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#### QUESTIONS AND ANSWERS. Miscellaneous.

#### DRAINAGE SOUGHT.

A. B. C have farms adjoining one another. A wishes to put in a drain, and the only and natural course is through one corner of B's farm (about 20 rods), and then through a portion of C's. Can B and C compel A to help put it across their farms, as it will benefit them as well as it does A? SUBSCRIBER.

Ans.—It is a matter in respect of which an effort ought to be made to bring about an agreement between all the parties interested, under Sec. 8 of the Ditches and Watercourses Act (Revised Statutes of Ontario, 1897, Chap. 285). See especially sections 5 to 9, inclusive, of the Act. In the event of failure to arrive at such an agreement, the engineer, appointed by the municipal council to carry out the provisions of the Act, might be called in (see particularly Sec. 13). We think that if the matter be gone about judiciously, and regard be had to the provisions of the Statute mentioned, a suitable conclusion ought to be reached without serious

#### LINE FENCING-TRESPASSING -DITCHING.

1. A and B are farmers, with farms adjoining each other. B's portion of line fence is in poor condition. A's stock gets over B's portion of fence on B's property. B orders A to take care of his stock. Must A take care of his stock, or must B put up with any damage done by A's stock?

2. Can A compel B to build a lawful line fence, and how should he proceed to do so?

3. What constitutes a lawful line

4. B's fowl are constantly in A's crops. What proceedings can A take to make B keep his fowl out?

5. A has a ditch along line fence. Can A compel B to help keep the drain in re-

6. Can B take A's stock to pound when they get through B's portion of the fence, it being in poor condition? 7. If he should take them to pound, what can A do about it? J. E. D.

Ans.-1. Section 2 of the Act respecting pounds (Revised Statutes of Ontario, 1897, Chap. 272) provides that the owner of any animal not permitted to run at large by the by-laws of the municipality shall be liable for any damage done by such animal, although the fence enclosing the premises was not of the height required by such by-laws. But this provision is subject 'to be varied, or displaced, by by-laws of the township municipality, passed pursuant to The Consolidated Municipal Act, 1903, by section 546, sub-section 2 of which provides that the council may pass by-laws for restraining and regulating the running at large or trespassing of any animals, and providing for impounding them, etc.; and sub-section 3, for appraising the damages to be paid by the owners of animals impounded, for trespassing, contrary to the laws of Ontario or of the municipality. You ought, therefore, to see the township clerk, and have him show you the township by-laws (if any) on the subject.

2. Yes; see the Line Fences Act, Revised Statutes of Ontario, 1897, chapter 284, and more especially sections 3

to 10, inclusive. 3. It depends upon the township bylaw on the subject. See sub-sections 2, 3 and 4 of section 545 of Consolidated Municipal Act, 1903.

4. He can notify B, under section 3 of the Act respecting pounds, in writing, of their trespass; and then, if B neglects or refuses to prevent the poultry from further trespassing on A's premises, A can have B brought before a justice of the peace and fined.

5. We do not see that he is in a posi-

tion to do so. 6 and 7. See answer to question No. 1.

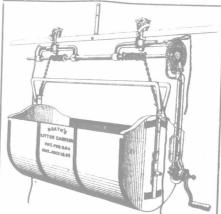
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