

The Municipal World

Published Monthly in the Interests of Every Department of our Municipal System—the Best in the World

Vol. 4. No. 1.

ST. THOMAS, ONTARIO, JANUARY, 1898

Whole No. 37

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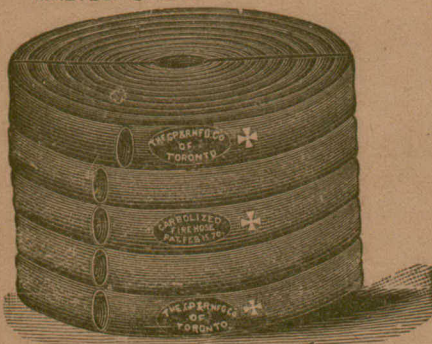
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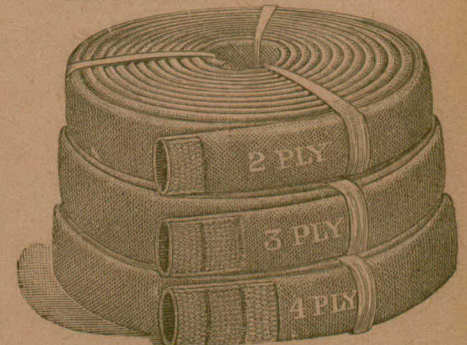
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Municipal Councillors and Officers in Ontario.

THE MUNICIPAL WORLD refers each month to the duties required to be performed by councillors and officials. A calendar of dates shows when each step should be taken to carry on the business of municipalities. It considers questions directly affecting every citizen. Its editorials deal with live municipal topics.

THE ENGINEERING DEPARTMENT

Is in itself sufficient to recommend the World to all. Every branch of municipal engineering receives attention in articles devoid of technical expressions and calculated in every way to assist in the intelligent control of this most important branch of municipal work.

THE LEGAL DEPARTMENT

Considers the immense interests involved in the administration of municipal law which require the greatest circumspection on the part of municipal councillors, their officers and all concerned. It assists in supplying a knowledge of municipal law and information as to which at times it is neither convenient nor expedient to consult counsel. Owing sometimes to the blunders of councillors, sometimes to the ambiguity of statute law, sometimes to the wilful violation of the law, the courts are from time to time called upon to pronounce decisions, every word of which ought to be known by all municipal officers. To meet this, legal decisions, compiled from reliable information, are published each month. No councillor who does an act under an illegal by-law can plead ignorance, it is his duty to know better. For the purpose of supplying special information to subscribers,

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answers all questions submitted providing they pertain to municipal matters.

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The price of The World brings it within the reach of all, and councils should supply one copy for each member and officer. Single copies \$1, 6 copies \$5. Additional copies for other members of the council, 75 cents each. Address—

The Municipal World, St. Thomas, Ont.

THE MUNICIPAL WORLD--What Others Think of It.

A Few Press Notices.

THE MUNICIPAL WORLD for May is at hand. It is replete with information on municipal matters, and should be in the hands of every municipal officer. Every council and public school board should subscribe for one or more copies.—*Stouffville Tribune.*

* * *

We have received a copy of THE MUNICIPAL WORLD, a monthly journal published at St. Thomas, and devoted to the interests of our municipal system, which is admitted to be the best in the world, though imperfect in some details. It is an excellent guide to municipal officers in the discharge of their duties.—*Kincardine Reporter.*

* * *

A GOOD ONE—THE MUNICIPAL WORLD.—Its usefulness will no doubt be extended, the paper coming under new management. Besides editorials on live municipal topics, the engineering, legal and municipal management departments are in good hands, and as a medium for municipal officers it ought to have a wide circulation.—*Collingwood Bulletin.*

* * *

THE MUNICIPAL WORLD, published in St. Thomas, is a public journal which should have a wide circulation. It deals with questions directly affecting every citizen, and which have hitherto had no special medium for their discussion. Every one interested in the municipal problems of the times should read THE MUNICIPAL WORLD. We wish it success.—*Sentinel-Review.*

* * *

THE MUNICIPAL WORLD, of St. Thomas, is one of the best things in its special field we have seen for a long time. It has just entered its second volume, and is better than ever able to serve municipal officers with its crisp editorials on live municipal topics, especially in the engineering, the legal and municipal departments. Every municipal officer should have it regularly.—*Wingham Times.*

* * *

A journal of the highest importance to municipal councillors and municipal officers generally, is published at St. Thomas, Ont., and is called THE MUNICIPAL WORLD. Each issue gives a calendar of the dates when each step should be taken to carry on the business of municipalities and school boards, even to stating what returns should be made, whom they are to be addressed to and who shall do it. It directs the councils as to the health laws, posts school boards as to the school laws, in fact, goes all over the field of municipal and school politics. By its guidance almost any man could figure as reeve of a municipality.—*Whitby Chronicle.*

What Subscribers Say.

Please send twelve copies for 1893.

* * *

Please send eleven copies of THE WORLD for 1893.

* * *

I feel lost if the paper is a little behind time, it is the best of references.

* * *

I enclose list of fifty-six names to which please send your paper for one year.

* * *

Send me THE WORLD for one year, as I find it very helpful for municipal officers.

* * *

I am very much pleased with it, and think no municipal officer should be without it.

* * *

We are well pleased with the paper and find it a trusty guide, particularly the calendar.

* * *

I believe it to be the most useful work of the kind and should be in the hands of every municipal councillor.

* * *

I appreciate THE WORLD very much and find it of great assistance to me in performing the duties of clerk.

* * *

Continue THE WORLD to this office without further order. Your bill will be paid from year to year whenever presented.

* * *

I think every council should subscribe for it and read it, and by so doing they would obtain a lot of valuable information.

* * *

I am pleased to be able to add that the writers of THE WORLD have a thorough knowledge of the municipal subjects treated.

* * *

I am very much pleased with your paper of last year and wish to have it continued. We find it very useful and instructive.

* * *

I hope the day is not far distant when every municipal councillor will think it a privilege to subscribe for our municipal friend.

* * *

A subscriber writes: I regard THE WORLD as an ever welcome visitor, and worthy of the best support of the municipal officials of Ontario. It fills to the fullest extent a long felt want. You have my best wishes for future success.

THE MUNICIPAL WORLD has just been placed in my hands, and I am so pleased with it that I enclose my subscription for the year.

* * *

I am much pleased with the paper which is most interesting, and full of useful information to all engaged in municipal work.

* * *

I consider THE MUNICIPAL WORLD, so far as municipal matters are concerned, one of the most useful and reliable papers published.

* * *

I hope you will get many new subscribers to your paper as it cannot fail to be of great benefit to all those interested in municipal matters.

* * *

I hope THE WORLD will have a prosperous year, and that it will receive the support of all interested in municipal institutions in Ontario.

* * *

I gladly comply with the request of the council to send the above names for one copy each of your almost indispensable paper. Wishing you every success.

* * *

THE MUNICIPAL WORLD is highly appreciated by the council as it is an encyclopædia of municipal information in a very concise and practicable form.

* * *

I must here state that I have been more than satisfied with the copy of THE MUNICIPAL WORLD I had for last year. It fills a long felt want to municipal officers.

* * *

I heartily endorse the sentiments of a great many others of the value of THE MUNICIPAL WORLD to clerks and councillors, and others interested in municipal affairs.

* * *

Am well pleased with THE WORLD. I trust you will meet with every success, as I know that such a paper will be of the greatest use to town clerks and municipal officers.

* * *

I am pleased with THE WORLD, and am satisfied that there is enough intelligence in municipal officers in Ontario to give it sufficient support to insure its permanent success.

* * *

Allow me to congratulate you on the appearance of your paper, which I hope is as much appreciated in other parts of the province as it is in this county. It cannot help but be of great assistance to any one engaged in municipal matters, be they ever so well posted.

THE MUNICIPAL WORLD

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ST. THOMAS, ONTARIO, JANUARY, 1894.

Whole No. 37

CONTENTS.

	PAGE.
Editorial Notes	4
Auditors and Auditing	5
The Ward System	5
Reduction of County Council Expenses	5
Assessors	6
CORRESPONDENCE.	
Sewage Disposal	6
ENGINEERING DEPARTMENT.	
Roads and Roadmaking	7
Notes	7
Snow Cleaning	8
Limes and Hydraulic Cement	8
Water Supply	9
Specifications Stone Curbing	9
Houses of Industry—Location	10
Local Boards of Health	10
LEGAL DEPARTMENT.	
Municipal Councils, their Powers and Jurisdiction—Highways	11
Legal Decisions	11
Myles vs. Rochester and Maidstone	11
York vs. Osgoode	11
Direct Municipal Taxation	12
Question Drawer	13
The Right of Way	13
Board of Audit Expenses of Criminal Justice	14
Publications Received	14
ADVERTISEMENTS.	
Any person replying to advertisements in this column will please mention THE MUNICIPAL WORLD	
Gutta Percha & Rubber M'fg Co., Toronto, Hose and Fire Department Supplies	1
G. A. Stimson, Toronto, Municipal Debentures wanted	1
Office Specialty M'fg Co., Toronto—Labor-Saving Office Devices	1
Hamilton and Toronto Sewer Pipe Co., Hamilton, Sewer, Culvert, and Water Pipe	2
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James A. Bell, C. E., St. Thomas	14B
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The Carswell Co., Toronto—The Municipal Index	14B
Coad and Robertson, Surveyors and Engineers, Glencoe, Ont.	14B
A. W. Campbell, C. E., St. Thomas	14B
Hart & Riddell, Toronto—Waterman Fountain Pens	15
Ontario Water Meter Co., Toronto—Water Meters, etc.	15
Dominion Bridge Co., Montreal, Highway Bridges—Iron and Steel	16
American Road Machine Co., Hamilton—Champion Road Machines	16

CALENDAR FOR JANUARY AND FEBRUARY, 1894

Legal, Educational, Municipal and Other Appointments

JANUARY.

