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THE MUNICIPAL WORLD

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Calendar for July and August, 1896.

Legal, Educational, Municipal and Other Appointments.

JULY.

1. Dominion Day. (Wednesday.)
All wells to be cleaned out on or before this date.—Section 113, Public Health Act, and section 13 of By law, schedule "A."
Last day for County Council to pass by-law that nominations of members of Township Councils shall be on last Monday but one in December—Municipal Act, section 113.
Before or after this date, Court of Revision, may, in certain cases, remit or reduce taxes.—Assessment Act, section 67.
Last day for revision of rolls by County Council with a view to equalization.—Assessment Act, section 78.
Last day for establishing new High Schools by County Councils.—High School Act, section 8.
Treasurer to prepare half-yearly statement for Council.—Section 251, Municipal Act.
Treasurer to prepare statement of amount required to be raised for Sinking Fund to be laid before Council previous to striking annual rate.—Municipal Act, 1893.
5. Last day for service of notice of appeal from Court of Revision to County Judge.—Assessment Act, section 68.
14. Last day for completion of duties as Court of Revision in Shuniah.—Assessment Act, section 64, sub-section 19.
15. Public School Trustees' semi-annual reports to Inspector due.—Public Schools Act, section 40 (13).
Last day for making returns of births, deaths and marriages, registered for half-year ending 1st July.—R. S. O., chap. 40, section 6.
20. Last day for performance of Statute Labor in unincorporated townships.—Assessment Act, section 113.
31. Last day to which judgment on appeals, Court of Revision, may be deferred, except in Shuniah and other districts.—Assessment Act, section 68.

AUGUST.

1. Last day for decision by court in complaints of municipalities respecting equalization.—Assessment Act, section 79.
Notice by Trustees to Municipal Councils respecting indigent children due.—Public School Act, section 40 (7); Separate School Act, section 28 (13).
Estimates from School Boards to Municipal Councils for assessment for school purposes due—High School Act, section 14 (5); Public School Act, section 40 (8); section 107 (10); Separate School Act, section 28 (9); section 32 (5); section 55.
High School Trustees to certify to County Treasurer the amount collected from county pupils.—High School Act, section 14 (5).
High School Trustees to petition Council for assessment for permanent improvement.—High School Act, section 33.

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The Municipal World

PUBLISHED MONTHLY

In the interests of every department of the Municipal Institutions of Ontario.

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J. M. GLENN, LL.B. } Editors

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ST. THOMAS, JULY 1, 1896.

The commissions of judges are actively at work dividing the counties into county council districts, and appear to be giving satisfaction. Their work has been greatly facilitated by the county councils themselves, who, having considered the matter, at the June Session, submitted their report to the judges. We believe that the present county councils would have been quite as capable as the judges, and should have been entrusted with making the division, subject to appeal as in the case of equalization, but no matter by what authority the division is made, many will not approve of it for local or political reasons.

At the close of the meeting of the commission to divide the county of Oxford into county council divisions, Judge Bell took occasion to remark that he "thought there was too much apprehension regarding the swamping of small municipalities; he believed that before long the municipal boundaries would be dispelled in county council elections, and that the electors would choose the best man for the whole division irrespective of their particular municipality."

Trustees' requisitions are required to be filed with the clerk on or before the first of August. To secure prompt receipt of uniform returns, it is advisable to send the secretary-treasurer of each section a blank form of requisition with notice.

The annual meeting of the Ontario Good Roads Association will be held at the grounds of the Toronto Industrial Exhibition, on Tuesday, the eighth day of September. This will be during the last week of the fair, and will enable all who are interested to take advantage of the cheap railway rates, attend the meeting

and see the fair. An interesting feature will be an exhibit of roadmaking machinery, culvert pipe, etc.

In order to properly complete the collectors' rolls in townships, it is necessary that all statute labor returns should be received. We believe that in many municipalities, but little attention is paid to this matter, and overseers of highways are indifferent about making their returns. It is only right that an effort should be made to secure them, and a post card to each overseer, notifying him that his return should be sent in on or before the 15th day of August, will generally be found sufficient.

Ancient Toll Roads.

The oldest records pertaining to roads deal exclusively with the use and keeping up of certain roads on the part of those interested in commerce and trade; and with prohibiting the use of other roads. The roads were only occasionally repaired, and then only when their defective condition threatened injury to the interests of the state or when the complaints as to the impassableness of the road on the part of the travelling public, which was restricted to the use of certain roads, became so emphatic that the equity and necessity became apparent of providing for the people's safety and convenience in return for the tolls they were obliged to pay. The general principle which obtained was that the obligation of keeping up the roads depended on the levying of toll and safeguard duty of the same. This species of toll was so called because in former times travellers passing over insecure roads leading through forests or thinly settled districts were escorted by armed knights who levied this safeguard duty in return for their services. However the duty continued to be collected long after a personal escort had fallen into disuse, and for that reason the expense of repairing the roads was met principally with the proceeds of the safeguard duty. The co-operation of the cities, the nobles, the parishes, and the owners of realty in keeping up the roads seems always to have been required. The Saxon princes regarded it as not only their duty to provide for the security of roads on which the safeguard system was not applied, and to superintend those parties on whom by custom or special provision of law the duty of keeping up said roads was incumbent; but also as their prerogative to set aside certain roads for commercial purposes, to levy a duty on the merchandise thereon transported, and in order to facilitate the collection of this duty, to forbid the trade from making use of any other roads. The orders and instructions issued by the Saxon princes during the seventeenth century first established the rule that the obligation to keep up the roads rested on those who collected safeguard duties thereon, or who were by

customs, bound to repair. Furthermore, cities were held to keep up the roads within their territory, parishes within their local limits, and where the obligation could be fixed on no other party the repairs were made by the state.

An Act Revising Certain Matters in the Separate Schools Act.

1. Sub-section 5 of section 58 of the Separate Schools Act is amended by substituting the word "thirty" for the word "twenty" in the fourth line thereof.

2. Section 79 of the said Act is repealed and the following substituted:

79. (1) The teaching year shall consist of two terms; in townships the first term shall begin on the third Monday of August and end on the 22nd day of December; the second term shall begin on the 3rd day of January, and end on the 30th day of June.

(2) In cities, towns and incorporated villages the first term shall begin on the first day of September, and end on the 22nd day of December; the second term shall begin on the 3rd day of January, and end on the 30th day of June.

(3) Every Saturday, every public holiday, the week following Easter Sunday, and every day proclaimed a holiday by the authorities of the municipality in which the teacher is engaged shall be a holiday in separate schools.

(4) In the territorial districts the trustees of any rural school may allot the time herein allowed for holidays at Easter and midsummer to suit the convenience of pupils and teachers, provided always that the same number of holidays be allowed and in periods of the same duration as herein set forth.

3. Any supporter of a separate school whose residence is within three miles of two or more separate schools, shall, after the first day of January, 1897, be ipso facto a supporter of the separate school nearest to the place of his residence, provided that nothing herein contained shall affect the liabilities or obligations of any separate school supporter for debts incurred by the school section of which he was a supporter before the passing of this Act.

A Wide Tire Law.

The Connecticut Wide Tire Act, which becomes a law July 1, prescribes that:

All vehicles having an iron axle two inches square, or an axle of equivalent capacity, shall be equipped with tires not less than four inches in width. All vehicles having an iron axle one inch and three quarters square, or an axle of equivalent capacity, shall be equipped with tires not less than three inches in width. All vehicles having an iron axle one inch and a half, or an axle of equivalent capacity, shall be equipped with tires not less than two and one half inches in width. Any person who shall violate any of the provisions of this Act shall be fined not more than \$100.—Good Roads.

Road Metal.*

By HERBERT J. BOWMAN, C. E., BERLIN, ONT.

The term "Road Metal" is used to designate the material forming the impervious covering of roads and may be composed of broken stone, blast furnace slag, gravel or even burnt clay.

GRAVEL.—This is the most common material used in making the country roads of Ontario, and where good pit gravel can be obtained close at hand, it is without doubt the most economic road metal. There is considerable difference in the quality of gravel, that found in the eastern part of the province making a harder wearing surface, as it is composed of fragments of much harder rocks than those found in Western Ontario. This, no doubt, partly accounts for the excellence of the gravel roads of the County of Hastings. In the western part of the province where gravel is found at all, it is chiefly composed of pebbles of soft limestone, which quickly grind to powder under heavy traffic, and in some districts no gravel is to be found within a reasonable distance. For these districts burnt clay may be found to be the most economic material for the road covering, but so far, its use seems to be confined to the Western States. For ordinary country roads, unscreened gravel of a depth of ten inches may be used with the larger stones broken by hand and a road covering formed good enough for all practical purposes, but for leading roads a better road may be formed by screening the gravel, although there is some difference of opinion as to the number and size of screens to be used. The following quotation from a treatise on "The Science of Road Making," by Clemens Herschel, M. Am. Soc. C. E., is worthy of note.

"In gravelly soil all the materials that are needed for a good road are frequently on the spot; they only need sorting out and relaying. For this reason a common gravel sieve often constitutes the principal instrument, the judicious use of which will make a good road out of a miserable string of ruts and cobby elevations. It would only be necessary to sift out and separate the soil under the road to a sufficient depth, into cobbles, coarse gravel, fine gravel and sand; then replace them in order named and with the proper thickness of layers of each; wet down and roll, and the result would be a good road."

Where gravel is scarce or has to be hauled a long distance, an excellent road may be built having a Telford foundation of field stone, on top of which screened gravel is placed in two layers, each to be thoroughly rolled. In this method six inches in depth of gravel is quite sufficient. Roads of this nature are the favorite ones in Central Park, New York, where Rhoad Hook gravel is used, and "it being more than ordinarily clean and hard, bears an

intermixture or adulteration of twenty to twenty-five per cent. of inferior material to perfect its binding properties."

