

**PAGES**

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# THE MUNICIPAL WORLD

Published Monthly in the Interests of Every Department of the Municipal Institutions of Ontario.

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## Calendar for February and March 1897.

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

#### FEBRUARY.

1. Last day for Railway Companies to transmit to Clerks of Municipalities statements of Railway Property.—Assessment Act, Section 26.
- Last day for Collectors to return their Roll 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.
3. 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—High Schools Act, Section 13.
5. Make return of deaths by contagious diseases registered during January.
15. Last day for Assessors to begin to make their rolls.—Assessment Act, section 49.
28. Last day for Councils to pass By laws limiting number of Tavern Licenses to be issued for the ensuing year, or for imposing a larger duty for tavern or shop licenses.—Liquor License Act, sections 29 and 34.
- Last day for City and Town Councils to pass By-laws to prescribe further requirements in taverns.—Liquor License Act, section 42.

#### MARCH.

1. Auditors' Reports on the accounts of High School Boards and the Boards of cities, towns and villages should be mailed to Education Department.
- Separate School supporters to notify municipal clerk—Separate School Act, sec. 40.

### NOTICE.

The publisher desires to ensure the regular and prompt delivery of THE WORLD to every subscriber, and requests that any cause of complaint in this particular be reported at once to the office of publication. Subscribers who may change their address should also give prompt notice of same, and in doing so should give both the old and new address.

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# The Municipal World

PUBLISHED MONTHLY

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

K. W. McKAY, EDITOR,

A. W. CAMPBELL, C. E. } Associate  
J. M. GLENN, LL.B. } Editors

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THE MUNICIPAL WORLD,

Box 1252, St. Thomas, Ont.

ST. THOMAS, FEBRUARY 1, 1897.

The council of the Township of West Zorra are in favor of having a County Auditor appointed to assist in auditing the books of the different townships.

The inspector of the Oxford County House of Industry, reported to the council the net cost per week, per inmate, during the past year was fifty-nine cents.

An effort was made to secure a scrutiny of the ballots in connection with the County Council Election, for the town of Ingersoll. The judge was unable to proceed, owing to irregularities in assorting and sealing the ballots in packets, the deputy returning officer had completed this work so badly that it was impossible to make a satisfactory recount. In addition to this, two poll-books are said to have been taken from the clerk's office, after the deputies had made their returns.

At a recount of the votes cast for County Councillors in Division No. 6, of Leeds and Grenville, Judge McDonald was called upon to decide a very delicate point. It was found a voter had marked a ballot with two crosses opposite the name of Mr. Adams, and one opposite Mr. Whitmarsh. Mr. Hutcheson, on behalf of Mr. Adams, held that the ballot was good for one vote for Messrs. Adams and Whitmarsh. Mr. Reynolds took the opposite view on behalf of Mr. Halladay, viz., that it should be thrown out as a spoiled ballot. As the superior courts had decided that the number of marks on a ballot opposite a man's name, so long as the voter did not vote for more than he was allowed to, were not invalid, Judge McDonald held that in this case where a voter was entitled to vote for two men, the fact of any number of marks opposite the names of two candidates did not make the vote invalid, hence he allowed it.—*Brockville Times.*

## Assessors Duties.

### REAL PROPERTY

This must be valued on an equitable basis, so that no one will be imposed on in the payment of taxes, and the amount entered opposite the names of the owners, occupant or tenant thereof in the roll. Care must be taken in describing real property by giving the proper acreage, concession and lot or part of lot, together with the statistical information required.

### PERSONAL PROPERTY.

It is in the low valuation and omission to enter personal property on the roll that the greatest discrepancies exist in the assessment of most municipalities. Section 42 of the Assessment Act authorizes them to demand a statement in writing from any person assessable in respect to personal property in the municipality. It is a general complaint that many wealthy people now escape payment of taxes on income, money, etc. They are generally the influential residents, who have no difficulty in securing a continued assessment at "last year's rates." They will think twice before giving the assessor an incorrect statement in writing, as Section 45 provides a penalty for so doing.

### DOGS.

The dogs must not be omitted, as the amount of taxes derived from this source is required in townships to pay for sheep killed. In some townships tags are used, in others owners are required to sign a declaration as to dogs on their premises. In many places, unless the assessor is careful to give no notice of his arrival, he will overlook many of man's "most faithful friends," who have been consigned to the cellar or other secure place by those who delight in defrauding their municipality out of the dog tax.

### SCHOOL SECTIONS.

In townships the proper assessment of all real property with reference to School Section boundaries requires the assessors closest attention. Where an owner is assessed for property in different School Sections, each parcel must be valued separately, so that the School Section rates will be levied on the proper amounts. Special duties are also imposed in connection with assessment of Separate School supporters.

### POPULATION.

A correct return of population is most necessary, not only should this include owners families, but every resident, man, woman and child, in the municipality, whether assessed for property or not. If this is overlooked the municipality loses probably an amount equal to the assessor's salary in the matter of the legislative school grants, which are apportioned in proportion to the population.

### NON-RESIDENT LANDS.

Assessors should ascertain from the clerk, before commencing work, the names of all non-residents who have given notice

necessary before they can be assessed. Particular care must be observed in describing all non-resident lands in the portion of the roll set apart for that purpose, especially when lots are sub-divided, as the validity of a tax sale depends on a correct description in returns to the County Treasurer. With an imperfect description, he is unable to enter them up in his books until this omission is attended to, and in some instances this also results in a payment to the clerk or other official for extra services.

### OCCUPIED RETURNS.

County treasurers are required to supply clerks with a list of lands in arrears for taxes, and liable to be sold therefor during the year. The clerk's duty is to supply the assessor with a copy of this list, who, in making his assessment, is to notify all occupants and owners of these lots, that their property is liable to be sold for taxes. He must also examine the description of the lots entered with list, and see it is correct and sufficient to determine the exact location of the property. When making his returns to the clerk, this list and assessors entries thereon must be verified under oath by the assessor.

### MANHOOD FRANCHISE

Assessors must be careful to put on the roll the names of all who are qualified under the Manhood Franchise Act, as well as all owners, tenants, householders, farmers' sons, etc. As a Provincial Election may be brought on at any time. If this duty is neglected the council is put to the expense of courts of revision of the assessment roll, and more especially the voters' list, a few complaints against which will cause expenses sufficient to pay the usual salary of three or four assessors.

### ASSESSOR'S GUIDES

The statutory instructions to assessors are so numerous and varied that it is impossible, in these columns, to explain all their duties. In order to enable assessors and municipal officers to avail themselves of the fullest information in reference thereto, we have had prepared a complete Assessor's Guide. For further particulars see our advertising columns.

Questions of Municipal policy are fully discussed during elections, and from that time the apathy of the great majority of ratepayers is most noticeable until the collector presents his account. Would it not be well for councillors to hold public meetings occasionally, to discuss the more important matters brought before them. It is one thing to shower promises on those to whom you are looking for votes on the subsequent day, another to discuss council work on which you are actually engaged, when your seat is safe at least for some months, and when the question of votes does not enter into consideration. In the ordinary course of events council and people are apt to lose touch of one another as the elections gradually recede, and the public interest in municipal affairs consequently wanes.



### Warden's Term of Office—One or Two Years.

In the January issue, we expressed an opinion that under the County Council Act, 1896, wardens would hold office for two years. The following letters in reference to the subject, taken from the *Globe* shows the interest taken in the subject and the opinion of the honorable gentleman who introduced the act in the legislature:

To the Editor of the *Globe*:

SIR,—There seems to be considerable difference of opinion upon the question of electing the warden under the new County Councils Act, some holding that the term of office is one year, some two years, and some again that it is optional with the council whether it is one or two years.

