

# The Municipal World

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

Vol. 3. No. 1.

ST. THOMAS, JANUARY, 1893.

Whole No 25

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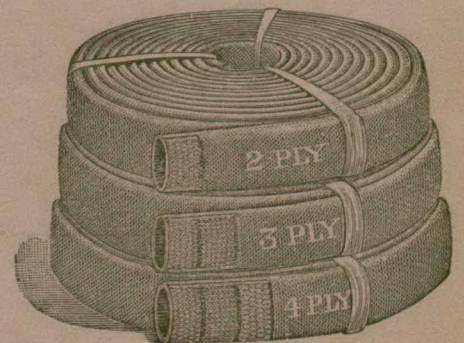
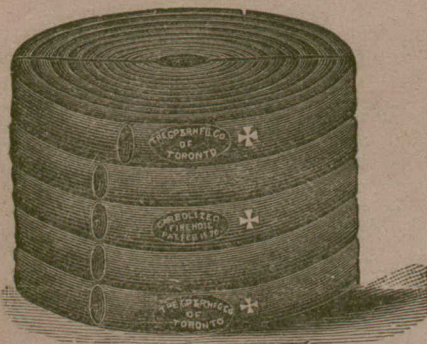
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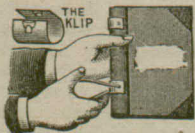
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ADDRESS—

THE MUNICIPAL WORLD,

ST. THOMAS, ONT.

## CALENDAR FOR JANUARY, 1893

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

#### JANUARY.

1. New Year's Day (Sunday).  
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 from Union takes effect.—Mun. Act, Section 28.
2. Polling day, elections of Municipal Councils and School Trustees and of Trustees for Police Villages.
3. High Schools open, second term.—H. S. Act, Section 42.  
Public and Separate Schools open.—P. S. Act, Section 173 (1); 173 (2); S. S. Act, Section 79 (1).
4. Polling day for Trustees in Public and Separate Schools.—P. S. Act, Section 102 (3); S. S. Act, Section 31 (3).
5. Trustees' Report on truancy to Department, due.
10. Last day for Clerk to make return to Provincial Secretary under Debentures Registration Act, R. S. O. Chap. 186.
13. 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.
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 Acts, to make return of Taxable Property, Debt and Liabilities to Provincial Treasurer.
16. 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).
18. First meeting of Public School Boards in Cities, Towns, and incorporated Villages.—P. S. Act, Section 106 (1).
24. 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 Provincial Secretary, of the debt of their corporations.—Mun. Act, Section 382.

#### FEBRUARY.

1. Last day for Railway Companies to transmit to Clerk 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.  
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.

# The Municipal World.

Published monthly in the interests of every department of our Municipal System—the best in the world.

**\$1.00 PER ANNUM. SINGLE COPY 10c.**

Six copies, \$5.00. Additional copies, 75 cents each. All subscriptions to be paid in advance. The paper will be discontinued at expiration of term paid for, of which subscribers will receive notice. Prices for advertising on application.

Communications and advertisements for next issue should reach the office of publication on or before the 20th of this month.

Contributions of value to the persons in whose interests this journal is published, are cordially invited. Subscribers are also requested to forward items of interest from their respective localities.

Address all communications to

K. W. McKAY, EDITOR,

Box 749, St. Thomas, Ont.

ST. THOMAS, JANUARY 2, 1893.

With the current number commences the third volume of THE MUNICIPAL WORLD. During the past year the paper has been improved and enlarged, which fact we think is a matter of congratulation to others as well as ourselves. We need not remind our patrons that a periodical devoted exclusively to special interests always labors under disadvantages arising from the limited field for its circulation, thus, a journal published in the interests of municipal institutions, must, of course, find its subscribers almost exclusively among the few thousand municipal councillors and officers, while the general paper has the whole population for its constituency. This effects not only the subscription list, but the advertising patronage which may be an advantage to the subscribers, as it naturally secures them a select quality and style of advertisements, and saves them from the promiscuous advertising which, now-a-days, mars the columns of the general newspapers. Advertisers will, no doubt, in time appreciate the value of having a select body of readers to address. We mention these facts in order that our friends will not suppose that THE MUNICIPAL WORLD is likely to make millionaires of its publishers. We are still obliged, as in the past, to rely upon the aid and co-operation of our subscribers, this has been heartily given by many, and to these our success is very largely due. For the future it will be our endeavor to steadily improve the WORLD to make it one of the most useful and reliable papers published, and absolutely indispensable to every municipal councillor and officer in the province. Many of our subscribers assure us it is to them already indispensable. Two or three new departures are being considered, the main object will be to make the departments of the paper more practical. There are some municipalities in which we had but few subscribers last year, and we, this year, look forward to having every member and councillor on our list. We would suggest that the easiest way of accomplishing this, would be for county councils to order one copy of the paper for each officer and member of the councils of the local municipalities.

In the appointment of all officers of municipalities, no municipal council shall assume to make any appointment to office or any arrangement for the discharge of the duties thereof by tender, or to applicants at the lowest remuneration, Municipal Act, sec. 278. Experience teaches that the lowest tender is not always the most satisfactory,

and in the management of municipal affairs, councillors should first make themselves acquainted with the duties of the offices to be filled. Fix the salary at an amount sufficient to remunerate the official for the time required to carefully perform his work, and appoint the best man obtainable to the position. Good pay to good servants is true economy—the result of poor pay and poor service can always be noticed in the business, and what would otherwise have been unnecessary expenditures during the year.

The manner in which the financial business of a municipality is conducted should be subjected to close scrutiny by members of councils during this month. An account should be kept with some reliable chartered bank in the name of the municipality. It should be separated from the treasurer's private account. The system of keeping the treasurer's books, should be such that any competent business man can understand them without the assistance of the treasurer. The best system is the simplest and plainest. On no consideration should the question of the sufficiency of the treasurer's sureties be overlooked. The auditors are this year required to report thereon, and before adopting these reports, members of the councils should know that they are correct.

Members of councils who have secured election owing to political preference or who have made promises during the campaign, are apt to be influenced thereby in the selection of competent officers. This should have no effect in appointing the assessor. On the correctness of his work depends the number of appeals to the court of revision of the rolls and voters' list, the expense of which has to be paid by the municipality, and often amounts to more than the assessor received. The statistics referring to population should be correctly taken, as the legislative grants to public schools are based thereon. A careless assessor can easily lose to his municipality more than they would have had to pay to secure a first-class man for the position. The best applicant should be appointed.

No councillor should aspire to the chairmanship of a standing committee, unless he has had experience, and can devote the time necessary looking after the business. The successful management of a municipality depends very largely on these appointments. Many clerks know from experience, that a large amount of work in connection with committees, the preparation of reports, etc., is left to them. This is not as it should be, and we venture to say, that very often important matters are overlooked, or neglected where the clerk is required to perform not only his own duties, but those that properly belong to the chairman of the various committees of the council. Councillors who depend on the clerk for information, are never as well informed as those who investigate matters for themselves, and know whereof they are speaking when presenting a report.

One of the arguments against the reduction of the number of county councillors, is the great advantage derived under our present system, in the training of men as legislators, or to fill other important public offices, through the medium of our county councils. It has been suggested that a good way to arrive at a definite conclusion as to the best plan of effecting the reduction, would be for each county council to appoint delegates, meet in convention and discuss the matter. This is a good idea, a convention of wardens would be representative, and discuss the question intelligently. Some years ago a successful convention of wardens was held to consider a Dominion drainage scheme, and so emphatic were the opinions expressed at that meeting, that the scheme has never been heard of since.

Our circulation is rapidly increasing throughout the Dominion, Subscriptions from Halifax, N. S. and New Westminster, B. C., were received on

the same day. The intermediate territory is our constituency and before the current year has expired we hope to be on familiar terms with municipal officers in every part of the dominion.

The immense interests involved in the administration of municipal law, require the utmost circumspection on the part of municipal councillors, their officers, and all concerned. Hence there is a growing thirst for a knowledge of municipal law, and for that kind of information as to which, at times, it is neither convenient nor expedient to consult counsel. Owing sometimes to the blunders of municipal councillors—sometimes to the ambiguity of statute law—sometimes to the blind and wilful violation of law—the courts of law are from time to time called upon to pronounce decisions, every word of which ought to be known throughout the length and breadth of the land. To meet this, the legal department in charge of a competent solicitor, will be found of great value. The series of legal decisions will embrace not only all such decisions as are now reported, but all that may be hereafter reported. In fact everything decided, necessary or useful, for the purpose of all persons engaged in the administration of municipal law. Every man is supposed to know the law, but how few are entitled to the benefit of the supposition! No councillor who does an act under an illegal by-law can plead that he intended no harm, and knew no better. It is his duty to know better; and law costs are the fruits of his ignorance, and the punishment of his neglect. THE MUNICIPAL WORLD will convey to each municipal councillor and officer that which they are required to know, at a price so moderate that many years subscription will scarcely equal the expense of one mistake.

The question of grants to high schools, is one that county councils generally consider at the January session. Under the authority of the High Schools Act, grants for this purpose can only be made equivalent to the legislative grant. Section 495, sub-sec 6, Consolidated Municipal Act, 1892, provides that county councils may pass by-laws for making provision for such high schools as may be deemed expedient. The county council of Elgin, in 1892, passed by-laws granting over \$9,000, distributed among four schools. In November last the county was served with an injunction restraining them from paying over these grants. The case will be argued before the courts in Toronto this month. The high school boards were put to some inconvenience owing to non-receipt of grants which they were depending on for payment of teachers, etc. The decision of the courts will be interesting to many in other counties where grants to high schools are considered excessive.

The autocratic power invested in members of boards of health under the Public Health Act, and more especially when an epidemic is raging in a municipality, demands that the best men should be selected for that body. The effect of an epidemic on the commercial prosperity of the country would be serious. Trade would be seriously interfered with in various and unexpected ways. It can hardly be repeated too often, that expenditure to maintain health is the truest economy. This expenditure should be controlled not as municipal funds often are, but wholly for the purpose of protecting the community from the possible ravages of infectious diseases.