1. New Year's Day.
By-laws for establishing and withdrawal of union of municipalities for High School purposes take effect.—H. S. Act, Section 7 (1).
Trustees' Annual Reports to Inspectors, due.—P. S. Act, Section 40 (13).
By-Law establishing Township Boards takes effect.—P. S. Act, Section (54).
Separation of Junior Township Boards takes effect.—Mun. Act, Section 28.
3. High School open, second term.—H. S. Act, Section 42.
Public and Separate School open.—P. S. Act, Section 173 (1); 173 (2); S. S. Act, Section 79 (1).
Polling day for Trustees in Public and Separate Schools.—P. S. Act, Section 102 (3); S. S. Act, Section 31 (2).
5. Trustees' Report on Truancy to Department, due.
10. Last day for Clerks to make return to Bureau of Industries under Debentures Registration Act, R. S. O. Chap. 186.
Clerk of municipality to be notified by Separate School supporters of their withdrawal.—S. S. Act, Section 47 (1).
14. Annual Reports of Boards in cities and towns, to Department, due.—P. S. Act, Section 107 (12).
Names and addresses of Separate School trustees and Teachers to be sent to Department.—S. S. Act, Section 28 (12).
Annual Report of High School Boards to Department, due.—H. S. Act, Section 14 (12).
Names and addresses of Public School Trustees and Teachers to be sent to Township Clerk and Inspector.—P. S. Act, Section 40 (10).
Annual Reports of Separate Schools to Department, due.—S. S. Act, Section 28 (18); Section 32 (9).
Minutes of R. C. S. S. Trustees' annual meeting to Department, due.
Last day for Clerk to make returns to County Clerk.—Prohibition Plebiscite Act, Section 24.
15. Application for Legislative apportionment for inspection of Public Schools in cities and towns separated from the county, to Department, due.
Last day for making returns births, deaths and marriages, registered for half-year ending 31st December.—R. S. O., Chap. 40, Section 6.
Last day for Treasurers of Municipalities indebted under Municipal Loan Fund Act, to make return of Taxable Property, Debt and Liabilities to Provincial Treasurer.
Councils of Townships, Villages, Towns and Cities to hold their first meeting at eleven o'clock a. m.—Mun. Act, Section 223.
Trustees of Police Villages to hold their first meeting at noon.
By-law withdrawing from Union Health District takes effect.
Members of Free Library Boards to be appointed by Councils in Cities, Towns and Villages.—Free Libraries Act, Section 3.
Councils to appoint members of Local Boards of Health.—Public Health Act, Section 40.
Appointment of High School Trustees by Municipal Councils.—H. S. Act, Section 11 (3).
17. First meeting of Public School Boards in Cities, Towns, and incorporated Villages.—P. S. Act, Section 106 (1).
21. Last day for County Clerk to transmit returns to Clerk of Legislative Assembly.
23. County Councils to hold first meeting at 2 p. m., at County Hall or Court House.
County Treasurer to submit to county councils, report of the state of non-resident land fund—Assessment Act, Section 220.
31. Last day for all councils to make returns to Bureau of Industries, of the debt of their corporations.—Mun. Act, Section 382.

FEBRUARY.

1. Last day for Railway Companies to transmit to Clerks of Municipalities statements of Railway Property.—Assessment Act, Section 26.
Last day for Collectors to return their Rolls and pay over proceeds.—Assessment Act, Section 132.
Last day for County Treasurer to furnish Clerks of Local Municipalities with list of lands in arrears for taxes for three years.—Assessment Act, Section 140.
7. First meeting of Board of Education at 7 p. m., or such other hour as may have been fixed by resolution of former Board at the usual place of meeting of such Board.—Public Schools Act, Section 106; High Schools Act, Section 13.

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The Municipal World.

PUBLISHED MONTHLY

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EXPIRATION OF SUBSCRIPTION. The paper will be discontinued at expiration of term paid for, of which subscribers will receive notice.

CHANGE OF ADDRESS. Subscribers, who may change their address, should give prompt notice of same, and in doing so, give both old and new address.

COMMUNICATIONS. Contributions of value to the persons in whose interests this journal is published, are cordially invited. Those for next issue should reach the office of publication not later than the 20th of the month.

Address all communications to

K. W. McKAY, EDITOR,
Box 1252, St. Thomas, Ont.

ST. THOMAS, JANUARY 1, 1894.

A correspondent asks: "Has a teacher authority to compel a pupil to carry wood upstairs, or to suspend him for refusing to do so?" No.

The County of Wellington House of Industry last year provided for an average of sixty-seven inmates daily at a cost of \$1.28 per week, including all expenses.

The Hastings county council will petition the Ontario Legislature to reduce the fees under the control of all county officials appointed by them. Other county councils will be requested to co-operate by sending similar petitions.

Among other desirable amendments to our Municipal Act is a section authorizing municipal councils to decide by by-law that all taxes shall be paid to the treasurer at his office. The collector to act simply as bailiff, in serving notices and making collections from delinquents.

At the December meeting of the Lobo township council, Mr. Robert Boston, M. P., reeve of the township, presented two fine portraits to the council, to be hung up in the town hall. One is of Mr. Alex. McKellar, ex-reeve, and another of the donor, who was reeve for over a dozen years.

The county of Welland house of industry cared for an average of 40 inmates during eleven months ending 30th of November, 1893, at a cost of \$1.27 per week. The farm is in a high state of cultivation, the surplus products during that period having sold for \$686. The institution is situated adjoining the town of Welland, and prison labor is utilized in tile draining the farm and other permanent improvements. The employment of prison labor is worthy of consideration by municipalities proposing to establish similar institutions.

The secretary of the Canadian Institute has issued notices to county councils and others interested, calling a convention of persons interested in road reform and improvement of our public highways, to be held in the institute building, 58 East Richmond street, Toronto, on the 9th day of February next, at 10 a.m. Municipal councils are requested to send delegates.

At the last assize court in Belleville, Justice Armour is reported to have informed the grand jury, when instructing them in reference to visiting public institutions, "That it was not necessary for them to visit places where persons were kept not against their will." This may apply to many counties where the grand juries, generally out of curiosity, are in the habit of visiting all the public institutions, the county council paying for their conveyance.

The local improvement clauses of the Municipal Act should be amended by making it compulsory for municipalities taking advantage of the act to decide by law before any improvements are made, whether street intersections are to be paid for out of the general fund, by frontage or partly by each. In connection with this, the question the assessment of corner lots should be considered.

No attention was paid to the petitions of municipal councils requesting the Dominion Government to bring all railways under the provisions of the Ditches and Watercourses Act. It is rather expensive to attend a meeting of the Railway Committee at Ottawa. Councils should continue the agitation until some change is made whereby railway companies will be required to recognize engineer's awards.

The Wentworth council last year were four days electing their warden, and before adjourning the recent December session, endeavored to remove any difficulty that might arise in the election of the warden for 1894, the following resolution was proposed and defeated by a vote of 6 to 12:

"That the mode of procedure for the election of warden for the coming year be changed, and the following submitted, namely, that the election be in rotation to run alternately year about from one riding to the other, there being five municipalities in each ward, a separate alphabetical list be prepared and used in each riding, commencing at the letter A.; and when two municipalities have the same initial, the next letter after to be taken into consideration."

Such a resolution could have no binding effect. The better way to elect a warden is to allow all candidates nominated to remain in the field until one secures a majority vote as against all the rest. This should be provided for in the rules and regulations of the council, but to endeavor by resolution to designate the particular part of the county from which this official is to be selected would, we think, result in losing sight of the best man for the position.

Totten's Tariff Manual, a valuable little volume, has been purchased by county councils throughout the province. It is especially useful to auditors of administration of justice accounts, and contains the tariff of fees payable to all officials. An omission that should be noted by those who may rely on the manual as an authority, is the tariff of fees referred to in section 871, of the Criminal Code, 1892, which is applicable to all cases coming under section 840 of the code. This differs from the tariff given in the manual, which is that set forth in Revised Statutes Ontario, 1887, chap. 78, both as to fees payable to justices, witnesses and constables.

At the last session of the Carleton county council a special committee, appointed to consider the advisability of offering a prize for the best essay on Carleton county, reported favorably to such a scheme and recommended that \$100 be granted for this purpose. Intending competitors to have their essays sent in before the 1st of December, 1894. A committee was appointed to award the prize.

As mentioned in the December number we believe it is the intention of the Canadian Institute to bring this question to the notice of county councils, during the present month, by following the example of Carleton county throughout the province an invaluable collection of historical memorials concerning municipal institutions, industrial and other establishments, churches, schools, newspapers, etc., might be made. These together would form a valuable history of the province well worthy of the united action of all the councils.

Within two weeks after summing up the votes given under the Prohibition Plebiscite Act, the clerk of every township, village or town not separated from the county for municipal purposes, is required to transmit by registered letter to the clerk of the county in which the municipality is situated, a return as provided in section 24 of said act, and the clerk of every county, city or separated town shall, on or before the 21st January, transmit by registered letter to the clerk of the legislative assembly a return as provided in section 25 of said act.

The source of the ice supply is a matter deserving the active attention of all local boards of health. Councils should not delay making the necessary appointments for this important institution. Appoint men who will insist on the enforcement of any orders they may issue. The health of the municipality is of the first importance and what are now frozen microbes become active in warm weather.

THE MUNICIPAL WORLD seems to have become indispensable.

Auditors and Auditing.

Auditors should be able to check the work of the clerk, treasurer, collector, and all others who handle the public money. That a man is successful in business or poses as an accountant is not sufficient unless he is thoroughly acquainted with the provisions of the Municipal Act relating to financial matters and with the business of the municipality, the books of whose treasurer he is called upon to audit. As we have stated before, a happy combination is an expert accountant and a thorough municipal man. We venture the statement that, during the past ten years but a small percentage of Ontario municipalities have had their books audited accurately or as is contemplated by the Act. The result is that the Legislature, by the Act of 1892 required auditors

To report upon the condition and value of the securities given by the treasurer.

It had been shown that not only were the audits defective, but that treasurers took advantage of the fact to allow defalcations to creep in. When they were discovered it was found that the council had neglected to make the necessary enquiries as to value of the treasurer's sureties, and that they, as well as the treasurer, were unable to "coont it doon."

In 1893, another important enactment was made, calling in to requisition a special form of treasurer's cash book and other regulations as follows:

(1) The treasurer shall keep a book to be known as the "cash book," on the left-hand page of which he shall enter, in consecutive order, all sums of money received by him, the dates of the receipt thereof, the names of the persons from whom and on what account the same were received and the amounts thereof, and on the right-hand page of which he shall, in like order, enter all moneys paid out by him, the dates of the payment thereof, the persons to whom and on what account the same were paid and the amounts thereof.

(2) The cash book shall at all times be open for inspection by any member of the council and by the auditors, and shall be produced and exhibited at all meetings of the council at which he shall be directed to produce it, and at the times of such meetings it shall show the balance on hand in two items—that is to say, (1) the balance deposited to the credit of the municipality; and (2) the balance in the hands of the treasurer, and the treasurer shall also produce and exhibit at every such meeting, the proper book verifying the balance so deposited.

(3) No entry other than a cash entry shall be made in the cash book, but the treasurer shall keep a book to be known as the "journal," in which he shall duly enter all debits and credits not consisting of cash.