The County Council Act was introduced for the avowed object of reducing the number of county councillors, and in doing this it changed the composition of the council, providing for district representatives by a direct vote of the ratepayers. The act defines who shall be eligible, and directs how and when the election shall take place, fixing the qualification of both voters and councillors.

The council so elected is then the county council in lieu of the council as before constituted, and has all the authority, right and power given by, and is subject to the Consolidated Municipal Act.

The County Councils Act does not mention the day of meeting, nor does it state that the warden or any other officer is to be elected for two years. It simply provides that the Municipal Act is only superseded when repugnant or inconsistent, and so the county council will hold its first meeting in each year, on the fourth Tuesday in January (yearly elections in section 225, of the Municipal Act can only have one meaning), and its first duty will be to elect a warden, and then to proceed with its regular work under the Municipal Act.

THE MUNICIPAL WORLD maintains that the election is to be for two years, the life of the county council, but the Attorney-General takes the view that the warden will be, as formerly, elected for only one year, and this view is also held by the solicitor of this county, the retiring warden being of course eligible for re-election.

I think it is a matter of considerable importance that county councils should act alike in this matter, and I would suggest that you might interview the Hon. Attorney-General upon the subject of annual meetings and election of warden, the publication of which would secure uniformity of action.

JAMES WHITE, County Clerk.

Woodstock, January 9th.

NOTE.—In the County Council Act, it is provided in section 41, that "the act shall be read with and as part of the Consolidated Municipal Act, of 1892." It is also provided in section 18, that parts of the Consolidated Municipal Act repugnant to or inconsistent with the new act be repealed and that "all other parts of the said Municipal Act applicable to county councils shall apply to the county councils elected hereunder." The new law makes no change in the warden's term of office, so the old term of one year will continue. The warden will be of course eligible for re-election.—*Ed. Globe.*

### THE COUNTY COUNCILS ACT.

To the Editor of the *Globe*:

SIR,—I am in receipt of a number of letters from municipal officers and others asking whether the new County Councils act contemplated that the Warden to be elected at the first meeting of the council, is to be so elected for a period of two years, or, as under the old act, for one year only. Your note in reply to a correspondent a few days since quite covered the ground. It pointed out that the act is to be read with, and as part of the municipal Act, and that under the Municipal Act the Warden's term is expressly fixed at one year. Nothing in the new act repeals this section. It therefore stands and governs the election

under the new act. The latter makes no specific provision as to the warden's term of office, for the very good reason that the Municipal Act, of which the new County Council's Act is made a part, contains a specific provision limiting it to one year. An election of a Warden for two years, I have no doubt, would be null and void as to the second year. The Warden is therefore now to be elected for the municipal year 1897, only.

A. S. HARDY.

Toronto, January 20.

### The Ward System.

The mayor of Ingersoll, at the first meeting of the council for 1897, referred to the ward system as follows: "And in connection with this let us seriously consider whether the time is not ripe for doing away with the pernicious ward system. In my experience in the council I have seen so much that is wrong in our present system, that a change for the better is very desirable. Let us rise above the petty idea of reaching out for the benefit of our own ward, by considering more of what is the best for the interest of the town at large, and if we grasp that and spend our money wherever it is most needed, irrespective of ward or street, I think we shall serve the interests of the ratepayers better than we are doing at present."

### Municipal Insurance.

The question of municipal insurance has been revived by its originator in Toronto, Controller Lamb. He has enlisted the sympathy of Mayor Fleming and other members of the council, and a request has been made to Premier Hardy to name a day for an appointment between the Provincial Cabinet and the city's representatives, to discuss the subject, the object being to either get a committee of the legislature to take it up at the forthcoming session or a commission to thoroughly go into the matter. Last year a committee was appointed, but too late to take any definite action. A number of Ontario cities will likely co-operate with Toronto in an effort to get the bill through the local house. Controller Lamb has received a marked paper from Brighton, Eng., in which it is stated that the town is endeavoring to get a similar bill through parliament. The authorities at Brighton got their information from Toronto several years ago.

The story to the effect that from the commencement of the present year the citizens of Glasgow would be free from taxes in consequence of the profits derived from "municipal monopolies" is not, it seems, true after all. The Lord Provost, of Glasgow has destroyed the delightful air castle by an official denial. He asserts that while the municipal undertakings above mentioned have been eminently successful, there is no probability of the city being exempt from taxation. Time alone will tell just how much money Glasgow will save by control of her municipal privileges.

### Sheriffs and Registrars.

The plan of electing sheriffs and registrars by popular vote, or even by vote in the municipal councils, is objectionable. Mr. S. Hogarth, in a letter to the *Seaforth Expositor*, discusses the subject. He says:

"In your late issue you referred to the question of handing over the power of appointing registrars, sheriffs, etc., to the county councils, stating that if such a change were made, it would be productive of abuses entirely unknown under the present system, and that if a change is to be made, the appointing or electing power should be given to the people directly. I think any one at all acquainted with the present scheming, wire pulling and unnecessary expense in connection with the appointments or elections made by the county council, must agree with you. For instance, the election of warden is often made a political squabble, and which, in some places, has been continued for days. Not very long since, in the county of Huron, a vacancy occurred by the death of the late esteemed and efficient county clerk, Mr. Peter Adamson. For some months previous to, and after his death, the duties of county clerk had been satisfactorily performed by the county treasurer, Mr. Holmes, who was, we are told, willing to continue the management of both offices permanently. But, politics rise up and say, "We are a majority this year, and may be in the minority on January next." So a special meeting of the county council was called by the end of October, 1891, the party machinery being kept in full motion until the great work of making a clerk was accomplished. I will not at this time attempt to describe the performance at that meeting, but it would have been amusing to an onlooker, if the actors themselves had to pay their own expenses; but, no, that was not practical politics, so it cost the ratepayers over \$600 for a play that would have been none the worse for keeping until the January meeting. Some time previous to that event a majority of the county council voted to adjourn to attend an election, and, of course, the ratepayers paid the extra mileage and the days going and returning. Then, the people have not forgotten the political feeling over the appointment of a treasurer, on the acceptance by Mr. A. M. Ross of the office of Provincial Treasurer. Much more might be said in connection with this and other matters, but I think it must be evident to all that the change proposed would not lift those appointments out of the range of politics nor be conducive of greater economy in its management. I think it is much better for the country at large, for the Dominion and Ontario Governments to continue to make the appointments, unless something better is proposed, and if some of the officials are overpaid for the work they perform (which is possibly the case), that could be easily corrected."



## Houses of Industry.

There are now fifteen County Houses of Industry in the province. Perth and Lambton having been added to the list during the past year. We have the annual reports of some of the institutions from which the following are selected:

## COUNTY OF WELLINGTON

The House of Industry is situated at Fergus, and on 30th November last, contained 96 inmates, 52 adult males, 33 adult females, 7 boys and 4 girls under 16 years of age. The average number of inmates during the year was very high, being over 95, and the cost of maintaining each person in the institution was 93 76-100 cents per week.

## COUNTY OF WELLAND.

At the December session of the County Council a report covering eleven months of 1896 was presented, showing that the number of inmates was 42, of which 30 were males. The net cost of maintenance of the inmates was \$3983 75 or \$1.72 per week for each person.

## COUNTY OF ELGIN.

In this county the number of inmates on 31st October last was 48, the average number for the year being 54, the amount expended for support of inmates was \$3787.75, making the average expense per week for each person \$1.27 or 18.24 cents per day.