The twenty-fifth annual report of inspector of the Waterloo countyhouse of industry, shows that the average number of inmates during this year was 82. The total expenditure including produce, provisions, clothing, etc., on hand, was \$8,162.01; deducting permanent improvements, produce, etc. on hand, \$2,343.56, leaves the net amount expended, \$5,368.55, making an average expense per annum for each inmate, with keeper and all other assistants added, \$59.54. The earnings of the farm for year were \$658.60, and paying inmates contributed \$95.—*Ex.*

## Duties of Auditors of Municipal Accounts.

By W. Powis, F. C. A.

The two auditors appointed at the first meeting of each council as provided by sec. 258, Con. Mun. Act, are to audit the accounts for the year ending 31st December previous, sec. 263, and to make their reports within one month. Said report to embrace abstract of receipts and expenditure, assets and liabilities, and also detailed statements in such form as they have been submitted to the council, together with special report of expenditure, if any, made contrary to law. These are all to be filed in the office of the clerk of the municipality, and duplicates of abstract forwarded to the secretary of the bureau of industries, sub sec. 2, sec. 263. These provisions apply also to cities and towns, not having passed by-laws ordering otherwise, within the provisions of the Act.

### CITIES.

Cities may by by-law, appoint auditors in December to audit the accounts for the ensuing year, sec. 260. The city of Toronto is empowered to appoint two auditors to hold office during the pleasure of the council. Auditors so appointed to report monthly.

The council of any city may, by by-law, provide that the auditor shall audit all accounts before payment, sec. 264.

In cities and towns, the council may also appoint an auditor, who shall, daily or otherwise, as directed by the council, examine and report, and audit the accounts of the corporation, in conformity with any regulation or by-law of the council, sec. 268.

### SCHOOLS.

In the rural districts, the school trustees are required to appoint auditors to audit their accounts, sec. 37, Public Schools Act, 1891. In cities, towns and incorporated villages, the municipal auditors have to audit the accounts of the school trustees, sec. 107, (10) Public Schools Act, 1891.

### AUDITING

There is only one way to verify accounts, that is to take every figure into consideration.

It is evident that cities; to say nothing of towns and incorporated villages, should make provision by by-law under the Act, for the accounts to be audited during the currency of the year, in order to render possible, the closing of a thorough and exhaustive audit, within the time prescribed by law.

The records and accounts should be kept in such a way as to be easily understood and utilized by those who have to deal with them, and verified by the auditors, with the least possible loss of time.

### CASH.

When an auditor is appointed before the close of the year, he should count the cash and examine the securities on the last day of the year. If the auditor is appointed after the close of the year, his first duty is to count the cash and examine the securities; and before making his report to extend his audit of the cash transactions, to the last one which took place before he counted the cash.

### DEBENTURE DEBTS

The auditor should see that there is a record of all debentures said to have been issued, and that this record agrees with the debenture by-laws, and contains all particulars in detail. The debentures should bear consecutive numbers.

The debenture debt may be made payable by yearly instalments, or a sinking fund must be provided yearly. If the debt is made payable by instalments, the debentures payable each year must be made for such sums as together with the interest on the unpaid principal, shall make an equal total payment in each year. If the debt is payable at the end of the time, a sinking fund must be provided yearly to such an amount as will at compound interest yearly at not more than five per cent., amount to the full sum at the end of the time, sec. 340, Con. Mun. Act, 1892. It is of course necessary that the rate of interest assumed in computing the sinking fund, should not be more than the rate paid upon the debentures issued.

Until interest on this continent averages as low as in the east, it is desirable that the rate of interest upon which the sinking fund is based, should be lower than the rate of interest paid, to admit of the redemption of the debentures during currency, at a premium.

The auditor should see that all debts incurred are, or have been, made payable within the time required by law. If payable by instalments, the auditors should see that the amount of debentures payable each year, in redemption of each debt, together with the interest on the balance of such debt, in each case makes the total yearly payment an equal sum. If payable at the end of the time, the auditor should see that the correct amount of sinking fund is provided for in the by-law. He should also see that the amount of debenture debt provided for under each by-law, is such a sum that the proceeds of the debentures will, as nearly as may be, provide for the exact amount of the outlay intended to be covered. The auditor should see that all the several sums required by law, to be raised annually for payment of interest and debentures, or to be invested as sinking funds, have been provided for by the levying of rates sufficient to cover the amounts.

### RECEIPTS.

The auditor should see that the proceeds of all debentures issued are duly accounted for, and that the amounts accounted for cover the total amounts received for such debentures. He should check the additions of the assessment roll and the collector's rolls, and see that they agree. He should check the additions of the several rates levied, and see that the totals are correct as representing the amounts of the several rates, levied upon the total assessments. He should check the additions of unpaid taxes, and see that these and the cash accounted for, balance with the total taxes assessed; each special rate being balanced separately. In the same way he should balance the arrears of each year's taxes. If there is any discrepancy, the treasurer's cash book must be compared with that of the collector's. If these agree, it is necessary to summon the treasurer and the collector before the auditor, to point out which taxes each marked as paid, and whether any were so marked by any other person, and who received the cash in such cases.

The notices of arrears should, in my judgment, when made out by the clerk, as provided by law, be handed to the auditor with addressed and stamped envelopes ready for registration; and after comparing the notice with the recorded arrears, the auditor should mail them himself.

The auditor should apply to the government to ascertain what sums have been paid to the municipality, as government grants, share of license fees, or otherwise.

The amount of fines which should be accounted for, ought to be ascertained by referring to the records of each case brought before police magistrates. The auditor should apply to the clerk of the peace, to ascertain what fines have been paid in to the municipality.

Dog taxes should be checked by the number of tags issued. This is seen from the lowest number on the tags not issued.

In cases where water rates are charged to consumers, the auditor should satisfy himself that proper means have been adopted, to ensure the registration of all premises supplied, and that the total amount charged to consumers is correct. He should see that the amount of arrears and the total cash accounted for, balance with the total water rates. Notices of arrears should be issued, as in the case of arrears of taxes.

### EXPENDITURE.

The auditor should see that the proceeds of all debentures issued, and the several rates levied have been properly applied according to law, and agreeably with the by-law, money raised for payment of interests or debentures or for sinking fund, may not be applied otherwise. Any member of a council voting in favor of any such misappropriation becomes personally liable, sec. 373, Con. Mun. Act, 1892.

*To be continued.*

## Certificates of Members of County Councils.

Section 65 of the Consolidated Municipal Act, provides that no reeve or deputy reeve shall take his seat in the county council until he has filed with the clerk of the county a certificate of the township, village, or town clerk, under his hand, and the seal of the municipal corporation that such reeve or deputy reeve was duly elected and has made a declaration of office and property qualification as such deputy reeve.

In addition to the above, in the case of a deputy reeve, a declaration of the clerk or other person having the legal custody of the last revised voters' list in the municipality which he represents must be filed with the clerk of the county.

Section 66 of the said Act gives the form of declaration required. A county clerk may reject a certificate if not in proper form. The section is positive that no reeve shall take his seat until he has filed his certificate. This is the evidence of the right of the person presenting it to a seat in the county council. The county clerk is, in the first instance, made the judge of its legal sufficiency. No clerk should, according to his own caprice or preference, decide in favor of or allow persons with defective certificates to take their seats. In such a case, the clerk, if made a party to a contested election, proceeding would be in all probability made to pay the costs, but it does not follow that a reeve or deputy reeve, whose certificate is defective, if once admitted by the clerk to sit and vote has not the right to do so when in truth qualified.

It is advisable in all cases to have the certificates and declarations prepared in duplicate by the clerks of the local municipalities; one copy to be mailed to the county clerk and the other to be handed to the reeves and deputy reeves to be taken by them to the county clerk at the first meeting of the council. This precaution is necessary because very often papers mailed fail to reach their destination, and on the other hand members of the county councils sometimes forget to bring their certificates with them. In order to insure the proper form of the certificates we would suggest that the county clerk be instructed to have them printed and distributed to the local municipalities.

## 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.

The accounts and demands shall be taken into consideration by the board of audit between the first and fifteenth days of the months January, April, July, 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. In many counties this board of audit has been in the habit of passing accounts for stationery for officials appointed by the government, for which there is no statutory provision, the only reason given is that it has always been done. Totten's Manual on Tarriffs which has been ordered by nearly every county, is a complete guide for members of the board 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 county council of Grey will petition the government not to make any change in the present composition of the county councils.

### Municipal Institutions in England and America.

In the *Forum* the Right Hon. Joseph Chamberlain compares the expenditures of municipal institutions in England with those of the United States, and says that in the states they pay for less efficient service in the large towns nearly five times as much as is paid in the well managed English municipalities.

He attributes the greater cost: 1st, To higher wages paid; 2nd, to the misappropriation of municipal funds for corrupt purposes, and 3rd, to the multiplication of sinecure offices for the purpose of securing patronage.

Mr. Chamberlain is well qualified to speak on the subject of English municipal corporations, having served as mayor of Birmingham for the three years, 1873-76, and having, through the reforms which he instituted, placed his city in the first rank in point of administration. His account of the way in which English municipalities are governed is for this reason especially valuable.

"In English municipalities no property qualification is required for members of the council, and, in that of Birmingham, several workmen have seats, and attend to its duties without giving up their ordinary daily avocations. The aldermen, who constitute one-third of the council, are elected by the remaining members. They sit and vote with the rest of the council, and have no other privileges than that of being elected for six, instead of three years, and of escaping the cost and popular election. The ordinary councillors retire every three years, one-third going out each year. This system of renewing the council by sections has the advantage of preserving some continuity in its policy and of retaining the experience of the older members, while, at the same time it allows the general drift of public opinion to be made immediately manifest. The council have the power of electing aldermen from the general body of citizens; but this right is very seldom exercised, and the office is generally considered as a distinction to be earned by long and efficient service as an ordinary councillor. The only outside aid accepted by the council is in the case of free libraries and museums, which, under a special act, are managed by a committee of fourteen, consisting of eight councillors and six citizens chosen by the council from outside. This provision enables the council to avail itself of special knowledge and taste in a matter which is not connected with ordinary work, and has been found valuable in the development and management of these popular institutions."

