## PAGES MISSING

## THE MUNICIPAL WORLD

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### Calendar for October and November, 1897.

#### Legal, Educational, Municipal and Other Appointments.

#### OCTOBER.

Last day for returning Assessment Roll to Clerk in cities, towns and incorporated villages where assessment is taken between 1st July and 30th September.
 Assessment Act, section 52.

 Last day for delivery by Clerks of Municipality to Collectors of Collector's Rolls, unless some other day be prescribed by by-law of the municipality.—Assessment

Notice by Trustees of cities, towns, incorporated villages and township boards to Municipal Clerk to hold Trustee elections on same day as Municipal elections, due. Public Schools Act, section 58 (1).

5. Make return of deaths by contagious diseases registered during September.—59 Vic., chap. 17, sec. 11.

11. Selectors of Jurors meet in every Municipality.—Jurors' Act, section 18.

130. Last day for passing by-laws for holding first election in Junior Township after separation.—Municipal Act, section 91.

#### NOVEMBER.

1, Last day for transmission by local clerks to County Treasurer of taxes on lands of nonresidents.—Assessment Act, section 121.

Last day for transmission of Tree Inspector's Report to Provincial Treasurer. —Tree

Planting Act, section 6.

10. Last day for Collector to demand taxes on lands omitted from the Roll.—Assessment

Act, section 154.

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R. S. O., CHAP. 52.

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THE MUNICIPAL WORLD, St. Thomas



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

#### K. W. McKAY, EDITOR,

A. W. CAMPBELL, C. E.

Editors

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THE MUNICIPAL WORLD, Box 1252, St. Thomas, Ont.

#### ST. THOMAS, OCTOBER 1, 1897.

The Revised Statutes of Ontario will be ready for delivery during the latter part of the month of December. They will contain a large number of amendments to the municipal acts, which go into force on the 1st of January. We will refer to these in the November and December issues.

The Provincial Municipal Auditor has prepared forms for special cash-books for municipal treasurers, which have received the approval of the Lieutenant-Governorin-Council. The forms have been copyrighted, and arrangements made by tender for supplying the books at a most reasonable price. The use of the cashbooks will be compulsory in every municipality on the 1st January, 1898.

In a recent address to the City Council, Mayor Smyth, of Chatham, said that the gross receipts of the city agency of the Bell Telephone Company were not less than \$6,000 annually. That the agreement with the company for use of streets, etc., expired on 1st March, 1898, and that notice should be given that a new agreement will not be entered into unless the company pay the city \$1,000 annually for the franchise.

The Oxford County Council have made provision by by-law for the payment of mileage and per diem for an annual meeting of the municipal clerks of the county. This places the Oxford Association on a permanent basis, and will do much to secure uniformity of procedure and a better knowledge of the municipal laws. Under the present system of electing councils for one year only it is necessary that the clerk should have sufficient information to advise the new councillors as to the business brought before them. In no way can the councils do more to assist the clerks than by encouraging the formation of county associations.

The selectors of jurors will this year meet on Monday, the 11th day of October. The method of selecting is set forth in chapter 52, of the Revised Statutes of Ontario. The selectors should make their report in duplicate and file one copy with the Clerk of the Peace on or before the 25th of October. The other report should be kept on file in the clerk's office.

\* \*

A company has been formed in England to insure municipal corporations against liabilities which may arise through any action of their servants or from other causes. Ontario municipalities could afford to offer liberal inducements to the company to do business in this Province if they would relieve them from actions for damages caused by defective highways, etc.

The audit of the books of the County Treasurer of Frontenac shows that the deficit is over \$27,000. It is doubtful if the sureties of years ago can now be held responsible for the shortages at that time, and as the present sureties have been responsible for some four years only, the county will no doubt lose sufficient to remind them that a competent auditor of the accounts at a fair salary is an economical necessity.

The settlement by municipal corporations of actions for damages caused by non-repair or dangerous condition of the highways is to be commended. Very few cases are brought on for trial in which the evidence does not show the corporation to have been negligent to some extent. In the majority of instances the plaintiff is unable to pay any costs, if defeated. Prompt action on the part of the council will generally result in a settlement at a reasonable amount. The Township Council of Darlington recently settled a \$10,000 suit for \$550.

\* \*

The delegates to the recent Tax Exemption Convention were at a loss for special information and statistics relating to the important question they were supposed to consider. It is hardly to be expected that members of municipal councils whose term of office is indefinite will devote the time necessary for an exhaustive investigation of the dry question of tax exemptions. A representative of the Single Tax Association, who was prepared to address the meeting, was not allowed to do so for the reason that he was not a delegate from a municipal corporation. No one else who had made a study of the subject was present, and the delegates passed a few prefunctory resolutions and adjourned. Before another similar convention is held we would suggest that some one competent to discuss the subject in an impartial manner be invited to address the members and supply all legal, theoretical and statistical information available.

The Town Council of Galt will publish 300 copies of the assessment for the present year.

The City of Toronto Health Department is claiming \$1,200 from Belleville for expenses connected with the small-pox patient whom the authorities of the latter place allowed to escape per steamer Passport. The township of Logan recently, after extended litigation, collected a somewhat similar claim from the town of Mitchell, and it would appear that the failure of the health authorities of a municipality to comply with section 84 of the Public Health Act when a case of contagious disease is in their midst makes them liable to the municipality that has to assume their responsibility.

A public meeting was held in the town hall, Ridgeway, on the 14th September to discuss the Ontario Municipal Assessment Act, when the following resolution was passed:

That all property in the Province of Ontario (in Canada) be assessed for its full value, for purposes of municipal taxation; and that any property concealed from an assessor when an assessment is made be confiscated and turned over to the municipality as owner; and any property purported to be of no value, (to escape taxation) the owner of such property must pay tax or give over the deed to the municipality tax or give over the deed to the municipality in which such property is situated; and the only exemptions to the Assessment Act will be municipal, provincial and government property; and all salaries and incomes to be assessed so that the tax arising therefrom shall bear the same burden as an average income arising out of the value of ordinary farm lands; and that income and salary shall in no case be (for purposes of taxation) classed along with ordinary poses of taxation) classed along with ordinary farm or real estate values.

-Tribune.

\* \*

Dr. Chamberlain, Provincial Inspector of Prisons and Asylums, recently addressed the Welland county council in reference to the care of an immate of the House of Industry, who had been sent to the Gaol. The doctor is an old counillor, having served fifteen years at the council board. His remarks were timely and moderate, full of pity for the afflicted, and very impressive. He said many erroneous ideas prevailed as to the management of Industrial homes. In the first place inmates should not be compelled to work; they were not dray horses, and what work they did should be voluntarily done. These homes were for the care of afflicted, the maimed, the demented, and in dealing with these people we should act as we would have them act if our positions were reversed. He would strongly advise committing the man back to the home, and, if necessary, provide extra help to look after him there. From what he could learn there was none too much help at the home with its population of forty or fifty old people. Don't try to squeeze the cost of running your home too close. Don't fear a little expense when the comfort of a fellow creature is at stake.

### Municipal Officers of Ontario.

Clerk Township of Louth.

Mr. Snure was born in the township of Louth in 1836. Received his education at



MR. C. SNURE.

the Williamsville Institute, Erie County, N. Y., and was appointed clerk of Louth in 1877.

#### Town Clerk, Exeter.

Mr. Eacrett was born in Ireland in 1837. He received a good education, and came



MR. M. EACRETT.

to Canada with his father in 1852. He was not satisfied with a pioneer's life and learned the trade of carriage painting. He finally located in Exeter in 1866, then a small hamlet. In 1872 the people were

anx'ous to secure railway facilities, and Francestown and Exeter were united to form the incorporated village of Exeter, with a view to bonusing the London, Huron & Bruce Railway. He was one of a committee to secure incorporation, which was done by Act of Parliament in 1873, and was then appointed clerk. He is an out-and-out Tory and an ardent Mason, being secretary of Lebanon Forest Lodge and first Principal of Exeter Royal Arch Chapter. He is also Past Chief Ranger of Court Exeter, No. 123, I. O. F.

#### Clerk Township of Arran.

Mr. Monkman was born in the township of Albion, near Bolton, in 1840, and removed to Arran, then a wilderness, in 1854. During a few years of hard work he devoted some time to home study, and



MR. J. M. MONKMAN.

in 1861 entered the Normal School, Toronto, where he received a second provincial certificate, and taught school until May, 1884, when he was appointed township clark. In addition to his municipal office, Mr. Monkman is a conveyancer, commissioner and insurance agent. He is of opinion that if members of the Local Legislature were required to serve a term in a municipal clerk's office they would make a number of important changes in our laws of the greatest interest to clerks and other officials.

