

## Cattle on the Highway.

(By W. G. Francis, Clerk of West Oxford.)

This is a question of great interest to the ratepayers of rural municipalities, and one upon which a good deal of discussion has taken place. The act, as it now stands, prohibits all animals from running at large upon the highways, but at the same time power is given to vary or supercede the act by by-law, passed under authority of section 490 of the Municipal Act, which provides for the restraining and regulating the running at large or trespassing of any animals, and providing for impounding them.

From the above authority a variety of by-laws have been passed, some permitting all animals to run at large, others allow milch cows only. In some townships the councils do not claim the right to regulate the height and description of lawful fences on the highway, and allow the owners of farms contiguous to cultivate the sides of the roads to the graded portion, and do away with the fences, prohibiting all animals from the highway. In some municipalities the act is in force, and to the writer this seems to be most objectionable, from the fact that there is no inspector or person to enforce the terms of the same, and some ratepayers take advantage of the absence of such inspector and turn their cattle, sheep or hogs on the road to the annoyance of others who do not care to put them in pound as they do not want the ill will of their neighbors. For the large number of cattle running the roads there is not sufficient pasture and they are continually breaking into adjoining properties.

For a number of years a by-law was in force in this township, allowing one milch cow to each ratepayer to run at large, which was held to be bad and was repealed. Then upon a largely signed petition a by-law was passed permitting milch cows to run at large during the daytime only, from the first day of May until the first day of December in each year, upon obtaining a tag or permit from the officers of the township and payment of a fee of two dollars for such tag. An inspector was appointed to enforce the provisions of the measure and allowed to retain for his services one half of the poundage fees. The by-law does not prevent any ratepayer from impounding all cattle running at large contrary to the terms thereof, and at the same time it regulates the height and description of lawful fences on the highway. This by-law was passed in 1892 and at first did not seem to be very popular, the complaints usually coming from the owners of cattle impounded. Since then it has become more in favor, and at the present I have no doubt if voted upon would carry by a large majority. There are four municipalities in the County of Oxford where a similar by-law is in force. The scarcity of weeds

upon the roadside in these townships is a good argument in favor of the cattle tag by-law. If all cattle are prohibited from the roads, the sides thereof become grown up with all kinds of weeds and on account of the long, dry grass and the uneven surface it is almost impossible for any person to cut or otherwise destroy them, to prevent their going to seed and spreading over the farms adjoining; but if a limited number of milch cows are allowed to pasture off the grass, the cattle will eat a good many of the weeds, which when young do the cattle no harm. The pathmaster is then enabled to do his duty and have what remains cut and destroyed, and in a year or two there will be scarcely any to cut, nothing but a good, clean sod on the roadside. Again, our children often have to walk from one to three miles to school. If the grass is long and wet with dew or rain, that child must either walk through it or the mud or dust in



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the road, but if the grass is kept down, with a pair of ordinary rubbers the child can arrive at school dry shod, and not have to sit in school all day with wet feet. A good many laboring men depend upon their cows to provide their families with a large part of their living and if you prohibit the cows from the highway the cows must go, as it is difficult to get pasture convenient from the farmers, most of them keeping cattle sufficient to consume all the grass their farms afford. If you allow all cattle to run then there is no pasture for the poor

man's cow and she is a loss to her owner.

The monies derived from the sale of permits should be added to the annual appropriation for repairing the roads and bridges, thereby assisting the good roads department in their endeavor to improve the roads. I may say that the sale of permits in this township in 1896 was nearly equal to one half mill on the dollar on the assessed value of the township.

I am fully aware that some doubt the strict legality of such a by-law, but as yet we have not found it necessary to defend the same in the courts.

Authority is given to vary or supercede the Poundage Act by by-laws, and it is reasonable to say that as municipal councils may sell timber, stone, sand or gravel, mineral upon or under the road, lease or sell the road allowance when not required, why is it not just as reasonable to sell the grass by granting permits to cattle to pasture the same. And as the council is the owner of the highway as the executive under the Crown, why have they not the power to do so.

I cannot find anything in the statutes that says the council has not the right to pass such a by-law and I am firmly convinced that the Legislature of Ontario if the matter was fairly put before that honorable assembly would remove the doubt that exists.

## Publications Received.

*"The Lion and the Lilies, a Tale of the Conquest," and other poems.* Charles Edwin Jakeway. Methodist Bookrooms, Toronto, Montreal and Halifax; cloth, \$1.

The tale which gives its title to this book is the most considerable in size, interesting in matter and rich in poetic spirit and diction that has yet appeared in Canada.

It is a tale of romance and adventure in the stirring times of the Conquest. The French, the English and the Indian races play their part therein, and the conflict of the lily flag of France and the lion standard of England for supremacy on the frontier and at the fortress height of Quebec give historic interest and value to the poem.

The shorter poems are nearly all of patriotic character. Some of them illustrate the heroism of the Jesuit missionaries 250 years ago in the Huron region. Others commemorate incidents in the war of 1812, the capture of Detroit, the fall of Tecumseh, the death of Brock, and the heroic story of Laura Secord. Nor is the element of pathos wanting in some of the domestic narratives. It is specially fitting that such a noble volume of Canadian verse should be presented.

*Diamond Jubilee Souvenir, Town of Rat Portage.* J. K. Brydon, Esq., Clerk.

The business enterprise of the town and mining industries of the surrounding district are at present attracting the attention of capital from all parts of the world. The 100 handsome souvenir photos show that the development of this metropolis of the west is worthy of the prominence it has attained as the business centre of one of the richest mining districts in Canada.

Doctor (just arrived at the scene of the accident)—What on earth are you holding his nose for?