Mr. Chamberlain is not sure that the separation of municipal from national politics is absolutely necessary to efficient administration. "In the selection of candidates for the council the practice of different localities varies greatly. In some, it is conducted as a matter wholly apart from ordinary politics; but, in the majority, party considerations have a preponderating weight in determining the choice. This is defended on two grounds: first, it is pointed out that a much better class of candidates is to be found in contesting a seat when the great issues of national policy are even indirectly involved; whereas, petty local and personal interests would prevail if the contest were strictly limited to parochial questions; and, secondly, it is urged that in every party there are many good men well fitted for municipal honors, who have no chance of representing a constituency in the house of commons, and who would lose all interest in the party organization if its operations were confined exclusively to parliamentary elections. Whatever may be thought of these arguments it is certain that the efficiency of local institutions in Great Britain has not suffered owing to the prevailing influence of party motives. It should, however, be borne in mind that in this country the members of all our local governing bodies are unpaid and their office is purely honorary, except in the case of mayor, who in a small minority of boroughs, is voted a salary to enable him to maintain the dignity of his office."

"Although, as has been stated, political considerations exercise great weight in determining the composition of the council, they ought never to be allowed, and, as a matter of fact, they very seldom are allowed, to have the slightest force in the selection of permanent officials or the day workman employed by the corporation. For nearly sixty years the great majority of the town council of Birmingham have been liberals and radicals, and yet during the greater part of that time the majority of the high officials have been members of the conservative party. All the higher officials are appointed by the council itself. The minor officials are appointed by the councillors of the several departments and confirmed by the council; and the day workmen either by the councillors, or more generally by the permanent heads of the departments. When a new official has to be elected, no questions are asked as to his political opinions, and no interference would afterwards be tolerated with his exercise of electoral privilege. It is an unwritten law that no paid officials shall take an active part in political contests. He is expected to refrain from the platform and the press in relations to such controversial matters, but his private opinions and his votes are matters exclusively for his own discretion. Once chosen, if he discharges his duties well and faithfully, he remains in office for life, or till his resignation; with the probability that if he is disqualified by age or infirmities he will receive a pension proportioned to his salary and the length of his service."

### Amendments to Municipal Acts.

During this month many resolutions will be passed in reference to desirable amendments to the Municipal Acts. Councils should give these careful consideration. Judging from the large number of petitions annually presented to the legislature of which little or no notice is taken, we are led to believe that councils are too fond of favoring the hobbies of some of their members, and that very often petitions containing valuable suggestions are filed with the great majority.

During the past year the following amongst other amendments have been suggested through these columns: 1st, that there should be a basis of settlement of amount to be paid by a town or city separated from a county for expenses in connection with the administration of justice, and that section 469 of the Municipal Act should be amended by defining this basis. 2nd, that municipalities be empowered to decide 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. 3rd, to make it compulsory on all councils to provide a Guarantee Co. security for municipal treasurers. 4th, to provide that in case of a tie at an election to a municipal council, the clerk shall prepare a paper for the name of each candidate having such equality of votes, and place them with six blank papers in ballot box and then, blind-folded, and in the presence of three electors to draw by chance from the box, the candidate whose name is first drawn to be declared elected. 5th, to amend section 102 of the Public School Act, so that the rate for county public school grants will not be levied in union school sections composed of part of a township and a village or town, and also that section 123 be amended so that the inspector in distributing the county grant shall not include these sections. 6th, to amend sub section 22 of section 569 of the Municipal Act, so that no one can withdraw his name from a petition on which the council have taken action, without permission from the council, and that such withdrawal should at no time be consented to, unless the parties or party withdrawing, pay all of the expenses that have been incurred by the municipality in carrying out the prayer of the petition. 7th, to amend the Assessment Act so that the collector can take proceedings to levy taxes by distress and sale, if payment is not made by the owner on the property of a non-resident whose name appears on the assessment roll, and who did not give notice requiring his name to be so entered, when there is on the property, goods and chattles sufficient

for the amount of the taxes. 8th, to amend the local improvements clauses of the Municipal Act, so that any municipality taking advantage thereof will be required to decide, before any improvements are made under the local improvements by-law, whether street intersections are to be paid for, out of the general funds of the municipality or by frontage by the streets improved, or proportion to be paid by each. Section 27 of the Consolidated Municipal Act refers to this matter and should be made compulsory for the council to consider as well as the question of assessment of corner lots as provided for under section 620.

### Auditors.

The auditing of the municipal accounts is a farce in many municipalities. In almost every case where a special investigation was resorted to, and no matter what errors or irregularities have been discovered, the accounts are always certified to as examined and found correct. The deficits brought to light in many municipalities during the past year should impress upon members of municipal councils that too much care cannot be taken in appointing capable men to perform these duties. That a man should be successful in business, a competent book-keeper in the ordinary sense of the term, an accountant, a ward politician, or that he previously has acted as auditor does not qualify him to make a thorough audit of the books of a municipal treasurer, unless, in addition thereto, he is thoroughly acquainted with the provisions of the Municipal Act relating to financial matters and with the affairs of the municipality, the books of whose treasurer he is called upon to audit.

The reason for this is that in many municipalities the books are not properly kept, and if placed in the hands of an expert accountant unacquainted with municipal finance, he would make a very different report from an auditor who knew what he expected to find or should find in the audit of the treasurer's books. In some cases it is necessary to re-write the books in order to make an intelligent report. A happy combination in auditors is an expert accountant and a man thoroughly posted in the business of the municipality. We would recommend councils to consider this as the only way to secure a thorough business-like audit, and a report that every one can rely on.

The amendments to the Municipal Act passed at last session require auditors to perform the following additional duties: 1st. To report upon the condition and value of the securities given by the treasurer, report should show the cash balance, if any, due from the treasurer to the municipality at the date of the audit, and where such balance is deposited, and what security exists that the same will be available when required for the purposes of the municipality. They may also request the treasurer to give them an order upon the bank or company with which the moneys of the municipality are or have been deposited, or with whom the treasurer has kept an account, authorizing or requesting the bank or treasurer to exhibit an account of the details thereof to such auditors. If the treasurer does not comply with the request within twenty-four hours, he may be dismissed from office.

The auditors should see that every treasurer keeps the moneys of the municipality separate as far as practicable from his own money, and that he deposits the same to a separate account kept in his name as treasurer, or in some other designation that shows the account to be an account of the money of the municipality.

In some of the county houses of industry in the province, a number of children are reported as inmates. This is not good management; every effort should be made by advertisement or otherwise to procure suitable homes for them. The influence of association with older inmates is bad. A little consideration will show that any expense incurred for this purpose is in the interests of the children and ratepayers generally.

## ENGINEERING DEPARTMENT.

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

## Permanent Culverts

Brick culverts are the best and most economical to use for ordinary road purposes where vitrified culvert pipe is not sufficiently large, because it is far superior to the wooden culvert. First, it makes a permanent improvement on the public highways, the same as the iron bridge, which, in almost every instance, has taken the place of the wooden bridge over large streams. Second, they will take the place of the iron bridge where the span would be too short for an iron structure. Third, in as much as the laws of the country permit portable engines to travel the highways at pleasure, it becomes necessary that all our bridges and culverts be of a solid substantial construction. Fourth, as the life of a good wooden culvert is from eight to ten years, and that of a good brick culvert from fifty to one hundred years, it seems to me that the brick culvert is an absolute necessity on the public highways, at least as far as convenience and experience is concerned.

As to the way they should be constructed, I presume there are a variety of opinions even among our best engineers and mechanics, but my judgment is a solid foundation, either natural or artificial, but not necessarily a dry foundation, from the fact that good brick culverts have been built when it was necessary to keep the water dipped out of the pits; but, at the same time, my choice would be a dry foundation, and the next thing necessary is number one material of all kinds to build the culverts. The brick should be number one sewer bricks, and any bricks that show any sign of being soft should be rejected and thrown out, as they will soon crumble on account of the dampness and effects of the frost. Each brick should be dipped in water or wet with the same before being put in the wall. The sand should be clean, sharp sand taken from the creek in preference to that from the bank, as that taken from the bank is liable to have more or less clay in it, and will make the mortar soft and crumbly. I think the bottom of the pit for the barrel of the culvert should be at least eighteen inches below the bed of the stream, but this would depend on the size of the culvert to be built and the height of the road grade at the place where the culvert is built, and the wing walls should be started at least twenty or twenty-four inches below the bottom of the barrel walls, in order that the water will have no chance to get under them, and undermine the whole structure. In making the mortar I would use two parts cement and three parts sand. I think that the bricks on the inside of the barrel of the culvert at their front edge should almost or quite

touch each other so there will be very little mortar at that point to wear and wash out, and in time let the bricks become loose and drop out, and the water should never be allowed to wear the bottom of the stream away from the lower end of the culvert and fall over the end, as it will wear the mortar from between the bricks and then they will wash out. The wing walls should be built at least two and one-half inches higher than the top of the barrel to hold the dirt and at least eight inches thick, and I would put in sixteen inch bolts in the top of the wing walls in order to bolt a two inch plank to the top of the wall to hold the bricks from being knocked loose.

## Roads and Roadmaking.

Many a city and town has been prejudiced against road improvement by the bad work of contractors, or by the results of ignorance on the part of its own officials. The town may have been enterprising enough to decide to improve some of its roads, and people may have been generous enough (sensible enough would be better) to have furnished the money, and the money may have been expended on the highways and yet the highways may be after the lapse of a few years as bad as ever. It may have been proved to the dissatisfaction of the town that to have maintained those highways in a state of excellence would have cost far more money than the town had to spend or the investment warranted, thus the town is convinced that the talk about road improvement and the benefits to be derived therefrom comes either from impractical visionaries or from swindlers. In fact, this has been the experience of many towns in Canada, and the convictions held in those towns that macadamized roads are delusions and snares has done much to retard the progress of the movement for the improvement of country highways. The real fault in this road, though (as any competent road engineer would tell them) lies in the fact that it was imperfectly drained. Road makers who have not had much experience are apt to fail to realize the paramount necessity of maintaining a perfectly dry foundation of earth for their surface of broken stone to lie on. If the soil under the road surface is left unprotected from the assaults of moisture, it is certain to ruin the road. A protracted rain will soften it and when a heavy load passes over its broken stone, injurious ruts are sure to result. Again, in those latitudes where Jack Frost digs deep in, water in the soil will freeze, and its consequent contractions, expansions and heavings can result only in ruin to the road. In order to insure a permanent road the dirt bed on which the broken stone is to be placed must be thoroughly drained, and after that, the mass of stone which forms the surface of the road must be so consolidated and packed that it is practically watertight. If these things are attended to, the road is almost certain to be easily main-

tained and durable. It must be remembered that drainage is by all odds the most important thing to be taken into consideration in the building of a road.