(4) The term "cash" shall mean lawful currency of Canada, cheques and such other representatives of cash as are usually received and credited as cash by the chartered banks of Canada.

(5) The treasurer shall open an account in the name of the municipality in such of the chartered banks of Canada or at such other place of deposit as shall be approved of by the council, and shall deposit all moneys which shall be received by him to the credit of such account.

(6) The cash book and journal shall be provided at the expense and shall be the property of the municipality.

The first duty of auditors should be to read the sections of the Municipal Act,

1892, and amendments to date, relating to the duties of auditors.

The vouchers should all be carefully examined and compared with the entries in the treasurer's books.

The essentials of a voucher are:

1. That it should give information as to whom and the purpose for which it was issued.

2. That it should be signed by someone duly authorized by the council, except in the case of special payments which are provided for by a by-law or statute. The council should, in every case, have authority to issue an order on the treasurer, and where the auditors can find no statutory or other authority they should report the payment to the council as made contrary to law.

Each debenture account should show a balance equal to the amount required to pay the respective debentures and coupons maturing during 1894.

In townships, the drainage book required to be kept by each clerk under the provisions of the Ditches and Watercourses Act, should be examined, together with all engineer's awards and certificates to ascertain the correct amount of costs that have been received, or are in process of collection.

In every municipality the collectors' roll demands the special attention of the auditors. It is necessary to ascertain the total amount of taxes on the roll, and that it contains: 1. The correct amount of taxable property as assessed. 2. The various rates as levied by the council. 3. All special rates provided for by by-laws, awards, etc., as well as the amounts mentioned in the county treasurer's notice of arrears of taxes to be collected from occupied land.

In townships' statute labor not performed and properly returned by the overseers of highways should be found entered up against the respective parties in the roll.

The assessment of trustees' rates should also be examined by the auditors to ascertain that the property of each section is correctly entered on the roll as belonging thereto, and that the proper rates have been charged up in each case. The rights of separate school supporters must not be overlooked, and the list mentioned in section 476 of the Assessment Act should be examined to show who are Separate School supporters.

They should not be charged with township school rates or county rates for public school purposes.

There are many special accounts and sources of revenue incident to the various municipalities, which auditors have to look up for themselves. In towns and cities where the frontage laws are in operation the work of the auditors, checking debentures and special assessments, is much greater.

The Michigan Supreme Court has decided that the State law permitting women to vote a municipal elections is unconstitutional.

The Ward System.

The system provided for, by section 94 of the Municipal Act, of electing members of the council of a township by wards, is not in itself objectionable, but when the council endeavors to proportion the annual expenditure equally between each ward irrespective of other considerations, a serious evil leading to extravagance is the result. The township is a small enough unit for local government.

It is impossible to find a township, the four wards of which require the same amount of money, each year to keep up the roads and bridges therein. Again, there is a great difference of opinion amongst members of councils, as to how much work should be done or money expended in their respective wards. Some are inclined to be economical, others the opposite, this causes a continual pull, each trying to get the lion's share for his ward. A councillor who, by manipulation, succeeds in procuring this, is generally sure of re-election. The ward is his first, last and only consideration. On the other hand, when a council is elected by the whole municipality, the members are not interested in any particular section, and each receives what its actual requirements demand.

The above is as applicable to other municipalities as townships, and is the cause of general complaint throughout the province.

Reduction of County Council Expenses.

Although the agitation for the reduction of the number of members of county councils has died out, we still hear about the expense of county council sessions. In organizing committees, etc., for 1894, an effort should be made to appoint no member on more than one committee. The cause of the length of sessions, at present, is owing to the distribution of the more experienced members on all of a majority of the committees. It is thus impossible for more than one to meet at a time. By appointing members on one committee only, all can meet at the same time, make out and present their reports; when this is done the business of the council is practically over. In addition, the choice of chairman of a committee has a good deal to do with the work of a council, if competent and attentive, he can greatly facilitate the work relating to his special department. We do not favor hurried transaction of business by any representative body, but they should arrange details so that no unnecessary time will be lost and the business transacted as expeditiously as the responsibilities connected therewith will allow.

In St. Louis, the mayor is elected for four years, and during the third year of his term he appoints officers for each department who hold office for four years, thus, the political excitement which attends the election is allowed to die out, and the mayor is better able to make appointments in the interests of the city.

CORRESPONDENCE.

This paper is not responsible for opinions expressed by correspondents.

All communications must be accompanied by the name of the writer, not necessarily for publication, but so that the publishers will know from whom they are received.

Sewage Disposal.

To the Editor of THE MUNICIPAL WORLD:

DEAR SIR,—The board of health of the State of Massachusetts have, during the last few years, conducted extensive exhaustive experiments upon the purification of sewage by irrigation, by intermittent filtration, and by chemical precipitation, and have gained much useful information, not before available, in regard thereto, and which is published in their annual reports. This information is of special interest to us, as the climate of Western Ontario is similar to that of Massachusetts. We should be able to obtain similar results in the purification of sewage by irrigation and by intermittent filtration. I propose, therefore, to state briefly some of the conclusions arrived at as a result of these experiments and of the experience gained by operation of works in some of the towns of the state.

In the first place, it has been settled beyond all question that there is no other method of sewage purification which yields results in any way comparable to those obtained by intermittent filtration through porous material, such as sand or gravel, and since it is much the cheapest system where the conditions are favorable I will not enter into the question of purification by irrigation or chemical precipitation.

Sewage from cities and towns consists of water, with a small percentage of animal and vegetable matter, part of which is held in solution and part in suspension. The part held in suspension may be strained out, but that held in solution must be oxidized or burned out in order to give an effluent that will be sufficiently pure to empty into our streams.

The essential step in the purification by intermittent filtration is this burning or the forming of nitrates from the nitrogen of the ammonias of the sewage, and it is found, moreover, that when sewage takes possession of the filter bed there is no absorbed oxygen in the liquid, and that which is taken in mechanically, is used up in combining with the organic matter, so that there is not sufficient to support more than an extremely small fraction of the bacteria on the passage of the sewage through the filter.

The depth of sand or filtering material should be at least five or six feet, and the level of ground water should be kept some distance below the effluent drains, if such are required.

The area of beds, amount of sewage applied, and time between applications to same bed, should be proportioned to the physical nature of the material composing the filter bed.

The sewage should be applied evenly

to all parts of bed so that no portion will be overworked and thus become clogged, therefore the grade of beds and points of application of sewage should be arranged with this end in view. Since vegetable soil is less porous than sand or gravel and holds water in suspension, and does not allow the air to pass through freely, it should be entirely removed from the surface when constructing beds, and since embankments are required between different beds and to cover pipes, the material removed can be conveniently used in making these.

It is found that a properly constructed filter bed not only does not clog with proper use, but actually becomes more efficient with the lapse of time, the effluent being more pure after the bed has been in use some time.

No difficulty has been experienced in the working of filter beds in cold weather, provided that snow is removed and that sewage is not allowed to pond and freeze on the surface owing to unevenness.

Ordinary sewage from cities and towns even when the so-called separate system of sewers is in use, contains so small an amount of organic matter in proportion to the amount of water (about two parts in one thousand) that no odor is noticed, even at a few feet distant from outlet on filter beds.

It will be evident from the foregoing remarks that for convenience in operation and cheapness in construction, the beds should be as nearly square as possible, and as a matter of fact, all the beds recently constructed and under construction at the present time are of that form.

There is no great mystery or secret about sewers and sewage disposal, known only to the Provincial Board of Health and its proteges, and now that the working of filter beds has been so successful in the State of Massachusetts, there should be no obstacle to prevent the sewerage of all towns in Ontario.

W. F. VANBUSKIRK,
A. M. Can. Soc. C. E.

Assessors.

The assessor is the most important official to be appointed at the January session of local councils. On the correctness of his work a great deal depends. He must value all the assessable property within the municipality on an equitable basis, so that no one will be imposed on in the payment of taxes.

In addition to this he should pay particular attention to securing a correct return of the population. If this is overlooked the municipality loses probably an amount equal to the assessor's salary in the matter of legislative school grants, which are apportioned in proportion to the population. Again, the assessor must be careful to put on the roll the names of all who are qualified under the Manhood Franchise Act, as well as all owners, tenants, householders, farmers' sons, etc.

If this duty is neglected the council is put to the expense of courts of revision of the assessment roll, and more especially the voters' list, a few complaints against which will cause expenses sufficient to pay the usual salary of three or four assessors.

Another duty is to be sure and enter a correct description of all lands assessed in the roll, whether resident or non-resident. This is more important where the original lots have been sub-divided into town lots, as many of them are generally vacant, and if returned to the county treasurer for non-payment of taxes with an imperfect description, he is unable to enter them up in his books until this omission is attended to, and in some instances this also results in a payment to the clerk or other official for extra services.

The dogs must not be omitted, and unless the assessor is careful to give no notice of his arrival he will overlook many of man's "most faithful friends," who have been consigned to the cellar or other secure place by those who delight in defrauding their municipality out of the dog tax. There is still another important matter that assessors generally never think of. Section 42 of the Assessment Act authorizes them to demand a statement in writing from any person assessable in respect to personal property in the municipality. It is a general complaint that many wealthy people now escape payment of taxes on income, money, etc. They are generally the influential residents who have no difficulty in securing a continued assessment at "last year's rates." They will think twice before giving the assessor an incorrect statement in writing as Section 45 provides a penalty for so doing.

Many of the complaints of inequality of assessment may be remedied if assessors would avail themselves of the authority conferred by the Act. Councillors acting in the best interests of their municipality will appoint a competent assessor. It is not necessary to appoint a man simply because he made application for the office. Encourage the most competent man you can find to apply for the position, and we think sufficient reasons have been given to show that he should be appointed at a salary sufficient to pay him for the time necessary to discharge his duties carefully.

We notice that at least one county council last year decided to discontinue publishing the proceedings in pamphlet form. We consider this a move detrimental to the interests of the county and likely to give rise to incorrect statements regarding the work of the council, to say nothing of the convenience of printed proceedings for reference and for many other purposes too numerous to mention. Even many of the wealthier townships print all proceedings and by-laws, and feel amply repaid for their outlay. Either print the proceedings or pay the clerk for the time necessary to post new members on proceedings of former councils.

ENGINEERING DEPARTMENT.

A. W. CAMPBELL,
O. L. S., C. E., A. M. C. S., C. E.,
EDITOR.

Roads and Roadmaking.

