

hounds, found so running at large at a greater distance than one-half mile from the premises of its owner, and unaccompanied therewith may be killed by any resident ratepayer of this municipality."

This by-law was passed March 22nd, 1911, under the provisions of the Municipal Act of 1903, 3 Edw. VII., ch. 19, sec. 540. "By-laws may be passed by the councils of municipalities . . . for the purposes . . .

1. For restraining and regulating the running at large of dogs; and for seizing and impounding dogs running at large contrary to the by-laws; and for selling the dogs so impounded . . .

2. For killing dogs running at large contrary to the by-laws.

(a) For the purposes of the two next preceding paragraphs a dog shall be deemed to be running at large when found in a street or other public place and not under the control of any person . . ."

The Act 1 Geo. V., ch. 57, sec. 8 (2), referred to as amending this section, was not in force at the time of the passing of the by-law, as it came into force two days thereafter, i.e., March 24th, 1911—and in any event it is not material in the present case.

In the note in Biggar's Municipal Manual to this sec. 540, it is said: "The validity of laws providing for the forfeiture or destruction of property without compensation to the owners has been doubted." I know of nothing justifying such a statement or such a doubt if expressed—but, however that may be, there cannot now be any doubt whatever as to the power of the Legislature: *Florence, etc. v. Cobalt, etc.* (1908), 18 O. L. R. 275, at p. 279: "If it be that the plaintiffs acquired any rights . . . the Legislature had the power to take them away . . . And there would be no necessity for compensation to be given. We have no such restriction upon the power of the Legislature as is found in some States."

The chief objection to the by-law, that to which effect was given in the Court below, is based upon the sub-sec. or clause (a). This was introduced for the first time by (1903), 3 Edw. VII., ch. 18, sec. 107. It is contended that it was intended to contain and does contain an exhaustive definition of "running-at-large"—and that within the meaning of the section a dog cannot be "running at large" unless it is "found in a street or highway."