Another mistake in road construction which is often made, is that of building the bearing surface, of stone of unequal strength. It is much better to build the whole surface of soft stone than to combine hard and soft stone. If the mixture could be always perfectly even this would not be so, to so great an extent, but it is sure to be very uneven. The soft stone is certain to gather in pockets. When the road is completed the traffic commences. These pockets are the first places to wear. Holes quickly develop where the soft stone has lain and the jar of the wheels jolting into the holes and being pulled through them and out at the other side is certain to crumble the surrounding surface of hard stone.

A road may be perfectly smooth both before and after a vehicle has passed over it, but if it sinks in the least after the passing of the wheel, this yielding presents before the wheel a miniature ill up which the vehicle must be raised with loss of power. If the depression were one inch, and the wheel four feet in diameter, an inclined plane of one in seven would be formed, and one-seventh of the entire weight would need to be lifted up this inch. A road surface of India-rubber of the most perfect smoothness would be therefore the worst possible for traction, though very pleasant for passengers. The wheels would always be in depressions, and the horses would always be pulling up hill. An elastic bottom for a road such as a boggy sub-stratum, would for this reason, cause great waste of draught. A solid unyielding foundation is therefore one of the first requisites for a perfect road. A road made of broken stone laid on the earth without any foundation has the following defects: The weight of vehicles forces the lower stones into the earth, which raises up into the interstices and forms a mixture of earth and stones which will always be loose and open and never consolidates into a compact mass. In winter the water penetrates, is frozen, and breaks up the road. After a thaw and in wet weather the road is a quagmire, the wheels cut deeply into it and sometimes through the entire thickness. At the best, after a rain the semi-fluid soil will rise up to the surface and form a coat of mud, and after a drought the looseness of the stones will make them rub off their angles and soon wear out. Nor will any thickness of stone destroy the elasticity of the soil. These defects can only be removed by bottoming, that is, by placing a complete layer of quarry chips on the bottom of the road over the sub-grade and underneath the road covering, in this way the pressure of the wheels is distributed over a large space. Suppose that the wheel touches and presses on a surface of two square inches, this pressure is carried to the foundation stones which rest at

their bottom on a broad surface, averaging ten by five inches or fifty square inches, so that each square inch of the soil receives only one twenty-fifth part of the surface pressure and there is therefore no danger of the pavement stones being pressed into it nor of the soil being forced to loose up between them. On a new embankment of soft earth it is best to lay brush and place the pavement upon this. The advantages of the system are most striking when the natural soil is retentive of moisture, as when it is clay. The pavement acts as an underdrain to carry off the water which may find its way through the crushed stone or gravel surface.

From the moment that a road thus made begins to be used it becomes harder and smoother. The strength of the resulting surface admits of vehicles being drawn over it with the least possible distress to horses. This system has been extensively adopted this year in the city of St. Thomas, gravel being used for the road surface. A road thus constructed will, in most cases, cost less than one entirely of crushed stone, for the course of foundation stone may be of any cheap and inferior stone, as sand stone, etc., which will bear weight and not be decomposed by the atmosphere, but which would not be sufficiently hard and tough for the crushed stone covering.

#### Sewerage.

The demand for sewerage generally comes from the business portion of a town or city, that part always being first to feel the need. Too often the response is made by building two or three isolated sewers bearing no relation to each other and constructed only with a view to the wants of that portion of the town through which they run. This is radically wrong and always involves the outlay of more or less money for which no adequate return is received. The reason and the cure are both apparent. Built only to supply present wants these sewers are seldom of the proper depth and dimensions to be of any real service, upon the adoption of a general system for the whole town. The cure is simply to employ a competent engineer to draw up a plan for the entire area within the corporate limits, or the outlined territory, tributary to the city proper. Not as is sometimes done, when a remedy is sought, adopt one that shall suffice for the present needs. That is never a radical cure. The first and easiest step only has been taken. Reject the plan that does not provide for the difficult portions of the town, no matter if it does seem that they never will be used. Return the report for revision, that says: The remaining section lying between the main sewer and such a point can be treated when its growth requires it, or words of similar import. Such a report does not get at the root of the matter, and the subject has either not received the attention it deserves, or the

writer has feared to touch upon that point.

In considering this question, if the water-carriage where the problem of ultimate disposal is solved by some large river, the first point to be decided, is the particular system to be employed, whether the separate or combined. This can only be determined by a detailed study of each particular case. It is a mistaken idea that one can sit down in a office, and by a set of stereotyped arguments; decide that such and such a method is the one to be made use of. The topography of the place, nature of the soil, present and prospective size, kind of a town, whether manufacturing or residential, are all important, and yet such variable factors that it is impossible to arbitrarily settle which is the better plan. Much time is wasted in the general discussion of these two systems, but a great deal of benefit is derived when they are made specific.

Where the rain fall of a country is not great, or where it is uniformly diffused over the whole year so that there arises no inconvenience nor loss of property from the surface water running off through the street gutters, then it is pretty safe to say, that the separate system is the one to be employed, as it is much cheaper, and so allows plans to be carried out in towns that could ill afford the expense of the combined. Some engineers go so far as to advocate the separate plan even when it is necessary to build sewers to take care of the storm water. While this idea might be correct from a sanitary outlook on account of the extra expense and the multiplicity of underground pipes it would involve, it is seldom considered practicable.

Next after the plan comes the question of the size of sewers. As a discussion of this point involves almost entirely different principles in the two systems, is it as well to consider it on the supposition that the storm water can be trusted to take care of itself. One general rule is often laid down in this connection, that is to consider the amount of sewage to be provided for as equal to the amount of water supply, allowing the wastage of the supply to be balanced by the amount of sub-soil water which always finds its way into sewers, no matter how carefully they may have been constructed. While this may serve as a good rule for a check, it should never be relied on for any more than general results. The whole town should first be mapped out in drainage areas, showing first the alignment of the sewers and the best obtainable grades. Each drainage district should then be computed by itself, and the mains made of sufficient size, of course, to carry off the combined flow of the laterals. In determining the size of the laterals, the population of each district must be considered. The number of people per acre, in the most densely populated district of London, is one hundred and ninety, and in Paris, four hundred and eight. In New York the average is sixty-five per acre.

In any of the American cities it will be safe to base calculations on a population of one hundred per acre, and one hundred gallons of sewage per capita. An important fact is to be considered here, viz: That one-half of the whole amount of sewage is discharged in about six hours, from 9 a. m. to 3 p. m., and the sewers made large enough to carry of this flow. In order to be safe from any local surplus of discharge, the branch sewers are generally calculated to run half full only. These calculations will hold good for quite large areas. But when short lines are projected the result of the formula will be so small that it is obvious that it cannot be carried out. It is not then a question of capacity, but what is the minimum size allowable for a district sewer? While there is no question of actual capacity of a six-inch pipe for quite a large district while running free, yet, if it becomes temporarily clogged, it often gives trouble which might have been avoided had the pipe been a little larger.

The wetted perimeter of a six-inch sewer running half full in nine and four-tenths inches, while that of an eight-inch is only twelve and five-tenths, but the capacity of the former is only nine-sixteenths of the latter. Experience has seemed to show that many substances will pass through a four-inch house connection and afterwards lodge in and choke up a six-inch pipe, when it would have caused no trouble had the sewer been a little larger. Considering the fact that the flushing efficiency is so little decreased and the cost but slightly increased, it is better to make no laterals of less than eight inches.

The question of minimum grades is also of considerable importance. The object is, of course, to have the sewers self-cleansing. Generally, there is no trouble at the lower end. At the upper end of each lateral, provision should be made for flushing, either automatically or mechanically, at regular intervals. An eight-inch sewer ought to have a grade of at least one-fifth of a foot per one hundred feet. It sometimes happens that this cannot be obtained. The sewer should then be flushed more frequently and with more water in order that no accumulation of sewage may occur. Any standard hydraulic formulæ can be used for the detailed calculation.

The city of Brantford during last year, voted in opposition to purchase of a municipal lighting plant, and entered into contract with an Electric Light Company for 35 lights at 23½ cents per light, per night for one year.

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Many towns are considering the important question of water supply. Pembroke has made an appropriation of \$55,000 for waterworks purposes, and Windsor is discussing a scheme for the purification of its water supply.



### Construction and Management of Water Works.

This subject presents a variety of heads or points of interest that might be developed to a volume of no mean dimensions. Those particularly worthy of notice are: 1st, a system of good works; 2nd, a corps of efficient workmen; 3rd, a compensation to workmen that will stimulate interest in the work; 4th, the care and protection of main pipes and gates; 5th, the care and location of hydrants to make them efficient for fire service; 6th, the examination of services to see that there is no waste of water; 7th, protection of the supply. Careful consideration should be given to the proper location of the mains. The size of mains should be considered, and should not be only adequate for the present demand, but should anticipate the wants of the future for at least a generation to come. A great mistake is made by many cities and towns, in putting in mains insufficient to supply even the present demand, from a mistaken economy of expense. No city or town can afford to stint the supply or efficiency of its waterworks. It should be liberal in the size of pipes, location of hydrants, gates, and especially so in the number of hydrants, for here comes the most important part of waterworks.

Convince the citizens of any city or town that you have a good fire protection and the waterworks become popular at once. To secure such protection the mains must be of sufficient capacity to supply any demand and the elevation of the water must be such as to produce a pressure of seventy or more pounds to the square inch. The location of the pumping station, if such is required, has much to do with the efficiency of the waterworks, but it will be allowed that more depends on the pumping engine. Many cities and towns curtail the efficiency of their works by furnishing an engine of capacity barely equal to the present demand, to save expense. True economy will put in a much larger engine than might possibly suffice for the time, for it is the universal experience of all waterworks that the capacity of the engine is the first to be exhausted. The importance of a good engine, and of sufficient capacity at the beginning of the work should not be forgotten. There are many works that are in need of larger pumping engines to-day, where it was thought they had sufficient pumping capacity for a much longer time than had passed since their works were built. Practical experience shows that waterworks grow in demand much faster than the most sanguine projectors anticipate, and it is impossible to err when you build largely in excess of the present demand.