The daily cost is made up of

Salaries.....	.0537	cents
Meat, 7 4-10 oz.....	.0216	"
Bread, 13 8-10 oz.....	.0161	"
Groceries and provisions.....	.0150	"
Heating.....	.0216	"
All other expenses.....	.0544	"

The average cost per week per inmate during the last 20 years has been \$1.16.

The total amount expended for House of Industry is as follows:

Farm 50 acres, cost.....	\$3,000	00
House of Industry.....	11,400	35
Laundry.....	666	81
Fire Escapes.....	390	06
Root Cellar.....	124	99
Cottages.....	1,486	67
Barns, Wood shed, etc.....	2,387	57
Tile Drains.....	460	12
Tile Drain Outlet.....	60	70
Fencing.....	733	75
Orchard.....	85	84
Heating Apparatus.....	1,979	00

Total..... \$22,775 86

The Government grant of \$4,000 has been received.

## COUNTY OF WATERLOO.

The inspector's report for year ending 1st December, 1896, shows that 100 inmates were then in the Institution, the average during the year being 102. The expenditure for support of inmates was \$6,369.28 or \$1.09 per week.

## COUNTY OF YORK.

Number of inmates 31st December, 1895, 88, average during the year, 81, expenditures for support of inmates \$5,504 48, average expense per week per inmate \$1.20. The total expenditure for House of Industry and improvements in this county is \$29,800.

The average cost per inmate as given for the above mentioned institutions is not valuable for comparison, as the authorities of the various counties have different ways of arriving at the amount—the greater the number of inmates, the lower the rate will be in any county, as the expense of officers' salaries, heating, etc., remains the same. At the opening of the House of Industry for County of Perth, the Rev. Dr. Hannon addressing the County Council stated: "If your constituents say ought as to the expense, tell them it is a simple expression of justice in brick",

## Estimates and Expenditures.

The editor of the *Oakville Star* says that municipalities should make their estimates so as to have a balance sufficient to pay all expenses until the taxes are collected each year.

In many municipalities the plan of making the annual levy of taxes late in the year, will render it necessary at all times under the existing system to borrow money for current expenses until such time as the taxes levied therefor can be collected. Now it must be apparent to all that if municipalities could once get down to a cash basis, they would save the interest annually paid on large amounts borrowed in anticipation of taxes. In each of the years, 1890 and 1891, the amount borrowed for current expenses exceeded seven million dollars, in 1892 over six millions, and in 1893 a little less than six millions. So we see that the annual charge on the people for this item alone is no inconsiderable sum.

Now it seems reasonable that the easiest way to get rid of this necessity for borrowing would be to adopt the sinking fund plan, by which a municipality would set aside a certain sum annually until sufficient money had been raised. This might be used to carry the general expense account until the close of the year, and could not be squandered if it were incumbent upon the members of council to replace the amount before going out of office at the end of the year.

It may be urged that the municipal law does not provide for any such plan as we have outlined, but this cannot be an objection, inasmuch as legislation is easily available in case our municipal legislators show this to be in the interest of the ratepayers generally. With certain safeguards the ratepayers would have nothing to fear from extravagance and would be a considerable sum in pocket annually.

The Municipal Act does not provide for raising a fund to meet current expenditure when the yearly collections are exhausted. The general reply to all who advocate the carrying forward of a substantial surplus in the Municipal Treasury is, that the money is worth more in the pockets of the ratepayers than the interest received from banks on deposits of this character, together with the cost of the temporary loans.

The present law authorizes the levying of a rate sufficient to meet the expenditure for the year, the amount is determined by an estimate required to be prepared by the council. Each year's debts should be paid by that year's assessment. One object of the law as ratepayers fluctuate, is to protect present inhabitants from being burdened with the expenses of their predecessors, and for the same reason they cannot be required to pay towards a fund for the benefit of future inhabitants.

## A County Auditor Wanted.

The council of the village of Embro, at its first session, passed the following resolution: "That this council petition the county council requesting them to ask the Ontario Legislature to make such amendments to the Municipal Act that the county council be required to appoint one of the auditors for minor municipalities; also that such changes be made in the Municipal Act, so that municipal accounts shall be audited before nomination day." We are in favor of the appointment by the county council of one of the auditors of accounts of minor municipalities, and would like to see the petition of the Embro Council receive careful consideration during the next session of the Legislature.

Underneath all the remedies that may be suggested for the better government of any municipality is the doctrine that all their affairs must be conducted on sound business principles. The first is to place these affairs in the hands of an experienced board of management. The second is to secure an efficient supervision or audit of financial transactions. For many years the complaint has been that municipal audits are inefficient. The numerous defalcations of municipal treasurers and collectors reported from time to time show this, and in addition the report of the Bureau of Industries shows that a uniform system, on which to keep municipal accounts, is actually necessary. To secure this, the appointment in each county of an auditor is recommended. The duties the auditor would perform may be briefly outlined as follows: 1st.—To be ex-officio auditor of the accounts of the county treasurer and of every local municipality in the county, to act with an auditor to be appointed by the council in the yearly audit of the Treasurer's books. 2nd.—To furnish the Bureau of Industries, as required, with statements of the finances of his county and local municipalities thereon. The fact of having the financial transactions of municipalities conducted in a business way would be true municipal economy. An efficient man would be required to fill this office. The auditor should be independent of the council, and his duties should be regulated by statute. He should be appointed by the county council, and when once appointed a two-thirds majority of the whole council should be required to dismiss him.

The services of a county auditor would be required for a portion of the year only, and in large counties two auditors might be necessary. After the first year all treasurers should be required to keep their books according to a uniform system, and receive instructions from the auditors where necessary. One-half the expense of the present system should pay for the services of a county auditor after the first year.



## ENGINEERING DEPARTMENT.

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

## Snow Roads.

In connection with the article on snow obstructions in the road, published in the January number of the MUNICIPAL WORLD, the following information in Good Roads, from J. W. Votey, Secretary of the Vermont Board of Highway Commissioners, will be of interest:

"The problem is an important one in this State, as more than one-eighth of the entire amount of money expended on the roads of the State yearly, in addition to a large amount of labor voluntarily contributed, is required to keep the roads passable in winter."

The use of snow plows has been almost entirely given up in this state, being replaced by large wooden rollers, called snow rollers. On level roads where the snow is not deep, some of the modern snow plows do fairly well, but they are not suitable for use in deep snow or drifts. These rollers are from ten to twelve feet long, and from four to six feet in diameter, and are hauled by four to six horses as occasion requires. Their cost is from twenty-five to sixty dollars. There are about four hundred and fifty such rollers in this State at the present time, new ones being built each year, as fast as the town officials realize their importance.

The advantage of these rollers are that

a wide, hard, level roadway is formed, excellent for travel through the winter, and that in the spring these roads are in much better condition during the thaws and while the snow is passing off. A moderate amount of shoveling has to be done in the deeper drifts in using the rollers, but nothing as compared with snow plows. One point is necessary in working with them, and that is, that their use must begin with the first snow fall, and be kept up through the winter. It will not do to start in the middle of the winter, with considerable snow on the ground. During very heavy storms they are often sent over the roads before the storm ceases, in order to make the work lighter.

The first representative of the horseless or motor carriage built in Canada, is now to be seen on the streets of Toronto.

## Town Streets.

Very commonly we find the people of the towns throughout the Province, looking out into the country for bad roads, complaining about the farmers and their methods of roadmaking. The people of the majority of the towns of Ontario, can scarcely, with very good grace, adopt such an attitude, as they should be quite taken up with the deplorable condition of their own streets.

