

MUNICIPAL DEPARTMENT

SEDIMENTATION BASIN AT CHATHAM.

A sedimentation basin in connection with the waterworks system of Chatham, Ont., has recently been completed, some particulars of which may prove interesting.

The extreme length of the basin over embankments, from outside to outside, is 900 feet, and the extreme width 180 feet. The depth of the excavation, below datum, at the south end is 12 feet 10 inches and at the north end 10 feet 2 inches. Width of excavation at datum level is 112 feet. Width of basin at bottom, south end 37 ft. 6 in., at north end 81 ft. 6 in. Length of excavation at datum level, 332 feet. Length of basin at bottom, 797 ft. 6 in. Width of basin at top of embankment 130 feet. Length of basin at top of embankment, 850 feet. Width of embankment at datum level, 34 ft., and at top 16 ft. Height of embankment above datum level 6 ft.

The entire inner face is rammed with clay to a depth of about two feet, and this is coated with six inches of blue clay. The sides are lined at the top to a width of four feet with small cobble stones, and the corners are rounded off into quarter circles.

In the basin stand three brick towers, from the embankment to the top of which are bridges. The induction tower, through which the water from the river enters the basin, is located in the centre of the far end of the excavation. From the pipe is a strong concrete and stone foundation to prevent wearing away by action of the water which enters near the bottom of the basin. At the opposite or near end of the basin is the tower by which the water is received from the basin and through the filters into the stand pipe and thence to the mains. This tower has three openings at regular intervals. The lower ones are provided with valves by means of which they can be opened or closed as the depth of the water requires, the object being to take the supply from the surface, this part having been most exposed to the action of the air. The water is conducted to its filters by means of pipes which are laid in the bed of the basin in its entire length. In the south-westerly corner of the reservoir is a third tower to be used for drainage purposes—to let off the water in case of necessity.

The amount of earth excavated was 31,750 cubic yards. Of this, 11,245 cubic yards were required for the embankment, and 20,505 yards were removed. The mean depth of the water will be sixteen feet, and the capacity of the basin, the water one foot below the top of the bank, is 8,454,900 Imperial gallons.

According to the specifications the basin is to be subjected to a two weeks' test before being accepted by the city.

In the summer time the water from the river can be oxygenized by being thrown into the air before falling into the basin. This is supposed to greatly improve it. It is said that as a consequence of going over Niagara Falls the waters of Lake Ontario are the purest and best of any in the great lakes.

A CASE OF INTEREST TO MUNICI- PALITIES.

For several years the street railway, telephone, gas and electric light companies in the city and in the province generally have been conducting a campaign against the assessment of rails, wires, poles, gas mains and other property belonging to these companies and situated upon the public highways, on the ground that the plant on a public street could not be legally assessed. Various cases were begun and went from court to court, until this spring the Supreme Court gave judgment that gas mains were assessable.

In delivering judgment the Chief Justice expressed his opinion very strongly that all property on a highway was assessable, just as if it were on private land. Last summer a board of county judges decided against the assessment of the Toronto Street Railway Company's rails, poles and wires, and the Court of Revision refused, on the strength of this judgment, to confirm the assessment of the plant of the company in the first, fifth and sixth wards. The City Law Department decided to make a test case and appealed in the name of Controller Lamb and of the Assessment Commissioner against the decision of the Court of Revision in regard to the assessment of \$103,500 in the sixth ward. Mr. Fullerton and Mr. Drayton prosecuted the appeal for the city, and Mr. Laidlaw, for the company, urged lack of jurisdiction.

Judge McDougall delivered a judgment recently, the logical sequence of which will be the assessment by municipal officers all over Ontario of all these rails, poles, wires, mains, etc., which have in many cases up to the present time been exempt. It is estimated that in Toronto alone there is at least a million and a quarter of property on the highways that will in future pay taxes, and the gas company will be assessed for something in the neighborhood of half a million cash.

In delivering judgment Judge McDougall said: "I have considered the objection raised in the appeal by Mr.

Laidlaw, viz., that the right to appeal from the decision of the Court of Revision provided for by section 68 of the assessment act, is conferred only upon the person assessed or sought to be assessed, and is not open to the municipal corporation who assessed or omitted to assess the person or corporation complaining before the Court of Revision. To hold that when the legality of an act done by the municipal corporation has been questioned before the statutory court the decision of that court cannot be reviewed at the instance of the corporation whose act is impeached, but may be questioned by the original complainant only, is repugnant to common sense and justice. It would require express words of limitation to that effect to induce me to construe so narrow a general clause giving a right of appeal against a decision of a Court of Revision. Section 68 says an appeal to the county judge shall lie not only against a decision of the Court of Revision, but also against the omission, refusal or neglect of the said court to hear or direct the appeal. It is right that the limitation contained in section 76, confirming the right of appeal to a board of judges to the person assessed, should be looked at as showing the intention on the part of the legislature to limit the right of the appeal under section 68 to the party assessed.

"The insertion of this limitation in section 76 appears to me to be rather an argument the other way, for without that limitation it is clear that the appeal to the board of judges could be open to either party to the original complaint before the Court of Revision. But this special court for the hearing of particular appeals has no general jurisdiction to hear all appeals. It can be called into existence only, the legislature says, if the person assessed desires it. It is a special right given to assessed persons, but it in no way affects the rights and privileges created by section 68, save where the amount involved is a certain sum and the person assessed feels himself aggrieved. All other cases remain to be dealt with under the provisions of section 68. The board of county judges is, therefore, an alternate court of strictly limited jurisdiction. If not invoked *sub rosa* the county judge possesses sole appellate jurisdiction, but the appeals he is directed to hear and determine are appeals against the decisions of the Court of Revision. The person in whose favor the Court of Revision has decided cannot appeal, but the opposite party, or the person who has been unsuccessful in his contention before the Court of Revision, is entitled to appeal.

Mr. W. G. Merritt has been appointed city clerk of Chatham, Ont.

Goderich, Ont., has added a new stand pipe to its waterworks plant, erected under the supervision of Mr. Walter C. Brough, C.E.

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