

in the proper place, which means the centre of the road. Now A refuses to move his fence which hinders the bridge being built in the proper place. The line was run one year ago by a local surveyor, and the parties on the other side of the town line are satisfied that his line is correct, as said parties know exactly where the original posts were. Will the municipalities, (as there is a municipality on each side of this town line) be obliged to bring on a Provincial Surveyor to run this line, and will they be obliged to pay him, or who will? Will A be obliged to pay any part of the expense of running this line?

3. Will A have to receive six months' notice to move his fence, as the bridge is really necessary for the public and should be built at once?

4. Is the municipal council of the municipality in which A's land is situate, the proper party to deal with A, or has the other municipality on the other side of the town line any responsibility in the matter, or will they have to bear part of the expenses?

5. Who are the proper parties to notify A to remove his fence, the municipal council of either municipality or some ratepayer?

1. No. Assuming that this is an original Government road allowance, the soil and freehold thereof is vested in the Crown and a possessory title thereto cannot be acquired by any private owner.

2. This road being a town line is under the joint jurisdiction of the two municipalities between which it lies and these municipalities are jointly liable for putting it in a condition of safety and keeping it in repair, (see section 622 of the Municipal Act), unless an agreement has been entered into between them by by-laws passed pursuant to section 625. We gather, however, that no such by-laws have been passed by these municipalities. If the councils of these municipalities are satisfied that they have properly located the road allowance, and the bridge is deemed necessary; they should proceed with its erection, regardless of A's fence. If, however, they are in doubt as to the proper location of the road allowance, they should employ a duly qualified land surveyor to locate it for them. This should be done at the joint expense of the municipalities and A cannot be held liable for any part of it.

3. No. This is not a case that comes within the purview of either section 641 or 642 of the Municipal Act.

4. The councils of the two municipalities interested should act jointly in this matter and the expenses must be borne equally.

5. The two municipalities must act jointly.

#### Requisites of Legal Pound—No Fee Allowable to Person Taking Animal to Pound.

495—H. W. E.—1. In April last our council passed a by-law appointing pound-keepers. They each took the required oath of office. The ratepayers object to the pound. They claim it is not a proper pound; that cattle would injure one another while in it; that it is not large enough. Is there any law to make a certain size for a pound and any height of fence or enclosure, and who would be liable for damages should they be injured while in the pound?

2. Our council passed a motion in May that all milch cows be shut up from 9 p. m. till 5 a.

m., and that a fee of 25 cents per head be levied upon all animals impounded, besides poundage fees, such fee to be given to the party or parties impounding the said animals. Can the council legally make such a motion to give the above fee to any person impounding the said animals, the poundkeeper to collect the fee from the party or parties whose animals are impounded, besides his poundage fees?

1. The Legislature has made no provision fixing the size or extent of an enclosure used as a pound, or the height of the fences enclosing it. Section 5 of chapter 272, R. S. O., 1897, provides that when the common pound of the municipality, (if any), is not secure, the pound-keeper may confine the animal in any enclosed space within the limit of his division, and section 15 requires him to furnish animals with good and sufficient food, water and shelter during the whole time they are impounded or confined. The pound-keeper should take reasonable precautions to prevent animals injuring each other while impounded, and would be liable only for gross negligence in this regard. In any event there would be no responsibility on the part of the municipality.

2. We gather that it was the council's intention to vary the provisions of chapter 272, R. S. O. 1897, in the particular mentioned in this question pursuant to section 1 of the Act. This intention should have been carried out by a by-law passed pursuant to section 546 of the Municipal Act. A RESOLUTION is not sufficient for the purpose. In any event, the council has no authority to require the payment by the owner of the animal impounded of a charge of 25c over and above the amount of the pound-keeper's fees, to be paid to the person who brings the animal to the pound.

#### Council in Village Not Bound to Construct Drainage For Cellars.

496—W. J. C.—1. In our village the council put in a drain as per annexed diagram from point one to two. Then A builds a residence, underneath which he places a cellar, and puts drain from point three to four, which is considerably lower than municipal drain. Now A wants the council to lower drain sufficient to give him an outlet. Can he compel them to do so when the drain is already low enough for other drainage purposes. If so, should he not pay the expense of lowering?

2. Again B is farther up the street and builds a similar cellar or basement. Can he compel the council to extend drain to his place to give him an outlet at a lower depth than is necessary for other drainage purposes? If so, should he not pay extra expense?

1 and 2. The council is not compelled to construct new drainage work or to improve existing drains simply for the benefit of A. or B., nor should it do so. If these parties require drainage for their cellars they should do the work at their own expense.

Markham village council has let a contract for the construction of three thousand square feet of new granolithic sidewalk, at 12c a foot for the walks and 15c for street crossings.

#### Municipal Ownership in England.

The town of Huddersfield has a population of about one hundred thousand. For years it has carried on the gas works as a municipal enterprise, and has made a good profit at a price of 68 cents per thousand feet. The waterworks is also one of the older franchises, and one that has hitherto paid a good profit on the investment, but last summer during a period of drought, a leak was discovered under the rock border of the reservoir, which came near causing a water famine. To stop this leak and put the works beyond the peradventure of another famine, Huddersfield is now asking powers to spend £500,000. The rates are about \$10 per year for a house of ten rooms and garden.

Leaks of another kind, but none the less incompatible with profit, were discovered last year in the tramway department. The result was a thorough housecleaning, and a remodeling of the system. Cars used formerly to run once in half an hour, and now they run once in ten minutes, with the result that the traffic has greatly increased. So far the tramways have not paid, but at the end of this year it is hoped there will be a balance on the right side.

The latest addition to the list of municipal undertakings is electricity for both public and private lighting. This is sold very cheaply, and it will undoubtedly pay when it is thoroughly introduced, as the citizens are taking to it very kindly.

Some years ago Huddersfield was prohibited by the Government from turning its sewage into the River Colne, which in consequence of sewage had become polluted and offensive. The ratepayers of Huddersfield had therefore to install a modern sewage disposal plant, which, in addition to improving the health of the town, turns back a clear stream of water into the river.

Summing up the whole situation, while these municipal enterprises are now bearing somewhat heavily on the ratepayers, the expectation is that they will shortly lighten the rates by their profits. Huddersfield is one of the most progressive towns in England in this respect, and having been a pioneer, it has had to buy its experience at first hand, and rather expensively. The most expensive fault was the employment of too cheap men, who have proved dear enough to the municipality. Huddersfield has been the Mecca of late years for municipal experts from other parts of England, and from the Continent, who are profiting by the experience for which Huddersfield has paid.

The Standard Life Insurance Company has brought an action against the corporation of the village of Tweed to recover the sum of \$5000 and interest claimed upon debentures of the corporation.