

Legal Decisions.

BOLZER VS. THE CORPORATION OF THE TOWNSHIP OF GOSFIELD SOUTH, AND THE CORPORATION OF THE COUNTY OF ESSEX.

The plaintiff brought action against the defendant for the loss of a horse killed by falling into a ditch dug along a road in the defendant township, under a Drainage by-law. The road in question had been opened and established by a by-law of the township. This road was afterward assumed by the defendant's county by by-law of the County Council, and county moneys had been expended thereon from year to year, prior to the happening of the accident. The county by-law assuming the road had never been assented to by by-law of the township, but the township reeve had moved the passing of the county by-law, and it had never been disputed by the township.

It was held that the road in question was a county road, and that the county were liable to keep it in repair, as provided in Sec. 530, Sub-Sec. 1. of R. S. O., Chap. 184. That the county council had no power to assume the road "for the purpose of expending thereon the county appropriation and for such purpose only," as they had attempted to do in their by-law; that they were liable to the plaintiff in damages but under Sub-Sec. 4, they were entitled to judgment over against the defendant township.

IN RE BYRNE AND THE TOWNSHIP OF ROCHESTER

Byrne was the owner of certain lands in the township of Rochester through which a drain had been constructed under the Drainage Sections of the Municipal Act. He claimed damages from the township in consequence of the construction of such drain. The matter went to arbitration and Byrne was awarded damages. The question to be decided was whether the case was governed by Sec. 483, of the Municipal Act, which provides for compensation for any damage necessarily resulting from the exercise of the powers mentioned in the said Section, beyond any advantage which the claimant may derive from the contemplated work, or by Sec. 591, which makes no allowance for the benefit to the claimant from the work. It was held that the case came under Sections 591-2, of the Municipal Act; that Byrne was entitled to the damage awarded by the arbitrators, and that the amount of such damage should be charged *pro rata* upon the lands liable to assessment for such drainage works.

Judge Robb, of Simcoe, confirmed the action of the Brantford assessors in placing a valuation of \$30,000 upon the personality of the Dominion Cotton company, while he has reversed the action of the civic court of revision in increasing the amount to \$50,000.

CORRESPONDENCE.

This paper is not responsible for opinions expressed by correspondents.

To the Editor of the Municipal World:

DEAR SIR,—As a subscriber to the Municipal Miscellany for the past year, I have read with interest the opinions and suggestions of some of the correspondents, and am convinced that your journal will prove to be a power in the Province in municipal matters as soon as the proper machinery is put to work. It is a medium through which those interested in municipal government can exchange opinions, and as the old adage says, "In a multitude of council there is wisdom." Although we flatter ourselves with having a municipal system second to none in the world, we do not claim for it perfection, but we trust that your valuable paper may prove a means through which the concentrated wisdom of those entrusted with the work of setting these laws in motion, may bring to bear the necessary influence on our Legislature to pass such enactments as will place our municipal system in the high state of perfection that we all desire.

As a humble reader of your paper I take the liberty of submitting for your approval as well as the approval of your many subscribers the following amendments, trusting that you or some of your readers will advise as to the best means of bringing them about:

1st. Many clerks have complained of the responsibility placed upon them by having to decide between two candidates at a municipal election in case of a tie, for in exercising this duty they must necessarily displease a large portion of the ratepayers, which is a very unenviable position to be placed in.

2nd. At each session of the Legislature amendments are passed adding to the duties of clerks and other officials, while no provision is made to pay them for their extra work. This applies particularly to the "Ditches and Watercourses Act," and "Public and Separate Schools Act." Could this not be remedied by fixing the remuneration according to the number of ratepayers on the Assessment Roll. It is well known that the work is in proportion to the number of names on the roll and increases accordingly. I fear I am trespassing on your valuable space, and will leave these questions to wiser and more experienced heads, who I trust will let us hear from them in the next and future issues.

Yours truly,

F. I., Metcalfe, Ont.

Resolutions expressing sorrow and sympathy at the death of His Royal Highness, the Duke of Clarence, were passed by Municipal Councils throughout the Province. Acts of this character testify to the loyalty of the Canadian people and their respect for the Royal Family and British institutions.

The Municipal World.

OPINIONS OF LEADING PROVINCIAL NEWSPAPERS.

Picton Times:—"The first number of the MUNICIPAL WORLD is to hand. It deals exclusively with all matters relating to municipalities, and, if succeeding numbers do their work as well as the initial number does, its great usefulness will render it indispensable to the many who find it necessary to keep posted in municipal affairs."

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Whitby Chronicle:—"A journal of the highest importance to municipal councillors and municipal officers generally has been started at St. Thomas, Ont., and is called the MUNICIPAL WORLD. The present issue gives a calendar of the dates for January when each step should be taken to carry on the business of municipalities and school boards, even to stating what returns should be made, whom they are to be addressed to and who shall do it. It directs the councils as to the health laws, posts school boards as to the school laws, in fact goes all over the field of municipal and school politics. By its guidance almost any man could figure as reeve of a municipality."

A Valuable Municipal Guide.

The MUNICIPAL WORLD, printed in the Journal office, St. Thomas, and issued monthly, is, as its name implies, a guide in all matters municipal, and as such is invaluable to municipal clerks and councillors. It is a neatly printed paper of twelve pages, carefully and ably edited in its several departments. Last year it was published by Mr. Neilson, as the Municipal Miscellany, with encouraging success but that gentleman has transferred his interest to the present owners, and this year's initial number is issued with the change of name. The business manager is Mr. K. W. McKay, a gentleman of wide municipal experience, being clerk of the county of Elgin and treasurer of Yarmouth. The engineering department is in the hands of Mr. A. W. Campbell, a provincial land surveyor, of large experience in his profession. The legal department will be conducted by Mr. H. F. Jell, a solicitor of ability, and also a municipal officer. A special feature of the WORLD will be reports of legal decisions in any way affecting municipal corporations, with notes and explanations."—*Walkerville Mercury*.

The *Mitchell Recorder* is going out of the municipal printing business. It prefers to do that now to going to the poor-house in a very short time if it continues.

The Recorder has determined if it cannot live in the town by fair and honest returns, it can live elsewhere, or not live at all.

The expenditure for printing in many municipalities is about one-half what it should be.