#### Clerk Town of Walkerville.

Mr. Robinson' was born in London, England, in 1840. After leaving college he studied law, and was admitted on the roll at Lincoln's Inn and Westminster in April, 1864. He came to Canada in 1871, and was for some time engaged with the firm of McCarthy & McCarthy,

barristers, of Barrie. After the death of the senior member of the firm he moved to Windsor, and managed the business of the late Alexander Cameron, and subsequently engaged with Hiram Walker & Sons. When Walkerville was incorporated in 1890 he was appointed town clerk. Mr. Robinson is al-o a commissioner in High Court of Justice and Notary Public.



MR. C. H. ROBINSON.

The town of Walkerville is well-known as a most business-like corporation, and much credit is due to the clerk for the manner in which he performs his duties.

#### Clerk Township of Wellesley.

Mr. Kroetsch was born in 1851, in the township where he now lives. He has



MR. J. L. KROETSCH.

been engaged in the general store business since 1866, and was appointed township clerk in 1884. He is also a conveyancer, commissioner, etc. His office is at St. Clements. Oxford Clerk's Association — Annual Meeting.

The sixth annual meeting of the Municipal Clerk's Association of the County of Oxford was held at the court house at Woodstock on S ptember 2nd. The meeting was attended by every municipal clerk in the county, including Mr. James White, the county clerk. The president, Mr. A. McFarlane, of South Norwich, opened the meeting with an address, in the course of which he called attention to the principal changes made in the statutes affecting municipalities at the last session of the legislature, as well as other matters which he thought should be dealt with by the association.

The county clerk delivered an address in reference to the election of county councillors in January last, and expressed satisfaction with the manner in which the election was conducted. He though the understanding arrived at at the last meeting of clerks had greatly assisted in securing uniformity throughout the county in conducting that election. He asked that before next election the association prepare and adopt a form of election notice, and attended to some other details that were not foreseen before last election.

Mr. Cody, of Embro, read a very interesting paper on "The Preparation of the Voters' List," which was tully discussed by the meeting, and drew out many and varied notions regarding voters and voters' lists. Mr. Cody's suggestions for improving the Voters' Lists Act in particular provoked much discussion.

Mr. John Peers, of East Oxford, read a paper on the Municipal Amendment Act, 1897;" in which he not only noted the changes made, but also showed their bearing upon the act amended. This was a carefully prepared paper, and while discussing it the amendments were pretty well threshed out. During the discussion it was suggested that each council should procure for its clerk a copy of the Ontario Gazette containing the amendments of the Municipal and Assessment Acts as soon as possible after adjournment of the Legislature. The usefulness of The Municipal World in this respect was noted and commended.

Mr. M. F. Ainslie, of Blenheim, read a paper on "The Assessment Amendment Act," which treated the changes made in that line in very much the same manner as the last paper dealt with those made in the Municipal Act. Mr. Ainslie congratulated his fellow clerks upon the few important changes made in the assessment laws at last session of the Legislature, and expressed the hope that a precedent had been established that would influence the Legislature in its future dealings with this and the other municipal laws.

Mr. W. G. Francis, of West Oxford, read a paper on "Cattle By-laws," which provoked a long and interesting discussion of the principle and practice of selling cow-tags. In four townships of the county a cow-tag by-law is enforced, and although

some legal authorities doubt their legality it has not been necessary to defend the by-law in the courts. In fact, in those townships in which the by-law has been in operation for two or more years the rate-payers are generally well satisfied with it. The discussion resulted in the association adopting a resolution approving of the principle of the cow-tag by-law.

The election of officers resulted in A. McFarlane, of South Norwich, being elected president for the sixth time, and William Fair ey, of Norwich village, was elected secretary for the fifth time.

This concluded a busy and most interesting meeting.

Mr. Cody's paper in reference to voters' list was as follows:

At our last annual meeting your humble servant was assigned the very difficult task of preparing a paper on how best to prepare a voters' list, and also suggest some improvements in the present act. My system of preparing a voters' list is to



MR. A. McFARLANE.
President Oxford Clerks Association.

Mr. McFarlane was born in the village of Waterford, County of Norfolk, forty-five years ago, but has lived in Otterville for over forty years. He was elected Councillor for South Norwich in 1873, as Deputy-Reeve in 1881, and Reeve in 1882-3-4. He was appointed Township Clerk in 1885, and is well informed in the working of the Municipal, Drainage and Assessment Acts, and particularly the Local Option Act, as his township defended the celebrated case of Huron vs. South Norwich. Mr. McFarlane is also Police Magistrate for Otterville. He takes an active interest in the Oxford Clerks' Association, of which he has been president since its formation.

take a copy of the previous year and carefully go through it, striking off the names of persons since deceased, and of those since disqualified from various reasons, and in the blank spaces between alphabetical sections insert the names of all persons who have since become qualified, as found upon the last revised assessment roll. I then revise the numbers where necessary. As to my suggestions of im-

provement or amendments to the act I know there will be honest differences of opinion, as no two municipalities are alike in every respect, and all officials and judges administer the act from their standpoint of interpretation. Hence, it becomes me, "unlearned in the law," to be very diffident in offering suggestions. However, I will submit a few for your consideration and for the purpose of provoking discussion. I would make it necessary for each would-be voter to make personal application to have his or her name entered upon the voters' list, and not through another person or agent. I would make clerk's notice to all parties concerned as obliga-tory to attend all sittings of a court of revision as the subpoena now issued by the County Judge or the Clerk of the County Court. It is often very inconvenient for the complainant to be compelled to travel to the county town for a subpœna when he should get it from the local municipal clerk. The assessment roll should be final and conclusive after being confirmed by the court of revision and the time for ap peal to the County Judge has elapsed, so far as the voters' list is concerned. There should be a change in the act whereby the local council could form into a court of revision on the voters' list similar to that on the assessment roll, and enter upon the voters' list all persons who have been omitted, wrongfully or otherwise, who are at that date duly qualified, or strike from the list those who are not legally qualified. This plan would save a good deal of expense, and often a great amount of irritation and ill-feeling, and any person who felt they were not receiving fair play or justice from said court could have the same right to appeal to the County Judge as they now have. This would be a great boon to the hundreds of ministers assuming new charges every year, who lose their franchise because there is no such simple and cheap way of getting their names on the list the first year, and they do not like to apply to the Judge. They usually move to a new charge after the lists are made out. I consider it a useless waste of lists, under section 6 of the act, where we are required to send each year ten copies of the voters' list to each of the following persons: Reeve of the municipality, member of the House of Commons, member of the Legislative Assembly, and to each of the defeated candidates of both houses for the riding. I would make it compulsory for all freeholders to have their deeds of qualification registered before being allowed to vote. My last suggestion may be thought rather conservative, but I have always held this view, and think it would be a great improvement in the act, namely: I would withdraw the franchise from all tenants for municipal purposes. I think it a great injustice that a tenant should have the power of neutralizing the vote of the bona fide freeholder, perhaps his own landlord in many cases. I might suggest several further changes in the act, but think these will suffice for the present.

#### ENGINEERING DEPARTMENT.

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

#### Sewage Disposal-Land Irregation.

The disposal of sewerage in land irrigation was referred to in the last number of THE MUNICIPAL WORLD. A recent issue of Engineering News contained an article descriptive of the Berlin (Germany) sewerage farm, by Allen Hazen. All of the sewage of Berlin is treated by applying it to the land, over 10,000 acres being under

irrigation. The writer says:

"The sewage farm, which we visited on this bright autumn morning, was reached by carriage from the railway station of Neu Babelsburg, perhaps twenty miles southwest from the city. The land there is very slightly rolling and quite sandy, except along the streams where the meadows are perfectly flat and inclined to be swampy. A large part of the ground is naturally covered with an open growth of tall, straight trees, belonging to the pine family. The trees are so few and the toliage is so scanty that sunlight pene-trates rather freely, and the ground is usually covered with a moderately good turf. Other areas are cultivated or used for pasture, but, as a rule, the soil is too poor to be profitably used in agriculture. The material of the soil itself, both in this and in other sewage farms, is remarkably uniform, and consists of a light brown sand.

Where the surface of the ground is covered with sod there is a little soil, but the soil layer is remarkably shallow and differs but little from the sand below it; so little, in fact, that it has been found unnecessary to keep it separate in grading, and cuts and fills are made without any regard to the material. This is, of course, possible on account of the remarkable uniformity of the material; under other conditions it would be impossible.

