The Acton Free Press.

THURSDAY MORNING, JANUARY 13, 1887.

MEETING OF THE ONTARIO LEGISLATURE.

The Ontario Legislature has been summoned to meet on Thursday, Feb. 10th, for despatch of business.

THE CEMETERY SUIT.

The quarter sessions of the courts at Osgoode Hall, Toronto, for the current term, are now open for the transaction of legal business, but the opponents of Fairview Cemetery have failed to enter their now notorious case against the Corporation of Acton. Another golden opportunity has been allowed to pass, and the case cannot now be heard until next April. Thus court after court have been opened and closed but no cemetery suit has been entered for hearing. The municipality cannot force the question to an issue; it is the opponents of the cemetery, and them only, who can bring the matter to a hearing, and the ratepayers and public generally will ere long have their eyes opened to the fact that this is actually the case, and also that these are the parties who are putting the municipality to the unnecessary legal costs, such as are found in the Council report elsewhere.

ACTON AGRICULTURAL SOCIETY.

Last year when the Esquesing Agricultural Society arranged for the annual exhibition to be held in Georgetown, when Acton was justly entitled to it, there was considerable talk here about the organization of a Union Agricultural Society, with headquarters at Acton, in order to secure an annual exhibition here, so that the farmers and others in this section might have an opportunity of participating in an exhibition without being obliged to travel six or eight miles every year to do so. Whether the organization of an independent society would be an advisable proceeding or not is a subject for debate, but at all events, if those interested intend to form the society proposed and arrange for an exhibition this fall, the time is at hand when they must bestir themselves in the matter and make an effort, if success is eventually to be assured.

There is little doubt if the matter is taken earnestly in hand that a movement towards instituting a new society would be readily endorsed by our citizens and the farmers generally of this section. No town nor city has a park and grounds more suitable for exhibition purposes than Acton, and it seems to us that a joint stock company with sufficient capital to erect a commodious exhibition hall, and other buildings upon a class superior to those generally in use by township agricultural societies, could be organized with comparatively little effort. Especially would this be the case if plans were secured for a building which might be utilized for both an exhibition building and a skating rink, and indeed, a grand stand might also be arranged for at the same time with additional attraction and to the profit and success of the scheme.

If anything is to be done now is the time for the consideration of the subject. The FREE PRESS will allow reasonable space in its columns for communications upon the subject by farmers or others interested.

THE "MAIL."

The *Mail* has taken another new departure. Last Saturday it proclaimed itself from thenceforth an absolutely independent journal, and the following is taken from its leading article:—

"We find, however, that in order to be absolutely free we must be absolutely independent, no middle course being possible. In the contest now going on our utterances are saddled upon the Conservative leaders. This, it need scarcely be said, is unfair to them. And whilst Sir John Macdonald and Mr. Meredith are held responsible for our views, despite the fact that they have earnestly and even impatiently protested against them, we on our part have to shoulder responsibility for words and acts of theirs which we can neither justify nor excuse. In a word, the working partnership between us and the Conservative party has broken down, and nothing remains for us but to accept the logical development of our former departure and make the *Mail* an independent journal, serving neither party and criticising both with the freedom born of a complete deliverance from political ties."

"The chart by which we intend to steer is a short and simple one. We think the provinces should be governed not by means of "better terms," but by an honest and intelligent policy making for closer interprovincial relations. We favor the maintenance of a protective tariff, without regarding the one in operation as perfect, so long as our American neighbors deny us free entry into their markets, and no longer. We advocate manhood suffrage with an educational qualification. Where schools are free there is no injustice in requiring that only those shall vote who can read and write. We are strongly in favor of Prohibition, and shall not cease to educate the country up to the adoption of a general measure for the Dominion. Meanwhile it is necessary that the Scott Act should be amended, and then enforced as rigorously as any other law. We favor the reconstruction of the Senate, which has become a scandal; the reform of the Civil Service; and the development of the North-West as rapidly as the finances allow. Lastly, we again urge, as the only conceivable means of keeping Confederation together for any length of time, that all religious bodies should be placed upon an equal footing; that Separate schools should be abolished in Ontario and in Quebec, education in the latter province being removed from sectarian control and placed in charge of the State; that sectarian grants of every kind should cease; that the civil power everywhere should be above the ecclesiastical; and that complete religious and racial equality should be instituted in every province without distinction or promise."

The *Mail* has certainly laid down for itself an unique platform, which if introduced and put into faithful operation would no doubt pretty closely meet the views of the citizens of this province at least.

A GENERAL WINDING UP

Of Municipal Affairs, by the Old Council, Before Disposing of the Reins of Power.

THEIR BOOKS CLOSED.

The last meeting of the Municipal Council of 1886, was held on Tuesday evening, 11th inst.