BROKEN STONE.—For leading country roads and town and city streets a better road metal is required than the gravel found in most parts of Ontario, and broken stone will best meet this requirement. Blast furnace slag is also an excellent road metal and is being largely used in the construction of the Rochester, N. Y., boulevards, but the supply of slag in this province is limited to the product of the new smelting works at Hamilton. Rocks suitable for breaking up into road metal should be hard and tough and proof against the action of the weather, qualities not always found together.

A rough classification of rocks in the order of their value for road metal is as follows: (1) Basalt or Trap, (2) Gneiss, (3) Granite, (4) Limestone, (5) Sandstone; and it will be interesting to investigate where these may be found in Ontario.

The first three rocks are found in unlimited quantities at most points north of a line drawn from Gananoque to the mouth of the Severn river. Upon reference to a geological map, the best one being that attached to the report of the royal commission on the mineral resources of Ontario, issued in 1890, it will be seen that this line represents the southern edge of the Laurentian area in Ontario. Trap rock, which is no doubt the best for road metal, is said to be found in dykes from a foot or two to forty or fifty feet wide in the gneiss near Gananoque, and could, no doubt, be found at many points in the Laurentian of northern Ontario, but is most common in the Huronian. In this latter formation near Bruce Mines an excellent trap (quartz diabase) is found and is shipped to cities in the United States to be broken up into road metal. It was used last summer in the construction of the Telford roads constructed in Cleveland, Ohio, for the board of park commissioners of that city.

South of the Laurentian area trap, gneiss and granite are found only in the shape of boulders brought down during the ice age and dropped as moraines. Thus along the band of moraines, or rough stony hills, stretching from Trenton to the lower end of the Georgian bay, plenty of material for road metal may be obtained good enough for ordinary purposes. Scattered over a large part of the western peninsula of Ontario, large boulders may also be found, and if care is taken to exclude the soft limestone and disintegrated granite and gneiss, a fair road metal may be made, often the only kind that can be obtained at a reasonable cost. Plenty of limestones, often hard and fairly durable as road metal, may be found among the Trenton limestones stretching from Kingston to about Bowmanville, and across to the Georgian bay. Some good material may be also obtained from the Niagara limestones along the "mountain" or escarpment between Niagara Falls,

Hamilton, and a point near Collingwood, also from the Guelph limestones between Niagara Falls and Southampton. In many of the limestones in this part of Ontario there are cherty bands which would produce excellent material for road metal, and in many of the more rapid rivers considerable accumulations of hard cherty boulders are found.

Although small cobble stones are not desirable for broken stone on account of the smooth water-worn surfaces of the greater part of the product, this objection only holds good to a limited extent when large boulders, often several hundred pounds in weight, are used.

CONCLUSION.—As the best obtainable material for road metal is often the cheapest in the end, further information is required as to where the best rocks are found. No complete geological survey of Ontario has ever been made, and the only information as to the older part of the province that can be obtained is from Sir William Logan's "Geology of Canada" (1863), and this publication of the geological survey is quite out of print and is found only in a few libraries.

The thanks of the writer are due for much valuable information to Dr. George M. Dawson, Director of the Geological Survey of Canada, to Professor A. P. Coleman, of the School of Practical Science, and to A. Blue, Esq., Director of the Ontario Bureau of Mines, and it is hoped that the members of the Association of Ontario Land Surveyors will, in the discussion, give much additional information as to the qualities of road metal in actual use throughout the province.

Against Dust-Polluted Food.

In a circular issued by the State Board of Health of Indiana, the instruction is given to the public that:

"The dust that floats in the air contains a great deal of filth. It carries pulverized manure, dried catarrhal and consumptive sputum, and much other offensive matter, besides micro-organisms of all kinds. All this we must endure, to the evident disadvantage of our health, when we walk abroad in cities where dust is not kept down. It is not well, however, that we should eat dried manure and dried spittle on our meat and groceries, even if cooked."

Health officers are directed to order butchers, grocers, and others not to expose meats, dressed poultry, dried fruits and other foods so that they may become polluted by the dust from the air in the ways described. In that State, health officers have ample authority in this matter.

A Good Thing.

Every good road is a monument to itself. Every bad road is its own destroyer. People who know a good thing when they see it like pleasant, serviceable roads.—*Exchange.*

*Extract from paper read at the annual convention of the Association of Ontario Land Surveyors, Toronto, Feb. 23th, 1895.

Width of Tires.

Reduction of the wear of roads is almost equally important with the making of good roads. It is in this connection that a consideration of the width of tires forces itself upon us, more especially for wagons and vehicles employed for heavy draught. In Ontario tires of moderate width, say three or four inches, are employed to but a very limited extent on country roads, and in cases where they are used it is without thought of the benefit to roads, the object being to lessen the work of the horses in drawing the load, or that an increased load may be drawn by the horses.

This view of the matter, the lessening of the tractive force required, is certainly one which should appeal to their use to every farmer. The results arising in this way vary with the nature of the surface over which the load is drawn. On very hard and smooth pavements there is little argument for their use, so far as lessened draught is concerned. The most striking results are shown on surfaces through which narrow tires cut, but which, with broad tires, remain unbroken. Experiments in such yielding surfaces have shown that the load may be increased as much as one-half. In fields, loads which on narrow tires would sink to the axles, can with broad tires be safely drawn. The character of the dirt and gravel roads of Ontario is such as to especially recommend the use of broad tires on farm wagons, in order to lessen the tractive force required. For this reason, if for no other, it is to the direct interest of agriculturists and others employing vehicles for heavy draught to replace their narrow tires with those of at least three or four inches in width.

There remains the other more imperative, but perhaps more neglected, reason demanding the use of broad tires—the benefit to the roads. In order to maintain roads in good repair, the surface must be kept free from ruts and holes; dust, which in wet weather becomes mud, must be kept from the surface; and the surface must be kept firm and compact; to all of which the grinding, bursting, plowing influence of the narrow tire is peculiarly an enemy.

The narrow tire is a rut producer. With a load of say, 2,000 pounds, each wheel is called upon to support 500 pounds. Then a straight line of one and one-half inches long, if that be the width of the tire, represents the bearing of the wheel upon the road, and this line must support 500 pounds. This condition, however, never exists in practice, owing to the imperfect and yielding nature of the road bed. The wheel must obtain a greater bearing, and the width of the tire being fixed, the wheel sinks into the road-metal, to widen the bearing along the circumference of the wheel. In this manner the rut is commenced and continued. Other wheels follow, deepening and loosening the earth

around it. After a rain water lies in the hollow, to assist the work of destruction. The greater the velocity of the vehicle the greater the injury, while the majority of wagons being without springs the pounding is relentless. A French authority states that a spring wagon at trotting speed does not wear a road more than a wagon without springs at walking speed.

Broad tires, on the contrary, are in many respects a benefit rather than a detriment to the road. They do, in part, the work of a roller, and in making good roads rolling is a necessity. McAdam, it is true, did not know the use of a roller, depending on traffic to consolidate the road-metal, but, fortunately, there were then broad tires to do this work; for, notwithstanding the rarity now of broad tires, the narrow ones are the "new-fangled" variety, which, it is to be hoped, will soon be out of fashion again. Instead of a line one and one-half inches long being called upon to support 500 pounds, this line or bearing will be increased to four inches. The advantage is at once apparent. There is about the same difference between narrow and wide tires as road-makers, that there is between a pick and a pounder. The one tears up, the other consolidates. That this is the case does not need proof other than to observe the track of a broad-tired wagon to be occasionally seen on a country road. Most of us know the comfort, when following it with a light vehicle, to be found in escaping the ruts by guiding our wheels in it. This is one of the secrets of the beauty of English and French roads that are kept in good condition by the passing of broad tires over them. Here it requires only about a week of ordinary farm teaming to produce a track in the best macadam that can be built, but it is this track that speedily becomes a rut. Another feature of the use of broad tires is that there is not the same advantage in keeping them in the one traveled track, nor is there the same tendency on the part of teamsters to do so, so that the traffic is more equally distributed over the roadway.

Broad tires do not sink at all so deeply into the road-bed as do the narrow. Their broad bases do not slip from protuberances so readily, their tendency being to crush them to the level of the road surface. Less grinding takes place, the broad-based wheel taking a firmer hold of the road and revolving more perfectly. Upheaving and fracturing do not take place, the road is rendered less pervious to water, while less dust and mud is produced. This means that at all times the road is more passable, while the cost of maintenance is very much decreased. Were the effect of broad tires better understood in Ontario our improved roads would soon be very much less cut up, and improved roads would be more cheaply kept in repair.

England and all of the progressive European countries have laws regulating the width of tires according to tonnage

draught and kind of vehicle. In New York state the turnpike law grants reduced rates of toll to vehicles with broad tires. The Michigan road law provides that users of wide tires are entitled to a rebate of half their road tax. In France, a country which presents some of our most perfect models in roadmaking, tires on market wagons range from three to ten inches in width, the majority being from four to six. The gauge of the wheels is set so that the track of the front wheels comes inside the track of the rear wheels. In an American city the watering carts are made to do duty as rollers by having the wheels very wide and the gauge set in this way. As a means toward overcoming the prejudices which exist to some extent against broad tires, municipalities using watering-carts and other vehicles for corporation work could and should set the fashion of broad tires.

Improper Sewage Disposal.

Water drawn from wells in close proximity to privies and sink drains is subject to gross pollution from them. In Van Nostrand's Science Series, No. 18, M. N. Baker, Ph. B., shows the need of sewerage systems for towns and villages and the abolition of cesspools.

Should there be a case of typhoid fever in a given house, typhoid germs, which always exist in great numbers in the dejecta of the patient, might readily find their way into the well, and thus into the digestive system of other members of the family, of visitors, or of neighbors using the well. Thus the disease is spread from one member of a family to another and from family to family. Besides this danger, there is always a more remote one from the dreaded cholera, should it visit the country, and the ever present one of poor health and consequent greater susceptibility to all forms of disease.

