

24 June, 1893.

CORPORATION OF THE VILLAGE OF NEW-HAMBURG v. COUNTY OF
WATERLOO.

Ontario,]

Ontario Municipal Act—Construction of bridges—Liability for construction and maintenance—Width of stream—R. S. Q.
(1887) ch. 184 sec. 532, 534.

By the Ontario Municipal Act, R. S. Q. (1887) p. 184 sec. 532, the council of any county has "exclusive jurisdiction over all bridges crossing streams or rivers over one hundred feet in width within the limits of any incorporated village in the county and connecting any main highway leading through the county," and by sec. 534 the county council is obliged to erect and maintain bridges on rivers and streams of said width. On rivers or streams of one hundred feet or less in width bridges must be constructed and maintained by the respective villages through which they flow.

The river Nith flows through the village of New-Hamburg and in dry seasons when the water is low the width of the river is less than one hundred feet, but after heavy rains and freshets, it exceeds that width.

Held, reversing the decision of the Court of Appeal (20 Ont. App. R. 1) and of the Divisional Court (22 O. R. 193) that the width at the level attained after heavy rains and freshets in each year should be considered in determining the liability under the act to construct and maintain a bridge over the river; the width at ordinary high water mark is not the test of such liability.

Appeal allowed with costs.

Meredith, Q. C., for the appellants.

King, Q. C., for the respondents.

24 June 1893.

CITY OF LONDON v. WATT.

Ontario,]

Assessments and taxes—Ontario Assessments Act, R. S. O. (1887) ch. 19, ss. 15, 65—Illegal assessment—Court of revision—Business carried on in two municipalities.

Sec. 65 of the Ontario Assessment Act (R. S. O. 1887, ch. 193)