

MUNICIPAL DEPARTMENT

ANOMALIES IN SANITATION.

The basis upon which the whole structure of sanitary engineering rests is the proposition that zymotic diseases can be prevented. If this proposition be broadly true, the reason for the existence of sanitary rules and appliances, and for knowledge and skill in their application, is obvious; if not true, the belief (expressed by some) that much of what is taught and insisted upon by sanitarians is humbug, and much which is done by sanitary engineers is an expensive concession to the pseudo-science, is well founded. Those who entertain this belief are wont to clinch their arguments with the question: "If disease can be prevented, why, notwithstanding the adoption of all these rules and appliances, does not the class of diseases to the prevention of which they are specially framed and directed disappear from civilised communities?" This question The Sanitary Record meets with a complete answer, which is that "both individuals and communities still continue to preach without practising the things which are generally admitted to be essential to healthy life." As one example of the truth of this statement the following is quoted:—

"Only recently it was the writer's pleasure and privilege to spend a portion of his holidays in the Hartz mountains—the Oberland of Germany, in the province of Brunswick, where Dame Nature has been profusely generous in her distribution of beauty. The district, while comparatively unknown to, and far from the beaten track of, the British tourist, is, by reason of its being the only part of Northern Germany deserving of the name of mountainous, dearly beloved by the denizens of 'Waterland;' and hither a yearly increasing flock of them wend their way, doubtless with benefit to nearly everyone concerned. Provision in abundance for this annual influx is to be found in the way of conveyance and of accommodation, the hotels, pensions, gasthaus, and cafés vieing with each other in their amplitude of attraction and comfort. So far so good, and, to the mind of the Guelph, an earthly paradise.

"Midst of all this wealth of natural beauty and catering for popular patronage, and in a country so deservedly famed for its research, investigation, and discoveries in the deeper realms of science of hygiene and sanitation, it might reasonably be expected that some little attention would here be paid to the ascertained elements of those subjects, but what a rude awakening the assumption receives?"

"Down as pretty a valley as the eye could see or the mind can conceive, there winds its way through a charming village a mountain streamlet, innocent at its rise

of the near presence of a civilised community. As we approach it and the village from the lower side, an odour more pronounced than pleasant is perceived, and a friend suggests the proximity of a pig cot. A second thinks it probable that a middenstead is being disturbed, while a third makes a deviation, and solves the query by finding a sewage-bearing brook, which, on further investigation, proves to be at once the sewer for the district and a continuation of the aforesaid virgin streamlet!

"It would probably be argued by those who are responsible for such a condition of affairs, should there be any such, that, if it is a danger at all, its potency for evil is reduced to a minimum by the open nature of its surroundings, and that the volume of pure spring water which is continually flowing through the channel suffices for all practical purposes to keep it clean and sweet. This, however, is an argument that has often been exploded; and to those who are cognizant of typhoid fever at Lausanne, in Switzerland, some years ago, when the calamitous, and at first incomprehensible, appearance of the disease was ultimately traced to the pollution by sewage of the village stream some two or three miles from the site of the outbreak, the contention would, if advanced, be rejected with scorn."

The internal arrangement of sanitary appliances in the region named are also very objectionable, as was found on investigation, although external cleanliness appears to prevail to a marked degree; and these arrangements indicate a widespread ignorance of facts and principles.

LEGAL DECISIONS AFFECTING MUNICIPALITIES.

Judge Snider gave judgment at Hamilton on the 3rd inst., in the appeal of the Hamilton Gas Company against \$75,000 on gas mains, \$100,000 for the land through which the pipes run, and \$10,000 for meters, all being assessed as real estate. Following the decision of Chancellor Boyd, in the suit of the Consumers' Gas Company v. Toronto, he decided that the mains were liable to taxation. As to the right-of-way he decided that it was liable to taxation, but considered this limited to that portion of the underground soil exclusively occupied by the company with its mains, that is, the displaced portion and the soil immediately touching the pipes. The judge considered that the sub-soil, placed where it is, has no commercial value, the only value being as the support and protection of the pipes. It seemed to him that any value placed upon it beyond a nominal value would be purely arbitrary, in fact mere conjecture. The right to break up the streets to put in pipes did not, in his opinion, form any proper element in such valuation under the Assessment Act. Referring to the assessment of the mains, he said: "It is proved that the value of these second-hand pipes as old iron, for which alone they could be sold, if apart from this 'going concern,' would be \$9,300, less the cost of getting them out of the ground. This value as

part of this company's property as a 'going concern' is \$75,000. Now what gives this additional value? It seems to me it is made up, at least partly, if not entirely, by the support and protection, and the right to the support and protection, of the underground soil, to which I have referred. Without this support and protection, which is the only value of this soil to this company, I think this assessment of these old pipes would be excessive. For these reasons I conclude that in confirming the assessment of these mains for \$75,000, where they are, and because they have a right to be where they are, I have exhausted the company's whole assessable real estate in these streets." The judge therefore struck off the assessment of \$100,000 on the right-of-way. He held that the meters were personal property, and could not be classed as real estate, and reduced the assessment by \$10,000.

"EXTRAS."

The question of contractors' "extras" has long been a doubtful and unsatisfactory one, and has in course of time given rise to much bickering between the parties concerned in a contract. It is no very uncommon thing says the Contract Journal, of London, to find the original tender for a work exceeded by the cost of the extras; but in such cases exceptional circumstances must naturally have ruled, as they have ruled in connection with the trial which has been concluded before the Master of the Rolls and Lords Justices Lopes and Kay, and in which this question of extras was involved. The plaintiffs, Messrs. Graham and Sons, obtained a contract from the Corporation of Huddersfield for the execution of certain sewerage works. When these works were being carried out it was discovered that a mass of rock would have to be tunnelled, for which the contractors claimed extra payment; and it appears that while the surveyor to the Corporation refused to make an allowance for the additional work on his own responsibility, the Health Committee verbally promised the plaintiffs that extra remuneration should be given to them. At the trial before a special jury at the Leeds Assizes the contractors obtained a verdict in their favour, but immediately thereafter the defendants claimed that judgment should have been entered for themselves on two grounds—firstly, that the contract relied on by the plaintiffs was not under seal, and therefore was not binding; secondly, that by virtue of Section 200 of the Public Health Act, 1875, the committee could not enter into any such contract at all so as to bind the Corporation; and they appealed against the finding of the jury. Unfortunately, however, for the Corporation, the judges in the Appeal Court have decided that these points have been taken too late to be of legal use, and their appeal has consequently been dismissed. That the objections raised by the defendants were absolutely fair in spirit we would hesitate to say. It seems but natural that where a contractor encounters physical obstacles which neither party could have foreseen he should not be altogether a loser on the transaction. At all events, the case may serve as a warning to contractors to see that they have their documents duly furnished with the harmless but necessary corporation seal.