

MUNICIPAL DEPARTMENT

THE GOOD ROADS MOVEMENT.

The standing committee of the Provincial Municipal Good Roads Association met in the office of the clerk of York County, at Toronto, on Jan. 12th. Present—Chas. E. Lundy, chairman, Newmarket; J. F. Beam, vice-chairman, Black Creek; J. A. Ramsden, secretary, Toronto; M. Richardson, Flesherton; D. H. Moyer, Camden; W. H. Pugsley, Richmond Hill; M. Buchanan, Ingersoll.

It was decided to have published not less than 5,000 copies (in bulletin form) of the proceedings of the recent good roads convention, for the distribution by county councilmen, and copies to be sent to each member of the legislature.

It was agreed that the resolutions of the convention for presentation to the Ontario Government should take the form of a petition, and a draft petition was agreed upon.

After some time spent in deliberation on this and other matters, it was arranged, through Provincial Road Instructor A. W. Campbell, to have an informal conference at 3 p.m. with Hon. Mr. Ross, and show him the draft petition, which it is proposed to present formally to the Government at a later date, about the time of the meeting of parliament. The conference with the Premier was a very satisfactory one, and the views presented are now "under serious advisement."

The Premier asked for more time to read up more fully Massachusetts, New Jersey, and other state aid road laws, and stated his desire to have another conference with the members of the committee early in February, before the next meeting of the legislature. Mr. Ross said as there had not been any previous organized action of the people asking for provincial aid for good roads, the Government could not be expected to take up the question in advance of public opinion.

LEGAL DECISIONS AFFECTING MUNICIPALITIES.

TOWNSHIP OF CHINGUACOUSY v. McLELLAN.—Judgment on appeal by defendant from judgment of Rose, J., granting an injunction and mandamus. In 1883 the plaintiffs, pursuant to an agreement between them and defendant, filled in two old culverts, and constructed a new one across the highway in front of defendant's lands, and dug a ditch or water course across his lands to the river. The defendant objected to the ditch being dug without paying him a compensation, and had partly filled it in when this action was commenced. Appeal dismissed with costs.

VILLAGE OF HINTONBURG v. OTTAWA ELECTRIC RAILWAY CO.—Judgment on

appeal by plaintiffs from judgment of MacMahon, J., who tried the action without a jury at Ottawa, dismissing it with costs. Action to recover \$723.22 which the plaintiffs were obliged to pay to the George Mathews Company, pork packers, for injury to the property of that company by reason of the raising of the grade of a street in the village, and for costs of an award made against the plaintiffs, and for their own costs made by plaintiffs of the arbitration between them and the George Mathews Company, which sum they sought to recover by reason of an agreement of indemnity entered into by defendants with plaintiffs. The trial judge held that it was not by reason of the exercise by defendants of any of its powers, or by improper conduct of defendants, that the injury was caused to the lands of the George Mathews Company. Held, that the company were exercising powers under the Street Railway Act, and not as agent, and must indemnify the corporation. Appeal allowed with costs.

COUNTY OF YORK v. ROLLS.—Judgment on appeal by plaintiffs from the judgment of MacMahon, J., dismissing action with costs. Action to restrain defendants from further proceeding with the filling in or obstructing of the course of the River Don, where it runs along-side or crosses Yonge street, on lot 10 in the first conces-

sion west of Yonge street, in the township of York. The plaintiffs allege that the filling in injures their bridge over the river at York Mills. It was contended that no right of action existed against defendants as sued in their capacity as executors of will of the late Charles Rolls, and that defendant, Charles Rolls, as tenant for life of the land in question, had a right to reclaim and restore the river to its original channel, as existing before the occurrence of a flood in the year 1878. Held, that on the facts and the law the judgment below was right. Appeal dismissed with costs. C. C. Robinson for plaintiffs. Ludwig for defendant Hunter. William Cook for defendant Rolls.

The Peterborough town council has had printed for distribution posters in which it is proclaimed that the council enacts as follows: On and after the first day of July, 1901, no person shall on any street in the town of Peterborough use for the conveyance of articles of burden, goods, wares and merchandise, any vehicle the tire or wheels of which are less than four inches in width and the weight of which vehicle with its load exceeds 2,000 pounds, or any vehicle the tire or wheels of which are less than 3 inches in width and the weight of which vehicle with its load exceeds 1,000 pounds.



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