

MUNICIPAL DEPARTMENT.

LEGAL DECISIONS AFFECTING MUNICIPALITIES.

TOWN OF OWEN SOUND V. TOWNSHIP OF DERBY. - This was an appeal by the plaintiff from the judgment of Justice Robertson who dismissed the action with costs. The plaintiffs' claim is that under 41 Vic. (O.) Chap. 28, Sec. 18, they are entitled to restrain the defendant municipality from allowing impure water to drain into the reservoir from which the town of Owen Sound is supplied water. The pollution complained of is alleged to have been caused by the building of certain ditches and culverts, and by certain other changes in the drainage system of the township by which the surface water is directed towards the reservoir. The defendants claim that the surface water, prior to the construction of the present Owen Sound waterworks system, flowed by natural courses in that direction which it at present takes, and that it is impossible to divert it except at very great expense. The judges unanimously agreed that the plaintiffs had made out no case and dismissed the motion with costs.

ONTARIO NATURAL GAS CO. V. TOWNSHIP OF GOSFIELD AND ATTORNEY-GENERAL OF ONTARIO. - This is an application by the plaintiffs to quash a by-law of the defendant township authorizing the leasing of a portion of a highway in the said township to certain parties for the purpose of drilling thereon a well for natural gas. Justice Street dismissed the application with costs. The plaintiffs still contended that the said corporation had no right to authorize the breaking of the surface of the highway or the sinking of any well, shaft or hole through which minerals might be drawn from the surrounding country not included within the limits of said highway. A great deal of the argument turned upon the meaning of the word mineral in the statute, the plaintiffs holding that the term mineral was inapplicable to natural gas, while the defendants held that natural gas was a mineral within both the scientific and the legal interpretation of the word. Judge Street decided that gas was a mineral, and as such the township had a right to deal with it. The Court of Appeal unanimously concurred in this opinion, holding Mr. Street's definition to be good in law and science, so the appeal was dismissed.

CORNELL V. TOWN OF PRESCOT. - Judgment on motion by the defendants to set aside the verdict and judgment for the plaintiff in an action tried before Street, J., and a jury at Brockville. The action was brought by the plaintiff to recover damages for injuries sustained through the negligence of the defendant's workmen in setting off a blast in a public street, whereby the plaintiff's horses were frightened and ran away, and the plaintiff was injured. The defendants contended that there was no evidence of negligence on their part, and that the plaintiff was guilty of contributory negligence in running in front of the horses to try to stop them and in not having them properly secured. The jury found that the defendants were guilty of negligence in not covering up the blast so as to prevent stones flying, and that the plaintiff was not guilty of contributory negligence.

Boyd, C., held that the plaintiff's conduct could not be regarded as negligent, and and was in favor of dismissing the motion. Meredith, J., held that the maxim volenti non fit injuria applied, and that the plaintiff had under the authorities no remedy, for he had no reason to take the risk he did, the defendants being responsible for the original cause of the horses running away. In the result the motion was dismissed with costs.

ASSESSMENT AMENDMENTS.

At a recent meeting of the Chatham Board of Trade the following resolution was adopted:

1. That the Chatham Board of Trade petition the Ontario Provincial Legislature as follows:

(a) To amend 53 Vic., chap. 56, sec. 4, by rendering the provisions of said section compulsory instead of permissive;

(b) To so amend sec. 6, chap. 193, R. S. O., which reads, "All municipal local or direct taxes or rates shall, where no other express provision has been made in this respect, be levied equally upon the whole ratable property real and personal, etc., etc.," that the assessment of income taxes may be made on a sliding scale according to the amount of the ratepayer's income and source from which same is derived.

2. That the secretary be instructed to have this resolution printed and a copy forwarded to every Board of Trade in Ontario, respectfully requesting each Board to pass a similar resolution and join in endeavoring to effect so desirable a change in the law.

AMENDMENTS TO LOCAL IMPROVEMENT ACT.

The York County Council will petition the Ontario Legislature to extend the Local Improvement Act to local municipalities, so that improvements might be made and charged to the lands benefited irrespective of their situation.

ALAN MACDOUGALL, CIVIL AND SANITARY ENGINEER, 32 ADELAIDE STREET EAST, TORONTO.

R. E. H. BUGKNER, 32 Adelaide St. East, TORONTO. PATENT CAST IRON GULLIES, Vitrified Clay Sewers - Dust Bins - Sewer Pipe Cements - Steam Road Rollers - Stone Breakers - Street Scrapers - Horse Brushes, etc.

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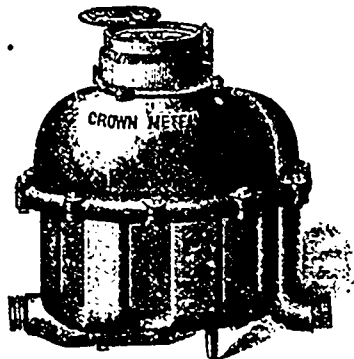
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St. George's Patent Sectional

VITRIFIED CLAY SEWER

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THE undersigned begs to call the attention of town councils or those interested in the construction of sewerage, to the above mentioned patents, and will be pleased to send circulars and give any information required to those desiring such. The sectional sewer makes a CHEAPER and at the same time a more durable and efficient sewer than the ordinary brick. The cast iron street gully, of which there are 5,000 in use in Montreal, Toronto, Ottawa, Quebec, Peterboro', Owen Sound, Sarnia, St. Henri, St. Cune-gonde, and other places, is such a great improvement and saving on brick that corporations who have tried them never put in bricks again.

LEWIS SKAIFE,

Engineer and Contractor,

New York Life Building, - MONTREAL.

AGENT.

THE EXAMINATIONS

OF THE

ROYAL INSTITUTE OF BRITISH ARCHITECTS.

NOTICE IS HEREBY GIVEN that after the close of the year 1892 all gentlemen who desire to qualify for candidature as ASSOCIATE of the Royal Institute of British Architects (except in special cases submitted to and approved by the Council) will be required to enter for the PRELIMINARY Examination, and having passed it, work up through the INTERMEDIATE to the FINAL Examination which in 1894 will take the place of the present Examination in Architecture. The only Examinations to which young Architects who are in practice and who desire to become Architects without passing the Progressive Examinations can enter take place twice in the year 1892 and twice in the year 1893. Those therefore who may not be prepared to enter for the "EXAMINATION IN ARCHITECTURE" before the close of 1892, should take immediate steps to secure registration as Probationers, which they can do by passing the Preliminary Examination or obtaining the GRANT OF EXEMPTION THEREFROM.

ASTON WEBB, Hon Secretary WILLIAM H. WHITE, Secretary

The Royal Institute of British Architects, 9 Conduit Street, Hanover Square, London W., 25th January, 1892.

Prices of Building Materials.

LUMBER.

CAR OR CARGO LOTS.

Toronto. Montreal.

Table with columns for material types (e.g., 1 1/2 to 2 clear picks, Am. ins.), prices in Toronto and Montreal, and yard quotations for mill cull boards, shipping cull boards, hemlock scantling, etc.

Table with columns for material types (e.g., 1 1/2 in. flooring, dressed, F.M.), prices in Toronto and Montreal, and yard quotations for cutting up planks, thicker, dry, etc.