Without sewers and with a public water supply, cesspools must be employed. With cesspools begins a continuous and far-reaching pollution of the soil, much more serious than that which commonly results from privies and the surface disposal of slopes. The pores of the ground become clogged with organic waste; nature's beneficent process of oxidation is arrested; putrefaction sets in; and poisonous gases are generated. These gases may find their way through foundations into houses and also directly into the outer air, especially during sudden rises in the ground water level.

The cellars of houses on small lots may be made damp by leaching cesspools. Such wells as still remain in use are also liable to pollution from cesspools on neighboring premises. Watertight cesspools, while possible in theory and often demanded by health ordinances, are a luxury that only a few can afford, owing to the cost of frequent emptyings. Even in permeable soils the emptying of leaching cesspools as often as health and decency

demand, will generally cost more than the increase in taxes due to the construction and maintenance of a sewerage system.

A village or town without water-works and sewers is at great disadvantage as compared with communities having these conveniences and safeguards. Industries and population are not so quickly attracted to it; the health of the municipality is almost sure to be poorer and its death rate higher. These statements hold, only in lesser degree, where a public water supply but no sewerage system has been provided. The full benefit of water-works cannot be enjoyed until sewers are put in, because many people will make the absence of sewers an excuse for the nonuse, or limited use, of the water supply.

Who can describe the trials and tribulations which beset health authorities in their efforts to secure the proper disposal of privy and cesspool matter? If there is little but privy matter to be removed the difficulties are not so great, because in this country such a condition seldom exists, except in small communities, where the houses are set in ample lots, with gardens, and with an abundance of farm land near by, so that the vault matter is in demand for fertilizing purposes. With denser populations and larger areas, the emptying of vaults is a serious matter, requiring the greatest care to prevent nuisances, and often, if not generally, entailing expense upon the householder. Cesspools are unmitigated nuisances, and however well built or frequently emptied, the satisfactory disposal of their contents is practically impossible. The matter has comparatively little value as a fertilizer and dumping upon unoccupied land is met with increasing protests, even if the land is located in remote and sparsely settled towns.

Boards of Health.

In every village a house to house inspection should be made at least once a year, this may be done by a single member of the local board or Inspector.

WELLS AND WELL WATER.

A surface water well is always liable to be soiled by the surface washings from house-slops, manure, and the privy vault. The same danger threatens any well from which surface water is not shut out by cemented walls, or better, by sealing the pipe in clay or stone, and bringing it up well above the surface of the ground. Artesian or driven wells, treated in this way, afford pure and good drinking water.

Sources of impurity to air and water outside the house are, in order of importance, the privy vaults, house slopes, manure piles, garbage. The first should be cleaned and its contents taken away; then fill up the hole with clear earth, put an earth closet in its place and determine that never again will you permit that nuisance on your property.

The manure pile should always be placed where it will drain away from the well.

Duties of the Provincial Instructor in Road-making.

The object of the Ontario Government in appointing a Provincial Instructor in roadmaking has been frequently misunderstood, and for that reason, from some quarters has come occasional opposition, although the press of the country has been almost unanimous in its approval.

The duties of this office are entirely of an educational and advisory nature, seeking to render as efficient as possible the efforts put forth by the people to obtain better roads. No new law regarding road construction and maintenance is contemplated, this office being created to co-operate with and aid the present statute-labor and other systems at present in vogue in townships, villages, towns and cities.

It is the desire of the government to place municipal officers, Reeves, councilors, pathmasters and all interested in roadmaking, in touch with modern system, of highway construction. To this end, the instructor in roadmaking will gather, personally and from reliable authorities, information regarding the methods adopted in England, France, United States and other foreign countries; he will make a close study of the various local needs and conditions throughout the province; collect data regarding quarries furnishing any superior material for roadmaking, with railway rates of transportation; gather information regarding successful or unsuccessful experiments or experiences in Ontario or elsewhere, and regarding the advisability of the purchase and use of improved machinery in the construction and maintenance of roads. He will compile data showing the cost and plan of construction, the economic value, and the cost of maintenance, of different kinds of roads; data showing the kind, nature, behavior under varying conditions, and under different climatic influences, of the materials used in street and road construction; data regarding the durability under different kinds of traffic, as influenced by the number of vehicles, their weight, speed, etc.; all of which will be placed from time to time before the people of Ontario in the form of reports, bulletins, etc., and should be of invaluable assistance to roadmen. Through the same medium, practical and direct advice as to the construction of dirt, gravel, macadam, Telford and other forms of road will be issued.

It is intended also, that the newly appointed officer will address public meetings of councils, farmers' institutes, dairymen's associations and others where the necessity of good roads may be thoroughly discussed. He will, where municipalities wish it, visit them personally, look into local conditions and difficulties, give them the benefit of his experience as an engineer, and, as far as his time permits, will supervise small portions of the work as a practical demonstration of the principles to be followed in roadmaking. These services will be rendered free of

cost, and those municipalities desiring to secure appointments should do so without delay, as the time available for such personal work will doubtless be limited.

The work of the instructor in roadmaking will be to place before us the experience of engineers and road-builders of all countries. Very rarely of course can the methods of one country be adopted in their entirety in another, but from these methods we can certainly find much either to imitate, avoid or modify. At this stage of roadbuilding in Ontario, no detail is unimportant, as the permanent nature of the work is the fundamental point to be obtained; and to this end the quality of material, the grade, the location, taking into proper consideration the requirements of the region, with the amount of money which can be expended, are all points of the utmost importance, and need careful consideration based upon data of recognized authority. Dirt roads no longer serve our purposes, and yet in some localities none other can be constructed for some years to come. It is equally the object of the instructor in roadmaking to improve this class of roads without incurring any greater annual expenditure than the present, having in view their ultimate permanency; so that however incompletely the work may be done, none of it will have to be undone.

Offices similar to that occupied by Mr. Campbell, have been in existence for many years in every one of the departments of France, also in the counties of England, and these have been largely copied by the states of the Union. The Hon. Mr. Dryden who has in the past so much distinguished himself by his untiring efforts on behalf of the farmers, has, by this appointment, again rendered a service, not only to agriculturists, but to the public generally.

The Difference in Roads.

There are civilization, enlightenment and economy in good roads. Good roads lead to prompt and steady attendance upon church services, schoolroom duties, neighborly intercourse and social advancement. Bad roads lead to profanity, worry trials and tribulations and loss of time.—*Galveston Tribune.*

Want Better Highways,

The subject of good roads has recently taken firm hold in the public mind, and advance steps to secure improvement in this important direction have been taken in many sections, both of this and neighboring states. It does indeed begin to look as if the people had determined to no longer remain content with thoroughfares which were at once a disgrace to them and a severe tax upon all their forms of industry. They have been slow to move in the matter, but now that they have, we believe that the work will be done thoroughly and right.—*Exchange.*

LEGAL DEPARTMENT.

JAMES MORRISON GLENN, LL. B.
Of Osgoode Hall, Barrister-at-Law.
EDITOR.

LEGAL DECISIONS.

Flood vs. Village of London West.

Negligence—Contributory Negligence—Negligence of Driver of Carriage—Injury to Occupant.

The doctrine that the occupant of the carriage is not identified as to negligence with the driver applies only where the occupant is a mere passenger, having no control over the management of the carriage. When, therefore, the hirer of a carriage allows one of his friends to drive and any accident results from the latter's negligence the former cannot recover.

Judgment of Meredith, C. J., affirmed.

Smith vs. The Corporation of the Township of Ancaster.

Municipal Corporations—Way—By-law Transferring and Assuming Roads—Individuality.

A township corporation on which has devolved a portion of a public road situate within its territorial limits, relinquished by the Minister of Public Works under section 52 of 31 Vic., ch. 12 (D), cannot authorize another township corporation to assume control of and keep in repair such portion of the road, nor can the latter township assume the road and lawfully collect tolls thereon, and by-laws passed for such purpose are invalid.

Corporation of Ancaster vs. Durrand, 32 C. P. 563, distinguished.

Drennan vs. City of Kingston.

Municipal Corporations—Highways—Ice on Sidewalks—57 Vic., ch. 50, sec. 13.

A street crossing, in the line of and adjoining parts of a sidewalk on opposite sides of the street, is not a sidewalk within the meaning of 57 Vic., ch. 50, sec. 13. On the street crossing in question snow had accumulated, partly from being shovelled there from the sidewalk and partly from the action of passing sleighs, so that there was a descent of some inches from the crossing to the sidewalk, and the plaintiff slipped on this descent and was injured.

Held, per Hagarty, C. J. O., and Maclellan, J. A., that the municipality was not liable; per Burton and Osler, J. J. A., that there was evidence of negligence to go to the jury.

In the result the judgment of the Common Pleas Division was affirmed.

City of Ottawa vs. Keefer—City of Ottawa vs. Clark.

Municipal Corporations—Public Parks Act—Purchase by Park Commissioners—R. S. O., c. 190.

The city of Ottawa adopted the Public Parks Act, R. S. O., ch. 190, and park commissioners were appointed, who entered into contracts with the defendants to purchase lands for park purposes, and

made a requisition on the city for the purchase money. The city refused to recognize the contracts, and brought these actions for a declaration that they were invalid.

Held, per Hagarty, C. J. O., and Burton, J. A., that the park commissioners had, in the bona fide exercise of their discretion, the right to enter into the contracts, and that the city, so long as the statutory limit was not exceeded, was bound to provide the purchase money; per Osler and Maclellan, J. J. A., that the city council had a discretion whether or not to adopt the contracts and provide the purchase money.

In the result, the judgment of Rose, J., dismissing the actions, was affirmed.

