

township, the better way perhaps would be to have the village council pass a by-law to hold their nomination meeting in the evening as provided by sub-section 4 of section 107. The usual course pursued where the same person is clerk in more than one municipality is to name in the by-law appointing polling place some other person to act in the capacity of returning officer for one of the municipalities.

Is a municipality obliged to keep and support a person born in the municipality, and who for some years has been blind? He is an able-bodied man and is quite able to support himself. Since becoming blind he has learned the trade of basketmaking in the Asylum for the Blind at Brantford. Now the question is, is the municipality obliged to support a person of that description? It is well-known that his blindness was caused by his own indiscretion, and he and some others imagine that his being born in the municipality makes the ratepayers of the same obliged to support him.—W. C., Lowbank.

No; the council are to be the judges of who are worthy of charity. Councils have the power to assist indigent persons, but are not compelled to do so.

A person threatens to bring action for damages to buggy by being upset on a load of stones left on the road for repairing same. The council is willing to pay actual damage to buggy, but the person claiming damages is not satisfied and threatens to take legal proceedings. What is the proper course for the council to pursue? W. G.

The council of any municipality, upon any claim being made or action brought against them for damages for alleged negligence on the part of the municipality, may tender, or pay into court, such amount as they may consider sufficient compensation for the damage sustained, and should the amount so tendered or paid not be accepted, and the action proceeded with, and no greater amount being obtained by a verdict, the costs of suit shall be awarded to the defendants, and set off against any verdict which shall be obtained against them. Thus if no greater amount be obtained than the amount tendered or paid into court, the claimant would lose his costs, and the costs of the municipality would be deducted from the amount paid into court. If a tender is made it should be before an action is brought, and in that case it would be better to make the tender direct to the claimant himself, unless a solicitor has been employed by him in that particular matter, when it might be made to the solicitor. A tender should be made by the production of the money and offering it openly, and should be in specie, but if in bank notes it would be a good tender unless objected to at the time because of being bank notes.

A by-law was passed by a municipality in accordance with sub-section 2 of section 53 of the Assessment Act (see chap. 29, 1888) to add five per cent. to all taxes unpaid on the 14th December. The collector called at the residence of a taxpayer to make a demand for taxes, and having rapped loudly at the door two or three times without being admitted he turned away. Afterwards on the same day he called on the son of the taxpayer, a young man over twenty-one years of age who lived with his father but who was engaged in an office in the same village, at which latter place the collector saw him and told him the amount of his father's taxes, and entered the date on the roll. The taxes were not paid on or before the 14th Dec., so the additional five per cent. was added to the ratepayer's taxes. After some time the taxes, including the five per cent., was demanded from the taxpayer personally, and he paid the

original amount of the taxes but refused to pay the five per cent. added, on the ground that the demand which was made in the manner above described fourteen days before the 14th Dec. was not a legal demand. 1. Can a personal demand be made on the taxpayer anywhere—for instance, on the street? 2. If the collector calls at the taxpayer's residence or place of business and he is not there, can the demand be made upon any grown person belonging to the family or in the employ of the taxpayer? Having called at the residence of the taxpayer and not gaining admittance, would a demand made elsewhere on a member of the family or other person in his employment be sufficient?

Our opinion is that the demand would hold good if made upon the taxpayer at any place he might be found, but if not so made personally that it could only be made on some grown-up inmate or employee at his residence or place of business. The law requires, where it is other than a personal demand, that the collector "call at least once" at his usual residence or domicile or place of business, and "shall demand payment of the taxes payable by such person." The meaning evidently is intended to be that the collector shall not only call but must see some person there when he calls of whom to demand taxes. We hardly think the wording of the Act would bear out the contention of the collector that it was a call at the house, so long as he did not gain admittance or see any person belonging to the family at the time from whom to demand the taxes. Neither would a personal demand made after the 14th December, although legal enough for the regular tax, comply with the statute authorizing the levy of five per cent. additional, for it is a condition of the Act that in order to add five per cent. there must have been fourteen days' demand previous to the 14th December. We are inclined, therefore, to believe that the taxpayer cannot be compelled to pay the five per cent. added for that reason.

Can a poundkeeper who has been appointed to that office by by-law, but who has not a proper enclosure on his own premises, impound cattle on any other premises, the council not having mentioned any particular place or enclosure to be used for a pound? W. R.

We have some doubts as to what power the poundkeeper may have under such circumstances. While sub-section 2 of section 479 of the Municipal Act gives power to appoint poundkeepers, it will also be noticed that section 490 provides that the council may also pass by-laws for providing sufficient yards and enclosures for the safe-keeping of such animals as it may be the duty of the poundkeeper to impound. And also by sub-section 2, for restraining and regulating the running at large or trespassing of any animals, and providing for impounding them; and for causing them to be sold in case they are not claimed within a reasonable time, or in case the damages, fines and expenses are not paid according to law. Section 3 contemplates that the by-law shall stipulate as to the amount of damages to be paid by the owners of cattle impounded, while section 4 gives power to the council to determine the compensation to be allowed the poundkeeper. There is no doubt that apart from cattle running at large, they may be liable for damages through trespassing on private property, but it is a doubtful question if cattle can be impounded anywhere except in such place as stated in a by-law. The words of the Act are "may" pass by-laws for these purposes, and not being imperative, it is quite possible that a poundkeeper duly appointed may have the power so select a suitable place or yard for a pound, but if the place were mentioned in the by-law there could be no doubt on the point.