

# The Municipal World

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ST. THOMAS, OCTOBER 1, 1895.

The Essex county council, after the considering several offers for the removal of the county buildings from the Town of Sandwich has decided to improve the present buildings.

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The authorities in Gananoque had decided on the site for the erection of a new high school building. The secretary of the Provincial Board of Health made a lengthy report against it, which was published in the local papers. The council and school board condemned the report and deputations were appointed to interview the proper authorities in Toronto.

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Several municipalities have recently had to settle defalcations, which occurred with their treasury, owing in part to their own negligence in not securing proper audit, and also a lack of knowledge on the part of the treasurer not being able to keep books. One instance, where the deficit was \$1,500 the council divided the amount with the treasurer; they considered they were as much to blame as he was, for allowing such a state of affairs to exist.

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Municipalities are not required or compelled by law to construct approaches over highway ditches to enable ratepayers to get from the streets into their own premises, but it is doubtful if councils have a right to allow the construction of approaches of a dangerous character. A case was recently tried in Owen Sound to recover damages for injuries sustained while passing over an approach of this description leading from the street to the defendant's residence, on the ground that the same was out of repair and was a nuisance

to the public. The town of Owen Sound was a party to the suit, but owing to a certain notice required by the Municipal Act not having been done the town was released. A question of law came up in the case as to whether the defendant owed any duty to the public to keep this approach in repair. This question was reserved by the judge for further consideration, but in case it should be held that in law he owed a duty to the plaintiff, the question of repair or non-repair was left to the jury, and they brought in a verdict of \$200.

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This month the selectors of jurors will once more decide who are entitled to be jurors. The number of grand jurors is now greatly reduced and every effort should be made to raise the standard of petit juries. We know there are many who consider it beneath their dignity to serve on the petit jury after being on the grand jury, and these often take the selectors to task if they are so selected. They do not think that petit juries have to decide the most complicated civil suits, and that the judgment of the most intelligent men in the community is a desideratum. Who is there who would not rather have their legal disputes settled by the best informed men of the community rather than by those who are often placed on the petit jury, simply to make up the number required, to be returned to the clerk of the peace. An intelligent decision on the part of the petit jury will often save appeals and other needless expense, and selectors who do not consider this are at fault. In returning a man suitable for a juror, they recommend him as capable of giving an intelligent decision on any question that may be brought before him in the court.

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The importance of the office of collector should not be underestimated. He should be encouraged and assisted in every way to secure the prompt payment of all taxes. We believe that in many instances the collector does not enforce the payment of the taxes, because they are not acquainted with the proper procedure for doing so. In order to do this intelligently, it is necessary to be thoroughly acquainted with the duties of bailiffs in seizures and sales. The first notice or demand in townships is something that is not properly understood, unless a by-law is passed; leaving a notice is not sufficient. To warrant a collector in distraining for non-payment of taxes, a verbal demand is required. These and many other points connected with a collector's duties are referred to in full, in a guide recently prepared by J. M. Glenn, LL.B., Barrister of Osgoode Hall, and published by the Municipal World. All statutory enactments are given together with explanations and full notes of legal decisions affecting the same. It has been carefully prepared and will be a valuable addition to the municipal publications of the province.

## Municipal Statistics.

The report of the Bureau of Industries has recently been distributed and contains tabulated statements of statistics of the Municipalities of Ontario up to December 31st, 1893, these show that from 1886 to 1893 the total assessed value of the province was increased by \$131,000,000, during the same period the taxes imposed for all purposes increased from \$4.93 per head to \$6.56 and the bonded debt decreased 18,000,000 and the floating debt \$1,900,000, the interest paid on loans and debentures in 1893 was \$2,508,691.

Although the system adopted by the department for the collection of statistics has been in operation for thirteen years the secretary reports that returns were not received in time from the treasurers of six townships and two towns or from the clerks of two townships and one village.

Every member of the Municipal Councils should receive a copy of this report and examine it carefully, a great deal of information may be gained by comparing local municipalities with those at a distance, it is also valuable as a book of reference when expenditures of various kinds are being considered, and is without doubt the most complete book of statistics yet issued by the Bureau.

## The Jury System.

The California jury system, whereby 14 jurors are drawn in order that there may be "spares" in case of sickness or other incapacity on the part of anybody in the regular panel, is an improvement on our system, which necessitates the loss of all the time spent in a trial if at any stage of it a juror becomes disabled. It would seem, however, as if an equally good result might be reached with less circumlocution. Why should we cling to the number 12 as if it had some especial sanctity in the jury box? Why is 12 any better than 10 or 9? Why would it not improve the system to provide, for instance, that while 12 men shall be sworn, a verdict by 9 of the 12 shall be conclusive whether the shortage is occasioned by disagreement on the part of three or the disability of any one or more of them?—Detroit Free Press.

"I once ran for Highway Commissioner," observed Deacon Ironside, "and the other man and I got exactly the same vote."

"How did you settle it?" asked Elder Keepalong.

"He offered to decide the matter by tossing up a copper cent, but I said that was gambling, and I wouldn't gamble if I never got an office in the world. So we pulled straws for it and I got the right one. There's a little trick at pulling straws," added the good deacon, with a twinkle in his eye, "that everybody doesn't know. I'm generally pretty lucky at pulling straws."—Chicago Tribune.