

The Municipal World

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In the interests of every department of the Municipal Institutions of Ontario.

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THE MUNICIPAL WORLD,

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ST. THOMAS, MARCH 1, 1901.

Mr. W. A. Husband has been clerk of the town of Preston for the past forty-four years.

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Mr. H. McK. Wilson, K. C., for many years clerk and solicitor of the county of Brant, died last month, at his home in Brantford.

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Mr. Hector MacFarlane, who was clerk of the township of Ekfrid for forty-two years, resigned his office at the beginning of the present year, and Mr. A. P. MacDougall was appointed to fill his place.

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Mr. Henry Stone, who, for thirty-eight years was clerk of the township of Tecumseth, died at his home in Tottenham, on the 29th January last. A portrait and biographical sketch of Mr. Stone appeared in the issue of the WORLD, for February last.

* * *

The town of Paris voted on the 14th February last on a by-law for the purchase of the electric light plant and 100-horse water power, the amount being \$15,000, and carried it. The vote being 174 for the by-law and 27 against, being a majority of 147.

* * *

The village of Tottenham has a model council. The Caldwell *Sentinel*, referring to them says: We must congratulate the new council on the promptness with which they put in an appearance, and the business-like way in which they performed their work. They took up each question *seriatim*, and stayed at it until it was disposed of before proceeding to the consideration of another; lost no time in desultory conversation, and, when the work was done, got up and went home.

The Cattle Tag By-Law.

The case of Ross vs. Township of East Nissouri, in which a by-law of this kind is in question, and which was reported and commented upon, on page 154 of the MUNICIPAL WORLD for 1900, has again been before the courts. The plaintiff appealed from the decision of Mr. Justice Rose, upholding the legality of the by-law, and the by-law was again sustained. The judgment of the court was given by Mr. Chancellor Boyd and is as follows:

On appeal by Alexander Ross from a judgment refusing application to quash by-law No. 367, of East Nissouri. By-law 308 provides that it shall not be lawful for cattle to run at large in the township, and the by-law in question (367) enacts that it shall be lawful for milch-cows and heifers and steers, under two years old, to graze upon the highways upon the owner paying an annual fee of \$2 for each animal, and it provides for the appointment of inspectors to see to its enforcement. It was objected that an appeal does not lie because the jurisdiction to quash upon summary proceedings, is vested in the High Court by statute and has in this case been exercised. Section 75 of the Judicature Act is limited to cases in which an action having been brought the High Court has inherent jurisdiction. The right to appeal to the Court of Appeal is now included in section 76 of the Judicature Act, and the appeal is only to that court. Held, that an appeal lies. Rule 788 tallies precisely with the description of the court in the Municipal Act. Under section 378, the application to quash may be to the High Court of Justice, and that is afterwards explained by section 382 as being to "a Judge of the High Court." Held, on the merits, that by the law of Ontario it is not, as at common law, trespass if cattle are found depasturing on the highway when such a use has been legalized by the municipal authorities, in whom the highway is vested. See R. S. O., chapter 272, section 2, and R. S. O., chap. 223, section 546 (2). The law makes the municipality owner as trustee for the public, and involves a right to repair, cut down grass, etc., and sell it also, and therefore involves the right to let cattle graze. Thus in this respect the by-law is unimpeachable. What may be done particularly by individual contract may be done generally by public by-law whereby all have equal rights of access to the pasturage on reasonable terms. By-law affirmed with costs of appeal. No costs of preliminary objection.

Municipal representatives shorten their civic life by being indolent for eleven months of the year.

* * *

The city solicitor would probably vote for the abolition of statute labor.

Mayor Silver, of Collingwood, in his opening address, said: The new century presents to us the brightest of prospects, and I desire that we, as a council, shall have inscribed on the walls of the council chamber, during this year, "a true government, an honest government, and a government for the people of Collingwood, both rich and poor." We can only be great by all growing together, the capitalist cannot grow at the expense of labor, they should both be linked together by the strongest tie that can bind them, both doing their very best to serve each other well, which will mean happy homes and prosperity to all. Show me a town where labor is building its little homes of comfort, and I will show you a prosperous town, and as capital stands back and looks on at these homes they can say "we helped bring it about." And when such capitalists have passed away they will have left behind the grandest monument they could leave. I desire that we shall assist in every way the uniting of capital and labor. They must go hand in hand, and as the large burden of bonuses have to be met and paid, each workingman doing his part as he did in the carrying of the by-laws. I trust that capital will see that, in all cases, the men who assisted them in the carrying of such bonuses, will receive the largest and quickest help that can be given them at their hands, and at all times give preference to home labor. I am sure this will be done in every case, as the gentlemen who are interested in our enterprises are gentlemen of whom, not only Collingwood, but Canada should be, and is, proud.—*Bulletin*.

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The Municipal Good Roads Association, of which J. A. Ramsden, county clerk of York, is Secretary, has addressed a circular to county councils, requesting them to consider the following questions, in reference to government aid for road improvement and advise him of their conclusions in reference thereto:

1. If aid is granted, should county councils designate the roads to be improved and supervise the construction, or would you prefer some other method?

2. Would you favor the cost of constructing the road, to be divided between the government and county or between the government, county and local municipality through which the road passes?

3. Where roads are built by government and county, what would you recommend regarding the statute labor on lands adjoining such roads?

4. Would you favor allowing counties to apply a portion of their government grant for road purposes, to the purchase of improved road-making machinery?

5. Have you any other suggestions of a general character to offer?

We made some suggestions in reference to government aid, in the January issue and believe that it is the most important question county councils have had to consider for many years. A majority of the county councils have agreed with us and township councils have petitioned for consideration when roads are to be assumed.