

COUNTY ROADS

The following county road statistics are from the last report of the Provincial Highway Commissioner.

	Year of Starting	Total Mileage	Total Expenses		Gov. Aid to Date	
			\$	c.	\$	c.
Lennox and Addington	1906	160	18,999	53	6,333	18
Middlesex	1906	200	21,424	07	7,141	36
Peel	1906	102				
Lincoln	1904	36	27,380	91	9,126	97
Oxford	1904	271	53,034	71	17,678	27
Wellington	1903	170	53,531	12	17,843	70
Hastings	1904	472	67,316	26	22,438	75
Lanark	1903	98	91,378	56	30,459	53
Wentworth	1902	140	260,400	74	86,800	24
Simcoe	1903	427	293,816	74	97,938	91
Totals		2076	887,282	64	295,751	91

DONALDSON v. TOWNSHIP OF DEREHAM.

Drainage Along Highway—Flooding of Plaintiff's Lands—Damages.

Judgment on appeal by defendants from judgment of ANGLIN, J., dated 23rd April, 1907. Action against the corporations of the Townships of Dereham and Bayham for damages on account of the flooding of plaintiff's lands owing to the wrongful construction of drains along the highway bordering upon plaintiff's farm. At the trial judgment was given for plaintiff for \$50 damages, and defendants were directed to forthwith clear the ditch and maintain it in good order and repair. Counsel for defendants undertaking that the defence of the Statute of Limitations will not be set up in any action or other proceeding to be taken at any time hereafter, such undertaking may be inserted in the judgment, and with this undertaking the appeal is allowed with costs and the action dismissed with costs, without prejudice to any action or other proceeding to be taken against either township or both for any future wrong.

J. D. FISHER, clerk of the township of North Easthope: "Your paper has become so useful to the council as well as the other officials, that they would not think of being without it."

BRADLEY v. TOWNSHIP OF GAINESBORO'.

Excessive Seizure for Taxes—Liability of Township.

Judgment in action tried without a jury at Welland. Action for illegal and excessive distress for taxes. Defendants asserted that plaintiff's taxes for 1905 were \$32. Plaintiff insisted that they should be only \$29.75. The disputed amount involved a dog tax and statute labor. Plaintiff tendered \$29.75, which was refused, and on January 9th, 1906, the collector seized a pair of valuable horses, said to be worth \$375, notwithstanding that there were cattle, hay, grain and the like on the premises. Plaintiff was deprived of the use of the team for upwards of a week, when the collector abandoned the seizure and accepted payment of the \$29.75. This, however, was done without the sanction of defendants, and only, as the collector said, to save further trouble. Held, that the defendants had the right to destrain for the \$32, but that the seizure was excessive. Judgment for plaintiff for \$75 damages, with costs on the County Court scale, without set-off to defendants.

JAS. HONOR, clerk of the township of Malden: "The renewal of our subscription is the best evidence that we can give you of our appreciation of your paper."

Re WYNN AND VILLAGE OF WESTON

Local Option—Polling of Unqualified Votes.

The plaintiff appealed from order of Meredith, C. J., dated 2nd May, 1907, dismissing application for order to quash a local option by-law of the village of Weston. The local option by-law, together with other questions, was submitted to the ratepayers on 7th January, 1907. The vote, according to the clerk of the municipality, stood 227 for the by-law and 148 against. The by-law was attacked on the ground that the voters' lists used on the voting contained the names of 37 persons not appearing on the last revised assessment roll to be entitled to vote on the by-law, and of the 37 persons, 29 persons voted on the by-law, contrary to the provisions of sec. 348 of the act. There were a number of other irregularities urged. Appeal dismissed with costs.

Re RICKEY AND TOWNSHIP OF MARLBOROUGH.

Local Option—Insufficient Publication of By-Law

Judgment on appeal by H. J. RICKEY from order of MABEE, J., 9 O. W. R. 563, dismissing without costs a motion to quash a local option by-law of the Township of Marlborough. The only ground of appeal not disallowed on the argument was that the by-law was not published in a public newspaper as required by section 338 of The Municipal Act, 1903, sub-section 1 of which provides that "the day fixed for taking the votes shall not be less than three, nor more than five weeks after the first publication of the proposed by-laws." The paper selected was a semi-weekly, published every Tuesday and Friday; the first publication of the by-law was in the issue of Friday, 14th December, and the second and third in those of Tuesday, 18th, and Tuesday, 25th, respectively.

Held, that the intention of the Legislature was that the period of the publication "for three successive weeks" shall embrace three successive periods of seven days each, beginning on the first day of actual publication and not on the first day of the biblical week in which the first publication appears, and that there should be at least one publication in a newspaper in each of the seven-day periods. The publication for only two when the statute requires three successive weeks is not such an irregularity as can be cured by section 204 of the Municipal Act. Appeal allowed and by-law quashed with costs.

JOHN RICKABY, clerk of the township of Clarke: "No money is better spent by any municipality than this. Your paper is invaluable as a guide in municipal affairs."

The city solicitor of Ottawa has given his opinion that the city can pay membership fees to the Ontario Union of Municipalities, but not to the Federal Union.

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The town of Clinton again voted to guarantee the bonds of the Clinton Thrasher Co., who suffered so severely in the disastrous fire on May 13th. By a vote of 400 to 5 the town will guarantee bonds to the amount of \$20,000, repayable in twenty annual payments.

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A resident of Toronto was assessed in 1902 for \$10,000 on personal property and \$1,990 on realty, for the year 1903. In 1903 he paid taxes on the \$1,990, but objected to pay on the whole of the \$10,000, as he was not residing in Toronto in 1903, and had invested part of that sum in real property in another municipality. Under the above circumstances the Judge of the County of York recently held that the person taxed was liable to pay taxes on the whole assessment.