

# An Act Respecting Pounds.

(R. S. O., 1897, CHAP. 272.)

Disputes regarding demand for damages how determined.

20. If the owner, within forty eight hours after the delivery of such statements, as provided in section 6, (a) disputes the amount of the damages so claimed, the amount shall be decided by the majority of three fenceviewers of the municipality, one to be named by the owner of the animal, one by the person distraining or claiming damages, and the third by the poundkeeper. R. S. O., 1887, c. 215, s. 19.

Fence-viewers to view and appraise damage.

21. Such fenceviewers or any two of them shall, within twenty four hours after notice of their appointment as aforesaid, view the fence and the ground upon which the animal was found doing damage, and determine whether or not the fence was a lawful one according to the statutes or by-laws in that behalf at the time of the trespass : (b) and if it was a lawful fence, then they shall appraise the

(a) Section 6 above referred to is as follows :

6. The owner of any animal impounded shall, at any time be entitled to his animal, on demand made therefor, without payment of any poundage fees, on giving satisfactory security to the pound-keeper for all costs, damages, and poundage fees that may be established against him, but the person distraining and impounding the animal shall, at the time of the impounding deposit poundage fees, if such are demanded, and within twenty-four hours thereafter deliver to the pound-keeper duplicate statements in writing of his demands against the owner for damages (if any), not exceeding \$20, done by such animal, exclusive of such poundage fees, and shall also give his written agreement (with a security if required by the pound-keeper) in the form following, or in words to the same effect :

"I (or we, as the case may be) do hereby agree that I (or we) will pay to the owner of the (describing the animal) by me (A. B.) this day impounded, all costs to which the said owner may be put, in case the distress by me the said A. B. proves to be illegal, or in case the claim for damages now put in by me the said A. B. fails to be established."

(b) A municipal by-law, passed pursuant to the Municipal Act, enacted that certain descriptions of animals (naming them) and all four-footed animals known to be breachy, should not be allowed to run at large in the township ; and provided for fixing the height of fences. The plaintiff's cattle strayed from the highway into the lands of the defendant, Williams, whose fences were not of the height required by the by-law. He distrained them and they were impounded, defendant Steeper being the pound-keeper. In an action of replevin : Held, that as the by-law did not affirmatively authorize these