

LEGAL DECISIONS.

Sherwood vs. Corporation of the Town of Peterborough.

This was a case tried recently at the Peterborough assizes, in which Mrs. Hattie M. Sherwood claimed \$2,000 damages for injuries alleged to have been sustained by her on the 2nd day of February, 1900, while passing along west side of George st., Peterboro', near Y. M. C. A. The accident was caused, it was alleged, by a ridge of ice which had formed on the pavement about a month before. The statement of claim held defendants guilty of gross negligence in permitting the accumulation of such ice and snow and the grade of the granolithic walk was alleged to have been struck too low.

The corporation, in defense, claimed that the sidewalk was properly constructed and that the alleged condition of the sidewalk was due to climatic changes and deny that the ridge of ice had formed a month previous to the accident, or that they are guilty of any negligence, or were informed of the alleged bad condition of the sidewalk.

The plaintiff had sustained a severe fracture of the left leg, from the effects of which she is still suffering. Her claim is that the accident occurred at a point a few feet south of the corner of the building, and called a number of witnesses to prove that the pavement at this point was covered with ice and snow, and in a very dangerous condition.

The defence contended that the accident occurred at a point four feet north of the place where the plaintiff said she fell and called witnesses to prove that they picked up plaintiff after the accident, and that she was beside the water-pipe when she fell. Judge Ferguson, accordingly, gave judgment, dismissing the case without costs on the ground that the preponderance of testimony pointed to the happening of the accident at a point where no fault could be found with the condition of the pavement.

Jones vs. Township of Westminster.

Plaintiff, appealed from judgment of Street, J., dismissing action brought to recover damages for injuries sustained by plaintiff, who was thrown from his bicycle on the Pipe Line road, owing, as alleged, to its being out of repair. The earth over a tile drain formed a mound, which caused the accident. It was contended for appellant that upon the evidence the highway was out of repair, which was the sole and only cause of the injury; that the weight of evidence was in his favor and that he had not been found guilty of contributory negligence. Appeal dismissed, with costs.

An Arbitration Case.

The city of Brantford has been mulcted in the sum of \$6,100 and costs, in the

arbitration between the city and Thomas Elliott, H. McK. Wilson and Robert Henry, regarding the gravel lines on the Grand River below the G. T. R. bridge. For some time the city has been taking gravel from the river bed and from the land immediately upon the left bank of it, and using the same for corporation purposes. It is estimated that from 30,000 to 40,000 yards has been taken, and there still remains of the twelve acres of property a vast quantity of material. The three gentlemen named laid claim to the ownership of the land, which the city had hitherto regarded as river-bed and common property. While the real deep gravel bed extended to twelve acres, the total area under dispute was seventeen acres. The land was expropriated by the city, and Mr. Thomas Elliott on behalf of the proprietors entered into negotiations with the city for the value of the land. The sum named by the proprietors was \$6,000, and that offered by the city was \$1,700. The disparity in the figures was so great that there was no hope of a settlement. As a result the matter was left to arbitration. Sheriff William Watt acted for the city. Mr. A. H. Baird, of Paris, for the proprietors, and Judge Snider, of Hamilton, acted as referee. A great deal of evidence was taken, and the award was made on Saturday. It gives Messrs. Elliott, Henry and Wilson, \$6,100 for the property, \$140 for interest on that sum at 5 per cent. from June 4, 1900, and directs that all expenses of the arbitration be paid by the city. Sheriff Watt, acting for the city, dissented from the view of the majority, and refused to sign the award.

Noble Mayors.

The acceptance of municipal honors and responsibilities by a number of British peers is a significant departure both for the aristocracy and for the municipalities. A few years ago it would have been considered derogatory for a duke to be a candidate for a mayoralty. Even in as democratic a city as in Montreal there are gentlemen, much lower in rank than dukes, who despise civic honors. The example set by the Duke of Norfolk and other peers may have a good effect throughout the Empire. It is, however, upon the British aristocracy itself that the new departure is likely to have the most important influence. The traditions of feudalism, the possession of land and the courage and patriotism which characterize the upper classes in the United Kingdom, have given them a preponderating influence in control of the nation. But a class cannot rule forever on the strength of a tradition; the decrease in the value of land and the altered agricultural conditions have greatly weakened the influence of landlordism; courage and patriotism are not confined to any class and spread of education has given intelligent direction to the courage and patriotism of practically all classes of the people.

One of the surprises of the South African war was, that the rank and file of the army showed up to better advantage than the officers, except in the matter of personal bravery. Another, and probably the greatest, cause of all, of the movement of the centre of gravity of political power in the Old Country is the enormous development of capital apart from the landed interests. A rich merchant, or manufacturer, is a greater political power than a poor peer. The noble lords, who aspire to be mayors and aldermen, show that they have an intelligent appreciation of changed conditions and prevailing tendencies. The change does not mean that the best families in the Old Country are going to lose their influence in the nation. Blood will always tell, and the lords will gain rather than forfeit the respect of the people by their frank recognition of the new conditions.

Two most important conventions were held last month for the discussion of road reform; one, a convention of all municipal officers in Simcoe county, held at Barrie, under the auspices of the Orillia Board of Trade; the other, a convention of municipal officers of the Ottawa Valley, held at Ottawa, under the auspices of the county council of Carleton, and was the outcome of the agitation for road reform, so successfully carried on by Mr. H. B. Cowan, editor of the *Ottawa Valley Journal*. At both of these conventions the problems of road reform were considered in all their branches.

Delegates were present from every township council in Simcoe county, and from the councils of a large territory surrounding Ottawa. The formation of county systems of roads was considered in each case, and resolutions favorable to the management, by the county council, of leading roads, such roads as are of county importance, were heartily carried in each case. Such conventions, if held in every county, would do very much to remove present misconceptions with regard to the proposed county systems, and would encourage county and township councils to work together with a better understanding, for the common good.

The Ottawa convention was addressed by the Hon. Sydney Fisher, Dominion Minister of Agriculture; Hon. F. R. Latchford, Ontario Minister of Public Works; Mr. A. F. Wood, of Madoc; Warden Bradley, of Carleton; Warden Foster, of Pembroke; Prof. Robertson; Mr. Campbell and others. During the afternoon session, Her Excellency, Lady Minto was an interested listener to the addresses and discussions.

In point of attendance, addresses and conclusions reached, the Ottawa convention was a marked success, as was also that at Barrie, and important results should follow. At the time of going to press, a series of meetings is being held in Welland county, under the auspices of the county council.