The corps of men at the pumping station should be first-class workmen, and the engineer in charge, the responsible party, holding, as he does, the key to the situation, should have full control of all, and realize that his integrity is at stake.

The best feeling should exist between the engineer and his subordinates, and each should feel that he has a duty to perform and each take a pride in doing it. A system that requires a place for everything, and everything in its place, with neatness, should be established and maintained in, or about the station, and no employee should so far forget his duty as to leave undone that which has its time and place to be done. Courtesy should be extended to all visitors.

A waterworks, to a business mind, is looked upon in the line of a machine shop or other mechanical works, but the practical workings are far different. While the laborer in the shop or factory finishes his labor with the expiration of his hours, the superintendent, the engineer and his men at the pumping station know no time for a day's work. Certain work is to be done and it is performed without regard for time. The service pipe department is liable to be called at any time—by night as well as by day, thus placing those employed on a waterworks under different situations than men employed in mechanical pursuits, and they should receive a compensation which will make them feel satisfied with their positions, and so encourage them to perform those duties to the satisfaction, not only of their employers but to themselves and the public.

The care and the protection of the main pipes depends largely upon the manner they were first laid in the ground. If cast iron pipe of the proper weight is used and laid at a proper depth, and properly caulked at the time, then, but little care is required. On the other hand, if any of these requirements are neglected the amount of labor and trouble is only measured by the circumstances of pressure, weather, and chance.

Gates and valves should be examined twice or more a year, and shut and opened if possible. Hydrants should be examined at least twice a year to see if they are in working order. The difference in make and pattern of hydrants leads to a different mode of inspection at different seasons of the year, as they are especially affected by extreme depths of frost. It is then that the superintendent is held responsible for that which no human eye can see. To open hydrants in extremely cold weather simply to see if they are frozen is, to say the least, dangerous, and should be done with the utmost caution. When the ground is frozen three or four feet in depth, the frost produces results which no human eye can foresee, and there may be a chance of finding a small per cent. of hydrants frosted.

There should be a thorough house to house inspection at least twice a year, even with a liberal supply of meters, and where the supply of meters is very limited, the inspector should be kept on the road all the time. This costs money but prevents waste.

The great question of waste of water and how to prevent it is being discussed

wherever waterworks have been established. The magnitude of the question has puzzled great minds and must be left to men of science, though some suggestions may not be out of place, and make a basis for thought and inquiry that will prove a benefit to those interested.

One very gratifying fact in regard to this question is seen in the increased use of meters in cities where waste was assuming dimensions that demanded immediate action, and that in proportion to the introduction of meters the enormous waste has, in a measure, been checked, and many believe that here lies, at least a partial remedy. A comparison made some few years ago between a few large cities as regards consumption and revenue, showed about sixty per cent. of consumption in favor of meters and from two to three hundred per cent. of revenue in favor of meters. With these statistics, based on facts and figures taken from their own reports, it is safe to urge the adoption of meters in all cases to stop the waste of water where the circumstances will allow, even if, at first view, it might not seem practical.

The supply demands careful inspection and continual watchfulness that no contamination be permitted, for this is not only the stock in trade, but the reserve fund, and must be guarded with jealous care, and every innovation be promptly met, even to calling on the law for protection.

### Better Country Roads Needed.

A paper recently prepared by the Engineers' society of Western Pennsylvania estimates the average distance which farm products must be hauled in that state at five miles, and assuming that half the agricultural products are consumed on the farm, shows that the clay roads entail an annual cost of \$1,977,500 for transportation above that of turnpikes. This would keep 30,000 miles of turnpike road in repair, or would build between 600 and 1,000 miles of pike annually. This extra time, which is required to market the agricultural products of that state each year over clay roads, amounts in all to 831,000 day's work for a man and two-horse team more than turnpikes would require, which means that the work of 2,400 men for a whole year is lost.

### Champion Road Machines.

The care of roads is one of the most costly and serious considerations with which municipal councils have to contend, and anything that relates to the lessening of its labor and expense is worthy of the careful attention of all.

The American Road Machine Company, whose advertisement appears in another part of this paper, manufactures first-class road machines which are recommended by all the municipalities in which they have been used.

## LEGAL DEPARTMENT.

H. F. JELL, SOLICITOR,  
EDITOR.

## Municipal Councils.

## Their Powers and Jurisdiction.

Our courts have, of recent years, been extensively occupied in the consideration of cases involving matters of great importance to those who are engaged in the administration of the affairs of the different municipalities in our province. Ontario has long since passed the pioneer stage of her existence. Land has become more valuable, business competition is keen, and men have, in consequence, become jealous of their privileges and careful of their finances. The conduct of the affairs of a municipality necessarily involves the levying and collecting of taxes to meet and defray the expenditures of the corporation. This is a direct call on the pockets of the people and a private inquest is the natural result. The taxpayer of the period, as a general rule, keeps a strict account of the laying out of the public moneys. He will not meekly submit to the illegal, extravagant, or reckless disbursement of the municipal funds. Every official act of a municipal council is closely criticised, and should therefore be within the range of its authority and local jurisdiction, otherwise, disastrous results are almost sure to follow in the way of expensive litigation and the loss of that time which could be devoted with profit to the transaction of public business. We therefore think that a series of articles involving the discussion of the powers and jurisdiction of municipal councils, is now in order. It should be borne in mind in the first instance that municipal corporations and their councils, which are the executive and governing bodies thereof, are wholly creatures of the legislature. The statutes give them birth, confer on them their powers and authority, and accurately define the limits within which these powers and that authority are to be exercised. The powers of a municipal council are, therefore, limited. It has no other than those which are expressly granted by statute, or such as are necessary to carry into effect the powers so expressly granted. Its actions are to be held strictly within the limits prescribed by statute, and, while acting within these limits, is favored by the courts. As stated by the presiding justice in the case of *Spoulding vs. Lowell* (an American case) "they (municipal councils) can exercise no powers but those which are conferred on them by the act under which they are constituted, or such as are necessary to the exercise of their corporate powers, the performance of their corporate duties, and the accomplishment of the purpose of their association. This principle is derived from the nature of corporations, the mode in which they are organized, and in which their affairs

must be conducted. In aggregate corporations the act and will of the majority is deemed; in law, the act and will of the whole, or as the act of one corporate body; the consequence is that a minority may be bound, not only without, but against their consent. Such an obligation may extend to every onerous duty, to pay money to an unlimited amount, to perform services, to surrender lands and the like. It is obvious, therefore, that, if this liability were to extend to unlimited or indefinite objects, the citizen, by being a member of the corporation might be deprived of his most valuable personal rights and liberties. The security against this danger is a steady adherence to the principle stated, namely, that corporations can only exercise their power over their respective members for the accomplishment of limited and defined objects."

As to jurisdiction, little need be said, "a municipality, whether a county, city, town, township or village, is a locality, and the council is the governing body of that locality, beyond the limits of which the council has not in general, any authority whatever." In some few instances, a quasi jurisdiction is given a council beyond the statutory boundaries of its municipality, as by the drainage clauses of the Municipal Act and the Ditches and Water-courses Act, in cases where, to obtain a satisfactory outlet, it becomes necessary to conduct a drain from one municipality into another. Municipal councils have no power to acquire lands beyond their local limits; express legislative authority is requisite to enable them to do so. Townships also, for many purposes, are within the jurisdiction of the county council, and are subject to taxation for county purposes by the county council. The final of the general powers of a municipal council to which we shall direct attention, is that of passing by-laws or private statutes. When a corporation is duly created, the law incidentally annexes to it this power, and usually expressly confers it. A by-law has been defined to be "A rule obligatory over a particular district, not being at variance with the general laws, and being reasonably adapted to the purposes of the corporation." It should be clear and plain in its terms. It should be framed strictly in accordance with the statute authorizing its passing, and it is advisable to follow the language of the particular statute as closely as possible in each instance. When forms of by-laws are not expressly given, the by-law must be signed by the head of the corporation or the person presiding at the meeting, at which the same was passed, and the clerk shall have affixed thereto the corporate seal of the municipality. The latter assertion may seem unnecessary, but we do not consider it out of place, in view of the fact that the case of *Holt vs. Township of Mendonte et al* (reported in this issue) was decided against the township, and other defendants in the action, for the reason that the by-law in question therein, lacked the seal of

the corporation and the signature of the head. Clerks, upon whom, as a general rule, devolves the duty of framing the by-laws of a municipality, should be careful to observe all the formalities and technicalities required by the statutes, as, by so doing, they may save the councils whom they serve, much inconvenience and in many cases considerable expense.

(To be continued)

The *Owen Sound Times*, referring to the reduction of county councillors, some time ago, stated: We are inclined to favor the plan of cumulative voting—giving each reeve a plurality of votes, based not only on the number of ratepayers, but also on the assessed value of his municipality; as we take it that the ratepayers who pay the largest amount in county rates should have a proportionately increased voice in the expending of the same. The same paper disposed of Mr. Rorke's Bill, to give a deputy reeve, for every 750 votes, as follows: This does not commend itself to our judgment as just the right way to go about the matter. For instance, we presume that Markdale and Dundalk, with a total population in each village of say six or seven hundred—or say 150 ratepayers—would each send a reeve to county council, while, say any of the townships having under 750 ratepayers would have only the same representation—or the 150 ratepayers in the smaller municipality would have the same voice in county council as 750 ratepayers in the larger municipality. We think this would be manifestly unfair.

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The Bell Telephone Company, in opening negotiations for a monopoly of the business in the city of London, offered a bonus of \$800 per year for ten years. A rival company has made application for permission to do business, and the result of the competition will no doubt be in the interests of the city. Councils should remember this when making agreements with telephone companies, and see that their municipalities receive that to which they are justly entitled, rather than pay bonuses or for the public telephones required for fire or police protection.

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A few townships have maps showing the school section boundaries, municipal drains, road divisions, etc. These are valuable for the information of new members and officers, and assist greatly in deciding many questions.

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The Wentworth county council has decided that there is no great demand for a change in the constitution of county councils, and the Oxford council passed a resolution that it would not be in the public interest to decrease the number of county councillors.

