

3. No. This merchant is a resident within the county, so clause (a) of sub-section 14 has no application.

Requisites of a Lawful Pound—Time When Poundage By-Law May Take Effect—Responsibility for Trespassing by Cattle, Where No Fence.

468—S. J. E.—1. What constitutes a lawful pound for cattle, sheep and pigs? Will any ordinary farmer's buildings do?

2. Can a by-law passed in council to prohibit cattle from running at large take effect at once, or should there be six months' notice given?

3. Can a farmer who has no fence at all impound cattle for trespassing when all the rest of his neighbors have fences and are willing to let cattle run at large?

1. Any enclosure that will keep the animal impounded in confinement, without occasioning it any injury, will be sufficient to fill the requirements of the law.

2. A by-law of this kind may take effect on the date of its passing, or at such time thereafter as may be, by the by-law provided.

3. Whether these cattle are legally *running at large* on the highway or not, the owner or owners will be liable for any damage done by them by trespassing on the lands of owners adjoining the highway, whether such lands are fenced or not, as the owners of cattle should take care of them, so as to prevent their occasioning injury to anyone.

Liability to Build Bridges Over Ditches Along Highways.

469—C. S. T.—A. lives along the main road. In front of his place is a high turnpike and a deep ditch on both sides. A few years ago A. built a bridge in front of his house, and one to go back his lane. They both need repairing. Is A. or the council obliged to repair them?

If these ditches were dug by the municipality, and their digging rendered it necessary that A. should have these bridges constructed to pass to and from his premises, he would be entitled to compensation for the outlay thus necessitated if claimed within the proper time. If A. built these bridges originally at his own expense, and without consulting the council, and made no claim on the latter for compensation, within the time mentioned in section 438 of The Consolidated Municipal Act, 1903, he is not now entitled to compensation, nor can he compel the council to repair this bridge.

Location of Cement Sidewalks in Village.

470—T. H.—Our village council are building a number of cement sidewalks and two or three of them will cross the C. P. R. track.

1. How near the rails should the cement be laid?

2. Who has control of the street at railway crossing, the municipality or the company?

3. Fifteen property owners, which includes all but non-residents, have petitioned for a cement walk on a residential street. Ten of the petitioners want it built say ten or twelve feet from the street line outside of a row of shade trees. The other five object and threaten a law suit if the council do not build it where the old plank walk is on the street line. What should the council do in this case? Should they carry out the wishes of the majority and build it outside the tree line, and if they do so have the minority any legal claim against them?

1. This walk can be laid only to the limit of the railway company's lands, unless the company consents to its being extended farther.

2. The railway company to the extent of its roadway.

3. We assume these property owners represent at least two-thirds in number of the owners of real property to be benefited by the construction of this walk, including non-residents, according to the last revised assessment roll of the municipality, and at least one-half in value of such real property, as required by sub-section 1 of section 668 of The Consolidated Municipal Act, 1903. The council

and their engineer can exercise their discretion as to where this walk is to be laid, subject to the claim of any ratepayer for any damages he may sustain by reason of the construction of the walk. Before the final determination of the matter as mentioned in sub-section 1 of section 668, and afterwards, by consent of the County Judge, ratepayers may withdraw their names from the petition, and in this way render it impossible for the council to proceed.

Location of Limits of Highway.

471—J. C. M.—If road fences are out in roads should councils find corner stakes for owners of lands, or should owners find the proper place for fences themselves?

Councils are not bound to locate fences along the road for owners of lands adjoining the highways in the municipality. It is the duty of such owners to ascertain the proper line between their lands and the highway, and to see that their fences do not encroach on the latter to a greater extent than is mentioned in the proviso appended to sub-section 5 of section 557 of The Consolidated Municipal Act, 1903.

Clerk's Duties as to Drawing By-Laws—Time for Passing By-Law Altering School Boundaries—Appointment of Fenceviewers.

472—C. W.—1. Is it the duty of the clerk to frame by-laws in all cases? A member of the council always gives notice that he will introduce a certain by-law. Has that member to furnish the by-law or the clerk? Some by-laws necessitate more legal skill than can be expected of an average township clerk.

2. Public Schools Act, 1903, section 41, sub-section 3, requires that a by-law for altering boundaries shall be passed before the first day of June. Has the passing to be done in the same year, or will it do to have one or all the readings done in the year previous?

3. The Poundkeepers Act, chapter 272, section 20, provides that three fenceviewers have to be appointed, one by complainant, one by defendant and one by the poundkeeper. The Line Fences Act, chapter 284, section 4, sub-section 4, says: "that the owners notified may object to any or all the fenceviewers. Is it necessary at all for the council to appoint fenceviewers?"

1. The clerk cannot be required to prepare all by-laws to be passed by the council, unless the by-law appointing him so provides. It is customary for the clerk to prepare all ordinary routine by-laws of his council, but if the preparation of a by-law requires legal skill or knowledge the council should employ some solicitor to prepare it.

2. A by-law of this nature should be passed prior to the first day of June in the year in the December of which it is to take effect.

3. Section 537 of The Consolidated Municipal Act, 1903, renders it optional with municipal councils as to whether they appoint fenceviewers or not; but if, in order to carry into effect the provisions of any Act of the Legislature, it is necessary that there should be such officers in the municipality, the council ought to appoint them.

Qualification of Voters on Money By-Law—Penalty for Wrongfully Taking the Oath.

473—J. E. E.—1. Can a farmer's sons who appear on the voters' list as F. M. F., but are not actual owners, take the oath and vote on a by-law for the purpose of bonusing a railway company?

2. Who is entitled to vote on a bonus by-law?

3. What penalty is attached to a voter taking the oath and voting who has no vote?

1. The ordinary municipal voters' list cannot be referred to to ascertain whether a ratepayer has the right to vote on the submission to the electors of a by-law of this kind. The list to be used is one to be specially prepared by the clerk from the last revised assessment roll of the municipality, under section 348 of The Consolidated Municipal Act, 1903. Farmers' sons, assessed as joint owners under section 14 of The Assessment Act, who are