Another year has drawn to a close and no definite action has been taken by any municipal council to further the agitation in favor of road reform. We think it would be wise for the new representatives of the people, in the management of municipal affairs to commence at the beginning of the year, and study out this great problem, and see if it is not possible to arrive at some plan which will be more serviceable in its operation, and just in its expenditure than the present statute labor system. It is usually very difficult to get councillors to take an active step in a reform of this nature, but we think that every municipal council desiring to make a name for itself in the history of the municipality should have a definite plan of road reform placed in the minute book of the proceedings of 1894. Steps are now being taken to form a Central Good Roads' Association in Toronto about the month of February, for the purpose of discussing this question and offering plans for the improvement of the present system, of making and maintaining all public roads, and every municipal council should see that one of their number is delegated to attend this association to offer suggestions and assist as far as possible in furthering the movement.

It is something that is freely admitted by all who are acquainted with the present extravagant and unprofitable system, that reform is necessary, but where it is advisable to form a plan to change the present time honored system, representative men should surround the board to give council and advise, while the plans are being drawn to alter it. Let this meeting be representative.

For two years the public press have been endeavoring to point out to the people the necessity of reform in roadmaking. Men most acquainted with the details have been clamoring for reform, and now let us have a provincial meeting to discuss the question in all its bearings, and decide whether or not there is cause for such an agitation. If there is not, let the matter drop, and if there is, take immediate steps to have the system remedied.

A great deal has been said, and very properly to, about the inferiority of the roads of this country compared with those of Europe, and it may not be amiss to say a little on this subject. Before railways and steam navigation were invented all the mails had to be carried over the common roads, and where there were no other means of communication, all merchandise traffic was carried over common roads, so that for centuries road-making had been a most important department of governmental care in those countries. For example,

history tells us that as early as 1816 there was in England and Wales alone 25,000 miles of turnpike roads, and this was just at the commencement of scientific road-making. By that time the work of carrying the mail alone had become immense and this required the constant oversight of the government. A great deal of the time of parliament had to be devoted to the department of roads and the transportation of mails. And so it happened, that before railroads were invented, all England had become a network of good artificial roads, and the whole nation had learned what good roads were, and had become accustomed to them to such a degree that they had become to consider them a necessity that could not be dispensed with.

This country, on the other hand, had scarcely claimed settlement when steam navigation and transportation by rail came into existence, and soon conducted all the traffic. A great revolution in the business of transportation, thus established, checked, for a time, the progress of roadmaking—then only in its childhood, from which it is now just emerging. Had railroading and navigation by steam been deferred for another half century, we would have advanced further in the science of roadmaking. But it was not to be expected that in a country so extensive, in which the temptation is so great for the population to spread over an immense territory, it would be possible to make roads over it all, such as would be looked for in thickly populated countries, who had centuries to do the work. So we need not be discouraged. We are now at the important point in the history of roadmaking in this country. The people are ready for the change, if satisfactory plans are submitted for the carrying out of the work, and the raising of the money which will not prove a burden. Let us make a good beginning and enter into this question with a full determination of considering it well, and when the example is set, and our people learn what a really good road is, it will not be long before they will not be satisfied without them, and law makers and councillors will have to give heed.

We have plenty of good material. We know something about roadmaking. We have lived in the mire so long that we have studied the question of improvement thoroughly. Besides this, we have those who possess skill and ability to do the work, and for the cry that there is no money to do the work there is no excuse. Every other enterprise in public improvement finds sufficient capital to put it through. It is freely admitted that there is no way in which money can be spent that would afford better returns to every part of the community.

Economy is as applicable to highways as to public or private expenditure, and the golden rule of "The maximum of benefit at the minimum of cost should be the leading idea of road construction.

Notes.

Highways, as a rule, are *pro bono publico*.

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The growth of civilization has irresistably developed national progress, especially in improved means of transportation.

* * *

The progressiveness of the age demands the better attention of the people to the necessity for a higher standard of roads, and the immense advantages of good, over imperfectly constructed ones.

* * *

The economic benefit of good roads can readily be seen by its cheaper maintenance, greater and easier facilities for travelling, less cost for repairs for vehicles, corresponding relaxation of strain upon animals during the same, and consequent saving of time, ease and comfort to those driving over them.

* * *

It is well known that a horse will draw a much heavier burden over a good road, than over an indifferent one.

* * *

From experience gained in past years, the advantages of good roads are so apparent that it should excite no misapprehension of the fact that the time has arrived when the people are inclined to appreciate them, and are determined to have them on the ground of economy.

* * *

The present system under which the greater part of the township roads are maintained is not of an economical nature and it is absolutely necessary for greater economy to place them under more careful and liberal management.

* * *

Good roads with equitable taxation for their maintenance is the great point and leading feature for legislative enactment. Equitable taxation means the gross assessment of a district to be used for the equal benefit of such areas, and not, as in the present system, under which, each township is specially rated and has to maintain its own roads. For example, some townships have in them many taxable properties besides farm lands, while some adjoining townships, with the exception of farm lands, possess no valuable industrial interests, but at the same time they are expected to maintain their roads to the standard of their more fortunate neighbors.

* * *

Of late years the introduction of machinery especially adapted to road construction, such as traction engines, automatic stone spreaders, stone crushers, steam rollers and sweepers, has provided road contractors with such facilities that a new road can now be expeditiously made with far less trouble and expense than formerly.

Snow Cleaning.

In how many urban municipalities is the snow cleaning by-law in force. Most citizens clean the walks in front of their own residence, but little attention is paid to the cleaning of snow in front of vacant lots. In winter the sidewalks in front of such premises go uncleaned of snow and ice for such a length of time that it does not matter much whether they are cleaned or not. It is right that city councils should adopt some system of cleaning the snow off sidewalks that would oblige the work to be done uniformly. The acts of the legislature empower cities to cause the removal of the snow, ice and dirt, and other obstructions from the sidewalks by the following methods.

1. By passing a by-law compelling persons to remove the snow and ice from the roofs of the premises owned or occupied by them, and to remove the snow, ice and dirt, and other obstructions from the sidewalks, street, and area adjoining such premises, and also for the cleaning of sidewalks and streets adjoining vacant property. The property of non-residents or other persons, who after twenty-four hours, neglect to clean the snow, ice, dirt, or other obstructions from the sidewalks, the city shall, at the expense of the owner or occupant, have same removed, and in case of default, by special assessment against the premises, to be recovered in like manner as other municipal rates and the council in a by-law passed for the purpose, may define areas or streets within the municipality, within or upon which the by-law may be operated.

2. The council may by by-law define certain areas or sections within the municipality, in which all snow, ice, dirt or other obstructions shall be removed from the sidewalks in the said area or section, and may impose a special rate upon the real property thereon, according to the frontage thereof, in order to pay any expense which may be incurred by the removal of such snow or ice.

3. The council may, upon the petition of two-thirds of the householders and freeholders, resident in any street, representing in value one-half of the assessed real property therein to remove the snow and ice from the sidewalks, and may impose a special rate upon the real property therein according to the frontage thereof, in order to pay any expense incurred in such removal.

The objection to the first plan is that parties cannot be obliged to remove the snow and ice from the sidewalks within twenty-four hours after the fall of snow, and when the snow remains for this length of time upon the walk and children going to and from school, as well as other pedestrians have to wade through the snow which then makes it more difficult and expensive to remove. But even with this objection it is advisable to have a by-law passed under this section to cover the city generally so that even at the expiration of

24 hours, the snow may be removed at the expense of the owners or occupants. This by-law generally has to be enforced against vacant property, the owner of which is only holding the land for a rise in value, and is in no way anxious for the comfort and convenience of the citizens. The most complete plan of removing the snow would be to divide the city into areas or sections as mentioned in the second method and let the contract for the removal of the snow from the sidewalks within such section, and oblige the contractor to commence operations immediately after the fall of snow, and to put on a sufficient number of plows and men to complete the work, say within four hours, and tax the cost against the property fronting on the different sidewalks.

In this way people receive immediate benefit, and the contractor can do his work easier, for the reason that the snow has not become packed by pedestrians and consequently frozen to the walks. Of course, to this plan there is the objection raised by those who claim that it is an injustice to tax them for cleaning the walk which they have always been in the habit of cleaning themselves, and are willing to do it still and save the tax imposed. But the work cannot be so effectually performed or possibly with as great satisfaction, if the plan under the third method was adopted by the city of St. Thomas where they let the contract to one man for cleaning the snow from the sidewalks which might be petitioned for, to be cleaned during the winter at one cent per foot frontage. The contractor seeing that it was to his advantage, prepared a number of petitions, and set them in circulation on the various streets, and the people seeing that the cost of the average lot would only be 66 cents have no hesitation in signing them. This plan, we think, is worthy of consideration, as by it the people ask that the work be done, and the council know that the tax is light and the trouble and annoyance of compelling people to do their duty in a large degree is removed.

Limes and Hydraulic Cement.

This subject occupies such an important position in constructive engineering, that any data concerning it will be of interest. In presenting it, we propose to familiarize our readers with the sources, composition and properties, rather than the economic manufactures of the products. Authorities on lime, considered as a building material, divide it in three classes, viz., common, or air lime, hydraulic lime and hydraulic cement.

Common lime made into paste will not harden under water.

Hydraulic lime slakes like common lime and hardens slowly under water. Hydraulic cement does not slake, and usually hardens rapidly under water. This classification is, however, for scientific purposes incomplete; for example, some lime stones, yielding a hydraulic lime, will upon com-

plete calcination, yield a hydraulic cement.

Lime, the protoxide of calcium, associated with carbonic acid, forms carbonate of lime, a substance of very common occurrence. It is an important constituent of the bones of animals, and shells of the mollusca, and occurs in extensive deposits as lime stone, marble, lithographic stone, calcite, etc.

Carbonate of lime is soluble in water, containing carbonic acid and an insoluble precipitate of the carbonate of lime forms. By this chemical change are the stalactites, and stalagmites formed in caverns.

Lime stones containing more than 10 per cent. of silica, possess, when burnt, the property of hardening under water. Such stones are termed hydraulic lime stones, and are composed of carbonate of lime, and silica, or a silicate, (usually a silicate of alumina). Generally they are not insoluble in muriatic acid, but during the calcination, they undergo a change, rendering them, to a great extent, soluble in the acid.

The discovery of artificial methods of producing compounds possessing the properties of hydraulic lime stones gave great encouragement to early manufacturers of cement, and so rapidly has the industry developed, that at the present day the use of artificial cement is the rule and not the exception.

Portland cement so called from the resemblance it bears when set to Portland stone.