In re C. P. R. Co. and City of Toronto.

Municipal Corporations—Railway Company—Joint Special Agreement—Local Improvements.

A city municipality and a railway company and others entered into an agreement for the execution of certain works by the former, authorized by order-in-council under the Railway Act, the cost being apportioned between them, of which the railway company paid their share. The agreement provided that no party to it should be entitled to compensation for injury or damage to their lands by reason of the construction or maintenance of the works, a necessary part of which was the construction of a road toward and under the railway tracks, a portion of the roadway fronting on the lands of the railway company, and the city sought to charge the company with the cost of the roadway as a local improvement, under the Consolidated Municipal Act, 1892, and passed a by-law for that purpose.

Held, that the work having been done under the agreement between the parties and the order-in-council, the local improvement clauses were not applicable, and the by-law was void.

Judgment of McMahon, J., affirmed.

In re Stonehouse and Township of Plympton.

Municipal Corporations—Drainage By-law—Engineer's Report—Erroneous Basis of Fact.

Motion to quash a by-law of the township of Plympton, providing for the repairing and deepening throughout of what was therein spoken of as the Stonehouse drain in the townships of Plympton and Enniskillen and the village of Wyoming. The by-law set out the report of the engineer of the corporation of Plympton, wherein he recommended the work to be done, and assessed the cost in different proportions against the three corporations, respectively. In his report he spoke throughout of the drain as one drain, whereas it consisted of at least two drains, built at different times and for different purposes.

Held that the by-law must be quashed. The persons affected were entitled to have the engineer's judgment, when

assessing them, upon the true state of facts, because he might have assessed the lands of one of the three townships lower had he made his estimate on the basis that the drain in it was not a part of the original system, but was itself a separate original drain designed to carry off only the natural soakage, and not the volume brought upon it at times by the drain in another of the three townships, and the same applied to the council who had to act upon his report.

Union School Section of East and West Wawanosh and Hulett vs. Lockhart.

Public Schools—Union School Section—Alteration—Petition of Ratepayers—Award—54 Vic., c. 55, sec. 87 (O).

The "joint petition" of five ratepayers from each of the municipalities concerned, required under 54 Vic., ch. 55, sec. 87, sub-sec. 1 (O), for the formation, alteration or dissolution of a union school means that each set of five ratepayers shall join in a petition to the municipal council of the municipality of which they are ratepayers, and not that five ratepayers from each municipality concerned must join in each petition to each municipality.

Judgment of Meredith, C. J., 26 O. R., 662, following Trustees of School Section No. 6, York, vs. Corporation of York; noted 26 O. R., at p. 664, reversed.

Where the award in such case was that no action should be taken on the petition, the prohibition in sub-sec. 11 of sec. 87, against any new proceedings for a further period of five years, was held not to apply.

Judgment of Meredith, C. J., affirmed on this point.

The Chancellor, in Trustees of School Section No. 6, York, vs. Corporation of York, held that it was necessary for the whole fifteen ratepayers to join in the petition to each of the three municipalities concerned, but the full court refused to adopt this construction of the statute. Section 87 of the Public Schools Act, 1891, provided, "1. On the joint petition of five ratepayers from each of the municipalities concerned to their respective council, etc." The difficulty in correctly interpreting the statute of 1891 arose from the word "joint." In the act of 1896 the word "joint" is omitted, showing that the legislature intended that a petition of five ratepayers of each of the municipalities should be sufficient.

In re C. P. R. Co. and County and Township of York.

Constitutional Law—Railways—Crossings—Railway Act of Canada, 1888—Powers of Railway Committee of Privy Council—Erection and Maintenance of Gates—Contributions to Cost of—Municipal Corporations.

The Railway Committee of the Privy Council of Canada made an order that gates and watchmen be provided and maintained by the Canadian Pacific Railway Company for the protection of the railway crossings at certain streets which traversed the city of Toronto, the township of York, and other townships

within the county of York, such crossings being at the north limit of the city of Toronto, and that the corporation of the city of Toronto should contribute to the cost and maintenance. Subsequently the committee, upon the representation of the city corporation, made an order that the township and county should contribute part of the share of such cost originally allotted to the city.

Held, having regard to sections 11, 18, 21, 187 and 188 of the Railway Act of Canada, that the British North America Act conferred upon the Parliament of Canada the exclusive legislative right to deal with the Canadian Pacific Railway and with the guarding of the crossings; that legislation upon such a subject was necessary legislation; that the Dominion Parliament could and did confer upon the Railway Committee the power to make such orders as those in question; that it was within the power of the committee to determine what persons were interested in the crossings; that the court had no power to review such decision, it being declared to be final; and that the fact that the highways in question were vested in municipalities, or in any sense controlled by them, did not in any wise limit the powers of Parliament to legislate respecting the subject, or of the Railway Committee to make the orders in question, but that the municipal corporations were subject to such legislation, and to the orders made thereunder as any private individual would be.

In re Elliott and City of Winnipeg.

Municipal Corporations—By-law—Application to Quash—
Illegality—Delegation of Authority to Officer of Corporation.

Application to quash, on the ground of illegality, a by-law passed by the council of the city of Winnipeg, No. 1004, for the licensing, inspecting, and regulating of dairies and vendors of milk.

Section 1 provided that every person who carries on, within or without the city, the trade of vendor of milk, for the purpose of sale or supply of milk for use in the city, should first obtain a license therefor and be registered as such.

Section 3 provided that it should be lawful for the health officer or veterinary inspector to enter in and upon all dairies and other buildings used by the vendor and inspect the same, and, if satisfactory to him in all respects, he should direct a license to issue to such dairyman upon payment, etc.

Held, that s. s. 1 and 3 of the bylaw should be quashed with costs.

The by-law, so far as it related to vendors of milk who resided and had their dairies outside the city limits, exceeded in some respects the legislative authority.

The inspection of dairies, etc., is purely ministerial work, and may be performed by the officials employed by the council for that purpose, but section three hands over to the health officer a duty that is

more than ministerial. It authorizes him to direct the issue of a license without any report of the result of the inspection, or any further reference to the council; and an official is thus enabled arbitrarily to decide whether an applicant is to receive a license or not. This is a delegation of authority that cannot be justified; for the council has really delegated to an official the judgment and discretion that the Legislature intended and expected that it would exercise itself. Such a delegation of authority might result in injustice and hardship, and this provision of the by-law must be held to be illegal; *Regina v. Webster*, 16 O. O. 187; *Hitchcock v. Galveston*, 96 U. S. R., 341.

Public School Rates.

The Public Schools Act, 1896, makes important changes in the system of levying public school rates.

The grant heretofore made by county councils as the equivalent of the government grant to townships is dispensed with. The original intention of this grant, was that it should be levied by uniform rate over the whole county. In practice, however, it was found in almost every case to be levied on the township, and thus as a matter of fact, was a township rather than a county grant.

The schools will as formerly receive the government grant, separate schools will receive their portion of the grant direct from the Education Department, and that of the public schools will be paid through the city, town and village treasurer, and township sub-treasurer.

Trustees in Townships when preparing their estimates should know that the Municipal grant heretofore made by County Councils has been dispensed with, this was formerly received on Public School Inspector's order, and in fixing the amount of the annual requisition was considered as an asset. Under the new Act, the Municipal Council of every township is required to levy and collect by assessment upon the taxable property of the Public School supporters of the whole township the sum of \$150 at least for every Public School which has been kept open the whole year exclusive of vacations. Where the school has been kept open for six months or over, a proportionate amount of the said sum of \$150, at least shall be levied and collected by assessment upon the taxable property of the whole township. An additional sum of \$100 at least shall be levied and collected in a similar manner for every assistant teacher engaged for the whole year, and a proportionate amount if such assistant teacher was engaged for six months or over.

In the case of union school sections the municipal council of each municipality of which the union school section is composed shall levy and collect upon the taxable property of the respective municipali-

ties the said sum in the proportion fixed by the equalization provided under section 51 of the Act. This does not apply to union sections formed between townships and villages, towns or cities. In the township part of these union sections, no portion of the \$150 to be levied for each public school, is to be raised as they do not receive any benefit therefrom.

The advantages of the change are briefly these:— (a) The routine of collecting the grant through the county from townships, which was merely a matter of book-keeping, is dispensed with. (b) The inequality which exists in the township with regard to the rates to be levied for the maintenance of schools will be reduced and the smaller sections, which for local or other reasons could not be enlarged, will be aided. (c) Township Councils will be to a great extent relieved of the disagreeable duty of altering school boundaries with a view to meet the complaints of taxpayers. (d) The loss to a school section by rendering useless school houses that might have to be abandoned by the change of school boundaries will be obviated. (e) Small school sections that were heretofore open for six months only will be able to keep open during the whole year.

Citizens' League.

One of the fruits of the victory won by the Citizens' League, the municipal reform association which carried New Orleans at the election last month, will be a brand new city charter, different from anything ever seen here before, "up to date," and a radically reform type. One of the most novel and striking features, which will go into operation at once, is the introduction of the civil service rules for all city offices, save a few confidential ones. In no city in this country has the spoils system been more brutal than in New Orleans, and nobody can predict what will be the effects of this innovation. The Citizens' League finds the civil service system absolutely essential to municipal reform, as it has very nearly been wrecked on the shoals of office-seeking. Out of 18,000 white men who voted for "reform" over 3,500, or one in five, asked for office as a reward for their services—and there were only a few offices to give out. This is probably below the average in Louisiana, where one in every 40 white men holds public office, and one in every four is a standing candidate for it.—*Harper's Weekly*.

The Real Drain.

The drain on the farmer's resources
That is really the tryingest load.
Not only to him, but his horses,
Is caused, as you know it of course is,
By not rightly draining the road.

—L. A. W. Bulletin.

