

would therefore advise you to pass another by-law if you desire to make the like allowance and the like penalty this year.

Approaches to Railway Crossings on Highways.

247.—J. R.—When a railway crosses a highway at an elevation of 24 feet what should be the grade of the approaches, and whose duty is it to build and maintain the approaches, the railway or the municipality?

Section 48 of the Railway Act, cap. 109, R. S. C., provides that the inclination of the ascent or descent, as the case may be, of any approach by which any roadway is carried upon, over or under any railway shall not be greater than one foot of rise or fall for every twenty feet of the horizontal length of such approach, etc. You do not say what railway is referred to or whether it was constructed some years ago or recently. The above section does not state who shall bear the expense of making the approach, but it provides that in respect of railways which on the 19th of April, 1884, were under construction or already constructed the Railway Committee should determine the proportion in which the cost of providing the fencing for such approach should be borne by the company and the municipality or person interested. Section 74 of the same Act requires the railway company, before constructing its railway over a highway, to submit a plan and profile to the Railway Committee, and the Railway Committee is empowered to deal with the matter and determine what the railway company is to do in respect of such crossing. It will be necessary for you to inquire and ascertain what, if anything, was done pursuant to this section. You do not say whether the municipality ever gave the railway company any authority to cross the highway in question, and, if so, whether there were any conditions imposed upon the railway company in respect of the crossing.

Palpable Errors—Appeals—Adjournment—Court of Revision.

248.—J. H. S.—Re sub-section 18 of section 71, cap. 224, Assessment Act. Would you kindly give me the meaning of above section? Does it mean that the clerk must make out a new list of appeals the same as he does from the 1st to the 14th of May, and proceed in the same manner where the court adjourns for ten days as per section referred to, or do palpable errors simply mean such error or errors in figures, numbers on roll, and such like clerical errors or mistakes (not including the over or under assessment of any party on the roll who has not appealed in the time prescribed by statute), but such errors as the court in going over the roll may discover. I claim that the appeals received by me up to the 14th of May are all the appeals that an outsider can make, but should the court find mistakes made by the assessor (other than over or under assessment) such as above mentioned as palpable errors. The court can adjourn ten days to set those right, and the assessor is the only party necessary to appear before the court, and they can take up any appeal made by the 14th of May if not already decided upon. By giving me your opinion on the subject you will oblige.

We entirely agree with your view of the meaning of the above section. The latter part of sub-section 4 of the section is as follows: "And no alteration shall be made

in the roll unless under a complaint formally made according to the above provisions."

Electric Lighting.

249.—W. A. S. (Bothwell)—Can you give me any information regarding lighting by electricity? The council are thinking of lighting the town, and would like to know whether it would be better to put in the plant themselves or by a company, also probable cost for a town this size.

I would be pleased to receive any information and if you cannot give it to me, could you tell me where I would be most likely to get what I want?

Your best course is to communicate with the proper officers in other towns of about the same size as your own town, and ascertain through them as to the cost of putting in plant. As to whether it would be more in the interest of the town to put in plant itself or to contract with a company, the experience of other places will be the best guide for you.

The question of municipal ownership, regarding which enquiry is made, is one round which much discussion has centered for a number of years. The principal objections raised are: (1) That it will open up an avenue for dishonesty on the part of the officials in charge; (2) That public works are not conducted so economically as those under private control; (3) That it removes a legitimate opportunity for private enterprise; (4) That the risks through fire, accidents, etc., are, when under private control, not borne by the public.

In contradiction to these it is affirmed: (1) That while dishonesty and favoritism on the part of the public officials has arisen in some cases, yet the general trend is toward higher ideals in public affairs. While municipal politics in a number of United States cities and towns have brought disaster to municipal ownership, yet under British government better things are to be expected. In England, feeling is growing strongly in favor of municipal ownership, one of the best examples of its success being Glasgow, probably the most economically governed city in the world, where the waterworks, street railway, lighting plants are owned and operated by the city. The experience of cities and towns of Ontario with regard to the public ownership of waterworks is considerable, and is, particularly in the smaller municipalities, exceedingly favorable. (2) While there may be less economy practiced under municipal than under private ownership, yet on the other hand we find a tendency on the part of private corporations to reduce the cost of operation at the expense of the service rendered. (3) While an opportunity is removed from private enterprise, yet, without reaching socialistic ideas, it is the feeling of an increasing civilization that all monopolies with which the public cannot dispense, should be within public control. In the majority of towns, one waterworks plant, one electric plant, one sewer system, is sufficient, two cannot survive, and competition is therefore

impossible. Such monopolies should not be subjected to the abuse likely to arise from extortionate charges on the part of a private company anxious to obtain the greatest profits. (4) The municipality is as able to bear the losses which may arise as is a private corporation.

It may be further pointed out that the profits which a private company expects to receive will compensate for a less strict attention to economy of operation; while a municipality can generally borrow the necessary funds more cheaply than can a private company. For the management of a public plant, a board of commissioners composed of the mayor and two others elected by the people, is the usual form of control. For a town of 1200 population, such as Bothwell, under normal conditions, municipal ownership would appear to commend itself.

The plant needed for street lighting by electricity is composed of a power house, with engine, boiler, dynamo, switchboard, wire circuit, poles, lamps, etc. The lamp ordinarily hung at street intersections is an arc lamp of 2000 candle power. A plant of 15 arc lamps, 2000 candle power, would cost about \$5,000; a plant of 25 arc lamps, 2000 candle power, would cost about \$6,500. More definite information regarding cost of plant can be obtained on application to the companies supplying electrical machinery. Electrical machinery has been reduced to definite forms, and although there is little need of alteration in these, the services of an expert should be employed to guard the interests of the town in case a lighting plant is installed.

Assessment of Post Offices—Court of Revision.

250.—J. D. C.—1. Can a post office be assessed as other property, the office being the property of a private person who rents it to the postmaster at a rental of \$75 per annum? 2. Can the court of revision compel the appellant to swear whether or not he would take the amount of the assessment for his property?

1. Yes.

2. We do not think the question a proper one. Section 28(1) of the Assessment Act provides: "Except in the case of municipal lands hereinafter provided, for real and personal property shall be estimated at their actual cash value, as they would be appraised in payment of a just debt from a solvent debtor." It seems to us that the value of the property can be ascertained by evidence showing what the property is worth, having regard to the value of other property in the same locality similarly situated. The assessor, who is required to discharge his duties honestly, having assessed the property, the onus is upon the appellant to satisfy the members of the Court of Revision that the assessment is too high. If he has given evidence showing that the assessment is too high that is a preponderance of evidence reasonably satisfactory that his property has been assessed too high. We do not think that the court should refuse to reduce the assessment because he refused to answer a question