In preparing the ground for use in sewage irrigation, it is first cleared of the timber and stumps, where it has not already been cleared for other purposes, and is afterwards graded into level beds surrounded by low embankments, the beds being, as a rule, nearly square and less than an acre in area. Some of the beds are graded to slopes, but in this case the method of irrigation is entirely

different.

After the grading is finished, the underdrains are laid. The drains are rather shallow and quite near together. The material in the ditches stands up perfectly, and by the use of special spades, having blades only four or five inches wide, men selected for their small size are able to dig a ditch not more than twelve inches wide at the top and eight inches wide at the bottom at a cost of less than one cent per lineal foot, the ditch being from four to six feet deep, according to circumstances. This is one of the lateral drains from two

to three inches in diameter. The main or collecting drains, from four to six or seven inches in diameter, are usually laid somewhat deeper and the ditches are also wider, with a corresponding increase in cost. The lateral drains are not more than thirty feet apart, and are put down with grades as low as one in 250. The main drains of larger size have grades as low as one in 500. These main drains are continued until the quantity of effluent to be provided for exceeds the capacity of the largest ordinary agricultural tile, which are six or seven inches in diameter. These ditches are excavated in the sand with slopes of one to one and one-half, and the sides are prevented from sliding down by driving stakes at intervals on the sides, and between them is placed brush and other refuse obtained from the land cleared. Willows are also planted, and the bottom is supported by driving stakes, one-half to two inches in diameter, eight inches apart, back of which brush is placed. Poles are placed on the tops, and the two sides are held apart by frequent cross-pieces. These structures hold the bank from falling or washing for a few years, after which time they can be renewed, if necessary, but usually the willows and grass, whose development is aided by the sewage above and the effluent below, have obtained such a growth as to hold the banks without turther care, beyond the occasional cleaning out of the channel at the bottom.

The distribution of the raw sewage is effected by a system of iron pipes, in which a sufficient pressure is maintained to allow sewage to be drawn freely from any of the outlets. To regulate the pressure in the pipe system, stand-pipes are placed on summits. This stand-pipe is provided with an over-flow which discharges into the beds in the immediate neighborhood, and thus prevents the pressure from exceeding a certain limit. It is desired, however, to use a pressure somewhat lower than this, and this is accomplished by placing a float in the stand-pipe which carries on a long rod a box sufficiently large to allow it to be seen for a long distance. This signal goes up and down with the pressure, and the gate-tenders for a long distance around can open or shut their gates accordingly, as the signal rises or falls.

The outlets from the iron pipes into the earth distributing channels are extremely simple. An ordinary gate allows the sewage to flow into a slight excavation in the ground, the sides of which are protected by rough wooden sticks, hardly two inches in diameter, backed by brush. The little sewage-distributing basin thus formed is divided by two partitions of similar construction to the outside walls, which compel the sewage to flow through it by a circuitous route before flowing into the earth carriers. Pieces of paper and other large suspended matters are deposited in these receivers, and are cleaned out from time to time and burned or otherwise

disposed of. These receivers are extremely inexpensive, and there is nothing of a permanent nature about them except the iron pipe through which the sewage enters, but they seem to answer their purpose of removing the grosser matters of the sewage fairly well, although there is apt to be more odor from them than from any other part of the system. They are, however, regarded as desirable after many years' experience, and are always placed at outlets.

After leaving this slight receiving basin the sewage flows through a system of open carriers to the various beds. These carriers are made up by simply piling up the sand, perhaps throwing into them sod. if any is available. A little care is required to keep them in shape at first, but after they are once fairly brought into use a vigorous growth of grass appears over the surface and preserves them from further change of shape. The bottoms of these carriers are always somewhat higher than the surface of the beds to be irrigated from them, so that they can be completely drained when not in use. The flow of sewage in them and from them into the beds is controlled by wooden gates soaked in tar. These gates are reasonably tight, extremely inexpensive, and readily replaced when necessary.

An illustration accompanying the article shows a field under irrigation, from which a crop is being removed by a team of four oxen hitched up abreast. There are numerous villages on the sewage farms, sur-

rounded by fields.

The cost of preparing land for irrigation is stated to be on an average about as follows:

PER		
Grading and embankments\$		
Draining	39	00
Distribution system for raw sew-		
age, including iron carriers and		
general expenses	48	00

Total expenses for preparing land for use.....\$126 00 Average cost of land to the city.. 194 00

Total cost of land, ready for use. \$320 00

To the farmer and his family good roads are a vital concern of daily life and fortune, and happiness wait upon their coming.

About 100 miles of the Crow's Nest Pass road is already under contract, and track-laying began at Lethbridge on the 29th of July, and was commenced at McLeod, forty miles westward, early in August. The second fifty miles has been divided into sections of from five to ten miles long, and awarded to Messrs. McArthur, Buchanan, Strevel, Keith and Bowels, all of Winnipeg; McGillivery, of Vancouver, and Hugh Mann, of Rossland. It is more than probable that the first hundred miles will be completed before the end of the year and another section well under way.

Forestry in Ontario.

A report of great value and interest, recently issued by the Department of Crown Lands for Ontario, is that of the Clerk of forestry, Mr. Thomas Southworth. The importance of scientific forestry reforestation to the people of this Province has previously been commented upon in these columns, and this additional literature on the subject is of an exceptionally readable nature. The feeling of the general public with regard to Crown lands forestry is outlined as follows in the opening paragraph of the report.

"Until recently it was generally accepted as certain that the wonderful crop of pine and spruce now being harvested was the only one we could hope for; such a thing as the natural reproduction of white pine was considered quite out of the question, and leading newspaper articles have been devoted to devising other means of securing revenue to take the place of the million or so of dollars annually derived from our timber lands when the present crop of pine shall have been removed. Even yet the opinion among lumbermen and the great majority of the general public is that as soon as our lumbermen have exploited the whole of our vast white pine areas, there will be no white pine of any consequence to cut, and the great lumber industry, with its millions of invested capital and tens of thousands of workmen, will be a memory only, except for the smaller custom mills, which during a short time in the spring, cut up a few logs taken from the farmers' wood lots.

Just what the meaning of "reforestation" and "scientific forestry" would be to the citizens of Ontario is instanced by the following striking example:

"In the county of Hastings there is a block of pine timber estimated at 150 to 200 million feet, board measure, that was under license in 1854. The limits around it present a picture of desolation caused by repeated fires, but this block, through the efforts of the limit-holders, assisted by the neighboring settlers, has been preserved. Ten million feet of timber was taken from it in the past season without any apparent decrease in the supply. So great would be the annual growth on this tract of eighty square miles, under even a modified forestry practice, exempt from fires, that three times this amount of timber could be cut from it annually in perpetuity without impairing the limit. Just what this means to the people of the Province is not generally understood. The land on which the timber stands is not considered valuable, or is not suited for agriculture. Most of the land in the vicinity suitable for general farming has been taken up by settlers for whom the lumber operations in this forest provide a market for much of their produce, and work for themselves and teams through the winter, when they would otherwise be idle. In addition to the indirect benefits, this forest has already paid into the Provincial treasury a good deal more than would have been obtained from the sale of the lands. As this tract was placed under license as far back as 1854, little was received from it in the way of bonus, but from ground rent and timber dues the Province has received fully \$5 an acre for the whole area of the township, while if the water-covered and other useless areas were deducted, the amount would reach nearly \$10 an acre, and the Province still owns the land."

Elsewhere the report says:

"Competent Judges of forest conditions in the United States estimate that the supply of white pine in that country will not be adequate for their home consumption for many years to come at the present rate of cutting, while the fact that all or nearly all their white pine lands are held by private parties, renders any attempt at reforestation by the state on any large scale out of the question. When this period arrives, when the United States has no more pine to export, the price of this wood will be considerably enhanced, rendering scientific forestry in Ontario not only possible but profitable. In countries where the price of lumber is much higher than here, a very expensively managed forestry system returns a handsome profit over all expenses. The net revenue to the state from the forests of Prussia is about \$6,000,000 yearly and this in spite of their limited area as compared with ours, and the expense of their forest administration, which reaches about \$8,000,000 per annum. . .

Aside from the advantages of the protection of climate and water supply and the revenue of the Province there are other factors in this question of reforestation of the waste lands of the Crown that are frequently overlooked. At our present rate of cutting unless something is done in the way of restoring to a tree covered condition the non-tillable portion of the crown lands now lying waste, the lumber business and allied trades will become extinct for want of raw material. Just what this would mean to the people of the province is not generally understood. Besides the large mills cutting timber from crown lands there are over 1500 other mills, large and small, in the Province, employing a large number of men, furnishing the farmers with a local supply of lumber and affording a market for their mature and, sometimes it is to be feared, immature timber.