"The editor died last night."
"Great sakes!" cried the old delinquent, "if I'd known he'd have took it so hard I wouldn't have stopped my paper!"—*Atlanta Constitution*.

QUESTION DRAWER.

Subscribers are entitled to answers to all questions submitted, if they pertain to Municipal matters. It is particularly requested that all facts and circumstances of each case submitted for an opinion should be stated as clearly and explicitly as possible. Unless this request is complied with it is impossible to give adequate advice.

Questions to insure insertion in the following issue of paper should be received at office of publication on or before the 20th of the month.

Communications requiring immediate attention will be answered free by post, on receipt of a stamped addressed envelope. All questions answered will be published.

Cutting Trees on Highway—Widow's Rights.

217.—J. M. D.—1. A farmer cut down a beautiful grove of cedar shade trees growing naturally (not planted) on a road allowance opposite his land, and doing no injury. What action, if any, can the council take to punish him?

2. A widow is in possession of a lot, which her husband had been living on for a number of years when he died. Executors of her husband's father's estate are claiming it for his father's heirs; has been in court for two or three years, is assessed to said executors. They applied to Court of Revision to have widow jointly assessed with them as occupant. Can they legally do so by notifying widow, and give her a chance to appeal at next sitting of Court of Revision?

1. A complaint may be laid against him before a justice of the peace, under "The Ontario Tree Planting Act."

2. The Court of Revision can only deal with complaints brought before it in proper and sufficient notice, except in case of palpable errors, then the time for making complaint may be extended ten days further, unless notice had been given within fourteen days after the day in which the assessment roll was returned.

Changing Colonization Roads—Disposal of Original Allowance.

218.—T. U.—I would like to have your opinion as to the proper method of changing a part of a colonization road where the Ontario Government, by their inspector and road overseer, construct a road with various crooks and turns, and without any reference to advantages that may afterwards appear to the settler after the land is cleared and cultivated.

1. Can the township council, by resolution, authorize the owner of the land to build a road deviation across his place so as to cut off a bad crook and shorten the route without the trouble and expense of a by-law, with the necessary notices and advertising and other expenses?

2. After the deviation is constructed, can the township council, by resolution, give the owner of the land a legal claim and title to the land contained in the old road. In this case the owner is anxious to make the change and the council quite willing, and the road is not mentioned in the deed of the property.

It seems reasonable to suppose that as the original road was never surveyed or described by metes or bounds, or stakes, that if the council and the owner are agreed in the matter of constructing the road and exchanging the land there would be no need of further trouble.

If the road in question is now under the control of the municipality, the council can close and sell it, but it will be necessary to take the proceedings provided by section 546, Consolidated Municipal Act,

1892. In regard to the new road, all that is necessary will be a conveyance from the owner and a by-law of the council accepting the conveyance and declaring the land to be a public highway.

Council not Liable for Approach Bridge.

219.—C. F.—In the summer of 1885 a ditch was constructed under the Ditches and Water-courses Act through a part of the township. During the floods last spring the water washed away a bridge in front of a ratepayers property. The bridge ran across the ditch which runs along the public highway and was built by the owner of the property. I do not think there is any more water runs through the ditch now than formerly, but being enlarged the water that in previous years would probably take three or four days to run off now gets away in 24 hours.

Is the township legally bound to rebuild said bridge.

No.

Railway Fences.

220.—W. H. E.—The Canadian Pacific Railway fence has only five strands of wire, and is from 9 to 10 inches apart. Pigs, sheep, and even yearling cattle, get through quite easily, yet the company will not pay for such animals if killed.

The municipal law provides as follows: Four feet 2 inches high; space under first rail, and between first and second, 4 inches; between second and third, 5 inches, and no space to be more than 8 inches. Can the company stand by their fence?

The railway company is bound to erect fences reasonably sufficient to prevent animals from getting on the track. The question always is not whether the company has complied with the requirements of a municipal by-law, but whether the fence is sufficient to prevent cattle or animals from getting on the track.

Assessment Personal Property—Transfer after Sale—Collection of Arrears.

221.—A. M.—1. A is assessed for store goods \$4,000 as personal property. In nearly a week he sells said goods to B and claims to have got his pay in B's promissory notes. B sells said goods to C and gets C's notes. At the proper time A puts in an appeal to the Court of Revision to be released from the Assessment on personal property as he has sold them to B. B. says if A has not got the goods he has the equivalent and objects to have them assessed to him (B). C would say if asked to assume the assessment that he owed for them consequently should not be assessed for them. The taxes on said personal property will be about \$40.00. The Court of Revision refused to release A as they did not want to lose the \$40 believing that A was still holding for said tax. Did they do right? or who should pay the tax, or in other words, if not A who should the property have been assessed to?

2. A piece of land is assessed to me as owner for a number of years. I move off the land leaving the taxes of that year unpaid. The Collector follows me into another municipality in the same county to make a seizure of my goods and finds them owned by my wife, and on advice of a lawyer refrains from seizing said goods but returns taxes as unpaid against the land originally assessed to me, which in due time is returned to the County treasurer, and in the three years comes to the notice of the assessor, who then finds the owner to be a loan society who held a mortgage on it from my wife, who has been the owner all along but not known to the assessor. The loan society refuse to pay the arrearage, saying that the property belonged to my wife, who was not known to the

assessor or municipality in the transaction, and that she owned the chattels the collector was not justified in returning but should have made the seizure of my wife's chattels and sold same. Is this correct and is it the duty of the assessor to make every man who wants to be assessed as owner produce deeds or show up in some way that he is owner to the satisfaction of all or can the municipality still claim the arrearage against the present owners, said loan society?

1. The action of the court of revision was proper.

2. The taxes are a lien upon the land and are recoverable.

Township not Liable for Outlet from Land Sold not Barring on a Road.

222.—J. H. C.—In our township, Proteau, we have a range of lots with overplus in them. Some of these lots have from 160 acres to 175 acres. Now, as I understand it, the Crown Land Department says all parties selling the overplus of these lots must give the purchaser an out-let four rods wide to the concession line. Now, the parties who have bought the overplus of these lots say that it is a public highway, and wants the township to open it up for them. Should the township be compelled to open them up? There are five of these roads in every concession.

We maintain that they are not public highways; for they lead to no place but their barns, and we claim that they are lanes set aside by the Crown Land Department to give the purchaser an outlet independent of the seller. I would like to know if the township has any right to interfere with these roads?

They want the council to give them the privilege of doing their statute labor on them, but we as a council do not want to acknowledge them at all.

The council is not bound to open up the outlets.

Not Liable to Statute Labor Tax.

223.—J. M.—A owns several lots in real property valued from \$100 to \$200 or upward each. They are all rented and tenanted. A is boarding or living say in one of his houses rented to one of his sons or a stranger, in the same village, and on the Assessment roll as owner of these lots, and under 60 years of age. Is A liable to pay \$1.00 Statute labor tax the same as the municipality levies on young men over 21 years, and on the assessment roll only as M. P.?

If A is assessed on the assessment roll and his taxes amount to \$2, he is not liable to the personal tax of \$1.

Trustees' Rates—New Union School Section.

224.—J. S. B.—In case of an incorporated village annexing with an adjoining town, and the same comes into effect on the 15th day of December, is it compulsory for the school trustees of said village to have sufficient funds on hand to meet the expenses of the school for the following year?

It is the duty of the trustees to submit to the council on or before the 1st of August, or at such time as may be required by the council, an estimate of the expenses of the schools next following the date of application. We cannot see how the duties of the trustees, for the present, at all events, can be affected by the fact that the village may become merged in the adjoining town on the 15th of December next.

Road Established—Owner's Rights, etc.

225.—Q. U. E. D.—The Council established by by-law a road through certain lots in March 1872, 66 feet wide (By-law was not registered), said road has been improved and travelled more or less ever since. No remuneration was paid for it by the Council, nor was any demand made for it until some five or six years ago when one of the parties through whose lot it runs asked to be paid. Council has not seen fit to pay him.

1. Can the Council hold this road without remuneration?

2. Can the party through whose lot it runs obstruct it in any way without leaving himself liable for damages?

3. Can they legally fence the road in leaving barely room for a vehicle to pass through, but not rigs to pass each other when they meet?

4. Has the Council not the right to the 66 feet in width free from obstruction by any party whatever?

1. Assuming that the by-law is valid, the council can hold the road, but the owner is entitled to compensation for the land taken, and if he and the council cannot agree the amount payable must be settled by arbitration.

2. No, assuming the by-law valid.

3. No, if the by-law is valid.

4. If the by-law is valid the council is entitled to the whole width of 66 feet.

The validity of the by-law depends upon whether the proper steps were taken previous to its passage, as provided by section 546, Consolidated Municipal Act, 1892.

Distance Limit of Land Assessed for School Rates.

226.—Z. R.—In your issue of May last, section 177, your answer is that where the land or property of any individual or company is situated within the limits of two or more sections shall be returned on the roll separately. But where there is only one section of four miles square, and is a new place, the school house could not be put in the centre of the section on account of no road passing there, so it is more than three miles from the school house to two corners of the section, but there is no other school section that that surplus of land can go to. Have we a right to assess the whole lot for school purposes when three miles only go to three fourths of the lot?

The whole of a person's land within the section is liable, except where his place of residence is more than three miles in a direct line from the site of the school house. If his place of residence is more than three miles from the site of the school house, so much of his land as is beyond the three mile limit is not liable, unless a child of such person attends the school. The portion within the three mile limit is taxable in any case.

Culvert Through Private Approach—Damage to Road Liability.

227.—T. H. W.—1. Has a pathmaster a right to take up a culvert across the road ditch leading into a farmer's yard (the ditch under the culvert having become so filled up that it needs cleaning out), clean out the ditch and leave the culvert torn up? or must pathmaster put it in a good safe shape for the farmer's use again? or will the farmer have to fix culvert at his own expense?