In towns where population and wealth are so much greater in proportion to the street mileage, than in the country, it is only reasonable to suppose that they will afford models for the improvement of country roads. The very contrary is the case, however, and for specimens of bad roads, one need scarcely ever have to go outside the towns.

This is the result of mismanagement in street improvement, worse than the worst phase of the statute labor system. Money



TOWN STREETS.—"WORSE THAN THE WORST PHASE OF THE STATUTE LABOR SYSTEM."

is scattered in patchwork over the entire street area, in an attempt to patch up roadways that were never constructed. Street improvement in towns should be looked at in a broad light, as is the installation of a system of waterworks, sewers or electric light. Business principles should replace the present system of waste. Expenditure should be concentrated on permanent and durable improvements.

"What makes you look so dejected, Miss Elderly?"

"I feel that I'm almost like a grass widow. The man I proposed to last leap year has eloped with another girl."

The Host—"I am afraid, old man, that the dinner wasn't very satisfactory."

The Guest—"Well, old fellow, you must remember that you didn't know I was coming."

## Good Roads Agitation.

There is a tendency on the part of some, to look upon the Good Roads agitation as a stupendous enterprise; and to wonder how "they" can ever make all the roads of Ontario. In order to bring the roads of the entire Province to a good condition, no pathmaster and his men would have to go beyond their own beat.

In some divisions, under incompetent pathmasters, men rake and scrape the mud, and idle away their time, expecting to receive grants from the council to do their work. When Good Roads are mentioned, they sit down on the bank of the ditch and ask what they will cost, and where the money will come from, wasting additional time in arguing against the movement. If those who built up the pioneer settlement, who chopped the trees, grubbed the stumps, logged, burned and cleared the allowance, graded the roads corduroyed the swamps, and bridged the streams by their united, zealous toil, without the aid of municipal grants. If these had sat down and estimated the cost, and cried for money, we would to-day have no roads, and Ontario would still be a wilderness. Surely, with allowances cleared the larger amount of grading done, material plentiful, increased population, knowledge and ability, and large amounts appropriated for road improvement, it cannot be a question of money.

A reorganization of the statute labor system bringing it to a business-like basis; gravel taken from the

pit and applied more carefully, a better acquaintance with the principles of roadmaking; better drainage, proper implements, wider tires, a personal interest on the part of every citizen in keeping roads in a proper state of repair; these are the reforms necessary to improve roads economically, durably and efficiently. These constitute the true objects of the Good Roads movement.

The prohibition of wood pavements in Milwaukee and the requiring of concrete foundations for all pavements, is effected by an ordinance signed by the Mayor a few days ago. The general features of the ordinance are in accordance with the recommendations of the City Engineer.

"I've discovered why the Greeks were happy." "Why?" "Their clothes were not made to fit."—*Chicago Record.*



### Appointing Pathmasters.

Pathmasters should be chosen from among the most respected, intelligent men of the community, and they should be kept in office. Even then, their individual opinions and plans should be subject to revision by the Council, which body should exercise a direct oversight of the roads, and their improvement by statute labor.

That there are men who could fill the office of pathmaster in a creditable manner, is apparent from the fact, that in driving over the roads in many townships, there are several sections which have been well done, and good pieces of road constructed by statute labor alone. That many are poor pathmasters, is indicated by other sections which show no evidence of results except those produced by the expenditure of municipal taxes, contributed very largely by those who had worked with a will in performing their statute labor on other beats.

When men of suitable ability, knowledge and experience have been once obtained, they should be retained in office. By the present system of annual rotation, as soon as a pathmaster has learned something in his year of apprenticeship, his experience is lost and another is appointed, who begins in his turn to take lessons in road-making at the expense of their condition. In other occupations an apprenticeship of some years is necessary before a person is qualified to practice, but a pathmaster, the moment he is chosen is thought fit to direct work requiring much science, at the expense of the township's capital of time, labor and money. Men are taken from the occupation in which they are skilled, and are transferred to one of which they know nothing. An honest man knows this and immediately strives, from his personal experience, from the advice of others trained by practice and instruction, from experts, and from every available source to properly qualify himself. In this way, with continued experience, he can become a most valued officer. Such a man realizes the responsibility of his position and the duty he owes his fellow-citizens, whose property is placed in his charge, the expenditure of whose money he directs, and whose interests he is expected to advance. He commands the respect of those who have to serve under him, his order is obeyed, public interest is created and maintained, and the question of making roads is rendered simple, requiring but a small outlay of money.

There is another man who strives for the office of pathmaster, and looks upon his appointment merely as a victory over a neighbor. He exercises his authority in performing some act to aggravate a citizen with whom he does not see eye to eye. The improvement of the road is by no means the prime object, injury rather than betterment is the probable result, and those who are obliged to perform work become disgusted.

Some men look upon their appointment as an acknowledgement by the council and community of their special skill as roadmakers. The solicitations or acceptance of any advice from experienced men would be looked upon as confession of unfitness, and certainly any suggestion to accept instruction from an expert would be regarded with contempt. The competent pathmaster, as well as the competent business man, is he who eagerly seeks from every source the fullest possible information pertaining to his special line, believing that his knowledge never can be too perfect.

### Road Labor and Expenditure.

The roads of most townships in Ontario are built and maintained under the statute labor system, supplemented by grants from the municipal funds. The statute labor system has some commendable features. Under it, good work can be done, and has been done, at less cost to the taxpayer than could, perhaps, have been obtained otherwise. It is, however, peculiarly subject to neglect and evasion, and this has been taken advantage of to such an extent that the roads have suffered in consequence. The manner in which road work is slighted is too well known to need description. The wagons, horses and implements often brought out for use on the road, make an assortment that would disgust any intelligent farmer, if he had to pay for them by the day at quarter rates, for work on his farm. The work is too frequently done in a spiritless way, and a great part of the time is spent in talk. Some townships in various parts of the Province commute the statute labor at such a reduced rate as is practically an acknowledgement that statute labor has been shamefully neglected and thus brought into disrepute. The experience of one Municipality is that, commuting at 35 cents per day better results are obtained. That such could be the case is certainly a reflection on any municipality, and rather than commute at so low, or even at a reduced rate, it is worth a struggle on the part of a township to make each day of statute labor worth \$1 in actual results on the roads.

Were the statute labor system economically administered, it would only take a short time to work a complete transformation in the condition of the roads. The true spirit in which statute labor should be performed was exhibited in the work of the pioneers in roadmaking. In their day, population was sparse, and the road allowance had to be cleared of forest. Stumps had to be grubbed, bogs burned, and the roadway had to be graded; swamps had to be corduroyed, and the streams bridged. Drainage was exceedingly difficult, and there was no municipal fund from which to draw, for mending a culvert or filling in ruts. Labor was then concentrated, and good, honest labor was given. Now, however, with the increase

of population and wealth, roadwork is scattered in patchwork, and is done in a half-hearted way.

### The Value of Good Roads.

Cultivating ten acres, eight miles from the station, I buy two tons of fertilizer for \$70, says a correspondent of the Leesburg (Fla.) Commercial. This quantity makes eight loads for one horse, and six hours are required for a trip. The time of myself and horse is worth 60 cents per load. I make 500 crates of vegetables, which require seventy-one trips to get them to the station, at a cost of \$42.60. On hard roads I could haul my \$70 worth of fertilizer in four trips of four hours each, at a cost of \$1.60. I could haul my 500 crates of vegetables in thirty-five trips of four hours each, at a cost of \$14. On the sand roads one horse is required seventy-one days to ship my crop, which is a longer time than the shipping season; hence I am compelled to keep two horses during the year, or hire from my neighbors at a busy time. The cost of keeping the second horse may be safely estimated at \$25. So much of my time is used in my trips to town that during three months of the year I am compelled to hire an extra hand, which costs me about \$45. The foregoing items will suffice to show that bad roads cost on my ten acre crop, \$101.80, being a tax of over \$10 per acre. [From *Scientific American*.]

