

Tile, Stone and Lumber Drainage

CHAPTER 38, R.S.O., 1887.

We were rather surprised recently to learn that only twenty-three municipalities distributed among the counties of Essex, Elgin, Huron, Lambton, Kent, Middlesex, Victoria and Waterloo had taken advantage of the provisions of this act, which provides that town, village and township councils (without submitting the matter to the ratepayers) may pass by-laws from time to time for borrowing for the purposes of tile, stone or timber drainage, in sums of not less than \$2,000 nor exceeding \$10,000, "such monies as they consider expedient, and for issuing therefore the debentures of the municipality, bearing interest at the rate of four per cent. per annum.

Any person assessed as owner of land in the municipality wishing to borrow money for the purpose of tile, stone or timber drainage, may make application to the municipal council according to a form provided. The council shall lend the money so borrowed from the government only for the purpose of tile, stone or timber drainage for the same term of twenty years in sums of one or more hundreds of dollars (no fractional part of \$100 to be loaned), and to persons who are assessed as owners.

The council shall impose by by-law, levy and collect for the term of twenty years a special annual rate of \$7.36 on each \$100 loaned over and above all other rates upon the land, in respect of which the money is loaned, and the rate shall be collected in the same manner as other special rates imposed by the municipal council.

This payment of \$7.36 covers both principal and interest, and is a small amount compared with the benefits derived from \$100 worth tile drainage. The preliminary proceedings necessary to be taken by a council before borrowing the money are easily understood. The Act gives form of by-law, which is to be passed at a meeting of the council specially called for the purpose. This meeting must be advertised for four weeks in such newspapers as the council by resolution, direct. After the by-law has been passed it must be promulgated as provided by the Municipal Act, sec. 329. This consists in publishing the by-law for three weeks in a newspaper published in the municipality, adjoining municipality or county town, as the council may direct. A notice in the form given in sec. 330 of the Municipal Act should be published with the by-law.

After this is done affidavits to be made by the reeve and clerk according to forms 2 and 3 of the Tile Drainage Act must be prepared, and these, with a copy of the by-law must be deposited with the Commissioner of Agriculture. If satisfactory the clerk will receive notice that the Government are prepared to receive applications for money as provided in the Act.

An account of the expense of publication of the notice of special meeting and

of promulgation must be kept and the affidavit of the clerk requires copies of the three issues of the newspaper containing promulgation of by-law to be attached thereto. The various proceedings to be taken by intending borrowers and the council are plainly set forth in the act.

No by-law should be passed for less than the full amount, \$10,000, as the expenses of promulgation, etc., are the same.

The expenses must be paid by the borrowers, and this is one of the arguments used against procuring money from this source. A fair estimate of what the expenses should be, are:

Promulgation and notices	\$12 00
Debentures, 100	10 00
Forms, application, etc	3 00
	<hr/> \$25 00

This would be 25 cents for each \$100 loaned. After the drain is complete an inspector, appointed by the council, must examine it and see that the work has been properly done, and make out a report of the cost. This must be at least \$134 for each \$100 loaned. The \$34 is generally made up of work by the borrower himself at a low rate, such as drawing tile and the Board of Drainers, so that the \$100 loaned pays the actual outlay. For this service the inspector should receive a fee to be determined by the council, and as half a day is generally sufficient for making out one report he should receive at least \$1.50. In addition to this the clerk is entitled to a fee to cover the expense of his work in connection with preparation of by-laws, etc., a fair estimate would be \$2.25 for each \$100 loaned, making the total expense \$4.

Where more than \$100 is loaned to one person at one time the inspector's fee should be less than \$1.50 for each \$100.

The principal benefits derived from borrowing money in this way are the advantageous terms of payment, and a poor man can often improve his farm by this means when he could not procure money from any other source. In some municipalities the wealthiest farmers who were money lenders themselves, borrowed as much as they could at first, and shut out the poorer class. This is a matter the council must regulate in the interests of the municipality.

Provision is made by the act for repayment of the whole of the unpaid principal by the borrower at any time.

A member of the council for Tilbury North has given notice of a by-law to be submitted at the next municipal election for residents and ratepayers, providing for the repair and maintenance of the concession roads without aid from the township treasury, and the repair and maintenance of the side roads out of the township treasury alone. This appears to be a new idea in reference to the maintenance of roads and one concerning which we would like to have further particulars.

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DRAINAGE A SPECIALTY

The Municipal Index

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By ALLAN MALCOLM DYMOND,

Barrister-at-Law,

Law Secretary to the Department of the Attorney-General of Ontario, and Law Clerk to the Legislative Assembly

PRICE - - \$3.00

This Work, which is a digest of the Municipal Law of Ontario, has been compiled with the view of enabling Municipal Officers, as well as Legal Profession, to find with the greatest of facility, enactments which concern the powers, duties and privileges of Municipal corporations or their Officers, and which are now scattered through nearly 6,000 pages of printed matter. The chapter and section of the Statutes, as well as the page of the volume which contains the section are given.

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