## Legal Decisions.

## BELL ORGAN CO. VS. WOODS.

A case of considerable interest to taxpayers was heard by Judge Morgan at Toronto. The Bell Organ and Piano Company brought suit against J. S. Woods, tax-collector, and N. J. Stevenson, his bailiff, to recover an organ which had been sold by the company under the ordinary sale agreement or hire receipt to a Mr. Dane, and had been seized for arrears of taxes due by Dane for 1891. The objection was raised by the company's solicitors the organ could not be distrained for taxes, as it was not the property of Mr. Dane, the person occupying the premises, relying on the Landlord and Tenant Act, chapter 143 of the Revised Statutes of Ontario, section 27, which enacts that "the goods and chattels exempt from seizure under execution" shall not be liable to seizure by distress by a collector of taxes unless they are the property of the person actually assessed for the premises and whose name also appears on the collector's roll for the year as liable therefor. The plaintiffs contended that this included all goods which could not be seized under an execution for any reason, but the judge held that the words used included and protected only the goods which are contained in the list of exemptions in the Execution Act, and has accordingly given judgment in favor of the defendants. From this judgment it appears that articles sold under hire can be sold for taxes.—*News-Letter.*

## HOLT ET AL VS. THE CORPORATION OF THE TOWNSHIP OF MEDONTE ET AL.

This was an action brought by William Holt, on behalf of himself and other ratepayers and the board of public school trustees for school section No. 4, of the township of Medonte, against the corporation of the said township. The board of public school trustees for school section No. 16, of the said township, and Wm. Campbell, Francis Greenlaw and Joseph Rumble, trustees of said sec. No. 16, to have it declared that the attempted division of school section No. 4, for school purposes was illegal. The facts were as follows: On April 15th 1891, a petition was presented at a meeting of the township council by the defendants, Campbell, Greenlaw, Rumble and others, praying the council to pass a by-law, to form a new school section by dividing section 4. At that meeting, the clerk was, by resolution, instructed to notify the trustees of school section No. 4, that the council would, at its next meeting, consider the advisability of passing a by-law for the purpose of dividing school section No. 4. No further resolution was passed, nor was any notice given to any ratepayers, until April 29th. On April 24th the secretary-treasurer of school section No. 4 received a notice from the township clerk, notifying the trustees that the council intended at their next meeting on April 29th,

to consider the advisability of passing a by-law for the purpose of dividing school section No. 4, Medonte. At the said meeting the said council without further notice, and against the protests of some ratepayers, passed a by-law separating certain lots from school section No. 4, and formed them into a new school section as No. 16. In consequence of protests and objections by ratepayers, the council on June 5th, repealed the said by-law by another, and that neither of the said by-laws ever had the seal of the corporation affixed. An appeal was taken to the county council by the defendants Campbell, Greenlaw and Rumble, against the latter by-law, and proceedings were ordered by way of arbitration under sec. 82 of the Public Schools Act, Ont. stats. 54 Vic. chap. 55, and an award was made, by which the latter by-law was declared invalid. The school trustees of sec. 4 were notified by the school inspector, and the township clerk and the defendants Campbell, Greenlaw and Rumble proceeded to organize school section 16, and were elected school trustees. The plaintiff asked that the by-law of April 29th and all proceedings taken thereunder, be declared illegal and irregular, and for an injunction to restrain the levying of any school rate for said sec. 16.

It was held that the defendants should be restrained from acting on the supposed division of the section, and that a by-law of a township corporation for the purpose of dividing a school section is invalid unless under the corporate seal and signed by the head and by the clerk of the corporation. The learned judge remarking that, the vital point of the litigation therefore it seems to me depends on the validity of the by-law, which alone justifies the division of the school section into two parts. It is, however, in my opinion ineffectual because it is not a by-law, so that it neither accomplishes the object of the corporate action, nor does it bind the ratepayers of school section No. 4, as constituted before the attempted division.

## THE CORPORATION OF THE CITY OF TORONTO VS. THE ONTARIO AND QUEBEC RAILWAY COMPANY.

This is a case of interest to municipalities offering bonuses to railway companies. A railway company having obtained a bonus from the plaintiff upon condition that its machine shops should be located and maintained within the limits of the city of Toronto, did so erect and maintain therein for some years, until authorized by legislation it amalgamated with another company all the engagements and agreements of the amalgamating companies being preserved. The amalgamated company was afterwards leased for all time to come to a larger railway company, who removed the shops outside the limits of the city. It was held that although all engagements and agreements of the original company were preserved, the amalgamation and basis for all time to come of the smaller by the larger company under the

authority of parliament imposed new relations in the amalgamated road which effected a change in the policy as to the site and size of the machine shops and that the engagement had been satisfied by the maintenance of the said shops by the original company during its separate existence.

## IN RE PRITIE AND THE CITY OF TORONTO.

The defendant corporation, expropriated by various by-laws, certain lands belonging to Mrs. Prittie for the purpose of constructing thereon a sewer, the dimensions and direction of the sewer, and the nature of certain rights of entry for the purpose of repair and maintenance being defined in these by-laws. An arbitration was had pursuant to the provisions of the Municipal Act. Judge Morgan being the arbitrator. An award was made in favor of Mrs. Prittie on the 31st December, 1890. On the 19th January, 1891, the award was filed in the office of the registrar of the Queen's Bench division. On the 10th of February, 1891, notice of motion against the award was given. This was an appeal by the city from the judgment of Mr. Justice Falconbridge dismissing with costs a motion by the city to set aside the said award. As a preliminary objection to the hearing of the appeal, it was urged that the motion had not been made in time, and in the merits it was contended on behalf of the city that for the purpose of assessing the damages the arbitrator took the value of the land at a date later than that which should have been adopted, and also that on the evidence he had erred in the conclusion that he had come to as to that value.

It was held, reversing the judgment of Mr. Justice Falconbridge, that when a municipal corporation expropriates land, the date of the passing of the by-law defining the lands and the nature of the rights required, is the date in relation to which the corporation should be assessed, Sec. 4 of Ont. stats. 52 Vic., chap. 13, which requires motions to set aside awards of a specified kind to be made within fourteen days from the date of filing of the same; and sec. 6 of the same act which allows motions, to set aside awards of another kind to be made within three months from the making and publication thereof do not apply to arbitrations under the Municipal Act, and a motion made on the 10th of February, 1891, to set aside an award made in an arbitration under the Municipal Act, on the 31st December 1890, and filed on the 19th of January, 1891, was held to be in time.

Industrial expansion is a new name for bonusing, and is accomplished by exempting from taxation for a limited period, the machinery, plant and tools used in every manufacturing industry in a municipality, and by grants of free water and taxes in special cases.

## Non-Resident Land Tax Accounts.

The special auditors appointed in 1891, to examine the accounts of the ex-treasurer of the county of Kent included the following remarks in their report on "Wild Land Tax Accounts." These accounts are important to every municipality, and the suggestions in reference thereto are, we believe, worthy of the consideration of every municipal officer.

"Assessment rolls should be carefully scanned and revised by the clerk and assessor before being finally revised, and the same nomenclature in describing parts of lots should be adhered to as nearly as possible from year to year.

"The changing of the assessors from year to year is the cause of the irregularities that creep in, especially in the matter of the descriptions as different portions of property, and noticeable in non-resident lands, where he has to depend entirely on his own judgment not being assisted by the owner. His description is put on the list of non-residents, and returned by the clerk to the county treasurer, who enters it in his land register; next year the council change their assessor and a new one is appointed. He describes the same land entirely different to his predecessors, and it is returned to the county treasurer in that way, and entered, may be, as a different subdivision of the lot, when in fact it is the same identical portion of land.

"Whereas, the assessor, if continued in his office, with the assistance of the clerk, could from year to year revise the rolls together, and correct any errors in descriptions that might occur, thus saving the municipality costs and annoyance of having to pay a purchaser on account of a faulty description sent to the county treasurer, in the event of a sale.

"There cannot be too much particularity in this respect. The roll is, as it were, a judgment roll, the highest evidence of a debt recoverable by process of a most summary character.

"The assessor should set down the description and extent or amount of property assessable against each taxable person.

"If the person taxable be the owner of several lots, the lots should be as much as possible kept distinct, and not unnecessarily thrown together.

"It is the duty of the assessor to assess village lots, the property of non-residents separately, placing opposite to each the value and amount of assessment.

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"This is very important and should not in any case be varied from. The clerk in making out the collector's roll, should carry out the taxes on each separate lot, in the same manner, to the column for total taxes, and not, as has been done in many cases (when the lots are all owned by the same man), put all in one valuation and returned to the county treasurer in that manner.

"We have found the returns from the clerks and treasurers of the different municipalities very faulty indeed, several parcels of land all put in together under one valuation, and the total taxes only given, thus making it impossible for the county treasurer to enter it in his books to the separate lots or sub-divisions, and to fix accurately the taxes against each lot or portion.

"Also the return of the non-resident and resident rolls are in nearly all cases not duly or officially certified to by the clerks and treasurers of the different municipalities. The certificate should be on each roll under the hand of the clerk and treasurer, and in the case of the clerk, under the seal of the corporation."

The York county council will petition the local legislature to amend the Municipal Act in such a way that municipal councils with the approval of the ratepayers be empowered to establish a system of municipal fire insurance; and also to permit local municipalities, to control sales of land for taxes. —Recorder.

## Clerks' Duties.

Under this heading will be found each month, a few ideas in reference to this official's numerous duties, and we would suggest that the methods adopted by experienced clerks throughout the province should be here recorded.

Every clerk should keep a book for entering memorandum and appointments in connection with the business of his municipality. He is often called upon to bring important matters to the notice of the council, and should note these as well as anything that may come up at council meetings, which may be of future use or require his attention between sessions. Where this plan is adopted, nothing is overlooked, and the clerk is enabled to speak definitely in reference to many matters, that, under other circumstances, would necessitate the examination of books and other documents filed in his office.

"G. S." writes that "Treasurer," in one of the numbers of THE WORLD, asked how to make the annual Tile Drainage returns. The answer was rather concise, and, as the returns will soon have to be again made, the following may be of use to him.

Each debenture is for \$100; interest, 4 per cent.; annual instalment, \$7.36.