### Loyalty to Pathmasters.

It is one of the weaknesses of the statute labor system, that it is very difficult for a pathmaster to enforce prompt obedience to his orders. If a neighbor persists in idleness, or if, instead of doing as he is directed, he stops and argues for an hour on the wisdom of so doing, the pathmaster cannot obtain redress except at the expense of his neighbor's goodwill, a step very few pathmasters are willing to take. A farmer could and would discharge an employee for pursuing such a course, but in the case of a pathmaster, the roads must suffer. Under a proper administration of the statute labor law, it is apparent that it is the duty of every man when performing statute labor to set aside his personal feelings and opinions, and promptly do the work allotted him. This is the relation of the taxpayer to the pathmaster. On the other hand, the pathmaster, (and going further back, the council), owes it to the taxpayer that all plans shall be carefully prepared and considered before the work is commenced, so that improvement will be made along the right line, and with the greatest economy of labor.

"Have the detectives made any progress in their efforts to discover who burglarized your house Mrs. Flightly?"

"They're working wonders. We are positive now that the deed was done by a tall man and a short man."

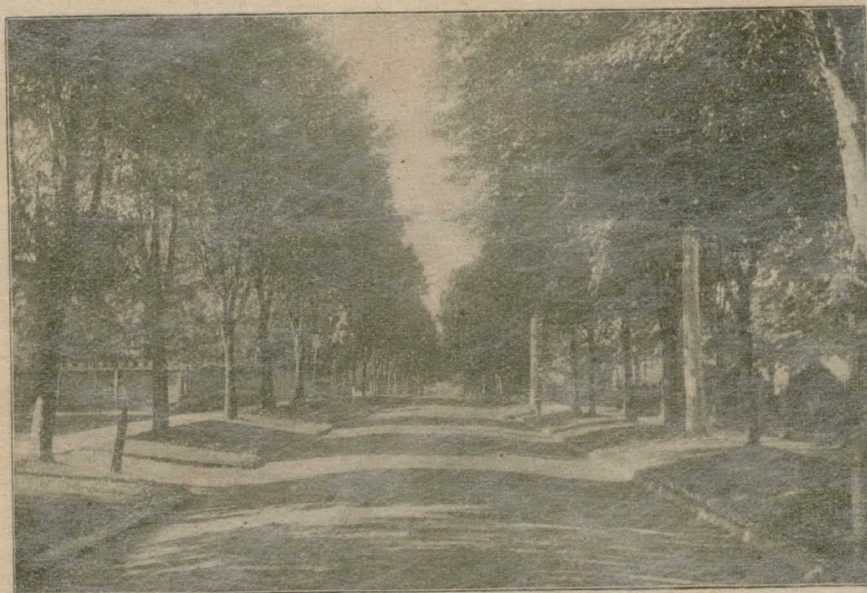


### The Maintenance of Iron Bridges.

This subject has not received the degree of attention which so costly a structure as an iron bridge warrants. Too often insufficient painting is allowed to remain as the only protection for years, the fast accumulating rust, either not being noticed, or is not seen, owing to the peculiar color of the paint which may have been used. Because a bridge is an iron one, it does not imply that it requires no further care after it is once finished. When iron is neglected, it is only a question of time as to its final destruction. A large bar will rust only less rapidly than a small one, or a thick plate than a thin one, and there are circumstances of location that will cause rusting to proceed with varying rapidity. It is with a view to permanence of iron structures, that it is recommended in no case to allow of plates or parts to be used less than one quarter of an inch in thickness, and perhaps five sixteenths of an inch would be still more advisable, to have as a minimum thickness. It is further advisable to have iron bridges so designed that all parts of the work should be open to inspection, and within reach of the paint brush. When not so designed, concealed surfaces should be hermetically sealed, so that by no possibility can moisture find its way within, to work a sure destruction. Town authorities should insist upon more care being exercised at the construction works, in preparing iron for shipment, than is usually given to such matters, particularly in times of close competition, when the profit of a contractor is made up from small economies. This extra care will amply repay the very small addition to the price that it would necessitate.

At the manufactory, each individual piece can be examined and protected with a care impossible to exercise after the parts are all assembled in position at their final location. All new iron, as it comes from the Rolling Mill, has a scale on its surface, easily detached under vibration. More or less falls off while it is undergoing fabrication into shape, but enough usually remains on, to render ineffective the paint with which it may be coated. This scale should be thoroughly removed at the shop by scraping, or with wire brushes, after which a priming coat will take hold. Some authorities recommend that before scraping off the scale,

the iron should be allowed to rust slightly, as giving a better hold for the paint. In any case, the paint should be thoroughly well rubbed into the surface, and the boiled oil and turpentine with which it is mixed, and on which its value largely depends, should be of the first quality. All things considered, the mineral paints prepared from iron ores are the best priming paints, which cannot be said of many of the red leads (a favorite priming paint with some engineers) in the market. Before shipment, iron surfaces that have had machine work put upon them, called bright iron, should be coated with tallow, to which a body of white lead has been given. After a bridge has been erected, it should at least have two coats of tinted lead paints, care being taken that the brush reaches all the crevices about the joints. The color of the final coat, or coats, had better be of such a tint as will show the



TOWN STREETS—"IMPROVED."

first indication of rust. All tints bordering on cream, buff, and different greys answer this purpose excellently, and as an additional advantage, these tints form a pleasing and appropriate ground for decorative effect, occasionally required for first-class city bridges.

All iron bridges should have two additional coats of lead paint the second season after their erection, which will last several years before requiring renewal, and it would be good practice for the authorities of every county to examine their bridges systematically every spring for signs of rust, which, if discovered, should be attended to as soon as possible. In this way, their bridges (if originally good ones) can be made to last forever.

In Berlin, Ontario, street improvement is to be the municipal matter of importance this year. A steam roller and a stone crusher have recently been purchased.

### Clay and Sand in Gravel.

Dirt mixed with gravel is not only useless, but hurtful to the road. Evidence of this is found on many roads where a few loads of clean, hard gravel have been placed on the road, followed by a load or two of dirty stuff, then clean metal, then dirt, and so on. The surface of such a road is a series of ups and downs, some smooth spots, then ruts.

It is contended that a certain amount of clay and sand is needed to act as a binder, and sections of roadway are pointed out which have consolidated readily, making a nice smooth drive. This is undoubtedly the case during summer, but it will be found that a pleasant summer road is frequently a poor fall and spring road. The bond made by sand and clay is weak and there is not the mechanical hold which one stone takes upon another by pressure, as is the case when clean material is used and well rolled. The result is that an extended rain turns the road into slush, mud and ruts.

When clay or sand is mixed with gravel it absorbs and retains moisture, the whole yielding readily under traffic. It has not the power to support wheels that good clean material has. In a number of townships throughout the Province, the practice of screening the gravel is successfully followed.

### Hills.

Hills need very careful treatment. Water is very commonly carried long distances by the side of the road, past natural water courses, and through deep cuts, in order to dispose of it over a hill. The secret of successful drainage is to dispose of water in small quantities, without allowing it to gain force and headway. Neglect of this principle is the cause of the bad condition of so many hills, making deep washouts and necessitating expensive repairs.