"Forestry on the Farm" is discussed in a manner which will throw much new light on the matter for the agriculturists of Ontario. Other topics are: "Nature Study in the School," "Entomology," dealing chiefly with galls, and "The Manufacture of Wood Charcoal." An appendix is included in the report, showing area of township municipalities, with the proportion of cleared, waste and wooded land to the whole, for the year 1896, in that

portion of Ontario which is now thickly settled.

In accordance with a memorandum addressed to the Commissioner of Crown Lands by Mr. Southworth, a Royal Commission was issued early in the year, composed of E. W. Rathbun, of the Rathbun Company, Deseronto; John Bertram, of the Collins Inlet Lumber Company; Alex. Kirkwood, Department of Crown Lands; J. B. McWilliams, Provincial Superintendent of Forest Rangers, and Thomas Southworth, Clerk of Forestry. The purpose of the commission is to investigate and report upon the subject of restoring and prestoring and preserving the growth of white pine and other timber upon lands in the Province which are not adapted for agricultural purposes and settlement. With this object in view, the commission has already visited the Rainy River District and Hastings County.

Copies of the report can doubtless be obtained on application to the Clerk of Forestry, Parliament Buildings, Toronto.

#### Repairing Roads.

If a road could be induced to wear even'y downward, the task of repairing would then be limited to occasional extensive reconstruction work; but whatever be the rate of wear the inevitable irregularties in the strength of the structure will lead to the formation of ruts and pitcholes of varying depths and sizes. The aim of the pathmaster or superintendent should be to detect these as soon as they begin to form so that the destructive process may be arrested as soon as possible. Once a depression is allowed to form and go uncared for, each passing vehicle dropping into it enlarges it with wonderful rapidity, water accumulates and softens the metal and soon the road at this point becomes dangerous and impassable. When these depressions are slight they may be repaired by a little clean gravel or broken stone. Where the depressions or ruts are wide and deep and the whole surface of the road-bed is worn and out of repair, the ruts and holes should be filled with coarse gravel or stone broken to about 11/2 inches and this should be covered with a finer grade of gravel and dressed with screenings, and the whole rolled until firmly compacted. Wherever new material is applied for the purpose of repairs, care should be taken to see that the surface of road is given sufficient crown to perfectly shed the water. For all the directions which may be given in the matter of road repairs, the result depends mainly on the skill of the superintendent and workmen in contriving the work so that the surface of the mended place may be in the end exactly to its proper level. If higher or lower, the effect is only temporary. A depression will form in the old place if it be left too low, other holes will form along side of the patch or at either end if it be left too high. The ability to do such work well depends upon the experience and craft of the workmen.

#### Good Roads Needed.

The Monetary Times has this to say on behalt of good roads, in addition to a most complimentary reference to the work of the Provincial Instructor in Roadmaking:

"Among the features of this country which attracted attention and caused remark from the visitors on the occasion of the recent British Association meeting was the nature and condition of the country roads. The visitors were surprised, considering the character of some of our streets in the cities, that we had not better roads in the country, as a rule. This surprise is not to be wondered at, when we recall the excellence of the Old Country roads generally. They are so good, and the value of them so great, that those who are in the habit of using them cannot understand how an intelligent community, such as the people of Ontario are, can put up with roads which at certain seasons of the year are all but impassable. Nor is it much better, if at all, in the United States. Complaints loud and long have been made by our neighbors to the south of the condition of their country roads. And the badness of them has been more fully recognized quite recently; in fact, since the popularity of bicycle riding in the country has drawn the attention of the city people to the rural highways. In both countries, however, an agitation has been gaining strength for the past year or two, having for its object the improvement of the roads. In the States the Good Roads Association has brought powerful influences to bear, with this aim in view. And in Canada, although we know of no similar organization to the one just mentioned, the Government of more than one of the provinces are moving in the direction of improving the

"It is not proposed in this article to go into details as to the most desirable methods of making our country roads better. What seems to us of superior moment in the meantime is to arouse the community, the farmers especially, to see that hitherto their labor on the roads has been largely wasted, and that large appropriations for roads from the general municipal tax funds have been wasted, because proper principles of roadmaking were not adopted in the first place. They should be made to see that roads which are from six to sixteen inches deep of mud at certain times in the year, roads that are so deep of ruts that a man cannot drive at a trot for a quarter of a mile, roads that are so hilly that a driver of a vehicle has often to alight going up one, should be entirely rebuilt, and that the ineffectual Pottering of statute labor should give place to a settled and improved system based on experience, economy and com-

"Let the farmers, Jones, Smith and Macdonald, once understand that of the millions lost every year by Canada through bad roads Jones loses \$20, Smith \$40, and Macdonald \$100 every twelve months and there will be a movement in the direction of better roads that will transform our rural municipalities."

#### Brick Pavement.

A new set of specifications for street paving, prepared by the city engineer of Omaha, contains the following with reference to brick paving. The extract, it may be remarked, deals merely with the surfacing of bricks, the grading and foundation being stated separately; and it must not be inferred that these latter are dispensed with:

"The brick must be of the best quality of vitrified paving bricks of uniform dimensions, with square and straight edges. They must be uniformly burned and annealed for street paving, with an absorption of less than two per cent. of their weight after being dried and then immersed in water for forty-eight hours.

They must be set vertically on edge, in close contact with each other, in straight rows across the street, except at street intersections, which shall be paved at an angle of forty-five degrees to the lines of intersecting streets, so as in no case to be parallel to the line of travel, and those in adjoining rows so set as to regularly break joints. No bats or broken bricks can be used, except at curbs, where half brick must be used to break joints. The brick having been set for a distance of sixty feet, the first fifty feet must be lightly rammed, after which a covering of bank sand, sufficient to fill the interstices, must be spread over the surface and broomed in, after which the whole must be rammed with a rammer weighing not less than fifty pounds. A plank must be used under rammers. As soon as a square, not less than 100 feet in length and full width of the street, shall have been laid, as above, a final covering of one-half inch of bank sand must be spread over its entire surface. The surface of the finished street must be of the proper grade and form, in accordance with the stakes of the city engineer."

When all the farmers in the Province know what a few know now of the benefit of good roads and the ease of getting them we shall be far on the way of getting them everywhere.

What is said to be the largest steam power plant in the world will be established by an electric street railway company in New York city. The total capacity will be 70,000 horse-power.

The preponderance of evidence appears to be strongly in favor of wide tires and unequal length of axles, not only as economical of power of hauling, but as tending to impress the roadway and maintain its improvement.

Road Allowances.

Road allowances are commonly 66 feet in width. This is considered necessary for the accommodation of traffic, and belongs to the public. Farms are laid out on either side of these allowances, and belong to the private owners. Fences are supposed to be built on the line between the public and private property. It is a remarkable fact noticeable in driving over the roads in the rural municipalities that these fences are frequently not constructed on the line. It is a remarkable fact that the fences not on the line are seldom on the private property. In the better sections where the land is valuable and the farmers are prosperous and progressive, and where every square foot of their property is put to use, the ambition of the individual owner is to enclose their land no more or less. The proper lines are determined and the fences placed upon these lines. It is galling to such men to think that within their enclosure is land they do not own. Along such roads the full width of the allowance is neatly kept cleared of all rubbish, stumps and brush-wood exhibiting the same taste on the public as on the private property, the whole bearing a liberal and dignified appearance. In other sections and usually where the land is of a poorer quality and the people of more contracted ideas, the fences are placed by the owners of the property on each side so far on the road allowance as to leave barely room for the passage of vehicles. The object cannot be to secure more land, because where these encroachments appear a large percentage of the private possession remains in the state of nature, uncultivated and unused. The only excuse or reason given for the action is an inordinate desire to take possession of something to which they are not legally entitled. The strong-est evidence of a truly mean man is to be found in a neighborhood where the test of the people have given the full allowance and his fence projects on the road several feet causing a complete jog and a narrowness between fences. A man's character is often, by the travelling public, measured by the extent to which his fence projects upon the roadway.

W. T. Jennings, C. E., late city engineer of Toronto, who was formerly with the C. P. R., has been engaged by the Dominion Government, and has gone out with a party to furnish a report on the best means of getting into the Klondike country by railway over an all-Canadian route. At the same time he will take a look at others; and, in fact, at all available routes, so as to supply information upon which the executive may rely.

Young Artist (who has had all his pictures rejected)—"I don't see why they didn't hang my work." His Sister—"I guess they thought hanging was too good for it."

Roadmaking at Toronto Fair.

