

MUNICIPAL DEPARTMENT

LEGAL DECISIONS AFFECTING MUNICIPALITIES.

CANADIAN PACIFIC RY. CO. V. TOWNSHIP OF CHATHAM.—This was an action tried in the Supreme Court of the Dominion of Canada. After the construction of certain drainage works under the provisions of the Municipal Act, R. S. O., ch. 184, s.s. 569 and 576, which benefitted lands in an adjoining township, it was found necessary to construct a culvert under the line of the Canadian Pacific Railway in order to carry off the water brought down by the drain and prevent damages by the flooding of adjacent lands. By contract under seal entered into by plaintiffs and defendants, the plaintiff agreed to construct and did construct the needful culvert at a cost of over \$200. On its completion the works were accepted and used by the municipal corporation, certain officials of the corporation having assured the plaintiffs that should the funds provided under the original by-law for the construction of the drainage works prove insufficient, the necessary amendments would be made under sec. 573 of the Municipal Act, and the additional sum so required obtained. The municipal council passed resolutions approving of the work and paid sums on account, but did not pass a new by-law or make any report or fresh assessment respecting the contract with the plaintiffs or the works executed thereunder. Held, reversing the decision of the Court of Appeal (22 A. R. 330) and of the Divisional Court (25 O. R. 465), Taschereau, J., dissenting, that as the work done by the plaintiffs under the agreement were absolutely necessary to the efficient completion of the drainage works contemplated by the original by-law, the case came within the provisions of the 573rd section of the Municipal Act, R.S.O., c. 184, and the contract under which it had been executed was binding upon the defendants. Held, Taschereau, J., dissenting, that the plaintiffs were guilty of laches in neglecting to ascertain whether the corporation was acting *intra vires* before entering upon their contract, and that it would be contrary to the policy of the statute to grant them a recovery which would be so largely in excess of the expenditure contemplated by the original by-law. Appeal dismissed with costs.

TOWNSHIP OF MOORE V. COUNTY OF HURON.—Section 14 of the Municipal Amendment Act, 1894, 57 Vict., c. 50 (O.) must be read with sec. 8, sub-secs. 43 and 48 of the Interpretation Act, R.S.O., c. 1, so that rights of action acquired at the passing of the said Act of 1894 are not affected thereby. On the 29th April, 1893, a township corporation obtained an

award against a county corporation under sec. 523a (O.) of the Consolidated Municipal Act, 1892, for part of the cost and maintenance of certain bridges. An appeal against the award was successively made to a judge, and to the Court of Appeal, the appeal being dismissed, but while appeal was before the Court of Appeal, the 57 Vict., c. 50 (O.), was passed. Held, that the award was not a pending award at the date of the passage of the said Act, 57 Vict., c. 50 (O.) The plaintiffs were held entitled, notwithstanding the repeal of sec. 533a (O.), to recover the amount expended on the said bridges; but varying the judgment of the learned judge at the trial, by allowing, not merely the amount expended up to the date of the passing of the 57 Vict., but the township's proportion of the amount actually expended.

PAPER PAVING BLOCKS.

The press dispatches announce the invention of a new material made from wood straw, or waste paper and rags, reduced to a pulp by the same processes as for making paper, which has been patented by William P. Emery, of Topeka, Kan. The material is said to be very compact and strong, being about the same weight as oak, takes a spike or nail and can be sawed like wood, and is designed for railroad ties, street and sidewalk paving, and underground conduits for electric wires. The process of producing this material is the reduction of the pulp to the consistency suitable to go on the rolls for paper making. At that point sulphate of zinc is introduced as a preservative of the fiber from decay, and other chemicals are introduced of a binding nature, making the product waterproof. It is said also to be frost proof and not affected by extreme changes from heat to cold, and will stand as high as 250 degrees of heat. It is pressed into desired form by hydraulic pressure of from 2,000 to 12,000 pounds per square inch, and then subjected to heat and vulcanized. It is not fireproof, but burns very slowly and is harder to ignite than wood. It is elastic, noiseless, smooth and tough. In cost it is said to be about the same as first-class oak, and is promised to last twice as long. It has been tested by the government engineer in charge of the jetty system at Galveston, Tex., and after six months test in the water was found to be teredo proof.

The assessable land in the city of Ottawa is valued at \$8,111,745, and the buildings and improvements at \$11,375,425. The commissioner gives the value of the personal property at \$1,284,800, and the assessment on income as \$349,750; making the total value of the assessable property for 1896, as revised by the Court of Revision and the County Judge \$21,121,720. This is an increase of \$1,322,625 over 1895. Of this increase \$348,820 is on the land and \$504,080 on buildings and improvements. There was a decrease of \$30,273 in personal property from 1893.

TESTING WOODEN PAVEMENTS.

The authorities of Berlin, says a writer in *Hardwood*, have concluded after a period of investigations and tests covering a period of fifteen years or more, to maintain the wood pavement where there are horse car lines, and have already paved with wood some 67,000 square meters, using for the purpose nearly three and one-half million blocks, or fifty-two blocks to the square meter. The tests comprised forty-two streets, squares and bridges, and of the woods used 23,000 square meters were paved with German pine, 15,000 with Swedish pine, and about the same quantity with beech, 10,000 with American yellow pine, and a smaller surface with American cypress. The wood pavement, it is also stated, has proved superior to asphalt in Paris, except for the boulevards and pleasure drives, and as in Berlin, is preferred on streets subject to great wagon traffic. The greater part of the wood used for paving by the Parisian authorities is spruce from the department of Landes, some foreign woods being also used, among which is one from Anam called *ciem*, so heavy as to weigh 1,200 kilograms per cubic meter, or about double the weight of red gum. The Australian jarrah has also been tried, and a species of rubber tree, the wood of which weighs about 1,100 kilograms per cubic meter; and karri has also been added to the list, and a species of wood from Java.

EXPANSION AND CONTRACTION OF CONCRETE.

In an article published in the *Annales des Ponts et Chausees*, M. Dutoit remarks that the expansion and contraction of the concrete in large reservoirs, due to the changes of temperature, are so large as to cause cracks, which open in the winter and close in the summer. If these cracks are filled up, fresh ones open near them, so that it is useless to repair them. The new covered reservoirs at Paris are built of a silicious stone, and were it not for these fissures, it would have been set in concrete, so as to form one homogeneous mass, sufficient to have proportioned the walls for stability, and to set them on solid earth. The foundation is, however, on a bed of gypsum and marl, and its soundness would be affected were water to reach these beds. To prevent this, drainage tunnels of elliptical section were formed on the floor of the reservoir, which intercept any leakage, so that it can be carried clear of the foundations. The walls of the reservoir below ground are similarly surrounded with broken stone placed in a trench, the bottom of which is plastered and sloped, so as to lead off any water getting through the walls into the drains.

Domestic Engineering says it has recommended for the State Board of Health of Michigan, that pioneer in sanitary work, to take a distinctly forward step in the education of the people concerning the distribution of contagious and communicable diseases. The law of the state, passed last year, requires "that there shall be taught in every year in every public school in Michigan the principle modes by which each of the dangerous communicable diseases are spread and the best methods for restriction and prevention of each such disease." The state board annually sends the necessary printed forms.