

solidated Municipal Act, 1903, to have some of the long bridges across the Grand River declared county bridges. The county council threaten to assume all bridges in the county over a certain length (length undecided.)

A. Can the county council assume or acquire any bridge in the county regardless of length or location, without the consent of the township council or town council, as the case may be?

B. Can section 693 of the Consolidated Municipal Act, 1903, be construed to mean that the county council may assume or acquire any road or bridge in the county, not contemplating to make any improvements on them?

A. and B. We do not think the construction suggested can be placed on section 693 of the Act, as it would clash with the provisions of section 613. The latter section requires the assent of the local municipality, in order that the county council may assume a road or bridge lying within any township or village. We are therefore of opinion that section 693 cannot be divided so as to give the council power to assume a road or bridge in the local municipality without having any intention of improving it.

Impounding Owner's Hogs Doing Damage in Field Leased on Shares.

596—SUBSCRIBER.—A certain man in our township took a field by verbal agreement to put in corn for a certain share. After the corn was partly husked the owner's hogs got in the corn, and the party who put the corn in took the hogs to pound and put in damages. The poundkeeper took the hogs in, but failed to take security. The damages were disputed by the owner, and he demanded the hogs, as the person putting them in had no authority to put them in, as the Poundkeepers Act did not apply to a person's own farm. So then they got the fenceviewers on as provided by the Act and they reported no damage, but still the poundkeeper refused to give them up till his fees and the fenceviewers were paid, which was paid, and now the owner is suing the poundkeeper for the amount paid him. Who is right, and does the Act apply in this case or is it a Division Court case?

We are of opinion that this is not a case to which the Act Respecting Pounds (R. S. O., 1897, chapter 272,) applies. The remedy of the lessee of the field against the owner of the land for any damages he may have sustained through the trespassing of the owner's hogs, should be sought in the civil courts, in the Division Court for the locality, if the amount claimed is not more than \$60.

Use of Highways by Telephone Company—Owner of Sheep Killed on Highway Entitled to No Compensation.

597—A. S.—1. We have in our township an Independent Telephone Company composed of farmers principally. They never asked permission of council to erect poles or wire on highway, but engaged another company to build the line for them. Now I would like to know if township council has power to demand bonds to insure itself against accidents from said company?

2. If so, how much would be a reasonable amount for the five miles? It has a single wire.

3. There is a by-law paying owners two-thirds value of sheep killed by dogs. If an owner has sheep running in a field adjacent to highway with the gate open so they can go on said highway at leisure. Can he collect two-thirds value of ewe and lambs killed on highway, said sheep being in field in the afternoon before damage was done, some sheep being found next morning after on road and some in field?

1. It is not stated how this company was incorporated or by what authority, or whether its charter or special act of incorporation authorizes it to use the public highways in any way for the erection of its poles and wires. If no such authority is granted the company, by lawful authority, for this purpose it has no right to thus use the highways in the township. We are of opinion that the township council has no authority to grant the company this power, or to make any agreement with it with that end in view, as sub-section 4 of section 559 of the Consolidated Municipal Act, 1903, applies to councils of cities, towns and villages only.

2. Our answer to question number one renders it unnecessary to reply to this.

3. The owner is entitled to no compensation for the sheep or lambs killed while running at large upon the highway. (See section 20 of chapter 271, R. S. O., 1897.)

Petition Preliminary to Granting Bonus to Electric Railway.

598—ENQUIRER.—An incorporated town is asked to bonus an electric railway. Is it necessary that a petition signed by a certain number of freeholders should be presented to the council before council pass by-law? If so, how many?

Yes. Sub-section 1 of section 699 of the Consolidated Municipal Act, 1903, provides that "one-fourth in number of the persons shown by the last revised assessment roll to be the owners of the real property comprised in a township, city, town or village, or any portion of any such municipality, to be defined in the petition hereinafter referred to, and who according to such assessment roll represent at least one-third of the value of such property, may petition the council to aid any street railway, etc." Sub-section 2 of this section empowers the council, after the receipt of such petition, and after the assent of the electors has been obtained in the manner provided by section 338 and following sections of the Act, to pass the by-law for the granting of such aid. It is to be observed that it is optional with the council whether it passes this by-law after the receipt of the petition mentioned or not.

Township Councils in Districts Cannot Pass By-Laws for Licensing Peddlars—Assessor Cannot Apportion Statute Labor.

599—PARRY SOUND.—1. Can original townships in Parry Sound District pass by-laws and charge peddlars and hawkers licenses?

2. If A owns property in three or four school sections, in two separate municipal divisions in the township, can the assessor legally group them together and then assign each school section the number of days of statute labor?

1. Sub-section 14 of section 583 of the Consolidated Municipal Act, 1903, empowers the councils of counties and towns, and of cities having less than 100,000 inhabitants, and the Board of Commissioners of Police in cities having 100,000 inhabitants or more, to pass by-laws for licensing, regulating and governing hawkers and peddlars, etc. Section 32 of chapter 225, R. S. O., 1897, enumerates the sections of the Municipal Act, under the authority of which the councils of townships in the unorganized districts of Ontario may pass by-laws. It will be observed that sub-section 14 of section 583 is not among them. We are therefore of opinion that the council of a township in the District of Parry Sound has no power to pass a by-law of this nature.

2. No. It is no part of the duty of an assessor to say or indicate where any ratepayer is to perform his statute labor.

Definition of County Road—County Grant for Improvement of Road in Local Municipality.

600—B. A.—In answer to question 550 November issue, you state that unless the local road in respect of which the county grant was made, was a new road or one running into a county road, the grant was illegal.

1. What is a county road?

2. The minor municipalities in our county maintain all the roads and keep them in repair and are responsible for any damage caused by their neglect to keep them in repair, and it was not a new road. Was the county grant legal?

3. If it was illegal would not the county be responsible if any injury was caused by their action in touching a road not under their jurisdiction?

1. Any road in a local municipality which has been assumed by by-law of the county council under the authority of either section 613 or 693 of the Consolidated Municipal Act, 1903, or a road lying wholly or partly between two counties, over which latter road the adjoining counties have joint jurisdiction under section 622 of the Act.

2. If the highway in the local municipality does not run into a county road, as defined in our answer to question number one, the county grant to improve it was illegal. (See sub-section 6 of section 658.)

3. Not to third parties sustaining injury by reason of the road being out of repair, but the county would be