One of the attractive features of the Toronto Fair was the roadmaking exhibit. Each day rock-crushers and steam rollers were in operation, but on Wednesday, farmers' day, according to announcement, actual roadmaking was undertaken on a strip of ground along the lake front. The grading was done by four different makes of graders, two being operated by horsepower and two by traction engines. This was rolled by a fifteen-ton steam roller. Macadam was prepared by the stonecrushers and placed on the roadway with dump-wagons, and the whole firmly rolled, leaving the surface perfectly crowned, hard and smooth Hundreds watched the process and a great deal of interest was manifested. The Hon. John Dryden, Minister of Agriculture; Mayor Shaw, Ald. Saunders and members of Board of Public Works, Toronto; Engineer Rust and Street Commissioner Jones, Toronto; the Commissioners of the Montreal Turnpike Trust and Superintendent Quinn; the Mayor and a large number of the City Council of Guelph; members of the councils of St. Catherines, Hamilton, Brantford, Berlin and Belleville, together with about sixty deputations from town and township municipalities witnessed the work, which was done under the supervision of A. W. Campbell, Provincial Road Instructor.

#### Taxation of Official Salaries.

One thing for which the municipalities will push is the taxation of officials' salaries, irrespective of how or by what government they are employed. should the income of any man be exempt from taxation and not another? What has the nature of the service and the source of the income to do with the case? If Dominion officials paid an income tax elsewhere than where they resided there would be some sense in their demand for exemption, but the salaries are free from municipal assessment everywhere, while they have all the advantages of municipal government, fire and police protection, for which other people pay. Every scheme and every step which aims at evening up the taxes should be helped along. It may be argued that with the changes suggested the end desired may not be reached, but they are in the right direction. - Kingston Whig.

The average bicycle girl toils not, but you ought to see her spin.

The town of Smith's Falls only pays \$1600 for twenty-three lights and there is an all night service. In Carleton Place the town council offered \$1,100 for sixteen lights, and they are not to have lights on moonlights. There will be lots of kicking in C. P. when the moon happens to be hidden by clouds for two or three consecutive nights. No lights moonlight nights won't work.—Expositor.

Municipal Tax-Exemption Convention.

About fifty delegates from the municipal councils of the Province attended the convention held in Toronto on the 9th of September to discuss the question of tax exemptions. Mayor Shaw, of Toronto, presided pro tem, and among those present were the following: Mayor Hewar, Ald. McLean, Howard and Walker, Guelph; Mayor Radford and Reeve McGivern, Galt; Ald. Findlay, McAndrew, Emory, Hannaford, Hamilton; Mayor Skinner and Ald. McKelvey, Kingston; Mayor Elliott, Ald. Duncan, Brantford; Mayor Johnston, Ald. Doyle, Belleville; Councillor Proctor, Beaverton; F. Marx, Chatham; Sidney Smith, Clifford; John S. McCulloch, East Toronto; Ald. Parnell, London; Mayor Smyth, Councillor Southeran, Lindsay; Mayor Davis and Reeve Lawson, North Toronto; Mayor Thomson, Owen Sound; J. W. Quinlan, Port Hope; Wm. Jelland and H. Best, Peterborough; Reeve Taylor, Port Stanley; Reeve Robinson and L. Scranton, Streetsville; M. J. Keating and D. Robertson, St. Catherines; Mayor Barnes, Smith's Falls; Mayor F. W. Wright, St. Thomas; Mayor Shaw, Ald. Scott, Leslie and Carlyle, Toronto; Councillor Laughton, Toronto Junction; Reeve Richardson, Vespra; Mayor Reid and Councillor K. Kerr, Walkerville; Charles Chubb and W. S. Woolison, Wallaceburg; Reeve Hill, W. S. Clarke and F. C. Miller, York Township.

The Mayor, in his opening address, welcomed the delegates to the city, and stated: "No question had occupied the attention of the public of Toronto more earnestly than the question of municipal taxation and the exemptions from taxation, which in this city amount to a very large sum, making the burden of those taxed much heavier than it ought properly to be. We have in Toronto three or four kinds of taxation-taxation according to value, a foot frontage taxation for improvements in front of citizens' property, and something in the way of a poll-tax for water takers. Upon what sound principle of economics the exemption from municipal taxation of property which receives the benefit of police protection, fire protection, the cleaning of streets and lanes, and such other services as are absolutely necessary for the health, comfort and convenience of the citizens rests, it is impossible to conceive. It will be found upon investigation that it is based upon political exigencies and supported by a theory."

Alderman Scott, of Toronto, was then appointed chairman and Alderman Leslie secretary.

Resolutions to request the Ontario Government to take away from municipalities the power of exempting manufacturing industries, and to submit a plebicite at the next general elections to ascertain if the people are in favor of taxing all property and exempting nothing, were carried.

A resolution was also passed disapproving of the valuation of vacant lands in cities and towns as farm lands for assessment purposes. A number of other questions were discussed, but no definite decision was arrived at. It was decided that the convention should hereafter meet annually in Toronto during the second week of the session of the Legislature.

The following officers were elected: Alderman Scott, Toronto, president; Mayor Thomson, Owen Sound, vice-president; Alderman Leslie, Toronto, secretary, and the mayors of Hamilton, Chatham, Kingston, Belleville, and Alderman Parnell, of London, are the executive committee.

#### Wide-Tire Laws.

Ottawa Journal: The Municipal Assembly, of St. Louis, has recently adopted an excellent sample of wide-tire by-laws.

The ordinance requires that a vehicle having an axle two inches thick shall have tires two and three-fourth inches wide, and a vehicle having an axle three inches thick shall have tires at least five inches wide. Every size of axle is to have tires of proportionate width, all duly regulated by this ordinance.

The ordinance further provides for the appointment of four inspectors of vehicles, each at a salary of nine hundred dollars a year, to aid the license commission in the collection of the vehicle license and in the enforcement of this ordinance.

Anyone who has noted the effect in Ottawa of the broad tires which a great number of wagons have adopted during the past two years, must realize the remarkable value of such tires preserving and indeed making good roadways. The wide-tire by-law which Ottawa passed last year, at present suspended, was in principle one of the best pieces of legislation the city council ever tried. In detail, the St. Louis idea may possibly be better. But whatever the details, the ratepayers, if they wish to consult the interests of their own pockets in a diminished expenditure on the streets, should insist that when the wide tire law is brought again into force, as it should be next spring, must be unfalteringly maintained.

On her way to Balmoral from the south the Queen passed near the country seat of a rich commoner. This gentleman had grand vineries, and he instructed his gardener—a typical speciman of the thritty Scot—to pick a large basketful of the finest grapes to be sent to Her Majesty.

Amid many grumblings anent the giving away of "my grapes," he complied. Shortly afterwards a letter was received from the Queen thanking the donor in graceful terms for such fine grapes.

Thinking this would molify his gardener, the gentleman read him the missive. The old Scot heard it through in silence, and then remarked anxiously:

"She dosen't say anything about sending back the basket."—London Answers.

#### LEGAL DEPARTMENT.

JAMES MORRISON GLENN, LL. B., of Osgoode Hall, Barrister-at-Law, Editor.

#### LEGAL DECISIONS.

Consumers' Gas Co. of Toronto vs. City of Toronto.

Assessment and Taxes—Toronto Gas Company—Mains and Pipes—Exemptions—Real Property—Chattels—Fixtures—Highways—Title to Portion of Highway—Legislative Grant of Soil in Highway—tr V. C. 14—55, V. C. 48—Ontario Assessment Act, 1892.

Gas pipes laid under the streets of a city which are the property of a private corporation are real estate within the meaning of the Ontario Assessment Act, 1892, and liable to assessment as such, as they do not fall within the exemptions mentioned in section 6 of the Act.

The appellants were incorporated by an act of the late Parlaiment of Canada, 11 V. C. 14, by the first clause of which power was conferred "to purchase, take, and hold lands, tenements, and other real property for the purposes of the said company, and for the erection and construction and convenient use of the gas works" of the company; and further power was conferred by the thirteenth clause, "to break, dig, and trench so much and so many of be streets, squares, and public places of the said city of Toronto as may at any time be necessary for the laying down of the mains and pipes to conduct the gas from the works of the said company to the consumers thereof, or for taking up, renewing, altering, or repairing the same when the said company shall deem it expedient.

Held, that these enactments operated as a legislative grant to the company of so much of the lands of the streets, squares, and public places of the city and below the surface as it might be found necessary to take and hold for the purposes of the company, and for the convenient use of the gas works; and when openings were made at the places designated by the city surveyor, as provided in the charter, and they were placed there, the soil they occupied was land taken and held by the company under the provisions of the act of incorporation; and the Proper method of assessment of the pipes so laid and fixed in the soil of the streets and public places in a city ought to be as in the case of real estate and land generally and separately in the respective wards of the city in which they may be actually

Judgment of the court below, 23 A.R. 551, 16 Occ. N. 282, affirmed.

