case, and $300 in the other. See subsection 23 and 24a of section 7, and section 31 Consolidated Assessment Act, 1892.

Destruction of Street Sign—No Liability.

214.—J. B.—1. In an incorporated village, a barber's sign-post stood on the outside of the sidewalk. Last winter a sleighing party came to the village hotel. In the night, some of the party, after imbibing somewhat freely, went across the street and broke down and smashed the barber's sign post. He now wants the village council to pay for repairing the post. Is the council obliged to pay?

2. If the sign post stood on the barber's own property, would the council be liable for the damage?

1. No.
2. No.

Public School Fees—Non-Resident.

215.—CLERK.—A man is assessed for lot in town, but lives outside of the corporation. Has he to pay the monthly fee to send his children to school?

Yes. Subject to the provisions of subsection 2, of section 172, Public Schools, Act, 1891, which reads:

(2.) The parents or guardians of such non-resident children, shall pay to the trustees of the school to which their children have been admitted, such fees monthly as may be mutually agreed upon, provided such fees, together with taxes paid to such school (if any), do not exceed the average cost of the instructions of the pupils of such school.

Ratepayers May Appeal—Statute Labor on Townlines.

216.—A SUBSCRIBER.—1. I would like to know if one who is not a ratepayer in a municipality, can, or has the right to appeal against other assessments?

2. Say if two adjoining townships, divided by a county road, have a right to perform equal amount of statute labor on that county road?

1. Any person has a right to complain of error or omission in regard to himself, but municipal electors only have a right to appeal against the assessment of others, see section 64, sub-section 1 and 3, Consolidated Assessment Act.

2. In case of dispute in reference to townline maintenance, the question may be determined by the county council, under the authority of section 559, which reads as follows:

"The county council may determine upon the amount which each township council interested, shall be required to apply for the opening or repairing of such lines of road, or to direct the expenditure of a certain portion of the statute labor, or both, as may seem necessary to make the said lines of road equal to other roads."

There are many farmers who know their business, but usually their business isn't roadmaking.

The amendment made to the Municipal Act at the late session, to enable county councils to make grants to roads, which lead into country roads, only affects those counties in which county roads are maintained.

LEGAL DEPARTMENT.

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LEGAL DECISIONS.

Longbottom vs. Toronto.

Municipal Corpopations—Negligence—Defective Sidewalk—Notice of Action—Pleading—57 Vic., chap. 50, sec. 13 (O.).

The defence of want of notice of action required by section 13 of the Municipal Amendment Act, 1894, in an action against a municipal corporation for injuries sustained through a defective sidewalk should be set up in the statement of defence, if the statement of claim is silent on the point, and the judge can then go into the circumstances, if any, which excuse the want or insufficiency of the notice. And where the objection in such a case to the want of notice was not raised until after the evidence was closed, a motion for a non-suit was refused.

In re Hamilton Gas Company and the City of Hamilton.

Consolidated Assessment Act, 1892, section 1 (9), and section 34 (2), Assessment of Gas Mains and Gas Meters.

Held, that the mains of a gas company laid under and along city streets, together with the portion of such streets occupied thereby (i. e., the soil displaced, and that necessary for the support and protection of the mains) are assessable against the company as "land" under section 1 (9) of the Consolidated Assessment Act, 1892, but that gas meters on the premises of the consumers of gas are personalty of the company, and therefore exempt under section 34 (2) of that act. Consumers' Gas Co. vs. City of Toronto, 31 C. L. J., 488, considered and followed. Hamilton, December 3rd, 1895, Snider Co., J.

Stillwell vs. Bayham and Middleton.

Accident on Townline—Notice in writing within thirty days.

The plaintiff sued the townships of Bayham and Middleton for injuries sustained by his horse, harness and sleigh while hauling a load of logs along the town line between the above townships. The township of Bayham, in the defence entered before the trial, gave the plaintiff specific notice that he had not given either the reeve or clerk a notice in writing of the accident and cause thereof, as required by section 13, cap. 50, 57 Vic., within thirty days after it happened. Judge Robb, of Norfolk, gave effect to the objection, and non-suited the plaintiff, holding that a verbal notice to the council while in session, and the reeve or some member telling the plaintiff that they would look into the matter, did not constitute a reasonable excuse for not having given the required notice in writing within thirty days. The learned judge also held that if there was a liability at all the two townships were jointly liable, and therefore the objection raised by Bayham, and specially pleaded, enured of necessity to the benefit of Middleton, and he non-suited the plaintiff as to that township also. J. Carruthers for plaintiff; J. M. Glenn for Bayham, and W. A. Dowler for Middleton.

N.B.—By section 20, Municipal Amendment Act, 1896, the notice must be given in the case of cities, towns and villages within seven days, and, except in the case of the death of the person who has sustained the damage, the want of the notice will now be an absolute bar if pleaded, the latter part of section 13 of the act of 1894, which enabled a plaintiff to give a reasonable excuse for not having given the notice having been struck out, but the amendment does not apply where the accident happened before the act came into force or to pending litigation.

York vs. C. P. R.

Mr. Justice Rose recently delivered judgment upon the dispute between the C. P. R. and the township and county of York. Some time ago the Railway Committe of the Privy Council at Ottawa made an order directing the township of York and the county of York to share with the city of Toronto the cost of maintaining gates for the protection of the Canadian Pacific Railway crossings at Dufferin and Bathurst streets in the city. The township of York and the county of York contended that the Railway Committee had no power to make such an order, and Judge Rose took up the case based upon these objections. Deputy Attorney-General Cartwright appeared for the Ontario Government; Christopher Robinson, Q. C., for the C. P. R.; A. B. Aylesworth, Q. C., for the township of York, and Mr. C. C. Robinson for the county. At the conclusion of a lengthy argument, the court made known its decision, which was in favor of the railway. Judge Rose held that the Railway Committee was fully within its rights in making the order complained of. Therefore the township and county of York must help the city of Toronto bear the expense of protecting the level crossings of the C. P. R. at Bathurst and Dufferin streets.

Desirable Tenants.

Are you a chess player? asked the landlord of a prospective tenant. I much prefer to have my houses occupied by chess players.

No, I am not a chess player, and I can't account for such a singular preference.

It is simple enough. Chess players move so soldom, and only after great deliberation.

The amendment to the Assessment Act made at the late session of the Legislature does not exempt the goods of assessed tenants from seizure for taxes. Only the goods of subsequent tenants are exempt.