The process of manufacture of this cement, involves the mixing of chalk and clay, in wash mills, into a creamy consistency with the aid of water. The product which is known as slurry, is dried by exposure in shallow receptacles in chambers heated by the waste gasses of the furnaces and kilns, and then burned at a fixed temperature into a scoriaceous mass resembling pumice stone to which the name of "clinker" is applied. This clinker being dried, ground to powder, and passed through sieves, furnishes the finished product, the Portland cement of commerce.

No. 1 is Portland from White Bros.; No. 2 is Stettin; No. 3 Wildaure cement, No. 4, known as Star cement.

For the burning of common lime, a stone should be selected having the highest per centage of the carbonate of lime. It may be tested by treating a powdered sample with muriatic acid; if the acid acts slowly, it indicates the presence of magnesia or silica, or both. The external characteristics of lime stone, as to fracture texture, color and taste, are not sufficient to determine its hydraulic properties, although they assist in arriving at a trustworthy conclusion. The argillaceous lime stones are usually of a drab or grey color being of a compact texture and break with a conchoidal fracture. As a rule they are softer than ordinary lime stones. The difficulty of determining the class to which a stone belongs, frequently renders it necessary to resort to chemical analysis, and even direct experiment.

Water Supply.

The well-being, comfort, health and life of the human race is more closely identified with, and involved in, the quality of the water used for our domestic economy than in any other, perhaps all other causes combined.

Public drainage is made more necessary, indeed almost compulsory, by the introduction of a public water supply, but public drainage is not possible without the aid of a public water supply.

Disease germs abound in a thousand-fold greater proportion in the water we drink than in the air we breathe and are far more dangerous taken into the system with the water than with the air. I very much doubt whether disease germs are primarily produced in the atmosphere at all, but these germs are doubtless taken up by the atmosphere from the water and thus conveyed into the human system in the air we breathe.

Water is the natural developing place and home of all disease. Germs and water are among the first and most necessary elements of human existence, and yet the average human being is more careless concerning the quality of the water he uses than anything else in his daily life. That which most vitally concerns his well being, he, through his ignorance, gives slightest attention to. If we can so educate the people that these things can be seen and understood in their true meaning, then, and not until then, will the question of public water supply receive the attention and treatment, its great public importance demands.

Except in a few of our larger cities, by far the greater portion of even our urban population obtain their water supply from private sources invariably the ordinary private well, this source being almost universal among all rural populations. The waters of the private wells are the most impure and dangerous waters that we can use; all the more dangerous because of the almost universal belief in their purity and excellence.

In all cases where the rainfall penetrates the earth and percolates through its strata these waters in their downward passage become contaminated by largely absorbing the impurities of the atmosphere and of the vegetable and animal matter encountered so that we will almost invariably find the upper levels of the first subterranean water stratum more or less contaminated with organic matter.

The fact that the organic gases which poison the waters of our private wells do not effect the taste, looks, or smell of the water unless present in gross form, renders it all the more difficult to convince the average observer that such water is dangerous.

It is the prevalent belief of most people that the water of their own wells is exceptionally good. But place a sample of this

sparkling water under the glass of a powerful microscope and what you see there will speedily banish all romance and sentiment.

Our cess pools and privy vaults and defective drains are the most dangerous sources of contamination for the water of private wells. The disease germs in such cases are the most dangerous that can be taken into the human system, and if the drainage of these places reaches our drinking water, even if in ever so slight a degree, these germs surely will be taken into the system.

The popular belief that twenty-five, fifty or one hundred feet of intervening earth between our cesspools and our wells furnishes ample protection is entirely fallacious. A little plain, homely practical truth will go much further in dispelling this illusion than will whole volumes of theory and metaphor.

Specifications for Stone Curbing.

The work herein specified, includes all labor and material necessary to the complete and entire curbing of the streets as specified in the contract.

Said curbing shall be constructed of the best quality of lime or other suitable curbing stone, free from cracks, seams, sand pockets, or other defects, and no sections of stone to be less than three feet long, twenty-four inches deep, and four inches thick when dressed. Top edge shall be full and square and neatly bush hammered. The face also shall be neatly bush hammered a space of not less than nine inches from the top. The ends shall be dressed smooth so as to make close joints through the full thickness of the stone not less than one foot down from the top. The bottom shall be straight and shall be firmly set on blocks of flat stone not less than twelve inches by eight inches by six inches thick. A good quality of sewer brick may be substituted for stone as a foundation for the curbing if, in the judgment of the city engineer, there is a sufficient number of such brick used under every piece of curbing so set. The corners shall be made to a true quarter circle (quadrant) with a radius of three feet and shall be constructed of one stone. The corner stones shall be dressed similar to the straight curbing and be free from drill holes on top.

The inlet of catch basin will be a circular hole ten inches in diameter cut through the curb stone and their location shall be determined by the engineer. Each of such circular holes must be provided with a cast iron grate securely and permanently fastened to the stone by means of screws or otherwise.

The full quantity of filling shall be put in from the back of each section of curbstone as it is set and said filling shall be thoroughly rammed at the time of filling, so that the curbing shall be held in place. The curbing shall be back filled within

three inches of the top, the back filling shall have a slope of one foot to one-and-a-half feet.

It is expressly understood this improvement shall be done in a good and workmanlike manner and to the satisfaction of the city engineer.

All material will be carefully inspected after it is brought upon the line of work and any such, which, in quality of dimensions, does not conform to these specifications shall be rejected and must be at once removed from the line of the work by the contractor. If, at any time during the progress of the work, any rejected or inferior material shall be found in the curbing or any portion of the work found to be improperly done, such material and work shall be removed and be replaced by proper material and work at the expense of the contractor.

Taking advantage of an amendment to the municipal act made last session, the township council of Uxbridge passed a by-law to protect the municipality from unnecessary and unjust loss through indigents. It seems that people very often receive aid from the council while owning a little property, which property generally goes to relatives who were unwilling to do anything for the comfort or care of the deceased during their lives. Under this law, therefore, municipalities may take a lien on the property and dispose of it after the indigent's death, repaying themselves for all advances made. Should anything be left out of the property, it of course goes to the heir. Uxbridge is the first township we have heard of to take advantage of this evidently just law.—*Journal.*

* * *

In answer to a communication from the principal of the St. Thomas Collegiate Institute, the Minister of Education gives the following interpretation of the amendment to the High School Act, with regard to pupils who should pay fees: "A rate-payer outside your city who does not pay on city property the average tax paid by rate-payers living in the city is not regarded as a resident, and therefore his children should be regarded as county pupils, where they attend the collegiate institute.

* * *

The Michigan State board of health has just placed consumption on the list of dangerous and communicable diseases, against which sanitary regulations shall hereafter apply. Other states are taking like action, and in time consumptive cases will be properly quarantined.

* * *

The number of smallpox cases discovered in New York recently have stimulated the health authorities to renewed efforts at prevention through compulsory vaccination. It has been found that the tramp is responsible for the dissemination of the disease in many instances, and it is proposed to vaccinate him out of hand.

Houses of Industry.

It has been demonstrated, that, in the administration of public relief, the greatest economy is attained when the interests of humanity are best subserved. If the disabled poor are surrounded with unexceptionable sanitary conditions, and at the same time provided with skillful medical service, and furnished with a proper diet, the curable sick are sooner restored to health and self-support, and many of the chronic infirm are brought to a condition of partial usefulness while under institutional care. The restoration to health of a dependent member of society, not only lessens the public burden, but the wealth of the body politic is increased to the extent of the value of his labor. Therefore, in the establishment of a poorhouse all those means which tend to restore or benefit health should be brought into requisition.

When it becomes apparent in any community that a building is necessary for the care of the poor, or that an old one should be remodeled, the attention of intelligent and public-spirited citizens should be directed to the subject, in order that the best results may be attained, and the public interests protected; otherwise, through lack of information and consequent indifference, selfish schemes may dominate, and the public good be sacrificed.

LOCATION.

In the selection of a site for a poorhouse it has not infrequently happened that one has been chosen in some out-of-the-way place, difficult to reach, and having a very poor quality of land. Such a selection is usually made because of the cheapness of the land, and is the worst possible economy. The result is an increased cost of support and a lower dietary standard. In such cases there is less variety of farm and garden products, the keeper in charge soon becomes discouraged in futile efforts to make productive the barren soil, and the administration within doors suffers from the unsatisfactory and dreary look of things without. On the other hand, we have observed that, where a selection had been made of a goodly-sized tract of light, loamy soil, such as can easily be worked by the inmates, plenteousness abounded. Not only did the fields show heavy crops, but there was an abundance of fruits common to the climate and every delicacy a good garden could produce; while the large and comfortable barns and stables betokened the wisdom of the founders of the institution. Under such circumstances, it will be found that the keeper, instead of being soured and disheartened, has a hopeful look, and reflects in his countenance the thrift and prosperity of his surroundings. A poorhouse of ordinary size should have a farm of at least fifty acres. In the institutions at present established in the province, the quantity of land varies from forty-five acres in Middlesex to 141 acres in Waterloo. Only two counties have industrial

farms containing more than sixty acres. Fifty acres has, in the majority of cases, been found to be all that can be worked conveniently without increasing the help actually required to manage these institutions, be they large or small. A site must be chosen having a pure atmosphere. It is also essential that there should be a bountiful supply of pure water and facilities for drainage of the farm and sewage from the institution in an inexpensive manner must not be overlooked. If it can be located adjoining a body of water, the meat supply required may be reduced by allowing the inmates to catch fish for the benefit of and use in the institution.

The institution should be situated so as to be conveniently accessible from the county town, in order that it may be more frequently visited by the municipal authorities, and those specially interested in the care of the poor. Where such visitations are frequent, a faithful and intelligent official comes sooner to be appreciated, a stronger public interest is maintained in the institution, its needs are better understood, and appropriations to meet them are more likely to be granted readily by the authorities.

It is sometimes desirable to locate the institution near the centre of the county, and not more than two miles from a town or village and a railway station. By so doing the expense of conveying inmates to the institution, whether borne by the local municipalities or the county, will be at a minimum. One object in having it situated near a large town is that there will be better facilities for securing supplies, which is an important item. Satisfactory arrangements can sometimes be made when a town is separated from the county for joint action in the erection and management of the house of industry. This is not desirable.

In the case of the county of Welland, the institution being situated near the county jail. Prison labor is employed for draining and other permanent improvements.

To be continued.

The Oxford county council, after short experience, endeavored to change the regulations referring to the maintenance of inmates in their house of industry by providing for payment of the expense out of a general rate levied over the whole county. A large number of suitable candidates for admission are "wandering willies," and to charge any particular municipality for their maintenance would be unfair; they are generally committed from the neighborhood where disability overtakes them. The vote stood 18 to 15, and the prospects are that it will be favorably considered at the January session.

