

A and B are in possession of the north and south half of a lot respectively. A lays his off in lots of ten acres with a street running all around his property. It has never been opened or given to the township, but some of the streets at the north west corner have been opened and used and statute labor expended thereon. Can A. compel B to put and keep up all the line fences, also a neighbor next east of him? What steps would B take to have the line fence erected? In the event of the street being offered and accepted by the township, would B have to keep up all fences?

Owners of property adjoining streets or roads have to make their own fences, there is no law requiring the council to do so, and therefore the owner of the land opposite A. would have to build the fence on his side of the street, the same as would be required of A on his side. Neither of them need fence except for their own security against cattle, unless there is a by-law requiring all roads and streets to be fenced. We do not think A. need open any portion of the street that is not required by purchasers of his land as a means of access until the council make a demand on him to do so and thus accept the street as public property. The part on which statute labor has been expended is of course already accepted by the council. The foregoing remarks are based on the supposition that the streets laid out by A. have been surveyed by a Provincial Land Surveyor and the lots offered for sale according to the plan so made. In that case A. has to register the plan. If he is selling lots otherwise, the streets not already accepted by the council would still be in his possession as private property until they are accepted by the council, and he would have to keep up half the division line between himself and his neighbor, the same as if no street had been laid out by him.

CORRESPONDENCE.

In the matter of where two or more candidates receive an equal number of votes I think the suggestion of J. B. F. in November MISCELLANY a good one, unless one of the candidates should be an old councillor holding the office the previous year, in which case I think he has the best right, not having been voted out by the electors.

W. V. H., Grimsby.

No doubt this is the way a majority of clerks would feel disposed to exercise the casting vote, but it does not alter the fact that unpleasantness arises through doing so, as the opposite party is not likely to give him credit for disinterestedness. The Public School Act has no less than three systems of deciding tie votes. In elections under the management of rural school trustees in case of a tie, the matter is decided by the casting vote of the chairman.

In cities, towns and villages when the election is conducted by open vote, in case of a tie the matter is not decided until the first meeting of the board, and the member present who is highest assessed on the last revised assessment roll has the right to vote and thus decide the election. The same rule holds good in case of a tie vote in the election of a chairman of the school board, the highest assessed member has a second or casting vote. But where school trustees are elected by ballot under the municipal system the municipal clerk as returning officer has the casting vote the same as for reeves and councillors.

MUNICIPAL ELECTIONS.

Section 125 of the Municipal Act requires that every polling place shall be furnished with a separate compartment where the voter may retire to mark his ballot unobserved by any person. The duty of seeing that such a private compartment is provided is thrown upon the returning officer and deputies. They would be justified in incurring whatever expenses were necessary for such a purpose and the municipality would have to pay the bill. In country places it frequently happens that school houses are used for polling booths, and a cotton screen is thrown across one corner for the use of the voter when marking his ballot. Where this is done care should be taken to see that it answers the purpose of secrecy and thus complies with the law. We can well believe that such polling places where there may be no other convenient shelter, are frequently opened to the public if the weather is inclement and while we may admire the humanity of the returning officer in permitting it, we cannot uphold him from a legal standpoint. We think returning officers in such cases should have a space screened off for an anteroom near the entrance for the use of voters while waiting their turn to vote.

Sections 126 and 127 requires the returning officer to supply deputy returning officers with at least ten copies of printed directions according to the form given in Schedule B. These have to be put up outside the polling places as well as inside and one of them inside the compartment for the voter. These directions were no doubt necessary when voting by ballot was first inaugurated, but now that the ballot system is so well known it almost appears as a needless expense. The man who does not know how to mark his ballot would hardly be much the wiser by reading the directions given, and he generally has to get some person to post him.

Section 128 provides that the proper list of voters for municipal elections shall be the first and second parts of the last list of voters certified to by the judge. Sections 129, 130 and 131 provides for special cases such as where a new municipality has been set apart and having as yet no voters list.

A change was made last session in section 132, which it is necessary that returning officers should take notice of. That section now reads:—

"In the municipalities which are divided into wards or polling subdivisions, the clerk of the municipality shall, before the poll is opened, deliver to the deputy returning officer for every ward or polling sub-division a copy, either printed or written, or partly printed and partly written, certified to be a correct list of voters for the ward or sub-division under section 128, and following sections, together with a blank poll book according to the form of schedule C. to this Act, and also a copy of the proper defaulters list for the polling sub-division certified by the treasurer or the collector pursuant to section 119 of this Act."

The clerk must also deliver to the deputy returning officers a certificate of the day when the assessment upon