Hills are frequently springy, or are kept soft by water oozing from them. In such cases a line of common farm tile should be placed on each side of the roadway, underneath the gutter, and below frost. Wet points should always be tapped by blind drains leading diagonally across the roadway to the side underdrains. The crown of the roadway on hills should be sharper than on level ground, otherwise water will follow the wheel tracks, deepening them to ruts, instead of being shed to the side gutters.



## Radial Railways.

The Hamilton and Dundas street railway will soon be operated by electricity. The track is now laid with 65 lb. steel rails and will be trolleyed early in the spring. From Hamilton to Dundas is the first stage of a line which, in the near future, is to be pushed out to Galt and Berlin. From Dundas to Galt is only fourteen miles, and here the existing Galt, Preston & Hespeler road will be utilized to make the missing link to Berlin from Preston, a distance of 8 miles, so that 22 miles of electric road will complete this chain, uniting Hamilton with a large number of villages. It is quite possible that this will be accomplished, and perhaps, even Guelph be reached before the end of 1897.

Mayor Elliott, of Brantford, is urging on the council of that city to imitate Hamilton in extending electric railway connections to various suburban villages and towns. He has a charter, and his company contemplate a road from Brantford to Ayr, via Paris, and another from Brantford to Port Dover, via Simcoe. These roads would bring to the city an important trade, while even in Paris Mr. Elliott has found on the part of the business men no hostility, as they seemed to think the road would bring them from points north, at least as great a volume of trade as would be deflected towards Brantford from the south. It is the intention, when matters are sufficiently far advanced, to ask the city for a bonus.—[*Canadian Engineer*.

The Chatham Dredging Co., of Chatham, Ont., have completed what is believed to be the largest drainage ditch in America. It is known as the Raleigh Plains ditch, is over ten miles in length, 90 feet wide at the outlet, and tapering to 45 feet, and 9 feet deep. The contract price was in the neighborhood of \$40,000. This huge drain which empties into Jeannett's Creek, a tributary of the Thames river, serves the townships of Raleigh, Harwich and Tilbury, removing surplus water, which at certain seasons of the year submerged the low-lying farm lands, doing wide-spread and heavy damage. The work of construction has occupied two years. Through litigation, which involved an appeal to the Privy Council, the work has been delayed for years, and the township of Raleigh saddled with law costs aggregating \$25,000.—From Contract Record.

The election of municipal officers for 1897, in the township and towns of this Province was to a very great extent based on the question of road and street improvement. Candidates who had declared themselves in favor of active and progressive measures were returned in nearly every instance. The people of Ontario are demanding good roads and streets, and candidates for office, who purpose to cling to the old system of waste and patchwork need not apply.

## Maintenance of Roads.

The roads in the majority of townships receive very little attention except at the time of performing statute labor. Roads are very much more cheaply and easily kept in good condition if repairs are made as soon as wear appears, for ruts and wheel tracks interfere with surface drainage, hold the water, and quickly cause the road to "break up" in wet weather. Repairs of this kind are of such a simple nature, requiring a little raking, filling a rut, the freeing of an obstructed drain, at the most a load of gravel, that every farmer could, with no loss of time, see that the half of the road allowance passing his farm was not neglected in such trifling matters. Attention of this kind would result in an immense saving.

Instead, however, of men having sufficient public spirit to volunteer work of of this description, we find them adopting all sorts of means to avoid doing even their just amount of statute labor. These men, after idling away their time, will wait in deputations on the councils complaining of the bad and dangerous condition of their roads, and asking for municipal grants to do the work which they should, in justice to other taxpayers, have done by their statute labor. No encouragement should be given in such cases by making money grants where the ratepayers neglect to make good use of their statute labor.

An excellent system has been adopted in some townships which has been productive of good results. Under a by-law of the municipality, where any section subscribes an amount of money for road improvement, the municipal council assists with an equal amount from the general funds. In other townships, no money is paid out for gravel unless the road division has first drained, graded and formed the roadway according to the set specifications of the municipal council.

## Stone Crushers.

Where large amounts of money are spent annually for gravel which, when laid on the road in its natural condition, is largely useless, one of the first considerations of a council should be the purchase of a crusher, whereby the gravel might be properly prepared, and nothing hauled but first-class material. By placing a crusher in the pit, all material could be passed through and, with a rotary screen attached, all sand, clay and fine stuff would be removed, leaving only the clean road metal. In some sections fieldstone is plentiful, and gravel has to be hauled several miles. Where such is the case, the field stone might be crushed and placed on the roadway, making a more durable road at less cost than gravel. The work of crushing could be done at any suitable season of the year, in the pit or field, and the material left in piles ready to be placed on the road whenever needed.

## Crowning the Road.

Too much crowning is as bad as too little, but the road must be crowned or rounded, to shed the water to side gutters. A great many gravelled roads are perfectly flat, and some are lower at the centre than at the side. To provide for wear and settling, the roads, when in a proper state of repair, should have a rise of about one inch to the foot from the side to the centre. To crown the existing gravel roads which are too flat, the square shoulders at the side should be cut off. If these shoulders are composed of clean gravel, forced from the centre of the road by the wheels, the material may be drawn in towards the centre. As a rule, however, it is of such a quality as will turn to mud immediately the fall rains commence, and should be used in levelling the sides of the road, or in any other way that circumstances may make advisable. This stuff from the shoulders of the road has, in some instances, been brought indiscriminately to the crown of the road, with the result that a firm gravel foundation has received a coating of mud. During the summer it may have made a very pleasant surface, but in wet weather it becomes slushy, holds water, and destroys the foundation beneath it. The shoulders having been disposed of, clean material from the pit should be placed in the centre. It will frequently be found that a sufficient depth of gravel is already on the road, requiring only the cutting off of the sides, and shaping up with a light coating of clean material properly applied. To do this work perfectly, quickly and economically, road graders should be used.

## A Tremendous Waste.

Statute labor is performed at a period of the year, when the time of each farmer is of great value to him on his own farm. If the work of improving the roads is neglected, and a portion of the time spent in statute labor is wasted, it must be apparent to every citizen of the province, that there is a tremendous amount of energy lost to the country. We are obtaining our roads, at an enormous expense, and if they are still to be bad roads, the expense is many times increased indirectly. Sufficient money is now being expended in most townships for material, if it were carefully prepared and skilfully applied.

Cobblestone pavements in Baltimore, are prohibited for the future, by an ordinance just introduced in the city council. The ordinance provides, that where the cost of paving is met by the abutting property owners, they may choose from sheet or block asphalt, vitrified brick, Belgian blocks, mosaic blocks, or such other improved material as may be approved by the mayor and commissioner. In case property owners do not make a selection within the specified time, it will be made by the commissioner, subject to the approval of the mayor.



**QUESTION DRAWER.**

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

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

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

**Payment of Deputy-Returning Officers.**

22.—V. P.—In November, 1896, I was appointed by the municipal council, under a by-law, as deputy-returning officer for the municipal council, also, under a by-law, I was appointed Deputy-returning officer for by-law to take a vote on local option. I acted as such, kept two sets of books, papers, etc. Now am I entitled to only one fee for my services as such?

The council proposes to pay my services at four dollars for all.

2. Is it optional to them to pay more? Or are they compelled to pay full fees for each? The voting was taken on the same day.

The Municipal Act does not provide a tariff of fees for services of this kind. You are entitled to what is reasonable. What is reasonable is a question of the Court. See section 176 Municipal Act, 1892.