Members present, W. H. Storey, Reeve, and Messrs. D. Henderson, John Cameron and Jos. Fyfe.

Minutes of last meeting read and confirmed.

The chairman of the local Board of Health presented his annual report as follows:—

To the Reeve and Municipal Council of the Village of Acton.

GENTLEMEN:—In accordance with the requirements of the Public Health Act, I beg to report that during the past year the health of the municipality has been exceedingly good. We are thankful to say that no cases of special importance have been brought under our notice, not a single case of contagious disease having existed, and no call upon the Medical Health Officer being found necessary.

During the year your Inspector made a thorough general inspection of all premises in the municipality and found them generally in a satisfactory sanitary condition. In a few instances a second visit by the Inspector was necessary, but we are gratified to be able to report that before the expiration of the final date fixed by the Local Board of Health, every delinquint had complied with the requirements of the Public Health Act.

At the instruction of the Board the Inspector, during the summer months, paid regular monthly visits to the slaughter houses of the butchers of the municipality, and as a consequence these premises have been kept in a better sanitary condition, we believe, than during former years.

In concluding we have pleasure in congratulating the citizens upon the very healthful condition of the municipality during the year, and the nominal expense incurred by the Board of Health in accomplishing this result.

Respectfully submitted on behalf of the Board.

H. P. MOORE, Chairman.

The report was adopted.

The caretaker of the town hall reported as follows:—

Rents of town hall, for the year	$167 00
Number of tramps in cells during the year, 57 fed	110
Number of prisoners	2
Number of cattle impounded	31
Number of pigs impounded	15

The report was adopted.

The Finance Committee presented their fourteenth report, ordering payment of accounts as follows:—

W. A. McLean, account to date for legal services, 1885-86	$150 00
Chris. Robinson, counsel fees	50 00
J. E. McGarvin, Sanitary Inspector, 1884	30 00
Thos. Easton, Do Do 1886	30 00
J. E. McGarvin, postage, etc.	12 02
W. Cassels, legal expenses	5 00
P. Kelly, rent of poll booth	2 00
Thomas Ebbage, repairs	1 50
	$280 52

The report was adopted.

Moved by John Cameron, seconded by Joseph Fyfe, that this Council refund to Thomas Ebbage the sum of six dollars, being a portion of taxes on his planing mill destroyed by fire a few days after the assessment.—Carried.

Upon motion the Council adjourned.

BOARD OF EDUCATION.

The Old Board Wind up the Business of the Past Year.

A NEW ELECTION.

The Board of Trustees of the Public Schools met on Monday evening, 10th inst.

Members present—Mr. J. E. McGarvin, chairman, and Messrs. W. H. Storey, Dr. Lowry, Thomas C. Moore and Geo. Hynds.

Minutes of last meeting read and confirmed.

The chairman of the property committee reported that the committee had opened the tenders for the office of caretaker and after due consideration had decided to engage Mr. Allan Mann at the salary, for the four departments, of $93.50.

The Finance Committee presented their seventh report, arranging for the payment of accounts as follows:

N. McGarvin, school supplies	$ 3 38
H. P. Moore, printing and holding election	7 30
	$10 68

Report adopted.

Moved by W. H. Storey, seconded by Thomas C. Moore, that the secretary of the School Board compile the school population from the assessment roll of 1886, for the purpose of making the annual report.—Carried.

Moved by W. H. Lowry, seconded by George Hynds, that the secretary be and is hereby instructed to call a meeting for the election of a person to fill the vacancy on the Board; that the town hall be the place for holding the election, and that H. P. Moore be Returning Officer, with instructions to give proper notice of said election forthwith.—Carried.

Moved by W. H. Storey, seconded by Dr. Lowry, that the chairman be authorized to purchase for the use of the school, sundry necessary supplies.—Carried.

Board then adjourned.

NOTES AND COMMENTS.

Arrangements are being made whereby Canada will be represented at the great Australian Exhibition in 1888.

Sir ROGER TICHBORNE, the English claimant, passed through Acton over the G. T. R. last Friday, *en-route* from Chicago to New York.

Hon. T. B. Pardee and Dr. Baxter, M. P.P., are the charter members of the Ontario Legislature. They are the only members in the new House who have sat continuously since confederation.

The twenty-four o'clock system will be adopted this week on the Manitoba and North-Western Railway, and will be extended to the eastern division of the Canadian Pacific railway on the next change of time-table.

Our Municipal Council have conferred with the Attorney General with reference to the proper course to be pursued in order to elect a councillor to fill the existing vacancy. His decision is that it is in this case the duty of the new Council to appoint a properly qualified resident to the vacant seat.

TELEPHONE vs. ELECTRIC LIGHT.