2. Has a party owning a farm a right to let the culvert across the ditch at the side of the road leading into his yard become so filled up that the water from the roads, and also from his own fields, cannot pass under the culvert, but is forced to run across the road, and there-

by damages the road to quite an extent? Must the council or the party owning the farm be at the expense of repairing the road?

1. The council owes no duty in respect of the culvert. The farmer must fix up the culvert at his own expense, or do without one.

2. We think that the council should repair the road, under the circumstances. A municipality has the right to prevent any person placing an obstruction on the highway, but where a person puts a culvert across a ditch to enable him to get on the travelled part of the road, and it remains there with the knowledge of the council, and subsequently by reason of the culvert becoming filled with dirt, the water is forced across the road and impairs it, we do not see how the council can compel that person to bear the expense of restoring the road to its original state of repair.

See also, section 15, Municipal Amendment Act, 1894, which provides for the removal of obstructions. A culvert not properly maintained may become an obstruction removable under this section.

Assessment Roll - Correction of Errors Court of Revision.

228.—S. N.—I find that some lots have been left off my roll, and not discovered until after court of revision.

1. What can be done in such a case?

2. Do you know of any section touching the matter?

1. After the return of the roll you cannot correct the errors mentioned.

2. See section 154, Consolidated Assessment Act, 1892, which among other things provides "or if it comes to the knowledge of the clerk in any other manner that such land has not been assessed, the clerk shall, under the direction of the council, enter such land on the collector's roll next prepared by him thereafter, or on the roll of non-residents, as the case may be, as well for the arrears omitted of the year preceding only, if any, as for the tax of the current year.

Auditor's Statement—Errors in.

229.—G. H.—When auditors make their report and present their audit to the council of any municipality, is their work done whether right or wrong?

2. If the council, through carelessness or inability to make a final audit, as required by statute, will allow said audit to be sent to the Bureau of Industries, knowing that it is an error, and take no effective measure to have it corrected, will it be right for a ratepayer and an ex-treasurer of the municipality to inform the Bureau of Industries with regard to said errors?

1. Yes.

2. A ratepayer has a right to complain to the proper authorities of any errors in the audit, and without saying what power the secretary of the Bureau of Industries has in respect of the matter of errors in an audit, it would not be improper to draw his attention to the errors in the audit if the council refuse to correct the audit.

Assessment—Illegal Tax Sale—Liability of Municipality.

230.—A. W.—A bought a lot at a tax sale and sold lot to B. After B had taken possession of the lot an action was brought against B

by C, he being the original owner. C recovered a judgment declaring the tax sale illegal and void, and that the registration of conveyance to A and B be vacated and discharged, and in consequence thereof B lost the money he paid for the lot, the taxes paid by him and the costs in defending the action.

C's ground of complaint was that the assessor did not notify him that the lot was liable to be sold for taxes. I wish to know if B can collect from the municipality the amount he has lost in defending the action, the taxes he paid and the amount he paid for the land, the assessor being insolvent.

B cannot recover any of the moneys paid by him from the municipality. The sale of land for taxes, by a public officer, stands on a different footing from a sale between individuals on a contract. Where an individual offers lands for sale, the presumption is that he has a right to do so, and that the purchaser will receive a title for the purchase, but even in such a case, unless there has been fraud or a total failure of consideration, the money cannot be recovered from the vendors.

Union School Section—Formation of New Section—Appointment of Arbitrator.

231.—J. D.—At a meeting of our township council hereinafter called A, there was presented a joint petition from each of two union school sections formed out of portions of the municipalities A and B, praying that an arbitrator be appointed to consider the formation of a new school section in A out of portions of the said union school sections. Without any further steps being taken, an arbitrator was appointed by the councils of both municipalities, and the clerk of the municipality of A notified the trustees of the said union school sections to this effect. The school houses are both situated in A.

Was it legal for the council of A to appoint an arbitrator at that meeting, or should they have notified the trustees of union school sections to appear at next meeting to give evidence for or against the appointment of an arbitrator before an arbitrator was appointed?

The action of the council was legal.

Assessment of Useless Land—Taxes on, etc.

232.—W. H. E.—Some lots in the township are useless, cannot be sold and cannot get the taxes for them. What steps should the council take to do away with them? Must there be a by-law to that effect?

The council has no power to dispose of these lots except under the circumstances and in the manner set forth and provided by section 170, Consolidated Municipal Act, 1892.

School Rates.

233.—J. M.—In this, as other townships, the council will have to raise \$150 for each school kept open during the whole year. There are four or five schools in this township that hire teachers until the vacation, after vacation hire another teacher, and do not pay anything for vacation, and the rest of the schools in the township pay for the whole year.

1. Is the council in duty bound to pay for the whole year for those who hire teachers for two terms to get rid of paying teachers for vacations.

2. Would it be lawful for council to pay \$10 per month to those schools where the teachers are hired for two terms, as that is the amount per each school kept open the whole year, or where the teachers are hired by the year? You see, where they hire for two terms there is about two months they draw money from council, and they are not paying anything in that time. It is, I think, a cheat game of the

trustees, and if there is any way out of it we would be glad to know it.

1. Yes.
2. No. The council must provide the whole \$150.

Drainage Appeal to Judge—New Evidence.

234.—J. G. S.—In the case of appeal to the judge from court of revision on drainage assessment, what is the practice?

1. Is it competent for the judge to hear new evidence?
2. Is it legal for him to ignore the proceedings of the court of revision and refuse to consider the evidence there recorded and to demand all the evidence to be given afresh before him?
3. Is the appeal to the judge simply to review the decision of the lower court or to supercede it? In short, in what position does the lower court stand, or does it exist at all?

1. Yes.
2. The judge has the right, and it is his duty to hear all competent evidence which may be offered for or against the appeal.
3. If no complaint is made to the judge within the time limited for appealing, the decision of the court of revision stands. Our answer to number two appears to us to give all the information which J. G. S. requires, but we may further state that the judge on an appeal to him deals with the case as in an ordinary case when a new trial is granted.

Trolley Poles, Damage to Drains—Cemeteries, Prohibiting use of, by By-law.

235.—J. B.—1. Our village council granted the right of way over one of our streets to a street car company last year. When putting down their poles they dug directly over a tile drain from a cellar. When the pole was dumped in it crushed the tile. During the winter the cellar filled with water, which caused considerable damage. Is the council liable for the damages?

2. In our village there are two cemeteries; one has been used for burying the dead during the last seventy-five years, the other for more than forty years. The village council has passed a by-law prohibiting any more burying in either of the cemeteries, but has made no provision for furnishing new plots, nor does it remunerate or provide in any way for persons who have bought and own plots in the old cemeteries. Would the law sustain the by-law?

1. No.
2. No.

Trespass Road on Crown Land.

236.—TOWNSHIP CLERK, P. S. D.—Can a close up a road that has been used by the public for the past eighteen years and shut in B, C, D and F, A not giving the council notice that he was going to do so, and not using the ground, but simply slashing it full of heavy timber in order to block the road. The road runs through his property, but he is only a locatee as yet, not having his deed from the Crown Land Department. What steps should be taken in this matter in order to keep it open until another road can be opened?

The public user of the road cannot make it a public highway, the fee being in the crown. A locatee is entitled to possession of the land, though he has not yet obtained his deed. The road not being a public highway, the council has no jurisdiction over it. The course which the council ought to take, is to open up some original allowance for road, to enable the parties who are shut in to get out, or if

that is impracticable to acquire a road under the powers contained in the Municipal Act.

Qualification of Electors—Muskoka.

237.—H. F.—1. Must electors be assessed for \$100 to be qualified to vote at municipal elections in Muskoka?

2. If father is assessed for \$120 can any of his sons be put on voters' list at municipal elections in Muskoka?

1. Ever male freeholder and resident landholder whose name appears in the revised assessment roll, upon which the voters' list used at the election is based for the municipality, of the full age of twenty-one years; a naturalized or natural born subject of Her Majesty is entitled to vote.

2. No. The qualification for a farmer's son, under chapter 185, Revised Statutes of Ontario, 1887, section 40, sub-section 3, is the same as that required of farmers' sons, under sections 79 and 80, Consolidated Municipal Act, 1892. The father himself is entitled to vote in respect of the first \$100 assessment, and the son cannot vote on the surplus of \$20.

Sale of Lots Purchased by Municipality at Tax Sale.

238.—G. H. H.—There are several lots that were sold in 1892, or at least were bought in by the municipality at that sale, and still remain unsold. Would it be legal for me to resell those lots this year along with the others, or will they have to be cancelled?

We assume in answering the above question, that the municipality acquired the lots under section 170, Consolidated Assessment Act, 1892, that is, become the purchasers thereof. It is the duty of the council, under the same section, to sell the lots within three yeas from the time they were acquired. The duty is, however, directory, and therefore a sale at the expiry of the three years will be valid. If the municipality did not become the purchasers of the lots, they may be included with the other lots and again offered for sale.

Width of Roads.

239.—Z. R.—Has the council power to buy a road to be only 25 feet, or has it to be 66 feet?

The council of a city or town has power to do so, but the council of a village or township cannot do so without the permission of the county council.

Assessment of Church Parsonages.

240.—D. M.—Are church parsonages in an incorporated village, and belonging to the church, but built upon separate lots, exempt from taxation by law, or is it at the option of the village council to exempt them as they wish, or are they compelled by law to have them exempt.

Church parsonages were formerly exempt from taxation, but they are now taxable. The council has no power to exempt them from taxation.

Cumso—I'd like to see a photograph of a cloud made with the cathodic ray.

Cawker—Why?

Cumso—I'm suspicious about the silver lining.

The New County Council.

By J. M. McEvoy, in the Canadian Magazine for June.

