

of local improvements and the making of assessments therefor.

Section 666 provides that "nothing contained in the two preceding sections shall be construed to apply to any work of ordinary repairs or maintenance, and all works or improvements constructed under the said sections shall thereafter be kept in a good and sufficient state of repair at the expense of the * * city * * generally."

Held, that what the legislature contemplated was that the initial cost of the construction of the local work or improvement should be borne by the owners of the property benefited by it, but that they should not be responsible for the keeping of it in repair, that duty being cast upon the municipality generally, and that when it should become necessary to reconstruct the work or improvement, the cost of doing so should be defrayed by the owners of the property benefited by the work of reconstruction.

Held, also, that this duty to repair is imposed upon the municipality for the benefit of those at whose expense the work or improvement has been made; and is not to be confounded with the general duty to repair, which is one towards the public.

Held, also, that this duty ends when it becomes necessary to reconstruct the work or improvement, and that whenever it is in such a condition that

practical men would say of it that it is worn out and not worth repairing, no order for repair can be made under the amendment to s. 666 contained in s. 41 of 62 Vict., sess. 2, ch. 26.

Semble, that if the dilapidated condition of the pavement were due to the municipality having in the past neglected the duty to repair, the result would be different, the Amending Act of 1899 being applicable to cases where the breach took place before it was passed. *Re Med-land and City of Toronto*, 243.

8. *By-law—License—Delegation of Power to Cancel.*—A municipal corporation cannot delegate to a board of health power to cancel a license which it may have under 62 Vict., 2nd sess., ch. 26, s. 37 (2) (O.). *Re Foster and the Corporation of the City of Hamilton*, 292.

9. *By-law—Transient Traders Sale—Trading Stamps—Conviction.*—R.S.O. ch. 323, s. 533, s.ss. 30, 31.]—The defendant arranged with various retail merchants that each should receive from him trading stamps the property in which, however, was to remain in him, and should pay him fifty cents per hundred stamps, and give one to each customer for every ten cents of cash purchases, while the defendant should advertise the merchants in certain directories and otherwise. A blank

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