

# The Municipal World.

PUBLISHED MONTHLY.

ONE DOLLAR PER ANNUM IN ADVANCE.  
SINGLE COPY 10c.

Address all communications to

K. W. MCKAY, EDITOR,

Box 749, St. Thomas, Ont.

Communications and advertisements for next issue must be in on or before the 20th of this month.

ST. THOMAS, JULY 1, 1892.

With this issue THE MUNICIPAL WORLD is enlarged and otherwise improved. The variety of subjects to be dealt with, and support tendered by municipal councils and officers throughout the province, suggested the change. In the future we will have space for all correspondence and questions submitted each month.

\* \* \*

The proceedings of village, town and city councils show that considerable attention is being paid towards providing and improving parks for the benefit of the citizens. In many cases grants have been made for open air concerts being held at stated periods during the year. This is something that should be appreciated and encouraged in every way. There are many who are unable to go from home during the hot weather, and by the means of parks and other attractions provided by municipalities they are enabled to enjoy at home what their more fortunate neighbors enjoy at a distance.

\* \* \*

A return ordered by the Elgin County Council was laid before them last session, showing that but three counties had taken any action towards the reduction of the number of members of county council, and that three counties hold only two sessions during the year. It would seem from this that the legislation tending to the reduction of the number of these bodies is not called for by the councils themselves, but by outside institutions and the press.

It is doubtful if any act could be brought forward that would be satisfactory to all. We are informed that the Government will again bring in a Bill for the reduction of the number of members of county councils at the next session, and rather than have a measure so unpopular as that proposed by Mr. Hardy last session, we think councillors themselves should consider the matter, and offer suggestions in reference to the proposed legislation.

\* \* \*

The rapid increase in the number of bicycles in the towns of this province, brings with it a frequent cause for complaint that they are used on sidewalks,

thereby endangering the safety of pedestrians. The fact is that bicyclists are out of their proper place and are trespassers when they use the sidewalk. They have the same rights to the roads and streets as other vehicles have; they should be satisfied with this and keep to the road and leave to pedestrians uninterrupted use of the sidewalks. Many municipalities have found it necessary to pass by-laws in reference to this matter, and, as the bicycle has evidently come to stay, the sooner those using the machines know their position in reference to the use of sidewalks the better, not only for themselves but the public generally.

## A Highway Trials Act Wanted.

At the last session of the county council of the county of Ontario the following resolution was passed referring to a matter which, if acted upon by the legislature, will be of great benefit to municipalities generally:

Mr. Parker, seconded by Mr. Mowbray moved:

That, in the opinion of this council, there should be some statutory provision made for the trial by a referee of actions against municipalities alleged to have resulted from the neglect of any municipality to keep a highway in repair, as is provided by the Drainage Trials Act for the trial of action as to claims arising under the Drainage Act.

2. That the warden and clerk be instructed to prepare and sign on behalf of the council a petition to the legislative assembly of the province of Ontario, for the passage of an Act empowering the referee under the Drainage Trials Act, or some other referee to be appointed for that purpose, to try all actions for damages in respect of the non-repair of highways.

3. That the said petition shall ask that such referee shall have, so far as the same may be applicable, all the powers of a referee and arbitrator under the Drainage Trials Act, and all the necessary powers of the master in chambers and a judge of the high court of justice over the proceedings, prior to, and on the trials of such actions.

4. That the said petition shall also ask that the said Act shall provide that claimants in such actions shall be required to deliver a statement of the damages actually claimed by them, and which will be accepted in settlement before the action is commenced, and that in the event of the claimant recovering an amount less than the amount claimed on the trial of the action, the municipality shall be deemed to have been justified in resisting the said action, and the plaintiff shall be disentitled to any costs of the same, and the defendant shall be entitled to set off against any judgment recovered the costs sustained by the municipality in defending the action.

5. And that there shall be an appeal from the decision of such referee to one of the divisions of the high court of justice.

Mr. Parker, in introducing his motion, said his municipality had recently had some undesirable experience in regard to the working of the present courts on suits for damages, and perhaps other members present represented municipalities which had been harrassed. In Pickering's last law scrape they had been unable to get a settlement until the matter came to court, and then had to agree to \$1,200 and half the costs. They feared to face the judge because he had on a former occasion urged a settlement unsatisfactory to the township; they could not face the jury because the records seem to indicate that juries mulct corporations in favor of private parties.

We would suggest that in addition to actions for damages caused by non-repair of highways, that actions against municipalities concerning the width and location of highways should be included, in fact all actions concerning highways that are brought against a municipality for any cause whatever.

We believe that the appointment of a referee under the Drainage Trials act is giving the greatest satisfaction and that the appointment of another referee as referred to in the resolution would meet with the same approval and success, if he is empowered to hear all actions against municipalities occasioned by non-repair, location or width of highways.

## Chlorine Tests for Pure Water.

The Massachusetts State Board of Health has been making some very interesting experiments in regard to the pollution of rivers, with the result of being able definitely to say that the amount of chlorine in water is an indication of the degree of pollution. The Board has consequently published a map showing the normal amount of chlorine in the water in the different parts of the state. All other things being equal, if the amount of chlorine in the water is above the normal it can be taken as an evidence that the river is polluted with the sewage.

## Commeudatory.

The townships about here should subsidise a paper advocating so ably the doing away with that fearful farce—statute labor. M. G., P. L. S., Collingwood.

Ampleased with THE WORLD, and I hope it will become a permanent institution, interesting and helpful to municipal officers and profitable to the publishers.

J. R., County Clerk, Grey.

THE MUNICIPAL WORLD is a very useful publication, and saves township officers a great deal of time and trouble searching the statutes for information that they can get at a glance by referring to THE MUNICIPAL WORLD. A. H.