* * *

Gravel, with a mixture of coarse sand or iron deposit, will settle promptly and in some cases concrete to the solidity of stone.

Local Boards of Health.

The great and growing importance of this branch of our municipal system, the almost supreme power of local health officers, the amount of intelligent consideration required when individual rights and property are to be interfered with "pro bono publico", all demand the serious attention of municipal councils, who, at their first meeting in January, will be called upon, to appoint members of the local board. The clerk and mayor or reeve are ex-officio members. It is in the choice of the ratepayers, who, with the officials mentioned, are to constitute the board, that we think special care should be exercised. It is customary in some places to appoint other members of the council, but this is not always desirable.

The legislature recognized the necessity of having the council represented, and we would recommend the appointment of the most competent men available, those who have by experience, shown their fitness for the position, should at all times receive the preference.

In townships, villages and towns, the number of rate-payers to be appointed is three, and in cities and towns, containing 4,000 inhabitants, this number is increased to eight. The appointment of a medical man as a member of the board and medical health officer, will be found desirable. A sanitary inspector is provided for in the act, and experience shows it to be in the interests of economy, to have one appointed for every municipality; certain powers are conferred on him by the act, which render meetings of the board unnecessary in trivial cases, and it is his duty to receive instructions from the board, and see that their orders are carried out.

* * *

The Sarnia board of health has issued the following notice:

The period of infectiousness in the history of the following diseases, as given by a competent and prominent physician, will, doubtless, receive the assent of all practitioners, viz:

DISEASES.	
Small Pox.....	56 days
Modified Small Pox.....	35 "
Chicken Pox.....	17 "
Measles.....	27 "
Scarlet Fever.....	49 "
Diphtheria.....	28 "
Typhoid Fever.....	28 "
Mumps.....	21 "

One other matter of vast importance to the community is the liability of school children to infect their fellows, owing to the thoughtlessness of parents and negligence of teachers. For, on no condition, should a child be sent to school after suffering from any of the above named diseases, under a shorter period of absence, nor be re-admitted at all without producing a medical certificate. Exposure to disease only necessitates a short period of quarantine. After disinfection, a child exposed to diphtheria may be re-admitted to school in twelve days; scarlet fever, fourteen days; measles, eighteen days; chicken pox, eighteen days; mumps and whooping cough, twenty four days. Adults may be admitted to society immediately, if they disinfect their clothes and person.—
Observer:

LEGAL DEPARTMENT.

H. F. JELL, SOLICITOR,
EDITOR.

Municipal Councils.

THEIR POWERS AND JURISDICTION—
HIGHWAYS.

On the trial of action against municipal corporations for the recovery of damages for alleged defects in or non-repair of highways, the question very often arises as to whether the conduct of the plaintiff did not materially contribute to the happening of the accident, and the consequent sustaining of injury to him. This is an important point and well worthy of consideration. The obligation imposed on municipal corporations to keep highways in repair is only as against such accidents as are likely to and actually do occur in using a highway for the purposes of travel. It is shown that the plaintiff in any manner, by his own want of care, directly contributed to the happening of the accident, the corporation is not liable. There can be no recovery if the injury be attributable to any unskilfulness or want of care on the part of the driver, or if the accident was really and substantially caused by reason of some defect in the plaintiff's wagon, harness, etc. No person is in fault in neglecting to observe and avoid a defect not so plain and obvious as to be necessarily observable of ordinary faculties travelling at an extraordinary pace. It is not such negligence to prevent a recovery, that the traveller did not know the road, and yet travelled it on a dark night, and it has been held in American cases, that driving on the wrong side of the road does not constitute such negligence, nor driving in a violent storm through the streets of a city with which the driver was unacquainted, and persons who are blind, halt or deaf, have a right to act on the assumption that the highway is reasonably safe. Sometimes these accidents are occasioned by causes over which neither the plaintiff or defendant corporation have any control. The violence of a horse acting without guidance or discretion may be the immediate cause of the injury. The cases relating to this point are somewhat conflicting. However, the rule adopted in Ontario is that, where two sources contrive to produce the injury, both in their nature proximate, the one being the defect in the highway, and the other, some occurrence of which neither party is responsible, such as the accident of a horse running away beyond control, the corporation is liable, provided the injury would not have been sustained but for the defect in the highway. It is well to note that the provisions of sub-section 1 of section 531, of the Consolidated Municipal Act, 1892, are made out to apply to "any road, street, or bridge or highway laid out by any private person," and the corporation will not be liable to keep the same in repair, until

established by by-law of the corporation, or otherwise assumed by the corporation (Sub.-Sec. 2) this proviso does not apply to roads laid out by the Government and afterwards abandoned to the municipalities. The legislature meant by it that the mere laying out of a road or building of a bridge by a private owner shall not cast a criminal and civil responsibility on the municipality or upon the public represented by them. It has been held that if a municipal corporation have created a street as a public street, taking charge of it and regulating it as other streets in the municipality, they cannot be allowed when sued for an injury arising out of sheer negligence to repudiate their liability. Several American cases hold that work done by the proper authority on roads used as highways, although no evidence of their establishment under statute or other evidence of acceptance is shown, is sufficient to authorize the inference of acceptance by the constituted public authorities.

Legal Decisions.

MYLES VS. THE TOWNSHIPS OF ROCHESTER
AND MAIDSTONE.

This is an action brought by the plaintiff, who resides in the township of Rochester, to recover \$200 damages for injuries received by him in consequence of being thrown out of his sulky and injured on the 7th of August last, owing, as the plaintiff in his statement of claim alleged, to the negligence of the defendant corporation by allowing a pile of bricks to remain on the road in an unlawful manner. It appeared from the evidence that certain repairs were needed on the highway complained of and that the bricks referred to were deposited on the road for the purpose of filling up ruts. The question between the townships was as to whether, in the event of the plaintiff recovering damages, the townships should be held jointly liable. This was finally agreed to. The jury, after being out an hour, returned a verdict for the plaintiff for \$200, that being the full amount for which he sued.

YORK VS. TOWNSHIP OF OSGOODE ET AL.

This was an application by the plaintiffs to continue an interim injunction against the defendants, in an action brought by James York, the younger, and Isaac York against the municipal corporation of the township of Osgoode, John Bower Lewis and certain other persons, who were owners of lands in the 6th concession of that township, with respect to a certain ditch or drain proposed to be constructed, under the Ditches and Watercourses Act, through lands in the 6th and 7th concessions of the said township. The plaintiffs stated that they were owners of certain lands in the 6th concession; that the defendant corporation had jurisdiction over the highway between the 6th and 7th

concession; that the defendant Lewis was the township engineer; that the defendants, George Comrie and William Comrie, were not the owners of any lands in the township; and that the other defendants were the owners of certain lands in the 6th and 7th concessions. The plaintiffs further stated that the defendant George Comrie, on the 25th August, 1891, filed with the clerk of the township a requisition for the construction of a ditch or drain through certain specified lands, which requisition was signed by William McRostie, George Comrie, Hugh McAlindon, George Popham, James McCurdy, and William Comrie, and designated as the lands through which it would be necessary to continue the ditch, the lands of the six persons signing the requisition, and the lands of the plaintiff James York, the elder, John Carson, Mrs. Peter McRostie and the corporation as owners of the highway. The plaintiffs further stated that the defendant Lewis, as engineer, had made an award with respect to the proposed ditch, from which the plaintiff James York, the elder, had appealed to the county judge, who had confirmed it except as to the time of doing the work under it. The plaintiffs complained that their lands would not be benefited by the making of the proposed ditch; that the plaintiff, James York, the younger, and Isaac York were not mentioned in the award, nor were their lands or those of their co-plaintiffs declared to be benefited by the proposed drain, yet they were held liable to make part of the drain, and their lands were burdened therewith; that the defendant, George Comrie, never was the owner of any land in the 6th and 7th concessions, and had no authority to originate the requisition or to be a party to it as to the award; that the assent in writing of a majority of the owners affected or interested was never obtained to the construction of the ditch; and that the award was bad because it did not specify the locality, description, and course of the ditch or drain, nor the portion thereof to be done by the respective owners. The plaintiffs claimed: 1. A declaration that the defendant Lewis had no jurisdiction to make the award, and that the county judge had no jurisdiction to make any order in appeal, conferring the same, and that the award and order were null and void. 2. A declaration that the alleged award and judge's order were not binding on the plaintiffs, or on any or either of them, and that they or any of them were not bound to make any part of the drain. 3. A declaration that the alleged award was not binding on the lands of the plaintiff mentioned therein, or any of them. 4. A declaration that the defendant Lewis was not entitled to let the construction of the drain mentioned in the alleged award on the 28th of October, 1892. 5. An injunction restraining the defendants from letting or constructing the work at the expense of the plaintiffs, or entering upon the lands

of the plaintiffs, and restraining the defendants, the township corporation, from paying therefor or assessing the cost thereof against the lands of the plaintiffs. 6. Damage respectively for any trespass the defendants, or any of them, might commit on the lands of the plaintiffs in or about the construction of the drain, and for any injury they might respectively suffer from the construction of the said drain. The defendants stated that the defendant, George Comrie, was the owner of lot 27 in the 7th concession, and admitted that he had filed the requisition as dated by the plaintiffs. They further stated that all the proceedings for the making of the award were had and taken as required by the Ditches and Watercourses Act; that the award was properly made, and the order of the county judge was conclusive and binding upon the parties, and the plaintiffs were estopped by it, and they submitted that the action was not maintainable. It was held, 1. That where the engineer of a municipal corporation purposes to make an award under the Ditches and Watercourses Act, with respect to the making of a drain, the affirmance of such award, by the county court judge, does not preclude the high court from entertaining the objection that the engineer had no jurisdiction to make the award; nor is such an objection one for the determination of the county court judge alone. 2. In the absence of a resolution of the municipal council, such as is provided for by section 6 (b) of the Ditches and Watercourses Act, R. S. O., chap. 220, the question, whether the engineer has jurisdiction to make an award depends upon, whether before filing the requisition, the owner filing it has obtained the assent in writing of a majority of the owners affected or interested, as provided by section 6 (a); if he has obtained such assent, the engineer is immediately, upon such filing, clothed with such jurisdiction, and the absence of such notice in form D, required by section 6, would not deprive him of such jurisdiction, but would form only a ground of appeal against the award. 3. The assent of the municipal corporation, as one of the land-owners interested, may be shown, by resolutions passed by the council, directing the engineer to proceed with the work. 4. The term "owner," as used in the act, means the assessed owner, and a tenant, at will, may be an owner affected or interested, within the meaning of the act. 5. That whether the plaintiffs were benefited by the proposed work was a matter to be determined by the engineer, and the subject of appeal to the county court judge. 6. That the mere publication by the engineer, within a year after the affirmance of an award, of a notice that he would let the work to be done on the land of one of the persons affected by the award, and that such letting would take place after the expiration of a year from such affirmance, does not afford any ground for an action of trespass.