**Purchase of Road Machines.**

23.—W. A. McL.—Can a municipal council legally purchase a road machine, on time, the reeve and treasurer giving their notes in payment as officers of the municipality, without a vote of the ratepayers?

The Council may purchase a road machine if necessary in the interests of the municipality, without a vote of the ratepayers, but the Reeve and Treasurer may have incurred a certain amount of risk in giving their own notes.

**Clerk and Secretary of Police Village.**

24.—F. H.—Will it be legal for a township clerk to act as secretary for police trustees, the police village being situated in the same township? Yes.

**Candidates Agent—Declaration of Secrecy—Polling Place.**

25.—B. R. E.—In the event of the Agents of a Candidate not being able to make the Statutory Declaration before the opening of the polls, would the Deputy-Returning Officer be justified in admitting them to the polling place to attend to their duties if they presented themselves sometime after the opening, and were willing to make the Declaration of Secrecy required by Section 170, Consolidated Municipal Act?

The object of Section 170 is to provide for secrecy, and as that object may be attained by the making of the declaration of secrecy at any time before the agent is allowed to be present at the polls. We cannot see why it cannot be made at any time, and such agent be then admitted.

**Resignation of Candidates—One Elected.**

26.—J. H. M.—At our nomination meeting, held on Monday last, we had two candidates nominated for reeve, two for deputy-reeve, and

six candidates for members of Council Board,—I may say that the one candidate for reeve, withdrew the following day, and the two who were nominated for the deputy-reeveship, were both nominated for the Council Board with the other four candidates. The following day, both withdrew from Council Board, and are standing for the deputy-reeveship, and before these two did this all the candidates withdrew from the Council Board except one. At a special meeting of the present council, held last night, a by-law was passed, empowering me to hold a nomination meeting on the 18th January, and an election a week later, to fill the vacancy in the board. What I would like to know is:

Is the candidate who did not withdraw his name, elected? Or must he be balloted for with the others to be nominated on the eighteenth? (Of course the deputy-reeve will be balloted for with the county councillors on the fourth).

Yes, he is elected.

**Payment of Nominating Officers.**

27.—L. S. B.—Will you please inform me what allowance a nominating officer should have, also for posting posters, and extra services for township clerks for distributing ballot papers, making return to county clerk, etc., according to the blank forms printed by you?

The County Councils Act does not fix the remuneration to which Nominating Officers are entitled. In October number we expressed an opinion that the Nominating Officers services should be worth at least \$6, and that his account should include the expenses of posting and publication of notices of meeting, rent of hall, and for services of constable at the meeting. We arrived at this amount as follows: \$2 for engaging hall, constable and arranging for notices, \$2 for day attending nomination, and \$2 for being available next day to receive resignations, and for making return.

**Properly Added to School Section—Not Liable for Debenture Rates.**

28.—M. C.—Our municipality lies in Parry Sound District, and prior to organization there were two School Sections, organized under the Act relating to the organization of School Sections in Parry Sound District. A village sprang up in the edge of one of the sections, and it became necessary to organize a new section, which the Council did by taking in half of No. 1 Section, and gave them some new territory, hitherto not in a School Section. The Council issued debentures on the new Section, known as No. 6, and sold them and built a school house. And the people in No. 1 Section did not keep their school open, but closed it up and sent their children to the village school in Section No. 6.

After two or three years, through the growth of the township, it became necessary to form more School Sections, and to do so it was considered advisable by the council, to still further alter Section No. 1 by giving it some more new territory, and by adding a still further portion of it to Section No. 6. The council then assessed all the Section No. 6, as newly formed with a debenture rate, but when the Collector of Taxes went around, the ratepayers, who formerly lived in Section No. 1, and who were brought into Section No. 6 after the debentures were issued, refused to pay the debenture rate, claiming they had no voice in the issuing of the debentures. The ratepayers living in Section No. 6, claim they have a right to pay, as by the bringing of them in they are given all the benefits of a new school, which they have so crowded as to necessitate the building of an addition to the school.

Would it be legal for the Council to enforce the collecting of the debenture rate off all the ratepayers brought in from Section No. 1 by the Council since the issuing of the debentures?

The alteration or reorganization was done legally, notices, etc., according to the Statutes being fulfilled.

I might add that no objection was raised by any of the ratepayers, in either of the Sections against the contemplated changes advertised by the Council, prior to making the change, nor no settlement was asked for, nor given to either Section. Neither were the ratepayers in either Section consulted about the changes about to take place.

The property added to section 6, subsequent to the issue of the debentures cannot be legally charged with any part of the debenture rate by the Council.

**Council Cannot be Compelled to Build Road Passable at all Seasons.**

29.—N. M.—1. In the event of several ratepayers in the township of East Zorra, having no road to market at certain seasons of the year, can they compel the municipality to build them a road passable at all seasons of the year?

2. And what steps are necessary to take to compel them?

No.

**First Meeting Town Council.**

30.—X. Y.—Please inform me when the first meeting of our new town council will be held, (pop. 3600) and how to perform the first days' business, appointment of officers, etc. The Board of Health new member, should he be appointed by by-law or motion?

The first meeting of your council will be held on Monday next the 11th day of January at 11 o'clock a. m. After making the declaration of office and property qualification, the Council may be considered organized. In most Councils the first business is the appointment of committees for the year. This is followed by the appointment of an Assessor, Collector, Auditor and a member of the Local Board of Health, all of whom may be first appointed by motion, to be confirmed by By-Law. The By-Law generally fixes the salaries and defines any special duties the Council may require their officers to perform. The member of the Board of Health should be appointed for three years.

**Resignation of Candidates Nominated and Section 186.**

**Municipal Act—Capt. of Fire Company Not Eligible as Councillor.**

31.—W. F.—1. A few years ago at the annual election here nine candidates were nominated for the Council. Of these, six resigned within the time allowed by law for doing so, thus leaving us one member short of a full Council. I had occasion to go to Brantford, and when there called on Hon. A. S. Hardy to ask his opinion as to how we should proceed to get the fourth Councillor. I asked if Section 186 of the Municipal Act would apply to the case. He thought it would not, for the reason that as the ratepayers had nominated nine candidates at the nomination meeting they had neither "neglected" nor "declined" to elect the requisite number to fill the offices as far as they had had opportunity to do so. He thought the safest way to proceed would be for the members of the new Council at their first meeting to order another election for the fourth Councillor. That was the course we adopted.

This year ten were nominated for Councillor, and all resigned excepting three, so that we are in the same box again, and I would like to have your opinion as to whether Section 186 of the Consolidated Municipal Act 1892, does apply to the case. I, along with many others here, think the Section referred to was intended to cover just



such a case, notwithstanding Mr. Hardy to the contrary.

2. Also the captain of our Fire Company is paid a salary of \$24 a year, and is elected a Councilor. Can he qualify and is his election legal? He was appointed by resolution of Council under provisions of By-Law governing the Fire Department.

1. We are of the same opinion as the Hon. Mr. Hardy.

2. He is disqualified.

Election of Warden—Returns of Sub-Treasurer of School Monies.

32.—G. S. C.—1. At the election of Warden, if the member entitled to give the casting vote in case of a tie declined to do so, what action is to be taken by the Clerk?

2. Can the Warden be legally elected by less than a majority of the members present.

3. The assessment for Public Schools, heretofore required to be made by County Councils as the equivalent of the Government grant, being now dispensed with, will it be necessary for the sub-treasurers of Public School monies to continue to make their annual return of Public School accounts to the County Auditors?

