

would be notice to the municipality and it would be liable if it did not remedy the defect within a reasonable time. Sec. 558, R. S. O., 1897, prohibits the placing of gravel upon the road for repairs during the winter months so as to interfere with sleighing. From what is stated the person who put the gravel on the road was an independent contractor, that he was not acting as a servant of the Corporation and the municipality would not be liable for his wrong-doing unless there was neglect of duty on its part after having had notice of the defect. For these reasons our answers to the above questions are as follows :

1. The party who placed the gravel on the road and also the municipality if it neglected its duty after having had notice of defect.
2. Yes, but the better course is to have him added as a party to the action.
3. Yes.
4. Yes.
5. Yes.

The above answers are given upon the assumption that the claimant has a good cause for action. It may possibly be shown that the damages were occasioned by his own negligence. And we also assume that the alleged wrong-doer is an independent contractor and not a servant of the corporation. See section 609, Cap. 223, R. S. O., 1897, for remedy over against a wrong doer.

Railway Fences.

266.—J. H. B.—The C. P. R. has not yet fenced their track through this municipality (Nairn, Lorne & Hyman) though often asked to do so, so many animals have been killed and are being killed continually. What steps must be taken to get this fence, or can they be compelled to fence? Would the fact that some of the land is not in market be a legal excuse for not fencing? All the land has been surveyed by government.

The company cannot be compelled to fence. By neglecting to fence, the company, under certain circumstances, assume liability for damages.

Mistakes in Collector's Roll.

267.—H. M. R.—Our late clerk made mistakes in carrying out the amount of taxes against certain names on the Collector's roll, by which the township is that much short. Can he be made to pay back to the Municipality the amount, or if not, can the parties be made to pay it?

The only remedy provided is that contained in section 249, cap. 224, R. S. O., 1897.

Proceed Under Line Fences Act.

268.—E. W.—My land is 200 acres wide in the rear. Two brothers own (including 100 acres in the rear of my neighbor on east) 300 acres in width. A few years ago we divided the fence, the west 100 acre fences were made on that understanding. Last year the brothers divided their land each receiving 150 acres in width. Last year the brother owning the west 150 acres removed my fence on the east side of my 100 acres (about $\frac{1}{2}$ across) and substituted one of his own. The other brother has taken away the fence on about same distance on the east side of my east 100 acres and has notified me to make fence at that place.

1. Can he compel me to do so?
2. What should be my course?

1. His only remedy is under the Line Fences Act, chapter 284, R. S. O., 1897, and if he takes any steps under that act the fence-viewers will probably do what is just between all parties.

2. We think you should proceed under the Line Fences Act.

Road Wanted—Cattle Guard Insufficient.

269.—W. A. W.—I. A owns lots 18, con. 5, lot 19, con. 6. Lots have been surveyed by provincial surveyor and there is a jog of 17 feet per plan at blind line. Is that 17 feet sufficient to let him out through his own property to public road, con. 5? A claims he can compel council to force a road along railway across lot 20, con. 6, to sideroad west, or open up con. 6 around lake shore.

2.—Can council force a road along railroad, it being shortest way out or would they have to open out con. 6 and deviate on lot 20 around lake shore?

3. Council passes a by-law that certain cattle run at large and those cattle go on railroad and get killed. Can owner make company pay compensation for those killed? The cattle guards being such that cattle walk right over them and is killed on right of way. If they cannot, what steps can a council take to make company put on cattle-guards that will keep cattle off.

1. We do not think that the council can be compelled to open any road for A.

2. The council, if it sees fit, may open a road across another private individual's lands for the purpose of providing a road in lieu of the original allowance.

3. We think the company is liable, if the cattle-guards were insufficient.

Voters in Towns Under 5000—Collector or Treasurer.

270.—RUSTICUS.—1. In a town divided into wards can an elector qualify in more than one ward, vote for the six councillors to be elected by a general vote under chap. 23 (1898) sec. 2 (now 71a of the Municipal Act) as provided by sec. 158 of the Municipal Act although restricted by last section to one vote as to mayor? I do not find that said chapter 23 restricts that privilege.

2. A council by by-law appoints the same person treasurer, collector of taxes and collector of water rates. Does not section 295 of said act prohibit it?

3. What effect will such an appointment have as to the validity of his returns?

We are not surprised at the view you have taken of the meaning of the sections of the Municipal Act referred to, but we think the Legislature intended that each elector should have only one vote. The difficulty arises from the fact that this act is drawn as if there were no wards in existence, but sub-section 2 indicates the intention that an elector is to have one vote only, because you will observe that it provides that where a town is divided into wards one councillor is to be elected for each ward, and the remaining councillors are to be elected by general vote, as in sub-section 1 provided.

2. Section 225 prohibits the appointment of a treasurer as collector.

3. We do not think that the returns will be affected, but another person ought to be appointed for one or the other of these offices.

Publications Received.

Municipal Statistics—Report of Bureau of Industries for 1896.

The usual tables of statistics, showing rates of assessment, and taxation receipts and expenditure are given. Road and bridge expenditure is the largest controllable item. The five townships in which the expenditure and statute labor are the greatest are as follows :

	ROAD AND BRIDGE EXPENDITURE 1895.	DAYS. STATUTE LABOR.
London.....	\$9,468	6,351
Nottawasaga....	3,270	8,980
Pickering.....	3,549	9,993
Toronto.....	8,287	5,787
Yarmouth.....	6,200	5,324

Report of Provincial Board of Health for 1897.

Report of Bureau of Mines, First Part, 1898.

Revised and Consolidated By-Laws, County of Halton.

Minutes and Proceedings of January Session, 1898, County Council of Grey.

Minutes and Proceedings of January Session, 1898, County Council of Renfrew.

Minutes and By-Laws of July and December Sessions, 1896, and first two sessions, 1897, County of Lennox and Addington.

Questions submitted by the Council of the Township of Brant, to Pathmasters and Ratepayers generally, re Statute Labor and Road Improvements.

Minutes and By-Laws of the Township of Sheffield for the year 1897.

Proceedings and By-Laws, Township of Woolwich, 1897, in English and German.

By-Law No. 378, Townships Belmont and Methuen, appointing certain officers for 1898.

Voters' List, Township of Brant, 1897. Auditors' Report, County of Essex, 1897.

Auditors' Report, Town of Deseronto, 1897.

Auditors' Report, Village of Woodville, 1897.

Auditors' Report, Townships of Belmont and Methuen, 1897.

Auditors' Report, Township of Brant, 1897.

Auditors' Report, Township of Sheffield, 1897.

Auditors' Report, Township of Rawdon, 1897.

Auditors' Report, Township of Grantham, 1897.

Blood is thicker than water, but there isn't near so much of it.

City experts are mistrusted in rural districts because it is believed their methods are too expensive. The true expert, however, is familiar with all conditions, and knows how to accommodate the ways to the means.