Legal Department.

J. M. GLENN, Q. C., LL. B.,
OF OSGOODE HALL, BARRISTER-AT-LAW.

Bridge Co. Must Pay Taxes.

Judgment has been rendered in the case of Niagara Township vs. the Queenston Bridge Company, which places an assessment on the bridge of $40.000.

It is a hard throw-down for the scrap-iron assessment and their honors evidently do not consider that the pretty structure spanning the Niagara gorge at Queenston is just so much refuse material.

It will be remembered that the argument was heard in this town more than a month ago before a special commission composed of Judge Carman of Lincoln, Judge Snyder, of Wentworth and Judge Fitzgerald of Welland. It was a test case of very great importance to the town.

Niagara township placed a nominal assessment on the bridge of $100,000. The evidence submitted by the Bridge Company was intended to show that the value of the bridge was only what it would bring if torn down and sold for scrap iron.

General will be the rejoicing that the judges have looked at the matter in the interests of the people, and have refused to allow the big corporation to beat the township out of taxes justly due.

Niagara Falls should now see to it that the bridges within the municipality pay a fair assessment.—*Record.*

Re Reddock and City of Toronto.

This was an appeal from order of Street, J., refusing a motion to quash the by-law No. 3,764, as amended by by-law No. 3,778, passed by the council of the City of Toronto, providing for the closing of shops, butchers and grocers, at 8 o'clock on certain days and at certain times during each year. It was contended for appellant, inter alia, that the by-law was bad as well as being indefinite and unjustly discriminating against certain shops; that it was bad because passed upon a misrepresentation of facts, viz., that a majority of ratepayers had signed the petitions for its passage, whereas as a matter of fact the majority had not signed nor had the committee of council any authority to report to that effect, nor was the report either true in fact or having relation to the provisions of R. S. O., ch. 257, and that, further, the parties interested were not notified and notice of the consideration, the passing and the amendment of the by-law should have been given to them. Counsel for Toronto, opposed the appeal. Held that the council is invested with full power and authority under the municipal act to pass the by-laws in question and their discretion could not be interfered with if they choose, as in this case, regularly to exercise it. Appeal dismissed with costs.

Bogart v. Township of King.

Judgment in action tried without a jury at Toronto. Action to restrain the levy of a rate under a by-law of the defendant corporation giving a bonus to the Schomberg & Aurora Electric Railway Company, and providing for the levying of a rate. Held, that the clerk of the defendants was bound by sec. 129 of the assessment act to include the rate in question in the collector's roll; the Council had by the by-law ordered a certain sum to be levied, and the clerk rightly calculated the amount chargeable against the plaintiff, and set it down in the roll; it was not necessary for the Council to do anything further, either because of sec. 402 or otherwise. Clarke v. Town of Palmerston, 6 O. R. 616, distinguished. Held, also, that the rate could be levied notwithstanding that the debentures had not all been sold. Held, lastly that the tax could be levied notwithstanding that it had not been collected for the first year. Action dismissed with costs.

Rochester vs. Corporation of City of Ottawa.

The defendants appealed from judgment of Falconbridge, J., upon the report of the Master at Ottawa, finding plaintiffs entitled to $450 damages, and directing the defendants to restore a drain known as the Crannell drain, and to provide suitable and proper drainage for the plaintiff's premises, now on Preston street, in the city of Ottawa. The Master found that the plaintiffs had a right to use the Crannell drain, and the defendants, in digging and filling the trenches, when putting in their waterworks system, cut and then blocked the said drain, and that in altering the grade on Somerset street caused surface water to flow on plaintiff's property which had not formerly flowed there and damaged it. The defendants contended that on the law and the facts the plaintiffs have no right to use the Crannell drain; that the contractors, in respect of the water-works, are liable for damages, if any, and that they were not guilty of negligence in altering the street grade. Appeal dismissed with costs.

Mr. C. B. Bennett, of Port Robinson, a member of the Welland county council, was appointed treasurer of that county to succeed the late Mr. G. L. Hobson, at a special meeting of the council held on the 13th September last.

It is hard to say which is the most helpless, the little baby or the great big man when he is asked to hold it.

Township of Tilbury West v. Township of Romney.

Judgment on appeal by plaintiffs from order of Rose, J., affirming order of local Judge at Chatham staying proceedings. Action to recover $7,480.20 (and interest), the shares of defendants in the amount of the cost of the "Big Creek Drain," in the County of Essex, pursuant to the report of the engineer appointed by plaintiffs. The order in appeal stays proceedings in this action pending the appeal to the Supreme Court of Canada in an action of the Sutherland Innis Co. v. Romney, brought by landowners in the township of Romney to set aside a by-law of said township, adopting the said report, and to prevent the assessment of the plaintiff's land to provide part payment for the drain. It was contended for plaintiffs that their action is properly constituted and that they have a valid cause of action; that they are not parties to the action of Innes v. Romney and cannot be affected by the results, and that defendants have no defence and are estopped from questioning the report because they have not appealed against it, but, on the contrary, recognized their liability by passing a by law pursuant to it, and making assessments and levying rates and issuing debentures thereunder, and also standing by while the plaintiff's completed the work and then using the drain, and that at all events a stay should not be granted until after delivery of defence. Held, that plaintiff's in bringing this action are pursuing an undoubted right, and that they are not doing anything of a vexatious character. See Higgins v. Woodhall, 6 T. L. R., and G. N. W. Central Ry. Co. v. Stevens, 18 P. R. 392. Appeal allowed with costs here and below.

Town of Whitby v. Grand Trunk Railway Co.

Judgment in action tried at Whitby. Action to recover $50,000, the amount of the penalty in certain bond agreements made by the Port Whitby & Port Perry R. W. Co., whose successors are the defendants. The amount of the bond was paid to the said railway company by way of bonus to build the road, and the company agreed to establish and maintain its chief workshops and head office in the town of Whitby. The plaintiffs also claim in the alternative damages for the breach and an order for the restoration and user by the defendants of the shops. Held, that the obligation of the bond was cast upon defendants as successors to the Port Whitby, etc., Company except as to head offices, the provisions as to them being superseded by legislation, but the same statute (45 Vic., ch. 67, sec. 37, and sched.) preserves the rights of the plaintiffs quoad the workshops. Reference directed to fix damages sustained by plaintiffs. Further directions and costs reserved.