The foregoing decision of the Supreme Court of Canada turned upon the meaning of subsection 2 of section 34 of the Consolidated Assessment Act which is as follows: The personal property of an incorporated company other than the companies mentioned in sub-section 2 of

this section, shall be assessed against the company in the same manner as if the company were an unincorporated company or partnership.

(2) The personal property of a bank or of a company which invests the whole or the principal part of its means in gas works, water works, plank or gravel roads, railway and tramroads, harbors or other works requiring the investment of the whole or principal part of its means in real estate, shall as hitherto, be exempt from assessment; but the shareholders shall be assessed on the income derived from such companies. R. S. O. 1887, C. 193, section 34.

The question for the decision of the Court was whether the gas pipes laid under the street were real estate or personal property. If personal property they were exempt but if they were real property they were taxable. The question came before several county councils and the majority of them held that gas pipes were personal property and exempt and several gas companies through the Province escaped taxation. Now the Supreme Court has decided that gas pipes are real estate and assessors should assess them as such. It will also be observed that instead of assessing the whole in the ward where the works are situated the assessment ought to be separate for each ward.

Broughton vs. Townships of Grey and Elma.

Municipal Corporations—Drainage By-Laws—Initiating and Contributing Townships.

Where the council of a municipality assumed to pass a by-law under section 585 of the Consolidated Municipal Act of Ontario, 55 V., chap. 42, for the construction, maintenance and repair of drainage works, and thereby to charge and assess lands in an adjoining municipality for benefit as for outlet in order to raise the funds necessary to meet the costs of such works:

Held, reversing the judgment of the Court of Appeal for Ontario, 23 A R, 601; 16 Occ. N., 281, and of a Divisional Court, 26 O. R., 694; 15 Occ. N., 292, that as the drain only emptied into a natural stream extending into the adjoining municipality the lands in such adjoining municipality purported to be affected by such by-law were not assessable for a liability thereunder to contribute toward the cost of the works, and so far as they were concerned the by-law was ultra vires of the initiating municipal corporation, and that a person whose lands might appear to be affected thereby, or by any by-law of the adjoining municipality proposing to levy contributions toward the cost of such works, would be entitled to have the adjoining municipality restrained from passing a contributory by-law, or taking any steps towards that end, by an action brought before the passing of such contributory by-law.

Reg. ex rel. Ferris vs. Speck.

Judgment on appeal by the relator from order of Judge of County Court of Welland dismissing motion to void the election of the respondent as a councillor for the village of Niagara Falls for alleged want of property qualification. The respondent was duly rated upon the proper assessment roll as tenant of land assessed thereon for \$800, which land, with other land owned by the same landlord, which it was admitted was of the value of at least \$1,100, was encumbered by a mortgage of \$800, having priority to the respondent's lease. The question turned upon the meaning of section 73 of the Consolidated Municipal Act, 1892, which requires, as far as applicable to this case, that a person to be qualified to be elected must have at the time of the election, as proprietor or tenant, a legal or equitable freehold or leasehold, rated in his own name on the last revised assessment roll of the municipality, to at least the value thereafter mentioned over and above all charges, liens and encumbrances affecting the same, such value being in the case of councillors of incorporated villages, freehold \$200 or leasehold \$400. The County Court Judge was of opinion that the mortgage was not to be taken into account in ascertaining the value of the respondent's leasehold, as it was not a charge, lien or encumbrance affecting it, within the meaning of section 73; and the learned Chief Justice is unable to say that this view is not the correct one. What was meant was that the leasehold interest itself should be the subject of the encumbrance where the qualifying property is a leasehold interest; that is to say, an encumbrance created by the owner of the leasehold interest, or operating upon it qua leasehold. Held also, that the mortgage debt should be apportioned according to the respective values of the two properties included in it if the encumbrance were one within the provisions of section 73. See Moore vs. Overseers of Parish of Carlisbrooke, 12 C.B., 661; Barrow vs. Buckmaster, ib.,664. Appeal dismissed with costs. W. M. Douglas for the relator. DuVernet for the respondent.

"You old plug," said the farmer to his balky horse, "you actually ain't worth killin'— unless," he added, after second thought, "unless I could manage to git you killed by the railroad."

The Wife—Doctor, can you do anything for my husband? The Doctor—What seems to be the trouble? "Worrying about money." "Oh, I can relieve him of that, all right."—Yonkers Statesman.

The McNab treated the family to a fantasia upon the bagpipes, and when he had concluded he looked around with honest pride and remarked: "Eh, mon, but that's vara deefficult!" "Is it?" said the O'Flaherty. "Be jabers," Oi wish it had been impossible."

#### QUESTION DRAWER.

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

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

Communications requiring immediate attention will be answered free by post, on receipt of a stamped addressed envelope. All questions answered will be published, unless \$1 is enclosed with request for private reply.

Pathmaster's Ditches-Liability for Damages and Crossings.

375.-J. M.-Pathmaster improved road past a man's place, opposite buildings, extended ditch to culvert where water could run off, on side of road buildings on, only extended ditch to man's barn. Now this man claims that be-fore this road was ditched the water from the upper side of road from his place run off the road and was evenly distributed over his land, but that now the water in the ditch on the side next his place runs through his gate and into his barn-yard and down to his house and damages him, and claims that the council should put in an underground pipe to earry water past barn and gate to meet culvert.

1. Please say if the council are obliged to put in pipe to carry off water for him.

2. When road passes man's buildings or roadway to his property are the council obliged to make crossing over ditch for him?

1. The municipal corporation is liable in damages upon the facts stated. A pathmaster has no right to have ditches dug along the highway by which water is brought to a certain point and discharged upon a private individual's land to his injury. The council should direct the pathmaster to have the ditch continued to a proper outlet or altered in some way so as to prevent any damage in the future. They are not obliged to put in a pipe for the land-owner.

2. No.

#### A Township Bridge.

376.—Councillor.—In this township there is a county road running across the township and there is a road leading to this county road kept up by statute labor or township grants. This road reaches the county road by a bridge passing over a large ditch, and this ditch is inside the county road limits.

Has the county got to keep up this bridge?

No.

Councillor Not a Collector's Bondsman.

377.-A SUBSCRIBER.-Can a member of municipal council be legally a bondsman for tax

Municipality Liable for Rent of Room for Police Magistrate's Court.

378.—Algoma.—Is a municipality compelled to pay the cost of hiring a court-room under the following circumstances: A person being arrested for robbery, and the police magistrate come to

try the case. There is a lockup in the village in the jailer's room of which the police magistrate usually tries any cases, but in the case above mentioned he instructs the constable to hire a hall in the village, if it could be got for such a sum, which was eventually done. Now the judge, as one of the provincial auditors, says the municipality is liable for the cost of the rent.

Please say if it is so.

Assuming that the accommodation afforded in the lockup was not reasonably sufficient under the circumstances, and that the amount paid for the other room was reasonable, the municipality is liable.

By-Laws Allowing Animals to Run at Large-Addition of Percentage to Uncollected Taxes.

J. W. K.-1. Are animals prohibited to run at large by the statute? Has a council

to pass by-laws allowing them to run at large?

2. Where the collector's roll is not called in February and the council extend the time till after the first of May, can the treasurer add 10 per cent to the resident as well as the non-accident and lot the callector are added. resident, and let the collector go on collecting?

1. Unless the council has by by-law provided otherwise, the Act Respecting Pounds, chap. 215, R. S. O., 1887, is in force in every municipality, and animals are not permitted to run at large, but councils may pass by-laws permitting animals to run at large. This power seems to be implied by the language of section 2 of the above act, where it says "and the owner of any animal not permitted to run at large by the by-laws of the municipality shall, etc.'

2. No.

By-Law to Prevent Working on Statutory Holidays Illegal.

380.-R. S.-Would it be legal for the town council to pass a by-law to prevent anyone working on the Queen's Birthday, Dominion Day and other statutory holidays.

If it is illegal to pass such a by-law please

quote statute, etc.

P. S.-Also Civic Holiday proclaimed by mayor of town council.

No.

Bridge Accident-Previous Notice as to Condition-Liability for Damages.

381 .- E.-A bridge on the boundary between two townships is unsafe. A party tried to take a steam boiler, etc., over it, although warned by an official of the council that it was not safe to do so, and besides the party was well aware of its unsafeness. The bridge broke. He has now put in a claim for damages. Are the councils liable?