The interest on \$100=4

$$7.36 - 4 = 3.36$$

Then 3.36 is the amount paid on the principal the first year.

$$100 - 3.36 = 96.64 = \text{balance of principal still due.}$$

$$\text{Interest on } 96.64 = 3.87$$

$$7.36 - 3.87 = 3.49 = \text{the amount paid second year.}$$

Make a table thus:

	PRINCIPAL.	INTEREST.	
1st year	3.36	4.00	= 7.36
2nd year	3.49	3.87	= 7.36
3rd year	3.63	3.73	= 7.36
4th year	3.78	3.58	= 7.36
5th year	3.93	3.43	= 7.36

Now suppose that four instalments have been paid on debenture, how much of the principal has been paid?

$$3.36 + 3.49 + 3.63 + 3.78 = 14.26 = \text{amount paid.}$$

$$100 - 14.26 = \text{amount still due.}$$

$$\text{Debt reduced that year } 3.78; \text{ interest paid, } 3.58.$$

DEAR SIR,—I and many others, I fancy, would be glad to benefit by your experience and learning on the following subject. The judicial decision in *Rose vs. West Wawanosh* which you will find on page eight of your valuable paper, and which is not the first decision on the same lines, has opened the eyes of township fathers in a good many places. They find that general by-law to authorize pavingmasters to take gravel for road making is no good. They are in a position of danger. Now, I do not think a council is obliged following that decision to expropriate a certain defined portion of land. I think it would be competent to name in the by-law a certain specific number of cords or loads of gravel to be taken yearly, but I think the better way would be to expropriate so much land with the right of way to and from the same. Now, what I ask is that you give what you conceive to be the proper course in detail step by step, to pursue in order to expropriate so much of the land containing gravel. I think it would not be amiss to ask the government to give a proper form of by-law, as has been done in various other less important and less difficult cases, till then I would be glad to have such a by-law outlined by yourself.—CLERK.

It would seem from the decision referred to, that the particular parcel of land from which the gravel mentioned in the by-law is to be taken should be described in and defined by the by-law, existence of a necessity for taking the gravel should also be shown by the by-law, this decision does not oblige a municipal council to expropriate land for gravel purposes, when the gravel is needed, if it can be otherwise obtained. If the gravel cannot be obtained without entering on the lands of private individuals for the purpose, and an amicable arrangement cannot be arrived at be-

tween the council and the owners of the land affected, it seems that proceedings to expropriate would be the only safe plan for the council to pursue. This should of course, include the obtaining of a right of way to and from the land to be expropriated. A by-law should first be passed by the council for the purpose, observing the statutory provisions applicable, as amplified or explained by the case above referred to, and if the council and the owner of the land cannot agree as to the right of the former or their agents or workmen to enter upon the land, and the price or damages to be paid for the gravel, these points should be determined by arbitration, as provided in secs. 385 to 389 inclusive of the Municipal Act. See also sec. 483 of the said act as to payment of compensation by councils to persons whose lands or property is taken for public purposes. As to drafting the by-law mentioned by our correspondent, we hardly think this would come within the range of the work this paper has undertaken to accomplish, our self-assumed province is to explain and unravel to the best of our ability, knotty and intricate points and matters of seeming ambiguity for the information of municipal officers and to point out by means of answers to questions submitted to us particular instances mentioned. The task, our correspondent asks us to perform, is properly the work of a legal practitioner, and we would respectfully suggest the employment of one for the purpose. We think statutory forms of by-law in this and other similar instances would be very acceptable and of great advantage and assistance to municipal clerks. Especially in view of the fact that councils, as a general rule expect the officers named to prepare all their by-laws.—ED.

## Publication of Official Notices.

Tenders for the publication of the lists, convictions by justices of the peace and other legal and official advertisements, the whole expense of which is payable by counties shall be publicly advertised for, by the council of the county, subject to such conditions, if any, as to circulation and other matters as the council may think just, and the contract shall be given to the newspaper making the lowest tender on or subject to the said conditions, if any there be.—Revised Statutes, chap. 18, sec. 3.

## Municipal Publications Received.

*Proceedings, by-laws, etc., township of Waterloo*—G. A. Tilt, clerk.

The by-laws are consolidated in one volume, and includes extracts from public health and other municipal acts, together with an introductory sketch of the early settlement of the township and subsequent development.

*Proceedings, by-laws, 1891, township of Woolwich*—J. L. Wideman, clerk.

Two editions, English and German.

*Auditor's report and Statute Labor By-law, township of Pelham*—J. C. Crow, clerk.

This municipality has funded the moneys received from Clergy Reserve Lands and Loan-fund distribution up to \$17,574.00. This is loaned on 1st mortgages and 5% on this amount is apportioned half-yearly to the public schools. The statute labor by-law is complete. In municipalities where the system is not abolished, a by-law, such as this one should be passed and enforced.

*By-law providing rules and regulations of council of the town of Parry Sound*—W. L. Haight, clerk.

Also samples of other forms used in connection therewith, all of which are worthy of consideration by many councils of older municipalities.

*By-law of rules, etc., Meaford council*—G. G. Albery, clerk.

*Rules of order, Chatham town council*—J. Tissiman, clerk.

## 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.

C. W.—1. Is the council of a sparsely settled township bound to open and make passable any original road allowance, for giving access to one or two settlers, at the expense of the corporation, or has local assessment to be resorted to?

2. If on the road allowance is swamp which is expensive, though not impossible to cross, can the road be forced on the adjoining property which is uncleared and of little value?

3. Can in this case the owner of the property make his own price or has he to accept a fair valuation?

1. We think the township council should open the road allowance mentioned by our correspondent, and that local assessment cannot be resorted to. If the sum necessary to be expended in rendering the road allowance passable would be large, we would suggest the making of an arrangement with the settlers, whereby the annual expenditure of a sum commensurate with the financial strength of the municipality until the road is in a fit condition for such traffic as will pass over it, would be acceptable by them. We would draw attention to the fact that the timber upon and the minerals beneath the road allowance can be sold by the township, pursuant to by-law passed for the purpose.

2. We think under the circumstances mentioned by our correspondent, a road could be obtained through the adjoining property. In so doing the council should observe the formalities set forth in sec. 546, et seq. of the Municipal Act.

3. The owner must accept a fair valuation. If this valuation cannot be agreed upon between the council and the owner, resort should be had to arbitration, as provided in sec. 385 et seq. of the Municipal Act.

Subscriber.—Is it necessary in framing a by-law appointing township auditors, to define their duties, and would it be illegal to do so?

How near are persons permitted to dig to a fence, without being liable for damages, in taking gravel out of pits on the roadway, or in making cuts through hills for the improvement of roadways?

1. In a by-law appointing auditors, it would be unnecessary and superfluous to define their duties. These duties are laid down by statute and a municipal by-law cannot add to or override statutory provisions. If the auditors appointed object or refuse to perform the duties of their office, others should be appointed in their place, see sec. 463, Consolidated Municipal Act 1892, as to duties of auditors.

2. Parties excavating on a highway for gravel or other purposes can only approach to within such a distance of fences along and adjoining the highway, as to cause no injury or damage to such fences. It is impossible to give the exact distance generally speaking. As in each particular instance it will depend on the character of the soil, style of fence and other local conditions.

J. C.—Can any or all councillors who are nominated on the regular day for nomination, resign the same day or within two days so as to have no council elected?

I have been refusing to take resignations when they come down to the requisite number, and some tell me that I am not right.

We would first draw our correspondent's attention to sec. 117 of the Consolidated Municipal Act, 1892, which provides, that at the nomination meeting, or on the following day any person proposed for one or more offices may resign or elect for which office he is to remain nominated. Consequently persons nominated have now only the day after the day of the nomination, on which to file their resignations. We do not think the clerk has any legal right to refuse to accept the resignation of any persons nominated, provided such resignation is filed within the time and in the manner, set forth in said section 117. Even if, in consequence of such resignations, there be no candidates left in the field for any particular office.

E. M.—Will you kindly inform me, as you no doubt are in a position to do, as to what constitutes a bridge. What length should it be to procure assistance from the county council to build such a bridge. For example we have here

a bridge and approaches 120 feet long and about twenty feet high, the bridge has to be rebuilt now, and can we claim assistance from the county council. To build same it will cost say \$2,500.00, and will be in one span of 100 feet, which is the width of the stream, but it is dammed back and is continually 100 feet wide. Does such a bridge come under the statute 533 section of a Municipal Act. I want as reliable answer as can be given and as soon as possible.

Our correspondent's question is somewhat indefinite. He says the bridge will be in one span of 100 feet, which is the width of the stream, but it is dammed back and is continually 100 feet wide. Does our correspondent mean by this that the stream is naturally 100 feet wide, or is it the damming back that causes it to be that width. If the latter it would be advisable to know what is the average natural width of the stream at high water mark. The question as to whether this measurement is to be taken from the top of one bank to the top of the bank opposite where the bridge stands or is to be built has been the subject of litigation, in the case of the village of New Hamburg vs. the county of Waterloo, which our correspondent will find reported at page 56 of THE MUNICIPAL WORLD, Vol. II. This case has been considered by the Ontario court of appeal, and the place at which the width of a stream is to be ascertained is the place at which the bridge crosses and the width is to be determined by the width of the natural channel of the stream taking it at its highest ordinary state.

S.—I value THE MUNICIPAL WORLD very highly. It has helped me on many points, though I cannot always agree with your opinions, for instance, in answer to my question, "are farmer's sons, assessed jointly with their fathers, liable to jury service?" Your answer was no. I think they are liable if assessed for the requisite amount.

By way of further explanation of our answer to our correspondent's 2nd question in the August number of THE WORLD. Farmer's sons assessed as such were and are not liable to jury service, sec. 2 of the Franchise Amendment Act, 1889. We take it, rendered it permissible to place farmer's sons on the assessment roll, jointly with the father, as if the father and sons were actually and *bona fide* joint owners of the land for which they are assessed on purposes of franchise only. It is a well known fact that in most cases where the assessment is so made, the sons have no actual interest in the land assessed to them, only an expectancy of succeeding of the ownership on the death of the father; By sec. 3, of the Jurors Act, every person, not exempted, residing in any county or other local judicial division in Ontario, over the age of 21 years, and in the possession of his natural faculties and not infirm or decrepit, who is assessed as owner or tenant, for local purposes upon property, real or personal, belonging to him in his own right or in right of wife to the amount mentioned in the said section are qualified, and liable to serve as jurors. We are aware of no statutory provision extending their liability, to farmer's sons assessed jointly with their fathers as provided in sec. 2 of Franchise Assessment Act, add in the absence of such a provision, we must adhere to our answer given at page 101 of THE WORLD.