Civilization has developed many systems of local government. Every system of national government, as has well been said, requires three elements, a central government which directs the general trend of national affairs, determines what shall be the course pursued by citizens in their civic life; some local machinery whereby the central government may make itself felt in the distant parts of the empire; and some link connecting these two parts of governmental machinery.

Whether there was a time with Anglo-Saxon people, either in England or in the Valley of the Rhine, when the local divisions of the kingdom dominated over the central government and determined its course, or whether there was no permanent central authority, need not be discussed here. But as the art of government has advanced—or retrograded, as you choose to view it—local government has become more and more powerful and important to the nations. Many systems have been tried; various changes and improvements have been grafted on to each of these systems in different countries. In the United States, local government has worked itself out in a slightly different form in almost every individual state. In our own Dominion, there is a slight difference of form in each of the provinces, with scarcely any difference in principle until the bill which received its third reading in the present Legislature of Ontario was borne in upon us.

In Ontario we began our local government by a system naturally enough brought originally from England to the North-eastern States, and from there carried to Ontario, or Upper Canada, as it was then called. This was merely following the course of emigration. This system gave the government of the Province, as one would naturally expect to find a hundred years ago, almost complete and arbitrary control over the minutest affairs of local administration. The government, by commission, appointed magistrates or justices of the peace in the various localities or settlements of the province. The country had, by surveyors, been struck out into townships, and these were grouped at one time into four large districts, but before the system of local government became a very important factor in the management of the affairs of the province, these had been sub-divided so that there were some eleven or twelve counties. Three to five of our present large counties were included in a district. The magistrates appointed by the government were chosen usually for party purposes. They met in an assembly at the central town of the district and the body was known as the Quarter Sessions. It possessed judicial and administrative, and, to some extent, legislative functions. Many of the functions performed by our County Judges now, at certain sittings, which are

known as the Quarter Sessions still, were then performed by the chairman and magistrates in the Quarter Sessions assembled. Even at the present time, the magistrates of the county have the old common-law right to sit on the bench with a County Judge at Quarter Sessions, and in many counties, if a magistrate, whom the County Judge knows to be a magistrate, enters the court room during Quarter Sessions he is asked by the judge to take a seat on the Bench. Nothing has been done to legally take away the right of the magistrate to sit and assist in performing certain of the functions which were a part of the duty of the Quarter Sessions to perform at this early period. So that there is theoretically a residuum of power in this well nigh extinct body. Most of their powers, however, have, by acts of Parliament, been delegated to other bodies.

At or about the passing of the Reform Bill in England the more modern spirit which took hold upon the Anglo-Saxon world at that time made itself felt with us, and an elective body was created to perform the administrative and legislative functions of the Magistrates in Quarter Sessions.* This new administrative and legislative body was known as a "District Council" and in many respects would correspond very closely with the body which it is designed to call into existence by the New Bill. The district council, created in 1841, did all the legislative and administrative work of local Government which was being done by any corporate body at that time, the Quarter Sessions retaining its judicial powers. There was no township council. The system was found not to work satisfactorily for many reasons, the principal one being the lack of accurate knowledge as to the conditions and needs of all the various parts of the wide territory for the welfare of which each district council was responsible.

In 1849, the system, which has from that date to the present been at work in Ontario, was inaugurated. It was the combination of two systems. Township councils were created to manage the more local part of municipal business and at the same time each township, according to its population, was given one or more representatives—chosen from the township council—in the county council. Thus the county council was created by the same act and was made up of a certain proportion of the members of the various Township councils, known as reeves and deputy-reeves. The functions of the old district council were cut in twain and handed over either to the township council or to the county council, as convenience and expediency, owing to the nature of the work, required. This system has developed naturally with the province and is a part of its civilization. It is a thing which enters into and makes up a large part of the public life and opinion of

the rural population and is regarded with no small feeling of reverence by a large portion of that population. The people have become attached to it. Experience has ingrafted upon it most complicated and numerous amendments and improvements. It has worked well.

The new Ontario Act cuts in upon this system. It can hardly be said that the change effected by it is an amendment or in any sense a development of the present system. It is a breaking away from the old ideas and a beginning upon a new principal.

Whether or not it will prove advantageous on the whole is a very grave question and of great moment. This will be appreciated when it is stated that the various municipal bodies collect and disburse about double as much money annually as does the Ontario Government. No doubt there has been a considerable demand for a change, but whether that demand has arisen from well considered conclusions or from a desire to catch the popular fancy by finding fault with existing things it is not easy to determine.

The one objection which in late years has been successfully urged against the present way of constituting county councils is its expensiveness. It was contended by a large number of persons with more or less experience of the workings of municipal institutions in Ontario that the number of county councillors was too large—rendering these bodies cumbersome and costly. That one objection, it is thought, is the only potent objection that has been urged against the county councils as they now exist.

It would not be easy to reduce the number of county councillors, and yet preserve the principles under which they are at present elected. The difficulty arises in this way. Villages have sprung up in almost every township. Little towns require side-walks, lighting, fire protection and various other accommodations not at all used or needed by the farming community. As a consequence, it was found necessary to incorporate these villages and give them a public body authorized to levy rates and provide the various public services required by them as distinct from the farmers in the locality in the nature of their needs. It would not be wise to continue to administer the affairs of a village of more than seven or eight hundred people by a council elected by a whole township of farmers. Many difficulties would arise. It would be not less dangerous to the village than to the township. The close relationship and natural cohesion among the villagers would give them an undue weight and influence in township councils were they to be retained as an integral part of the township after their population exceeded the number mentioned. When the village was given the right to choose a body to act for it in a corporate capacity it was thought as of course to require a representative in the county council.

It could not be represented by less than one man, and if a village were given one man to represent its population, it would result in the necessity of giving in some townships five men to represent the population of the township. In this way our county councils grew to be little parliaments with thirty to fifty members in each of them.

It was decided to reduce these numbers, and owing to the difficulty suggested in the last paragraph it was though necessary to do away with the principle of representation by townships, towns and villages, to sever the connection between county and township councils entirely by electing members to the county councils directly from a district not coterminous with any township, town or village, but from a group of townships, towns and villages, as the case may require. The number of councillors for each county will be about one-third of what it formerly was, and a member of the township council will not be eligible for election as a member of the county council after the first election.

The advantages and disadvantages of the change are both important. One of the advantages expected from the change is the reduction of the expense connected with the administration of county affairs. county councillors, under the present system, vote themselves a per diem indemnity for the days they actually sit in council, varying from \$1.50 in some counties, to \$3.00 in others. Three sessions of five days each are usually held annually. Two-thirds of this indemnity would be saved by the proposed change. It is probable, too, that the smaller body will be able to transact the business more rapidly than the larger and more complicated one has done in the past, and that the sittings will be shorter. It has been said that a saving is likely to be affected in the amount formerly spent in payment of various members of the council for committee work during the time when the council as a whole is not in session. There is not a doubt that in some counties a considerable sum has been paid in the past to such committees—chosen to do particular pieces of work or to look after some one or more of the various interests of the county or to take action in cases where promptness is required. It is doubtful, however, if any saving could be affected in that direction. On the contrary it would seem probable that committee work will become more expensive under the new system. The larger territory represented by each member will necessarily make him more distant from the different points of the county which have to be visited by these committees. It has been the practice heretofore to have committees upon bridges and other matters composed largely of the members of the county council residing in the vicinity of the particular work required of that committee. It is not urged that there will be any reduction in the amount of committee work, and, in all probability,

*This change affords an excellent illustration of the new idea which had taken possession of Anglo-Saxons the world over as to where the ultimate authority in matters of government ought to rest.

no reduction in the per diem payment for the work. So that no considerable saving can be looked for in this direction.

Another anticipated advantage is that the county councillors will be brought more directly face to face with the electorate, and that their actions in the county council will be more closely scanned than they were under the old system. As it is now, there is no doubt a danger that a man's conduct in the township council will be the principal factor in determining his re-election, while his conduct at the county council is carelessly passed over by the average voter.

The disadvantages which suggest themselves are more numerous and, perhaps, more formidable, though possibly not so popular. With our too wide franchise the prospect of an immediate saving of a few dollars, especially if it is to be cut from the income of some man who is looked upon as a leader in his neighborhood, is too powerful just at present to redound to the best interests of the country.

An objection which occurs to one's mind at once, is that under this new system a new division of territory is brought about. This is undesirable. The political strength of democracy is anchored in the mutual confidence of the aggregation of voters that are obliged to work together. Every time a new contingent of electors is introduced into the old body which has been wont for years to work together and to know its various members and their respective powers, as well as the amount of confidence each has earned, a strong element of distrust is introduced, and the power of democratic action is weakened. The splitting up of the old territory into smaller districts is not so harmful, but that new grouping is always dangerous is agreed by all modern and thoughtful writers on the subject.

There is no doubt that a smaller number of men could transact the business of the county council as quickly and possibly as safely and well as the present number, provided that they had the necessary knowledge at hand. It must not be forgotten, however, that a large part of the duty of each member of the county council is to bring to the council chamber his quota of local knowledge of the needs of the roads, bridges and other matters within the cognizance of the council, as well as of the feeling and desires of the people in his locality. It is agreed by all persons of experience in county councils that the actual business is, even at present, directed in each county by a few of the leading members. It is equally well agreed that if they were not informed by the less prominent members of all the facts and opinions necessary to be considered before determining any course of action, that they would of necessity be obliged to go to the various localities and acquaint themselves with these facts on the ground. It is doubtful if anything could be saved in the matter of time, certainly nothing in matter of expense, if this course were pur-

sued; and pursued it must be unless the more dangerous course of proceeding without information should be adopted. The difficulty is that a considerable part of the work of the county council is work requiring an immense amount of local information, and this cannot usually be had by a few men without each of them makes a special effort to get it, while men in the immediate locality gather the information without effort. It is a part of their every-day life. This point is not of as great importance as it was in the time of the district councils because the territory proposed to be under the county council now is smaller than that which was under the old district council. The importance is still further lessened because township councils take charge of a large amount of the necessarily localized municipal work.