No.

Councillor Without Property Qualification.

382.-J. P. W.-1. If the qualification of a councilman is insufficient does he incur any penalty by acting?

2. What measures must be taken by those

who wish to prevent his acting?

2. Proceedings should be taken within six weeks after his election or one month after acceptance of office under section 188, Consolidated Municipal Act, 1892.

May Vote on By-Law and for Council same day-Assessment Personal Property.

-T. F. W.-1. Will it be legal for a local option by-law to be voted on the same day as the election of reeve and councillors?

2. A loaned \$450.00 to the municipality on note due May, 1897. During April assessor assessed A for \$450.00 personal property. A appealed to court of revision but court sustained the assessment. Is it legal, and can A be taxed on full amount of money loaned or only on

I. Yes.

2. A is assessable in respect of the income alone, and then only upon the excess above \$400. If he was assessed \$450 in respect of the loan the assessment and its affirmance by the Court were entirely wrong.

Public School Trustees-Teacher Without Certificate-Payments-Assessment Roll and Letters M. F.

384.-Manitoulin.-1. Can the trustees of a public school (who hire a teacher who has no certificate) be compelled by law to pay the teacher's salary for the time he may teach, and will the school lose the government grant? If the grant be lost can the trustees be sued and

compelled to make it good?

2. If the assessor of a township fails to put the letters "M. F." in the fourth column of the assessment roll after each name, and the council let it pass the court of revision uncorrected, will the ratepayers have votes at the next Ontario election? If the roll is wrong what steps should be taken to make it right, so that the ratepayers will have votes?

1. The teacher cannot recover, and the trustees can be compelled to make good the amount paid if they pay it over to an unqualified teacher.

2. The error may be rectified by an appeal to the County Judge, under the Voters' List Act. See sub-section 8 of section 14b, Consolidated Assessment Act, 1891.

May Abolish Statute Labor.

385 .- W. P.-Has the municipal council power to entirely abolish statute labor? Yes.

#### Burial Ground.

386. - QUERY. - Previous to 1885 (some years) a neighbor, still living, announced that he gave to the surrounding settlers half an acre of his land to be used as a public burial ground; several were buried therein. In 1885 the ground required fencing. A public meeting was held, money subscribed, and a resolution passed that some one should write to a public newspaper, asking legal method of obtaining proper possession. This was acted on. The proper possession. This was acted on. The reply was, "Get a plan and certificate attached (if property is surveyed) get giver of land to sign plan and certificate, send these to township clerk, who shall bring it before the council who shall have it registered; land then becomes corporation property. All this was done so far as sending to township clerk. Years went by, in fact till very recently it began to come out that the man who was supposed to have given the land was collecting one dollar from some the land was collecting one dollar from some persons who were burying there, A public meeting was held August 21. The whole matter was brought up; the giver of the land made the statement that he had not been paid all up for fencing that he considered the public still owed him. The money which he had collected was for the trouble of the money which he had collected was for the trouble of showing parties where to bury (he lives close to burial ground); be it further remarked that he was never appointed overseer as the public always thought that, being corporation property, the corporation of the township had the looking after it. The owner was paid \$9.80 for fencing, and the fencing cost \$17.50, but \$1.00 was handed to fence-builder by a settler, the builder having taken the job from the giver of the land, whose receipt shows from the giver of the land, whose receipt shows he paid out \$16.50. Giver of land will give no

statement of how much he put in his pocket for his trouble; says he does not keep any books. The corporation has been written to, and no trace of a plan and certificate can be found, but the one who holds all receipts for moneys paid, sending or May the one who holds all receipts for moneys paid, surveyor's letters, concerning sending of plans, etc., has a receipt worded thus: May 21st, 1881, Received from the committee appointed to fence the burial ground, \$9.80, same land pt. lot 21, con. B, Township Kama, having been lately given by myself for the benefit of the public, being a balance left in hands of committee, same sum having been subscribed to fence said burial ground and hereby acknowledged by me for said fence building. Signed, So and So.

Kindly give your opinion, and what is to be done to restrain supposed giver of land from collecting more from settlers or trying to retake land. He says he wasn't signing more papers, but acknowledged in public signing plan and certificate.

We cannot find any authority for the course which appears to have been taken upon the advice of the newspaper. There should have been a conveyance of the land to trustees, as provided by the Act respecting Conveyances to Trustees for Burial Ground, or acquired by the corporation by by-law. After the lapse of so many years we do not think that the owner can retake the land. So far as the settlers are concerned, their course is not to pay the land-owner if they do not choose to

Statute Labor to be Done in Division where Property is Situated.

387.—G. W. T.—Can any municipal council pass a by-law requiring statute labor on every assessed lot in the municipality (whether free-hold or tenant) to be done on the road division upon which such lot faces?

There are a number of road divisions in this township sadly deficient on account of the owners or tenants of such lots taking the statute labor of such lots away unto other divisions.

Yes. See Section 521, Sub-Section 5, Municipal Act.

#### Cattle Running at Large.

388.-J. M.-If a council should pass by law allowing cattle to run at large, would landowners be then compelled to erect roadfences or if they do not erect fences can they collect damages from the owners of cattle if they go into crop?

If there is no by-law of the municipality for settling the height and description of what shall be a lawful fence the owners of cattle doing damage will be liable, but if there is such a by-law the right to damages will depend upon whether the fence over or through which the cattle passed was a lawful fence.

Bridges and Traction Engines—Cost of Widening Bridges to Accommodate Drainage—Interfering with Watercourse.

389.—C. K.—1. Is there a limit to the carrying capacity of bridges over small running streams, or must the municipality make them strong enough to carry any kind of machine such as traction engines, etc. If there is a limit please state it. What recourse has a municipality in case of an accident caused by the breaking of a bridge

2. Can one municipality whose waters run through another municipality be compelled to

pay a share of the expense (and if so, what proportion) of widening and maintaining bridges and culverts through which this water runs?

- 3. Suppose one man living a little higher up on a natural watercourse makes his part of the course deeper than his next neighbor down the same course, must the latter deepen his part to a level of the former, or must the former fill up his part to the natural running level, and who is to decide?
- 1. It is the duty of a municipal corporation to keep the road bridges within the municipality in a reasonably good state of repair for all ordinary traffic thereon. Owing to the great weight of traction engines the Leislature has made special provisions in regard to them to which we refer you. See Chapter 200, R. S. O., 1886, page 2,242.
- 2. No. But we are of the opinion that the municipality higher up would be liable for any damage occasioned by collecting and discharging water in greater volume and with greater speed upon the lands or bridges of the municipality lower down. It would be liable to a private individual under such circumstances and we cannot see why it should not be liable to another municipality and if damage is likely to be caused an injunction might be obtained.
- 3. We cannot express an opinion upon this until we know whether the watercourse referred to is one with defined banks or merely low land along which the water naturally runs.

#### Dog Tax-Assessment of Stores.

390 .- J. B. -1. The first year this municipality was organized a dog-tax was levied and collected. The second year the tax was abolished by by-law, and since then no tax has been levied. Must the council pay all claims for sheep being killed until all the money is spent that was raised by the dog-tax the first year?

2. Please give instructions how to assess cores. It is much easier for the assessor to assess farms than two stores in a municipality.

2. Section 26 of the Assessment Act provides that except in the case of mineral lands real and personal property shall be estimated at their actual cash value as they would be appraised in payment of a just debt from a solvent debtor. It is impossible to give any instructions which will help the assessor. He has to use his best judgment in determining the cash value. We may say that "cash value" here does not mean what the property would bring at a forced sale, but rather what it would bring if sold under ordinary circumstances.

Publication or Registration School Loan By-Law.

391.—Is it necessary to publish by law for a school loan, and will debentures for a school loan have to be registered?

In the case of a rural school section it is not necessary to publish the by-law, but it should be registered according to the provisions of section 351, Consolidated Municipal Act, 1892, as amended by the Municipal Amendment Act, 1897.

Duty of Council to Make Provision for Recleaning

392.-E. D. M.-By-laws have been passed by the council of the township of which I am treasurer, providing for re-cleaning several drains, and authorizing the reeve to borrow by debentures the several sums estimated by the engineer. Whose duty is it to prepare and sell the debentures?

It is the duty of the council to make provision for the preparation and sale of its debentures. The law does not appear to cast this duty upon any officer of the

#### Drainage or Municipal Act.

393.—G. S.—Is the Drainage Act of 1894 applicable to the drainage (ordinary drainage, including laying large pipes) of a village, or should the provisions of the Municipal Act, section 612, and following sections be our guide?

