

the giving of six months' notice, does not apply to a case where an award has been made by fenceviewers under this Act, but clauses (b) and (c) do. From what is stated, however, the award seems to be considered bad, on other grounds. As to this, we cannot give an opinion, not having a copy of the award or a full statement of the facts before us.

Duty of Assessor—Prevention of Driving on Sidewalks.

218—VILLAGER.—1. Please state in your next issue if assessor is compelled to go on owner's property to assess. Owner has a vicious dog. Assessor at next neighbor's house assessed his property. Owner met assessor a few days after on the road and complained that he had not come to his house. Assessor gave his reason concerning the dog and offered, if he had done anything incorrect, to make it right then. Neighbor refused and insisted the assessor must come to his house. Is he compelled to do so?

2. A village has a sidewalk made by the people with private work supplemented by aid from the council. When the spring break-up comes, some teamsters leave road and drive over it, cutting it to pieces and spoiling it. These people claim the right to do so, principally because the council made appropriations towards repairing the road in this way. Can it be stopped, and how?

1. The only remedy which the person assessed has is to appeal to the court of revision, if he is dissatisfied with assessment of his property.

2. This practice can be stopped if the council pass a by-law pursuant to section 560 of the Municipal Act.

Duty of Treasurer—Removal of Shade Trees—Damages for Removal of Fences in Winter.

219—TREASURER.—1. Does the reeve's order relieve the treasurer from responsibility? in other words, is the treasurer bound to pay the amount of any and every order issued by the reeve, whether same has been passed by council or not?

2. Can council order shade trees in road opposite my premises and on my side of said road, cut down, without my permission?

3. Have council any right to pay damages to parties who have allowed their fences to be thrown down and the public to cross their fields during the winter? or should pathmasters keep roads open?

1. No. Section 290 of the Municipal Act, provides that the treasurer "shall pay out the moneys belonging to the corporation, to such persons and in such manner as the laws of the province and the lawful by-laws or resolutions of the council of the municipal corporation whose officer he is, direct." The treasurer has no right to pay township moneys on the order or orders of the reeve alone, unless there is a resolution of the council directing it.

2. The council can cause these shade trees to be removed, by passing a by-law pursuant to the provisions of section 574 of the Municipal Act, and subject to the terms and conditions of this section.

3. If these parties have voluntarily consented to the removal of their fences and to allow the public to travel through their fields, they cannot now recover compensation or damages from the

municipality. If the council of your municipality passed a by-law appointing pathmasters, pursuant to subsection 3 of subsection 537 of the Municipal Act, they should have kept the road allowance open in the manner provided in this subsection.

What is a Bridge?—Length of—Liability of Municipalities for Building and Repairing Bridges and Approaches.

220—G. A. A.—The statutes say that county councils shall erect and maintain bridges over rivers, streams, ponds or lakes.

1. What is a bridge?

2. What does bridge *over* mean?

Here, for example, is a pond twenty feet deep, which is 400 feet from bank. The county council decides to build a bridge but they say as it is practically dead water a very short bridge or possibly a culvert will do. They build a bridge eight feet long and place it at one bank, then they grade up earthworks about sixteen feet high for 100 feet more, making in all 110 feet. This they call bridge and approach, which they say is all the statutes require them to do. The remaining portion, 290 feet of the "approach" must be built by the local municipality. The local municipality contends that a bridge over means from bank to bank of whatever material the county wishes to build, of course, and also contends that the spirit as well as the wording of the Act has been violated. Instead of the county helping the local municipality they are now inflicting a hardship on it in asking it to construct 290 feet, while the county only erects 110 feet, and if this is law the local municipality would prefer not to have a bridge at all.

3. Has the speed of water anything to do with the county's duty as to the erecting of a bridge over a pond or lake?

4. Another case is where a local municipality erected a bridge over a body of water not necessarily a river, stream, pond or lake but it was over a ravine or creek which had well defined banks near the mouth, 198 feet apart, but the bridge had to extend from those two banks because the water backed up from the river to a depth of eighteen or twenty feet deep. Only for this backwater a short bridge over the ravine and a slight grade across the flats would do to accommodate the public. One county assumed this structure and called it a county bridge. There was some litigation about it and the judge decided in brief that it was a county bridge. After this decision the other county councils decided to join with the first named county council to build a new structure but they said a short bridge thirty feet long would do. They jointly build a thirty foot span near one bank and 100 feet "approach," making in all 130 feet, leaving about 70 feet for the local municipality.

In view of the decision, saying that was a county bridge, and in view of the fact that they assumed the bridge by proceeding to rebuild, and in view of the fact that the statutes, sections 613 and 616 say that county councils shall have exclusive jurisdiction over bridges assumed by them, etc., how is it that said councils did not erect a bridge or passage all the way over the pond or backwater from bank to bank instead of leaving about 70 feet for the local municipality?

5. If they had power to tear down the old structure 198 feet long, did they not have equal authority to rebuild as per section 616?

6. Is there anything in the statutes where it says the local municipality shall build or erect approaches?

I can only find "keep up" and "maintain," and that seems to apply to the passing of a bridge from the authority of one council to another. In such a case 100 feet at each end of the bridge goes with it and, in such a case, these portions of the roadway are called "approaches."

1. The question as to whether an artificial structure over a river, stream or creek, is a bridge or culvert depends on the circumstances of each case. In the case of Township of North Dorchester vs. County of Middlesex (16, O. R., p. 659), the question was whether the bridges over Doty's Creek, Kettle Creek, and Caddy's Creek, each of which is a stream crossing a boundary line between two township municipalities, were "bridges over rivers" within the meaning of section 535 of the Municipal Act, R. S. O., 1897, chapter 184, now section 617 of chapter 223, R. S. O., 1897. At Doty's Creek the span of the bridge was 67 feet; at Kettle Creek, 31 feet 6 inches and at Caddy's Creek, 9 feet. It was held that the bridges over Doty's and Kettle Creeks were "bridges over rivers" within the meaning and intention of the statutes and that the duty of erecting and maintaining them rested on the county council, but that the bridge over Caddy's Creek was not such a bridge.

2. In measuring the width of a stream to determine whether it should be bridged by the local municipality or the county, the fact that at certain periods of the year, after heavy rains and during freshets, the waters of rivers and streams are much swollen, and raised to a great height, and a bridge, therefore, which is designed to be the means of connecting the parts of a main highway, leading through a county, which are separated by a river, must necessarily be so constructed as to be above the waters of the rivers in such periods, and the width of the rivers at such periods must, therefore, be taken into consideration in every case in which a question arises as to whether the local or county municipality should bridge such river.

3. Yes.

4. If the bridge built by the counties is sufficient within the principle laid down in the answer to Question No. 2, they have done all that the law requires them to do. As we understand the facts of the case, however, we doubt very much if the county councils have complied with the law in what they have done in this case. It seems to us that as the court held that the water in this case was a stream, lake or pond which the counties should bridge, the counties could not cut down their liabilities by erecting a structure spanning part of the water and then fill up the balance and call it a part of the approaches.

5. Any answer we may give to this question will not, we fear, help you, because there is a wide difference between what the county may voluntarily do and what it is compelled to do by law.

6. Yes. See section 605 of the Municipal Act. We do not construe this section as you do. But for this section we do not think a county would be bound to build any approaches, but this section requires it to build the necessary approaches to the extent of 100 feet.