The following extract from Chief Justice Wilson's Judgment in the case granting an injunction against the Belleville Electric Light Company and compelling them to remove four of their poles to the opposite side of the street from those of the Bell Telephone Company will be interesting as being the first decision of the kind in Canada. After referring to the Statutes of the Dominion and of Ontario; under which the Plaintiffs are incorporated and derive their powers, and reviewing a large mass of evidence and quoting extensively from articles in American Electrical Journals, His Lordship says:—"It appears the plaintiffs were in possession of the ground for the erection of their poles, and that they had their poles erected about two years before the defendants put up their poles. That however did not give them the exclusive possession or right to use the sides of the roads on which they had placed their poles, even if they had the independent right to use the sides of the roads under the Dominion Act without the consent of the Municipal Council. It is not necessary to say whether the Dominion Act or the Provincial Act is the Act under which the plaintiffs have the right to exercise their powers, that is, whether they have the right to use the road sides for their poles without the leave of the Municipality, or only with such leave according to the Ontario Act. It is sufficient to say that being in the earlier possession of the ground required for their poles, the defendants have not the right to interfere with or do any act to the injury of the plaintiffs earlier rights. The defendants would not have the right to cut down or remove the plaintiff's poles, nor to make use of them, nor to place wires or do anything else which would damage the purpose of usefulness of the poles or wires which the plaintiffs had placed there, nor to render useless or prejudice the business which the plaintiffs were and are authorized to carry on by means of these poles and wires, nor to cause danger to life or property by stringing their wires so near to those of the plaintiffs that life or property is endangered thereby. There is abundant testimony that placing the wires of these parties too near to each other (and the later erection would be the act of the wrong doer,) while the instruments are in use or in electrical storms is dangerous and has not only caused danger, but has destroyed property by fire, and has destroyed human life. And the instances of such accidents are more numerous than those who do not give much attention to these matters would suppose. So numerous that in many parts of the United States special legislative interference has been urgently called for and to such an extent as to prohibit the placing of electric light wires on the same side of the road upon which either telegraph or telephone wires are strung. For although the electric wires may be a few feet distant from the others either in parallel lines or above or below the others, some accident may connect the two wires by breakage of one of them, or otherwise, that danger may be produced. It is also said it is difficult to preserve complete insulation and that if the material used for it becomes melted through, the insulation is destroyed and the covering of the wire is no greater protection against induction than is the exposed wire. How far the defendants could be indicted, see Regina vs. Lister, Dears vs. Bell, C. C. 209; Hepburn vs. Jordan, 11 Jur. N. S. 132, 2 Hem. and M. 345. I am quite satisfied there is and must be danger from accident or neglect to be apprehended from these two wires running parallel to each other or the one above or below the other in the proximity of the one to the other as represented in the evidence, and that the defendants are the wrong doers in the respect, that they are the persons who while the plaintiffs were I may say in possession of the ground have placed their poles and wires in that position of danger towards the works of the plaintiffs; that not much harm has been done to the plaintiffs so far according to their own account is fortunate for both parties; that it may happen at any moment may reasonably be feared, but what the extent of that harm may be either to life or property cannot be limited or defined. The R. S. O., c. 137 sec. 39 and 70 which are part of the 45 Vic. c. 19 and 8, have some connection with this application. But independently of these general provisions the plaintiffs are entitled to relief on the general and common grounds upon which summary protection and relief in cases of the kind are granted. The fact that the City Engineer located the defendants upon the side of the road in question will not give the defendants an indefeasible right to maintain their poles and wires as against the plaintiffs upon the side so assigned to their defendants. The plaintiffs had the prior right; they have always opposed the defendants right to have their poles where they are, and the City Council had not the right to destroy or prejudice the privilege they had already granted to the plaintiffs. I think the plaintiffs are entitled to the relief they ask and I am glad to say it cannot be a very serious matter to the defendants if the whole of the cost of transferring their wires to the other side of the road will cost only about $10. In my opinion the defendants must be ordered to remove their poles and wires to the other side of the road in question, that is to the side of the road on which the plaintiffs have not their poles and wires, and that the defendants do pay the costs of this application.

THE QUEEN'S JUBILEE AND THE STATE OF HER HEALTH.

An effort is being made to have the Prince of Wales go out to Australia to open the Centennial Exposition there next summer. But there is a good deal of opposition to the project on the ground that it is too far from home. The Queen herself thinks he should not go. The Queen is breaking very rapidly, and she is conscious that her life cannot be spared many years longer. The only shadow over the jubilee year is the general apprehension among the people of England that the Queen may not live till the year is completed. The appearance of old age is most clearly marked, even in her jubilee portrait, which has just been completed and placed in the gallery leading to her private apartments at Windsor.