Proceed under section 612.

Municipality's Liability for Gravel Pit Accident.

394.—F. J. E.—A being a township commissioner, employed B with other men to shovel gravel in a pit. When they had been working gravel in a pit. When they had been working three days a part of said pit fell on B's leg and broke it. The pit was only about five and one-half feet high, and did not at any time seem dangerous, danger never being mentioned by any of the men employed, but by some defect in the pit or change of soil this portion fell in.

1. Is the municipality liable for damages to

2. B not being compelled to work could stop at any time, and he, with the other men, say it was purely an accident. Could B recover anything by law?

The municipality is not liable.

#### Ottawa Market Fees.

395.-A. P. M -1. Can the Provincial Legislature grant the corporation of the city of Ottawa power to obstruct the public street by placing vehicles thereon and collect market fees

2. Or has the corporation of the city of Ottawa power to collect fees for vehicles placed on the streets, whether by by-law or otherwise?

I. Yes.

2. No.

Trustees May Close School in Winter.

396.-D. M.-Can the trustees of a school in Algoma legally close the school for the winter? After having had the said school open the year before, some of the ratepayers wish to keep it open for the benefit of their children.

Assuming that the trustees are acting in good faith, the only remedy which the ratepayers who are dissatisfied have, is to elect trustees who have their views, that the school should be kept open during the winter, if they can secure their election.

Ditches and Private Crossings-Change in Wards-Collector's Authority-Percentage on Taxes.

397 .- A.M.-1. Can a township municipality

build ditches along the public roads without being compelled to build bridges over in front of gates of farmers?

2. Some years ago part of one of the wards of our municipality, by a petition, got themselves to vote in another ward. Now they, by a petition, want to go back and get polling-place near them. The voters' list was sent to the printer before they settled, and can the council at this late hour grant the prayer of the

3. We have extended our collector's time until next meeting. There are some in the

town plot who were assessed, but claim they did not buy the lots. Can the collector collect of them?

4. Can the council pass a by-law placing ten per cent. on all taxes not paid, say February 1st or any other time after December 14th?

I. Yes.

2. The only sections referring to this question are 94 to 97 and 489 of the Municipal Act. If petition is sufficient section 94 is imperative, and council must act within one month. The clerk should proceed with voters' list as though petition had not been presented. See section 3, Voters' List Act, 1889.

3. Yes. 4. No.

#### Early Closing By-Law.

398.—S. B. G.—The majority of the ousiness men of our municipality, not including barbers, bakers and confectioners, are desirous of closing their stores at an early hour, but there are two or three who will not agree to do so. I am told that a town council has authority to pass a by-law prohibiting stores being kept open after a certain hour, if petitioned to do so by a certain percentage of business men along one line of business, the by-law to apply only to that line of business. Am I correct? If so, please state what percentage is required, and if a council were to pass a by-law would it be binding on a business man if he conducted two lines of business in one store and the by-law applied only to his more important line of business. Also please state where the council gets such authority and mention any town council that you know has passed such a by-law.

See sub-section 2 of section 4, chapter 44, 52 Vic., Ontario Statutes, 1889, as to powers of council. As to the percentage required to authorize a by-law, see sub-section 3 of section 2, chapter 33, 51 Vic., Ontario Statutes, 1888, and as to the power of the council where two or more classes of business are carried on in one shop, see sub-section 9 of the same act.

#### Purchase of Fire Engine.

399.—H. E.—Can a village council purchase fire engine without submitting it to a vote of the electors? There was a petition of thirty-two ratepayers sent in to the council to accept a proposal from the Waterous Engine Company to have an engine sent here on trial, and if it works satisfactorily (which I have no doubt of) I think the council will have to accept it. There was a by-law passed, and the reeve and clerk signed the proposal. The council is favorable to the purchase, but some electors are agitating that they cannot buy without a vote. The Waterous Company do not want any note or debenture; the proposal is all they ask for. It is to be paid in ten years as they can agree upon.

No. Every by law, except for drainage or for work payable entirely by local assessment, for raising upon the credit of the municipality any money not required for its ordinary expenditure, and not payable within the same municipal year, must receive the assent of the electors.

#### Publications Received.

Voters' List and Auditor's Report, Village of Tilbury. A. A. Wilson, Clerk.

Voters' List, Township of Rama. J. Waldron, Clerk.

Voters' List, Township of Stephen. C, Prouty, Clerk.

Collector's Duties.

The collectors first and most important duty is the delivery of the tax notices. In cities and towns it is optional with the collector whether he calls on the person taxed and personally demands the taxes, or leaves or causes to be left, with the person taxed a written or printed notice, specifying the amount of said taxes. He may employ an agent to deliver the notices, but the demand must be made by him personally. He is required to enter on the roll the date on which he makes the demand or gives the notice. This is important, because such entry is made prima facie evidence of such demand or notice, and in the case of the death of the collector, is the only evidence of the making of the demand or the giving of the notice during his lifetime.

No subsequent demand or notice is necessary in the event of a change of occupant to enable the collector to distrain the goods of the subsequent occupant. In places other than cities and towns, it is not optional with the collector to leave the notices unless he is so empowered by by-law of the municipality. The collector must make the demand or give the notice himself; he must also make the entry of the dates in the roll. In cities and towns the entry may be made by some other person on behalf of the collector, but not in other municipalities.

The notice or demand having been made it may be acted upon at any time after the expiration of fourteen days, or after the date appointed for payment under any by-law passed by the council whichever last shall happen.

#### Pickering Tax By-Law.

The Pickering council passed a hy-law that has much interest for the taxpayers of that municipality. For several years those who did not pay their taxes on or before December 14th, were required to pay the two per cent. more for their carelessness. The by-law under which the charge was imposed has been repealed and another adopted. Hereafter those who do not pay up on or before the 14th of December are charged an extra two per cent., if not on or before December 31st four per cent., and if not on or before January 14th five per cent. It is not the desire of the council to make money out of this by-law, but the intention is to have the taxes paid more promptly. When taxes are not paid notes have to be discounted. As these discounts are paid out of the general funds of the township, those who have been in the habit of paying promptly have to pay for the tardiness of others. It must not be forgotten that the collector has the same authority to seize and sell after fourteen days, as he had before the percentage by-law was adopted .- Stouffville Tribune.

The man who deserves the most credit generally has to pay cash.—Life.

Notices of Accidents Necessary.

ALDIS V. CHATHAM.

Before Justices Armour, Falconbridge and Street, at Osgoode Hall, yesterday, Edwin Bell argued the appeal of Aldis vs. the City of Chatham, William Douglas appearing for the defendants. It was an appeal from judgment of the judge of the County Court of Kent, dismissing the actions, which were brought to recover damages for injuries sustained by Henrietta Aldis, an infant by reason of a fall upon the sidewalk in the city of Chatham, alleged to be out of repair. No notice of the accident was given, as required by the proviso added to sec. 531 (1) of the Consolidated Municipal Act, 1892, by 57 Vic., ch. 50 sec. 13, as amended by 59 Vic., ch. 51, sec. 20. The absence of the notice was held by the County Court Judge to be fatal to the action.

The plaintiffs contended that as the accident was not owing to snow or ice upon the sidewalk the statute did not apply. W. Douglas, Q.C., for defendants, contra. The court held that notice of the accident was necessary in all cases coming under section 531 (1); and was not confined to cases of snow or ice, and therefore the actions failed. Per Armour, C. J., that this case was the plain meaning of the statute, and the court of appeal could not have intended to decide otherwise in Drennan vs. City of Kingston, 23, A. R., 406. Appeal dismissed with costs.

#### The Contagious Diseases Return.

The act relating to the registration of births, marriges and deaths requires that monthly returns of contagious diseases be made by the Division Registrars on or before the 5th day of every month. It is very desirable in the interests of the public health that Division Registrars should make their returns promptly each month. This should be done whether they have contagious diseases to report or not. That these returns are now very much neglected is shown by the number received during September. Out of a total of 745 only 405 were sent in.

The distribution of the returns was as follows: Total cities, 13; total returns, 12; per cent. of whole, 92; towns and villages, 236; total returns, 124; per cent. of whole, 52; townships 496; total returns, 269; per cent. of whole, 54.

Road repairing is all right, but it should be preceded by road building. "Repairing" a mud-hole will never make a road of it

Speaking of the expense of road repairs, the farmers will find it hard cutting them down so long as the narrow tires are cutting them up.

Bobby (admiring the India ink tattooing on Dickey's arm)—Did it hurt much? Dickey—Not till my mother saw it.— Boston Transcript.

# PAGES MISSING