken. But these instances are of rare occurrence compared with the numberless cases between individuals occurring daily throughout the country.

Besides, men dead to the plainest dictates of duty, are generally too much alive to their own interests. The one is frequently the effect of the other. Men who scruple not to gain all they can, honestly or dishonestly, for those who employ them, seldom forget themselves. The consequence is, in many cases, not only awards outrageously unjust, but saddled with huge bills of costs in the shape of arbitrators' fees, modestly assessed by the arbitrators themselves.

It is well to call attention to this state of things. We believe there are many really honest and respectable men who misconduct themselves as arbitrators from mere ignorance of duty. The prevailing idea seems to be that an "experienced" arbitrator's duty, as it generally is his practice, is on the one side to get the largest possible sum of his friend, if the friend be seeking compensation, or on the other hand if the friend be resisting payment, to strive hard to reduce the amount to the smallest sum, or to resist it altogether.

The evil is one of a most serious kind, and any person who can succeed in attracting public attention to it will deserve the thanks of all. As a large portion of the evil results from misconception, it is only necessary, so far as honest mind is concerned, to explain the true position of the case. The legislature is constantly providing for the settlement of disputes by arbitration, and it is of the highest importance that men should rightly understand that an arbitrator is not an advocate or a partizan bound to stand by his client, but

that he is a judge, bound to decide with rigid impartiality, and that if he favour one side more than another, or needlessly heap expenses on either party to the reference, he does not act the part of an honest man.

### POUND-KEEPERS.

Section 359 of the Municipal Institutions Act (Con. Stat. U. C. cap. 54,) gives power to the council of every township, city, town and incorporated village to pass by-laws (not being inconsistent with the act relating to cruelty to animals), for providing sufficient pounds, for restraining the running at large of any animals and impounding them, and for the sale of them if not redeemed within a certain time, or if the damages, fines and expenses are not duly paid; for appraising the damages done by any animals trespassing, and for determining the compensation for services rendered in carrying out the act. As a general rule many of the municipalities in Upper Canada have taken advantage of the powers granted to them in this section. However, where no by-law has been passed under section 359, the regulations contained in section 360 are to be followed.

The act respecting cruelty to animals, which is referred to in section 359 is to be found in the Con. Stat. of Canada, chap. 96. This statute, and any township regulations on the same subject, must therefore be kept in view in drafting a by-law under this section. Section 360, moreover, is binding in all cases not otherwise specially provided for by a by-law, and its provisions may at the same time serve as a valuable formula, so to speak, from which to draft by-laws containing the whole or part of its provisions, and adding thereto such clauses as may be considered necessary or advisable in any particular locality or for any peculiar circumstances that might have arisen or may be likely to arise.

A pound-keeper is a public officer discharging a public duty. As remarked by a learned judge, "The pound is the custody of the law, and the pound-keeper is bound to *take and keep* whatever is brought to him at the peril of the person who brings it. If wrongfully taken *such person* is answerable, not he. It would be a terrible thing if the pound-keeper were liable to an action for refusing to take cattle in, and also liable in another action for not letting them go."