S. S.—A pathmaster goes into an adjoining municipality and without any authority from the council, opens a new gravel pit on certain land with the consent of a tenant who occupied the land, and who claimed to be entitled to the money received for gravel. A pit has been open for some time at another part of the farm.

Is the council responsible to the owner of the land for trespass or damage? Would a contractor who agreed to furnish gravel at so much per cord having gone to the pit opened by the pathmaster, and in defiance of the owner of land, who ordered him to stop, continued to draw away the gravel. Would the contractor be liable or would the council for whom he was drawing the gravel be responsible?

The pathmaster appears to have been acting wholly on his own responsibility and outside the range of his duties as a pathmaster, and we do not consider the council liable for his acts as mentioned by our correspondent.

We consider the contractor, and not the council liable. The contractor appears to have taken the gravel from the pit referred to, without any authority from the council and persisted in so doing after he had been warned to desist, and without taking the trouble to ascertain from the council or otherwise whether the course he was pursuing was a proper one or not.

J. E.—Assessment made, exempting only \$400.00 after passing \$700.00 and no exemption after passing \$1000.00

Court of revision held May 27th, and no appeals on that line and business done and court closed, and now the parties have paid their taxes, and wish the council to refund, claiming benefit of the new act. Have the council authority to refund this tax?

The point raised by our correspondent seems to be the application of sec. 1 of the Assessment Amendment Act, 1892, to the case referred to by him. The provisions of the section came into force on the 14th April last. If the parties mentioned were overcharged in their assessment, they had fourteen days after the 30th April last, or fourteen days after the assessment roll of your town was returned if returned after the 30th April, in which to appeal to the court of revision against the overcharge. They apparently did not do this, and therefore, whether prior to the date of the expiry of the time for filing appeals, they were aware of the provisions of the above section 1 or not, they have no right to demand from the council a rebate now, nor has the council authority to grant it. If the notice mentioned in sec. 47 of the Assessment Act be served and the parties omit to appeal within the time limited by the act, the assessment would bind them. See also sec. 65 of the assessment Act. We assume your town has not passed any by-law pursuant to sec. 52 of the said act.

SUBSCRIBER.—There was a school section in this township that was too large, so at a council meeting last March we passed a by-law dividing said section, the dividing line running east and west, leaving the school and trustees in the southern portion, it to be known as No. 4, the northern portion to be known as No. 5. Referring to No. 4,

1st—Are the present trustees qualified to act as formerly

2nd—Or should there be three new ones elected?

3rd—Is No. 4 a new section (said school was built ten years ago, the locatee giving the ground or lot, but as giving without a sum mentioned is illegal, their articles of agreement are void. The farm the school ground formerly belonged to has changed hands several times and no deed issued).

4th—Can the present locatee prohibit the sale of the school house? (How many years' possession makes it their's?)

5th—Is it necessary to advertise the sale of said school, providing it can be sold?

The old section was known as No. 4.

1.—We take it that school section No. 5 is a new school section, formed of a portion of school section No. 4. Such being the case, the trustees in office in school section No. 4, at the time when the new section (No. 5) was formed, are qualified to act, and at subsequent school meetings and elections of trustees therein (having regard to the change of boundaries thereof), the same proceedings are to be taken as if the new section (No. 5) had not been formed.

2.—No.

3.—No.

4.—Leaving out the question as to the legality of the agreement mentioned by our correspondent, which, from the information he has furnished us, we do not consider ourselves in a position to pass upon, this seems to be a question of possessory title between the trustees and the present locatee. The information furnished by our correspondent is somewhat meagre, but we gather that the trustees have been enjoying the peaceable and undisturbed possession of the schoolhouse and the land on which the same stands and used thereunto, as owners, for ten years and over, and we therefore think the present locatee has no right to forbid the sale of the schoolhouse—in fact, we much doubt his right to do so, in any event. It must be borne in mind, however, that possession does not run against the Crown.

5.—In the event of the sale of the schoolhouse the proceedings laid down in section 84 of "The Public Schools Act" must be taken.

SUBSCRIBER.—The Public Health Act, section 39, R. S. O., states that the local board shall be composed of the reeve, clerk and three ratepayers (five members). Is it legal to appoint the whole council and clerk, (six members), Sec. 59 states that on complaint it shall be the duty of the board to investigate, if they refuse to act, can they be compelled?

1. We do not think the whole council can be appointed members of the local board of health. The reeve and clerk must be members of the board, and we think three other members of council may also be appointed, but not all of them.

2. Yes, we think the board can be compelled to act in case they refuse. The act says it shall be the duty.

Amicus.—Does attaching the seal of the corporation to a resolution passed by the council serve the purpose of a by-law? If not what purpose does it serve?

A collector returns his roll with the following taxes unpaid:  
 1. Commutation tax. 2. Tenant has not goods to distrain.  
 3. Income tax, person having removed beyond the municipality. Do any or all of these constitute a lien on the land?

1. An order or resolution of a municipal council, duly signed by the clerk and reeve of the municipality, and having the seal thereof duly affixed is virtually a by-law. The municipal rules of proceeding generally require more formal steps to be taken in passing a by-law, than in adopting an order or resolution. We would advise the passing of a by-law in the usual form, by the council in all cases where a by-law is necessary.

2. In cases one and two mentioned by our correspondent the taxes if not paid, and there are no goods on which to make distress, become a charge on the land in the same manner as ordinary taxes. But the unpaid income tax does not become such a charge.

A comparative statement showing the cost, etc. of seven of the county houses of industry was recently prepared by County Clerk Davidson, and submitted to the ratepayers in the county of Perth, as follows:

Where Situated.	No. of Acres.	Cost of Buildings with additions to date.	Salaries of Officers.	Average No. of Inmates	Average cost per inmate in 1891.
Elgin.....	50	\$14,000	925	69	\$60 50
Middlesex...	45	28,000	825	84	65 00
Norfolk....	100	9,450	750	49	50 33
Wellington...	58	28,160	750	59	66 00
Waterloo....	125	26,000	1100	82	58 63
Welland....	60	14,000	600	37	92 10
York.....	50	25,562		99	64 00

Average per inmate for the year in the seven counties, \$65.—*Herald*.

There is a dispute in Smiths Falls, over payment of taxes for construction of a sewer under frontage tax by-laws. The collector seized and sold some of the effects of the parties who refused to pay. And the result is a division court suit by one of the parties for illegal seizure.

A commission has been appointed by the Ontario government to collect such facts as bear on the question which have arisen with respect to direct taxation for municipal and other purposes, and also present proposed exemptions from taxation.

The Carleton county council discussed the question of reducing the number of members of county councils, but took no action in the matter. It was shown that the necessity for a change existed only in the western counties of the province, where the population is nearly twice that in the east.

The Essex county will memorialize the provincial legislature to amend the Public Health Act, so that in townships, physicians knowing that persons whom they are called upon to visit are affected with any of the contagious diseases specified in the said act, shall themselves placard the houses in which the persons affected are located, so as to prevent the delay which is caused by waiting till the board of health receives notice from the physician, which often in rural places takes several days. And also for amendment to the act, to prevent the spread of noxious weeds, and of diseases affecting fruit trees, by providing for the appointment of an inspector, whose duties shall be exclusively the inspection of fruit trees, and by making the appointment of such inspector compulsory upon local municipalities.

**Practical Charity.**

A good system was recently tried in the city of St. Paul, which, in addition to teaching the school children practical charity, has, it is believed, solved the problem of caring for the city's poor. The principals of the various schools invited the children to bring thanksgiving offerings to be distributed by the St. Paul relief society. In three days the children gave enough provisions to last the 2,000 poor in the city all winter, and more than the city has given in three years. The forty-three schools in the city gave 172 immense wagon loads of clothing and provisions for distribution.

Cow sheriff is the title of an official appointed recently by the village council of L'Original.

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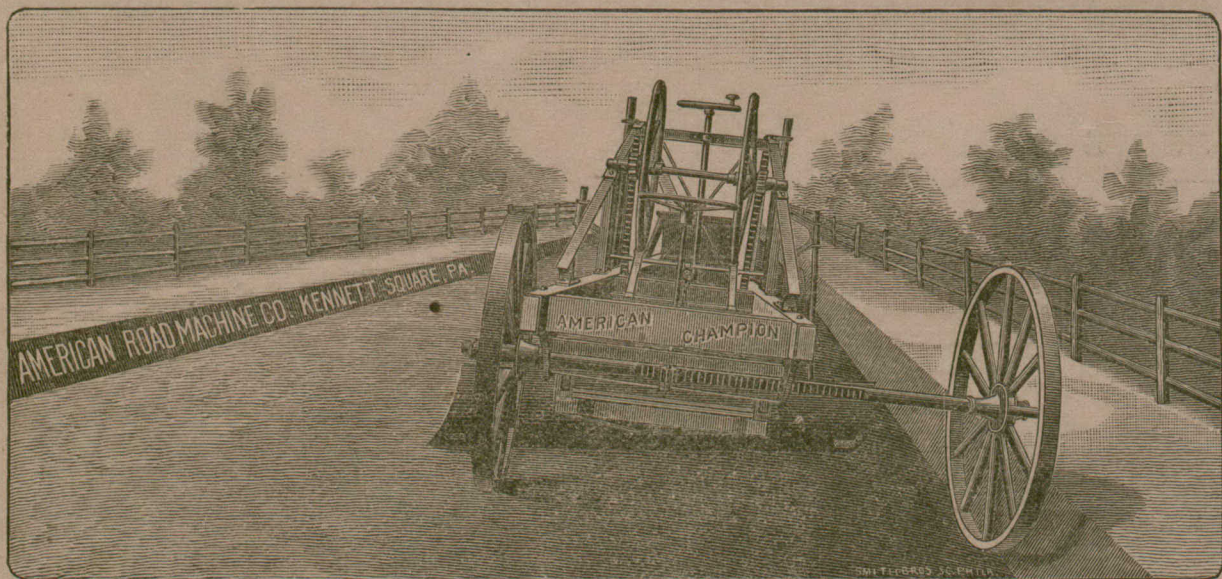
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