

**IMPROVEMENT OF PUBLIC HIGHWAYS.**

Chapter 32, 1 Ed. vii., is amended by The Statute Law Amendment Act, 1904, as follows :

66. Sub-section 1 of section 2 of The Act for the Improvement of Public Highways passed in the first year of His Majesty's reign, chapter 32, as heretofore amended, is further amended by striking out the figures "1905" in the second line and inserting the figures "1906" in lieu thereof.

67. Section 4 of The Act for the Improvement of Public Highways, passed in the first year of His Majesty's reign, chapter 32, as heretofore amended, is further amended by striking out the figures "1906" in the 5th line and inserting the figures "1907" in lieu thereof.

**MISCELLANEOUS AMENDMENTS.**

The following general amendments to Statutes relating to municipal matters are made by The Statute Law Amendment Act, 1904 :

**Returns of Convictions.**

24. Section 5 of the Act respecting returns of convictions and fines by Justices of the Peace is repealed and the following is substituted therefor :

5. "The Clerk of the Peace to whom such returns are made shall, within two weeks after the times hereby limited for the making of the returns, post up in the court house and also in a conspicuous place in his office for public inspection a schedule of the returns so made by the Justices and the same shall continue to be so posted and exhibited for a period of three months, and for every schedule so made and exhibited by the Clerk of the Peace he shall be allowed in his accounts with the county a fee of \$4, which shall be paid by the treasurer of the county."

**Sittings of Courts in Districts.**

25. Section 21 of The Unorganized Territory Act is amended by striking out the word "November" in clause 6 of the said section and substituting therefor the word "December."

**Persons Dying in Houses of Refuge.**

41. Sub-section 1 of section 2 of The Ontario Anatomy Act is amended by adding thereto the following proviso :

Provided that any county councillor shall be deemed to be a bona fide friend for the purposes of this section when members of the county council are so declared by by-law in that behalf.

**Members of Council to See that Recommendations of Municipal Auditors are Carried Out.**

53. Section 14 of the Act to make better provisions for keeping and auditing Municipal and School Accounts is amended by inserting after the words "hereinbefore mentioned" in the sixth line thereof the words "when concurred in and approved of by said auditor personally."

**Fast Driving Over Bridges.**

59. Section 10 of the Act to regulate travelling on Public highways and bridges is amended by inserting after the word "burden" in the second line the words "on or."

**Early Closing By-Laws.**

61. Sub-section 1 of section 44 of The Ontario Shops Regulation Act is amended by adding after the word "retail" in the third line of clause (a) of the said sub-section the words "and barbers' shops."

**Algoma Land Tax.**

72. Sub-section 1 of section 2 of The Algoma Land Tax Amendment Act, 1903, is amended by striking out the word "January" in the sixth line and substituting therefor the word "July" and by striking out the words "thirty-first day of December" in the tenth line and substituting therefor the words, "thirtieth day of June."

**Easement Not Acquired by Telephone or Telegraph Companies.**

74. No telephone or telegraph company shall be deemed to have acquired, or shall hereafter acquire, any easement by prescription or otherwise in respect of wires or cables attached to private property or buildings or passing through or carried over such property unless in cases where the company has obtained a grant from the owner of the property.

**Cost of Inquest on Body of Non-Resident Dying in City or Town.**

78. Where an inquest is held upon the body of any person who has died in a city or separated town and the jury find that the death was caused by violence, accident or unfair means which arose or took place outside of such city or town the coroner shall make an

order for the payment of the fees and expenses in connection with such inquest on the treasurer of any city or town in which the inquest is held, who shall thereupon pay the same ; and the amount so paid, shall on demand be repaid by the treasurer of any city or separated town in which the matter causing the death is found to have arisen or taken place, and in other cases by the treasurer of the county in which such violence, accident or unfair means arose or took place as aforesaid.

At a recent meeting the council of the Town of Sandwich, by resolution, instructed the solicitor to proceed against its late collector for a deficiency of \$390.50 on the collector's roll for 1902 and of \$6.92 on the roll for 1901.

Two actions for damages were recently settled at the winter assizes for the County of Middlesex which are of interest to townships. Some months ago a threshing engine was being hauled across a wooden bridge which spanned a small stream in the Township of Metcalf, when the structure gave away, precipitating the machine and a number of men into the ditch below. Messrs. Munro and McKenzie, husbands of the plaintiffs in the above actions, were among the number who met their death, being caught under the thresher and killed. The plaintiffs claimed that the township was responsible for the maintenance of the bridge, and that if the latter had been kept in proper repair the accident would not have happened. When the court met a settlement was made, Mrs. Munro being awarded judgment for \$1,800, of which she gets \$1,000, three children \$100 each, and another \$500. Mrs. McKenzie got a verdict for \$1,600, she to receive \$1,300 and the balance to be divided among the children.

Not long ago the council of the Township of Collingwood passed a by-law to open a new road on the townline. The purpose of the deviating road was to avoid a heavy hill. The proposed new road was to start in from the townline, whence it ran west partially across an intervening farm to a point where it turned south till it reached a point some ten rods into the farm of one Donald Smith. From that point it was to run again westerly almost the entire length of Mr. Smith's two farms. Here it again turned south and crossing another farm came out on the sideroad. It was alleged that this new road would be an injury to the property it crossed, and Mr. Smith, who was chiefly affected, applied to the court to have the by-law set aside. It was contended that no notice was given to the applicant, that the width of the road was not defined in the by-law, and that the by-law was not passed in the interests of the public, but for a particular class. The court made an order quashing the by-law without costs, on the ground that the width of the road was not defined in the by-law.

One Cochrane brought an action against the City of Hamilton recently for damages for personal injuries sustained by him by reason of the alleged non-repair of a road and Mr. Chief Justice Meredith gave him judgment for \$500. The defendants appealed from this judgment, and the Divisional Court has held that sufficient evidence is given, if believed, to show defective construction of the road at the point of accident. There had been no provision made for the flow of water from a gully which is blocked by the road, and there is usually an overflow there upon and over the road in case of flood, thaw or rain. This could easily and at small cost be remedied by a bigger ditch at the side or a culvert below. Upon the evidence (which is contradictory to some extent) it is impossible to say that the verdict is one which should be set aside. It is not proved by the great weight of evidence that the accident was the result of exceptional and unforeseen circumstances. The appeal was dismissed with costs.