Direct Municipal Taxation.

The following extracts from a paper by G. H. Grierson, Esq., of the county of Ontario, published with the proceedings of the county council suggests some new ideas for the reduction of municipal taxation, which we consider worthy of bringing before our readers.

"I desire to confine my observations in this paper to a subject which was up for discussion in the last two sessions of our local house—a subject which, in my opinion, requires more light to be thrown upon it in the interest of the public—a subject with many ramifications, the results of which are a large and ever increasing expenditure of money raised by direct taxation; that subject is official fees and local county institutions, and will be confined chiefly to fees and disbursements paid or incurred in connection with the administration of criminal justice and matters incident thereto.

The statute of 9th Vic. ch. 58, 1846, may be taken as the starting point or foundation of our present tax system. The peculiar circumstances which caused that statute to be passed no longer exists—we are no longer united with Lower Canada and it is no longer necessary to assimilate our financial relations—the expenses of the administration of justice have to be paid and it matters little, perhaps, whether they are paid by direct taxation or out of the consolidated revenue of the province as enacted in that statute—as a matter of fact some of the expenses of criminal justice are now paid by the government. The points to which I shall endeavor to call attention are, first, the growth of these fees from the starting point. Next, their necessity in the public interest, and, next, the possibility of their extinction or alteration.

The statute of 1846 gives the number of the items of fees chargeable by the sheriff as 23—the number chargeable by the clerk of the peace, 28—there was no county attorney then.

The statute, R.S.O. ch. 86, 1877, gives the number of items for sheriff as 38—the number for the clerk of the peace as 89, but this does not by any means represent the number or amount of fees chargeable by either of those officers at this date, nor for years before it—fees which had been created by statute and orders in council in the interim since 1846, and only to be found in the statutes and orders which established them—for instance the new jury system had been adopted 13 and 14 Vic. ch. 54, 1850, giving to the sheriff about \$500 annually in addition to the jury fees under the former system, and to the clerk of the peace about \$300 in addition to all other fees chargeable by him, and in many cases up to the present day the fees of all these officers are being added to in amount very materially. We also have another officer now to pay, namely, the county attorney.

I have no doubt whatever that it would be found on close investigation that the charges or fees payable in connection with the administration of criminal justice are now three or four times as much in every county in the province as they were in the district at the starting point of our enquiry, 1846, a change brought about by the enormous multiplication of public offices and the continual maintenance of institutions no longer required in the public interest.

* * *

There is little to be surprised at in the increase of public burdens by three or four hundred per cent., and if we add by way of making this statement as to the multiplication of officers more impressive, that every township in the province (and there are more than 500 of them) has nine officers into whose hands, by resolution or salary, passes a portion of our direct taxes; in the aggregate, quite a large sum, annually \$375,000, and then our county councils will soon have to build larger shire halls for their accommodation, they are increasing so rapidly, the current expenses of these bodies now aggregate from sixty to seventy-five thousand dollars annually.

The first question as to the growth of fees is fully answered in the affirmative, the second question, as to the necessity in the public interest for their continuance, is now before us.

If we took the question of expediency on the ground that those who get them could not live without them, then there is not another word to be said, but I feel bound to take another view of the matter and ask, is the work for which we pay in the interest of the people of the province? The court of quarter sessions of the peace, a court which we obtained with the English law in 1792, has now for many years been shorn of the powers granted by the statute 59th Geo. III, 1819, those powers being transferred to the county councils.

The magistrates in quarter sessions can no longer levy and collect rates and assessments, build gaols and court houses, construct roads and bridges or other public works, it can no longer legally manipulate the county funds in any way, it might be added by way of retrospect that when the power of the purse went, the prestige of the court went also, but legislation of late years has been unfavorable to this court in other respects, as its name implies, it used to sit quarterly, it is years since it was decreed that a session every six months would amply supply the public needs. Then the establishment of the county judges criminal court 32-33 Vic. ch. 35, still further withdrew work from it, and the introduction and gradual extension of the police magistracy (32-33 Vic. ch. 32) in various local municipalities has still further contracted its sphere of action, and now there is little doubt that if statistics were pro-

(To be Continued.)

QUESTION DRAWER.

SUBSCRIBERS only are entitled to opinions through the paper on all questions submitted if they pertain to municipal matters. Write each question on a separate paper on one side only. When submitting questions state as briefly as possible all the facts, as many received do not contain sufficient information to enable us to give a satisfactory answer.—Ed.

J. D. R.—Simply and solely to reduce the grade on a ridge over which crosses at right angles the leading road from the dock to the railway station, the village council make a ten foot deep cut, leaving a church, a parsonage, and a private residence high and dry with no means of access to these respective properties. Is the corporation liable for damages in each of these cases?

We cannot conceive of the corporation so making this excavation as to utterly close in these properties and shut them off from all means of access. Does our correspondent mean that the top of the bank is too near the fences or limits of the properties mentioned, that neither vehicles nor pedestrians can pass between. If so, we think the corporation is liable.

I. J.—In your article on the Tile, Stone and Timber Drainage Act, p. 174, of THE MUNICIPAL WORLD for November, you say: "The expenses must be paid by the borrowers." I would like to know what is your authority for this statement? Our township solicitor informs me that we have no authority for charging the expenses to the borrowers. I drew the attention of the members of the Drainage Commission to this point at their session at the town of Essex, and they said it was the intention that the municipality in which the law was in operation should pay all expenses except the inspector's fees to encourage farmers to borrow the money under the Act.

What do you think of that view of the matter?

The phrase quoted by our correspondent may have been somewhat misleading. The expenses required by the act governing the matter, to be paid by the borrower, are the inspector's fees (see sec. 15 of the Act). There does not appear to be any provision for the payment of any other expenses by the council out of the money borrowed, or by the borrower. We know, however, as a matter of fact that it is the practice with many municipal councils to pay printing expenses, municipal clerks' fees, etc., out of the money borrowed.

F. J. C.—Do you consider it necessary for the council to appoint assessors annually, or when once appointed do they continue in office during the pleasure of the council?

Some of our people claim that assessors must be appointed annually, but Harrison's Manual, in commenting upon section 279, Municipal Act, 1892, says: "This section applies to all officers appointed by the council, no matter what their rank or duties."

Under sec. 279 referred to by our correspondent, assessors would seem to hold office until removed by the council, but this section must be read with sec. 254 of the Consolidated Municipal Act, which enacts that "the council of every city, town, township and incorporated village shall, as soon as may be convenient after the annual meeting, appoint as many assessors, etc., for the municipality as the assessment laws from time to time require and authorize." The inference to be drawn from these enactments seems to be that the assessor must be appointed or re-appointed annually, but during his term of

office holds his office during the pleasure of the council appointing or re-appointing him.

CLERK.—Have municipal clerks the right to vote on prohibition plebiscite?

Yes.

T. L. N.—Would a person holding the position of township collector for the current year be disqualified thereby for the position of councillor for the year 1894, providing he has fulfilled all the duties of collector and returned the roll prior to day of nomination?

No.

J. G. W.—A. leased a store from B., and bought B's stock. The assessor assessed B. for the real property, who is the owner of it; he assessed A. for the stock or goods during last summer. A. became insolvent; C. bought the stock previous to A. making an assignment, A. having left the country and is residing east of Toronto. What steps should be taken by the collector to collect the taxes from A.?

It would seem to us that the stock is liable for the taxes and that the present owner should pay the amount of same to the collector, and if in the arrangement between A. and C., A. was to pay the taxes for the current year, C. should collect the amount he has to pay from it.

(All questions to be answered in the February number should be received not later than the 20th of this month.)

The Right of Way.

HOW THE ENGLISH ASSERT THEIR RIGHTS.

This is a true story, says *Harper's Weekly*, and one that is intended to illustrate a characteristic of the English people. It shows, I think, to what length an Englishman will go to gain his rights when an American would say, "Oh, what is the use?" or "Never mind." One of the reasons England is such a comfortable place to live is due to the fact that the English people have this peculiar habit of fighting for their rights, by letters to the *Times*, or by taking the numbers of cabman or policemen and appearing against them in the morning, or by sending war ships into strange harbors where the window panes of some English merchants have been smashed. If there were elevated roads in London, the clerk who lives in Kensington would not hang and swing from a strap on his way to and from the city. He would see that he was given a seat for which he had paid. The American is too busy and too good-natured to fight for his rights, so he continues to stand from Rector Street to Harlem, and to walk over unclean streets and sees the beautiful green park at the Battery taken from him and turned into a railroad terminus. He will learn, in time, that the reason the Englishman has better roads and better streets and better protection for his life and property is because he "makes a kick about it," and protests and growls and is generally disagreeable until he gets what he wants. Good-nature is not always a virtue, and sometimes the easy-going person is a very selfish one too. Equally strong with his desire to have his rights is the English-

man's deference for the rights of others, he shows this defence by respecting the English law, which make those rights good. There was a young woman in England who told me that she and seven or eight other young people had tramped in single file through a gentleman's dining-room one evening, while he and his guests were at dinner, in order to establish a right of way. The Englishman had built his house on a meadow directly across a pathway that had been used for centuries, and once a year the young people of the neighboring estates marched across his lawn, and up his stairs, and through his house, in order that he should remember that the right of way still existed. She was an exceedingly shy and well-bred young person, and of a family quite as old as the right of way, but it apparently did not strike her that she was rude in tramping through a stranger's house, or, indeed, that she was doing anything but a public duty. And the interesting point of the story to me was that the English householder, instead of getting a Winchester and driving the young trespassers of his lawn, should have had so full an appreciation of their right to question his right that he simply bit his lips and went to law about it.

There was an Irishman in the same country who lived in a small cottage on an estate, and who was in the habit of crossing from it to another through the gateway of a very distinguished and noble gentleman. He had done this for twenty years, and when the noble gentleman came into some more money and hung two fine iron gates between the posts, the Irish laborer took a crowbar and broke the hinges on which they hung, and tramped over them on his way. He was put in jail for this for a month, at the end of which time he went after his crowbar and tore the gates down again. When he had been in jail five times in six months, the people round about took up his cases, and the right of way was declared a just one, and the gates came down forever. The Englishman will go farther than this, he will not only fight for his rights, but he will fight for some other man's rights; he will go out of his road to tramp through a gentleman's property simply because the people in the neighborhood are disputing for right of way with him. I heard of three young barristers when I was in London who went on a walking tour, and who laid out their route entirely with the purpose in view of taking in all the disputed rights of way in the countries through which they passed, and who cheerfully sacrificed themselves for the good of others by forcing their way into houses and across private grounds and by tearing down hedges.