Again, it occurs to one that the new course will tend to bring into municipal life, both in township and county councils, a weaker and possibly a bad class of men. There is a danger of bringing into the county council the professional politician. Hitherto men have been elected by a constituency each voter of which knew personally the man for whom he voted. With enlarged constituencies, men will perforce assume the roll of "candidate." The legitimate rewards for his trouble will be inadequate, and there will be a temptation towards reimbursement by questionable methods. Moreover, there was an advantage in having a man who has sat in the county council come in immediate contact with every voter. Even under the present system, there is not too strong a desire on the part of desirable men to enter township councils. If what is at present the principal inducement, namely, the opportunity of sooner or later sitting in the county council, is taken away, it is feared by many that the result would be very disastrous in lowering the class of representatives in both township and county councils. From expressions of opinion gathered from many county councillors, it is difficult to say whether any desirable men will be willing to contest an election for a seat in the county council if it is cut off from the township council. He will be obliged to put himself in contact with a much larger constituency than he has at present to do, and his expenses will be necessarily increased while his remuneration will be confined to county council indemnity only. Is there not a danger of it becoming necessary to pay the smaller number almost as large a sum in the aggregate as was formerly paid the larger number?

Following this line many things occur to one and it is very difficult to say what results all the ramifications may produce. Another matter which strikes one as being of very great importance is the educative value of county councils. Their powers in this direction are felt in several ways. The men engaged in carrying out the work of the township councils in each of the

townships in a county, meet at county council under the present system, and discuss not only in the council chamber, but casually, the various methods of performing township services employed by the respective members in their several townships. The result is that the joint experience of all the townships in a county is brought to bear on the problem of improving township administration and is kept constantly bearing upon that problem. Under the proposed system this will undoubtedly be lost. Besides this the more accurate and enlightened methods of doing business which prevail in the county councils as compared with those employed in some of the townships is now carried home and gradually improves the conduct of business in the several township councils. This advantage will also be lost.

We pay, and we think we are justified in paying, large sums of money every year for the education of our citizens in various schools and academies. The only principle by which this is justified is that safety to the state in democratic countries rests upon the enlightenment of the citizens of that state. Knowledge is power. Their political education is of first importance. It is the opinion of many persons well qualified to judge that the money spent in paying county councillors for attending county council for a week three times a year is well spent money, merely for the education it disseminates. One might venture the opinion that if for the sake of argument it was admitted that the business of the county council could be as well and safely done by one man as it is by the whole body of the county council, yet, even then, good value would be received for the money paid the county councillors because of the training and improvement in their political education which is obtained through the discussion of the council chamber and the association of the members during the session. There is no doubt that during this time a good many schemes are hatched and propagated relative to Dominion and Provincial politics. This is perhaps rather desirable than otherwise.

Neither our Dominion nor our Provincial Parliament will be any the worse for the somewhat organized watching bestowed upon them by the leading spirits from the townships of each county. The fashion has recently grown up with our county councils of passing resolutions calling upon Parliament to effect certain pieces of legislation. And more recently still an effort has been made to unite the various county councils in urging desired legislation upon Parliament. It may possibly be a little irksome at times, but chastening is never joyous for the present but rather grievous. All political action under our system of government must be born of organization. County councils in Ontario are powerful assistants to organization. Lack of wise and well-directed organization is what makes sin so comfortable and profitable a thing with our Parliaments.

One would think it entirely unwise to take any step which would result in a weakening of the mutual confidence of the people of a country by disassociating a large number of the leading spirits in each neighborhood who are now sent to county council largely because they are confided in by their neighbors. If this mutual political confidence can be enlarged through the association of these leaders so as to become the confidence of counties instead of the confidence of neighborhoods, it were no bad thing, and is possibly worth more to the community than the per diem saving to be affected by the new bill.

It has been said that the cost of county councils, as compared with the controllable expenditure under their supervision, is unreasonably large.

Adopting this principle and applying it to other public bodies one gets strange results. Suppose for example that one deducts from the annual expenditure of the province all the amounts paid for fixed services, and other expenditures which must be made annually and over the amount of which the government of the day has practically no control. Then strike a proportion between the balance thus obtained and the annual cost of the House. Lay the result of this operation alongside the result obtained by comparing the uncontrollable expenditure of an average county with the cost of its county councils, and the county will not appear to a disadvantage. It is not meant to insinuate that the cost of the Provincial Parliament is unreasonably large, but rather to suggest that the test which has been made to do duty against the county councils is not safe in principle. In truth, a political body might be of first-rate importance and not expend a dollar. The county council has large and varied spheres of usefulness outside the mere spending of money.

It was urged by leading members of the Ontario House that county councillors would never advise the abolition of their own office and that opposition to the bill must be expected from them. Some little knowledge of the men who occupy seats in the House as well as of those who sit in county councils leads to the observation that a great number of the men who are elected to the county councils have in all human probability the good of their respective counties just as closely at heart as the gentlemen who urge this doctrine—indeed, it is doubtful if the members of the local parliament have a monopoly of the strong desire for the welfare of the province itself.

It would not be fair to criticise the minor provisions of the bill. If the principle involved is a wise one the bill will grow into harmony by amendment.

While not in any sense seeking to condemn the step taken by the House in this matter, one might be permitted to express the opinion that it would be well to hold the bill in abeyance for a time. All of the

county councils, in their June session, shall have had an opportunity to express opinions upon it. It is thought that amendments worth incorporating in the bill will be suggested in some of the county councils, and it would be a mistake to create, in introducing the bill, any friction that can be avoided. Speaking as a student of municipal councils, and approaching the subject from a purely academic standpoint, it must be admitted that although the financial argument—if it really be founded in fact—is a powerful one and may outweigh all other considerations, yet a thoughtful examination of the multiform influences and forces engendered by the county council with their result upon our political life has thrown most serious doubt on that view.

An Act to Provide for the Inspection of Meat and Milk Supplies of Cities and Towns.

1.—(1) The municipal council of every city or town may, by by-law provide for the establishment of a public slaughter house, or abattoir within the limits of the municipality, or in such adjoining municipality as shall by by-law sanction its erection therein, and for the construction of cattle yards and pens for the proper keeping therein of animals intended for slaughter, and for charging fees to defray the costs incurred by the local board of health, in carrying out the provisions of this Act.

(2) Every such slaughter house, or abattoir and cattle yard and pen, shall be constructed, equipped and regulated in conformity with any regulations in that behalf, from time to time adopted by the Provincial Board of Health, and approved by the Lieutenant Governor-in-Council.

2.—(1) The local board of health of every city or town, in which such slaughter house or abattoir, cattle yard or pens may be established, shall have the control and supervision for the due carrying out of the regulations of the Provincial Board of Health made in connection therewith; and the costs of the supervision and inspection carried out under this act, or of any regulations made under it with regard to slaughter houses or abattoirs, or cattle yards or pens, or in carrying out any other provisions of this act, shall be paid from time to time by the treasurer of the city or town, out of the fees charged for such slaughter or inspection, on the order of the local board of health.

(2) The powers conferred upon local boards of health and their officers, section 99 of the Public Health Act, shall apply in the supervision and inspection carried on under this act.

3. The local board of health of every city and town where such cattle yards and pens are established, may employ one or more competent persons, approved of by the medical health officer, to inspect at such slaughter house or abattoir, or at such cattle yards or pens, all animals, car-

cases, and meat brought into the municipality and intended for human food.

4.—(1) The local board of health of every city and town may, in addition to periodical examinations as to purity of public milk supplies, and as to the sanitary condition of the byres, or places where cows for public milk supplies are kept, inspect every milch cow kept therein, as to its general health. In addition to such general inspection, the local board of health may provide for the testing with tuberculin, by a registered veterinary surgeon of every cow kept in such byres or places for the diagnosis of tuberculosis.

(2) Every cow may be tested, and thereafter dealt with according to the methods set forth in the regulations adopted by the Provincial Board of Health, and approved of by the Lieutenant-Governor-in-Council.

5. Any meat packing establishment heretofore, or hereafter erected within the limits of any municipality in Ontario, shall be subject to inspection in a manner similar to that of the municipal slaughter houses or abattoir.

A Nuisance.

Neither is the fact that the business has been carried on, or the use of property indulged in for a great length of time, any defence to the indictment for a nuisance. The law is, that no length of time can prescribe for a public nuisance of any description. Neither is it any defence that when the nuisance was established it was in a convenient place, and that the public have come to the nuisance, either by the extension of the town or the opening of highways and streets.—*Wood on Nuisances, page 83.*

The town of Whitby has just delivered to G. A. Stimson & Co., of Toronto, \$22,850, 4 per cent. 40 year debentures. The bonds form part of their consolidated debt and the town received a good figure from Messrs. Stimson & Co.

No plague or epidemic which has ever visited this country can in any way be compared with tuberculosis in the number of its victims claimed yearly. We find from statistics that the deaths from all the recognized infectious and epidemic diseases, such as small-pox, typhoid, scarlatina, measles, diphtheria, cholera, etc., added together, do not half equal those of consumption.—*Columbus Med. Journal.*

Do you know a good roads sermon when you hear it? On the poorest of earth roads, not muddy, but sandy, a horse can draw twice as much as he can carry on his back; on a fair road, three and a half times as much; on a good macadamized road, nine times as much; on a smooth plank road, twenty-five times as much; on a stone trackway, thirty-five times as much, and on metal rails, fifty-four times as much. The men who use roads can therefore make money by improving the roads rather than buying new horses every year.

Books and Forms for July

Public Health Acts (INCLUDING AMENDMENTS, 1895)

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