

**Enforcing By-Law Prohibiting Running at Large of Stock.**

296—J. K. R.—The council of our township passed a by-law some years ago prohibiting live stock from running at large on the road. Can the ratepayers compel the council to enforce this by-law?

No. It is open to any ratepayer to impound cattle found running at large contrary to the provisions of the by-law, and to take such steps as the law prescribes to recover damages for any injury he may have thereby sustained.

**Municipality to Furnish Division Court Room—Responsibility for Accident in Police Village.**

297—T. Q.—Several years ago the council of this township was ordered by the County Judge to provide a court house for the holding of Division Court. The council at that time put up a building at a cost of about \$2,500. This building is situated in the centre of the township and is used for all business in connection with township affairs. The Judge of the county at the present time has moved the court to another village, about five miles away from the centre of the township. The owner of the hall in which the court is now held sent a bill to the council for \$24.00 for rent for the past year. The council refused to pay it as they have already provided a place for holding court. The owner of the hall threatens to sue the township for the rent.

1. Can the Judge move the court where he pleases and to the inconvenience of the public as this case is?
2. Can the Judge compel the council to furnish a court house in more than one place in the same township?
3. Can the owner of the hall collect the rent as the council did not engage it?

We also have in this township a police village. Recently a person met with an accident by his horse going over an embankment in this village and is suing the township for damages. The Telephone Co. left one of their poles lying on the street where the accident happened and the plaintiff claims this pole was the cause of his horse going over the embankment.

4. Who is responsible? The council has no control over the streets as the village appoints three trustees to do its business.
5. What action should the council take to defend the suit?
6. Should they bring in the police village and the Telephone Co. as parties to the suit?

1. Sub-section 1 of section 11 of chapter 60, R.S.O., 1897, requires the municipality in which a Division Court is held to furnish a court room and other necessary accommodation for holding the court, and sub-section 2 provides that in case a proper court room is not furnished, as provided in sub-section 1, the Judge may hold the court in any other suitable place in the division, etc. The latter sub-section also makes provision for the payment by the municipality, whose duty it was to furnish the court room, of \$5.00 for every day on which court is held to the owner of the building selected by the Judge, by reason of the alleged default of the municipality. We are loath to conclude that the Judge would arbitrarily move the place for holding the sittings of the Division Court, unless he had what he considered good and sufficient reasons for so doing.

2. The municipality is bound to furnish a PROPER PLACE for the holding of the Division Court sittings, and only one such place. The Judge, however, is not bound to be satisfied with any kind of a building, or any kind of accommodation that the municipality may furnish him with, but may require the municipality to furnish him with a proper court room, and if it does not, he may rent one at the municipality's expense.

3. It is difficult to answer this, but if the Judge was compelled to engage another building by reason of the failure of the municipality to furnish him with a proper court room, the owner of the hall can collect the rent from the municipality.

4, 5 and 6. If there is any responsibility at all (and as to this we cannot say, not having full information as to the circumstances under which the accident occurred) it is against the township municipality. The council

should employ a solicitor to look after its interests in the matter. The police village or its trustees cannot be made parties to the suit. The telephone company may be made a party to the action.

**Liability of Police Village for Claims Against Township.**

298—H. C.—The township council of the township in which the police village is situated passed a by-law granting a bonus to all owners of farms who build, or have built, wire fences on the highway bordering said farms.

1. Should the police village be called upon to pay or be included with the rest of the township in sharing in the extra tax required to pay such bonus? Said village being set apart for public improvement.

2. Are we liable to pay a share of claims that may arise from accidents caused by defective culverts, etc., in township?

1. Yes. We do not think it makes any difference in this regard whether the police trustees have been incorporated pursuant to section 751 of The Consolidated Municipal Act, 1903, or not.

2. Yes.

**Filing Plan of Village—Furnishing Copy to Treasurer.**

299—F. G. T.—1. What is the procedure in regard to plans of sub-division of land in a village? Who has to furnish the treasurer with the plan for the assessor's use?

2. If the owner, and he refuses or neglects to do so, what can be done?

1. Sub-section 1 of section 100 of The Registry Act (R. S. O., 1897, chapter 136) provides that "where any land is surveyed and sub-divided for the purpose of being sold or conveyed in lots, by reference to a plan, which has not been already registered, the person making the sub-division shall, within three months from the date of the survey, file with the Registrar a plan of the land on a scale not less than 1 inch to every 4 chains." Section 112 requires "every person who is required to lodge with the Registrar a plan or map of any survey or sub-division of land in any municipality," to deposit a duplicate original of the plan with the Registrar, who is required to deliver it to the treasurer or assessment commissioner of the municipality without any extra charge.

2. If the person whose duty it is to furnish the duplicate plan, as stated in our reply to the first question, refuses or neglects to do so, he can be compelled to comply with this provision of the Act by mandamus obtained from the proper court.

**Treasurer Exempt From Service as Juror**

300—R.—1. E. is the treasurer for a municipality for the year 1907. E. has been served by the sheriff to act as juror in June 1907. The fact that E. is treasurer of a municipality, does it exempt him from acting as juror? If so, should the sheriff be notified that he is not going or what should he do?

Clause 23 of section 6 of The Jurors Act (R. S. O., 1897, chapter 61) exempts from service on any grand or petit jury in any court "every county, township, city, town, and village TREASURER and clerk." If the treasurer has been summoned as a juror he should notify the Sheriff as to his exemption, so that another juror may be secured in his place.

**Time for Payment by Council of School Moneys.**

301—W. D. M.—Under sub-section 2 of section 39 of The Public Schools Amendment Act, 1906, the municipal council of each township is required to levy a general rate to provide at least \$300 for each school section with an assessment of \$30,000 or over, for the payment of teachers' salaries, and sub-section 5 provides that the trustees shall apply for such additional sums as are required for same purpose. Sub-section 10 provides that such moneys shall be paid to the treasurer of the respective school boards from time to time as may be required by the school trustees.

Does this mean that the whole of these moneys shall not be paid over to the trustees at the end of the year, but only as required to pay quarterly salaries during the succeeding year?