THE MUNICIPAL WORLD, published at St. Thomas, Ont., contains much valuable and essential information for all parties occupying municipal offices.—*L'Original Advertiser.*

Board of Audit of Accounts and Expenses of Criminal Justice.

Every county council is required to appoint, at its first meeting in each year, two persons, not more than one of whom shall belong to the council, to be members of the board of audit. The judge or junior, or acting judge of the county court is *ex officio* a member of the board.

They are also to fix the salaries or per diem allowance to be received by the auditors for the performance of their duties.

The accounts and demands shall be taken into consideration by the board of audit between the first and fifteenth days of the months January, of April and October in each and every year, and disposed of as soon as practicable, and the board shall, at the completion of the audit so to be made in the month of October, make a report to the council of any irregularity in the accounts presented to them, or of any claim that may be made contrary to the law or any other matter which the auditors may consider ought to be brought under the notice of the council.

It is advisable to have experienced men to perform these duties, they have no authority to pass accounts which are not provided for by statute. Totten's Manual on Tariffs is a complete guide, and is especially intended for these auditors, as it is their duty to pass the accounts of the sheriff, clerk of the peace, the county attorney, constables, etc., etc., and any accounts passed that are not allowed by the tariff or other statute as belonging strictly to the administration of criminal justice should be reported to the council.

The action of the Michigan public health board in placing consumption on the list of infectious diseases, suggests the remark, that the day is not very distant, perhaps, when the ravages of consumption will have become a matter of only historical interest to the physician and statistician. Certain other dread diseases have been almost eradicated or greatly restricted through the dissemination of knowledge as to their origin and nature and the adoption of the necessary measures for prevention. For example, the disease known as glanders has been exterminated from communities through the destruction of glandered horses; and leprosy has been cast out from amongst Anglo-Saxon races through the segregation and isolation of lepers. A notable reduction in the death rate from consumption is seen in certain localities where restrictive measures are enforced and proper efforts made to enlighten the people on the subjects of sanitary science.

Municipalities paying for a \$10 audit generally get it. In most instances \$25 to \$100 would not pay for the work if performed properly. Independent audits can only be secured by paying competent officers a salary sufficient to warrant them in doing the work thoroughly.

Publications Received.

A Century of Municipal History, Vol. II., compiled by E. Cruikshank and published by the Welland County Council.

This is a pamphlet valuable for reference. It contains a complete list of those who composed the councils of the various municipalities since incorporation, together with an index of the more important by-laws passed by each. The two volumes, (the first of which was published last year), reflects great credit on the compiler, and the liberality of the county council in thus preserving the municipal archives. It is to be hoped that every county council will interest itself in publishing similar information.

A case has been on trial in the county court at Peoria, Ill., which has attracted the attention of wheelmen all over the United States. A man driving a horse had a collision with a bicyclist, each claiming the right of way. The bicycle was smashed and the wheelman brought suit to recover damages. The Illinois League of Wheelmen took hold of the case, and employed able counsel, with the result that the wheelman won the case, the judge deciding that bicyclists had the right of way. The decision is an interesting one, although of course it has no legal weight in Canada. It is not at all improbable that a Canadian court would decide similarly.

The appointment of an assessment commissioner under sec. 255 of the Municipal Act is a matter that the council of every city should consider. The extended duties of this official as laid down in the Voters' List Act passed last year renders such an official almost necessary. In every city and town there are many local conditions which influence the value of real estate. No one expects every applicant for the assessorship to be thoroughly familiar with land values in all sections of the municipality. It is desirable that all property should bear a fair share of the taxes. To bring about this desideratum the whole attention of an assessment commissioner is necessary.

In many towns, the absence of a board of trade, renders it necessary for councils to consider many matters that would otherwise receive the attention of that body.

Business men may be greatly benefited by securing special Saturday rates on railways coming into a town. In this and in other ways can a council improve the commercial interests.

The width of wagon tires should be regulated by law so that there shall be a width of one inch to every four hundred pounds on a single wheel and this proportionately to the maximum load.

The Lambton county council will memorialize the Legislature at its coming session as follows:

"That it is expedient to amend the law relating to damages alleged to result from the construction of drainage works or damages to land or crops by drainage works or damages or injury to persons or property by want of repair of any street, wall or bridge, to provide that 10 days before any suit in action be entered in any court of competent jurisdiction or before the referee appointed under the Drainage Trials Act, the person or persons complaining to his solicitor or counsel shall serve upon the head of the council, liable for such drain or highway, a notice stating the nature of his claim and the amount thereof and his willingness to submit his claim to the arbitrament and decision of the judge of the county court.

That if the council, whose head has been served as aforesaid, shall pass a resolution to have the said complaint or cause of action referred to said judge as aforesaid the said judge shall have jurisdiction to try all the matters referred to him.

That he shall hold the court to try the said matters within the municipality or other convenient place near where the cause of action arose.

That the agreement of said council to agree as aforesaid, to refer the matter as aforesaid, shall not be taken to admit any liability.

The county judge shall be allowed the same rate per diem and no more for his services as for attending courts of appeal.

The fees of counsel to be those allowed in county court cases and of witnesses to be those allowed in division courts.

An appeal from the decision of said judge to be allowed to the High Court of Justice and without the printing of appeal books and the decision of such high court in road damages or to the drainage referee in drainage matters shall be final."

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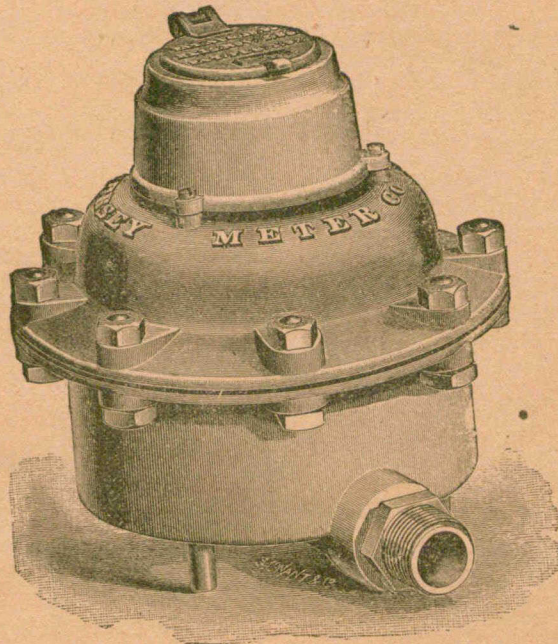
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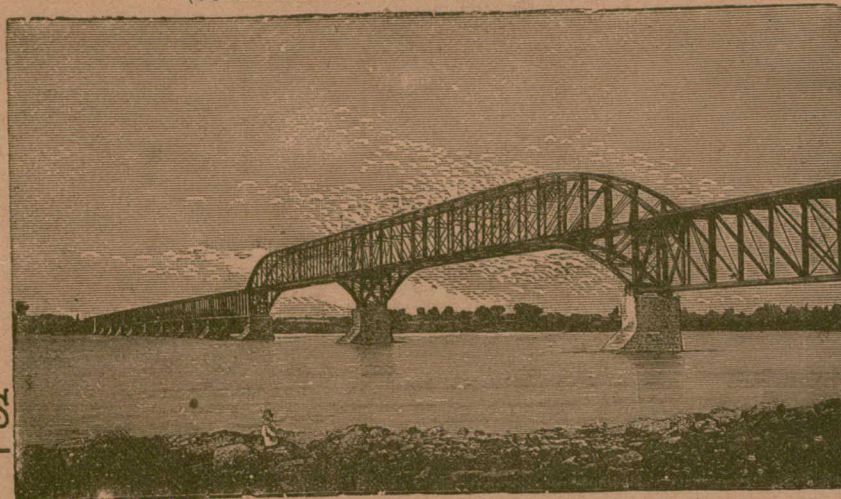
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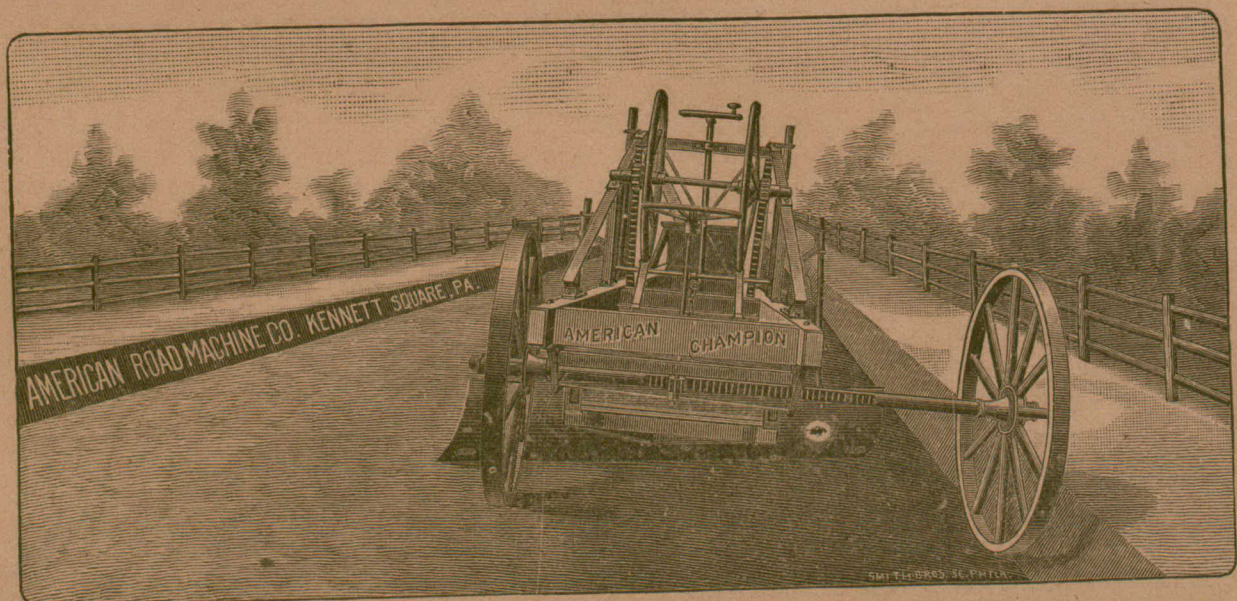
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