1. No action.

2. No.

3. Yes.

Auditor and Member High School Board.

33.—SUBSCRIBER.—Can a member of the High School Board, legally act as municipal auditor, part of his duty being to audit high and public school accounts?

No. He would, as such auditor, be auditing accounts containing expenses which he, as a member of the High School Board, incurred, which would be contrary to the spirit of the Act. See sub-section 2, section 36, High School Act, 1896.

Dog Tax By-law.

34.—P. S.—In the year 1891, a petition signed by forty ratepayers was presented to the municipal council, asking that a by-law be passed exempting dogs from taxation. The Council passed a By-Law in conformity with said petition. Is the said By-Law valid until repealed or does it require to be passed annually?

It is not necessary to pass a By-Law every year. If the By-Law is aptly worded it will exempt the owners of dogs from taxes, until it is repealed.

Treasurer May Not be Deputy-Returning Officer.

35.—A SUBSCRIBER.—Is it legal for a Municipal Treasurer to act in the capacity of Deputy Returning Officer at Municipal Elections?

No. See Sec. 176, Consolidated Municipal Act, 1892.

Collector and Assessor.

36.—G. H. B.—Can a man hold the offices of Collector and Assessor at the same time in the same Township, time for payment of taxes being extended until first of May?

No. A man cannot legally hold the positions of Assessor and Collector at the same time.

Collector's Seizure—Lien Note—Liability for Costs.

37.—A CLERK.—1. Can a Collector seize and sell for taxes an article (a binder) found on the premises when the manufacturer has a lien note against said article?

2. Suppose the sale of the above article to be illegal, who shall have to pay the purchaser for the trouble he has had, the Collector or the Council, the Council not taking any part in the sale?

1. Section 6 of the Assessment Amendment Act, 1896, exempts from distress the goods and chattels on the premises not belonging to the person liable for the taxes, *where the owner or person assessed is not in possession*. If the owner or person assessed is not in possession of the premises in question, only the interest of the person liable to pay the taxes can be seized, assuming the lien note to be good. The seizure must be subject to the right of the manufacturer. If the owner or person assessed is in possession there is no exemption unless the article is one which would be exempt from seizure under execution.

2. The Council incurs no liability under the circumstances.

Constables Mileage.

38.—A. W. B.—Is a constable entitled to mileage both ways in going to arrest and returning with a prisoner, when he holds a warrant? See Chap. 26, 59 Vic., Schedule 3 and 5.

No.

Authority of Member Board of Health—Collector May Not be Treasurer—Collector to Deliver Notices.

39.—M. A. B.—1. Does the verbal order of one member of the Local Board of Health without being authorized by resolution, commit the Board for payment of store goods supplied to persons quarantined for diphtheria?

2. Has a Township Council power to appoint the Treasurer also collector, so that taxes may be made payable at the treasurer's office?

3. Can the collector delegate his power to some other person to deliver the tax bills, so as to constitute a legal demand for taxes?

1. No, but there may be other circumstances making the Board liable.

2. No, Sec. 12, Consolidated Assessment Act provides "The Council of every municipality, except Counties, shall appoint such number of Assessors and Collectors for the municipality as they may think necessary, but no Assessor or Collector shall hold the office of Clerk or Treasurer."

3. In cities and towns he may do so, but not in other municipalities. See Glenn's Collector's Guide.

Tags on Cows.

40.—T. L.—My attention has been directed to your issue of January, 1897, page sixteen, you there quote certain extracts from my letter to you respecting the legality of what is called the Tag-Law, and make reply thereto. Now I do not feel satisfied with your reply, it is very necessary that township councils and ratepayers should have no misconceptions about the working of this By-law, so as to prevent all unnecessary friction and expense. We all want to understand clearly, what our legal rights and powers are in the enforcement of a stock law, which prohibits cattle, etc., running at large on the highways, with the exception of those wearing tags, for which a specific sum is paid over to the council by the one receiving the tag for the said purpose.

1. Do you think such a by-law cannot be enforced?

2. If you do think so, how do you reconcile such a conclusion with answers to questions found in your April number of 1895, page 76, your August number of 1895, page 155, and your January number of 1896, page 15?

3. If the money is paid over when the tag is delivered, in what respect could any litigation or trouble occur?

4. If the money were not paid when the tag was delivered, I presume you would hold the opinion

(and it may be rightly) that the council could not enforce payment?

5. On the other hand, you do not think, do you that if the money were duly paid, the ratepayers or other party could recover the money by action at law, from the council?

6. I did not say in my letter, that the supposed court ruling was to the effect that the council could impose a tax on cattle as it can on dogs, and collect the money as taxes. It is not proposed to raise the money in that way. We simply elect by by-law, that all cattle running at large on the highway, should wear a township tag for the season, and on receiving the tag, shall pay the required sum. Can a council not do this without getting into trouble? And if they can't, why?

1 and 2.—Whatever impression may have been given by previous answers to questions put in different forms, we have to say that a mere power to regulate does not give the right to tax, and a By-Law requiring the payment of a sum so large that its object would clearly appear to be to raise a revenue, would be invalid and liable to be quashed.

3. If the money is paid over it cannot be recovered back.

4. No. If a small fee to cover expense of tag it would not be worth the trouble and expense of collecting it.

5. No.

6. We fear that a motion might be made to quash such a By-Law, and that the municipality would be put to cost.

Tag Sale of Mill Site and Machinery.

41.—C. L.—County Treasurer at an adjourned sale sold mill property and site, and purchasers were owing municipality for arrears, and they resold, seven months, after it became their property to others, both machinery and site all being fastened down, and now the former owner, having had eighteen months to redeem, is claiming the machinery, and is using mob law to gain his point. Was it right and lawful for said municipality to sell machinery with site?

Yes. Sub-section 9, of section 2, Consolidated Assessment Act, 1892, defines "land." Land shall include all buildings or other things erected upon or affixed to the land, and all machinery or other things so fixed to any buildings as to form in law, part of the reality.

Payment of Councilors—Widening Given Roads.

42.—SUBSCRIBER.—Can a municipal council legally pay themselves for their services as councilors by a resolution? Should it not be by by-law?

For the last eight or ten years, there has been a gradual encroachment on the public roads, by putting up new fences; they have taken up from two to ten feet of the roads. Many of the parties claim that the roads were originally "given."

Now in this encroachment, does the above reason have any weight? Must the order to put back fences, be to all those who have trespassed, or can you take a single case? If to all, how far back can you go? (In respect of time fences were built).

It should be done by By-law. See section 231, Consolidated Municipal Act, 1892.

The council must be careful to ascertain the true boundaries of the roads before taking any proceedings, because the burden of proof would rest upon the council in any legal proceedings against a person in possession of land claimed to form part of a public road.



Police Magistrate to Dismiss—Jurisdiction of J. P's.

43.—CLERK.—The County Council some years ago recommended a Barrister for Police Magistrate. The Government appointed him, the County Council paying him \$950 per year.

1. Have they a right to dismiss him or not, and if so, where will I find it?

2. Where there is a County Police Magistrate, can Justices of the Peace try and decide cases without consulting Police Magistrate?

1. No.
2. No.

Reeve ex Officio J. P.—Statutes to Clerk Only.

44.—J. S. A.—I. Is the Reeve ex-officio a Justice of the Peace for the County or for the township only?

2. Is he entitled to the Ontario Statutes free of charge, and if so, from whom should he obtain them?

1. For the whole County.

A British Subject.

45.—J. H.—Is a man whose parents are now, and always have been citizens of the Dominion, although he happened to be born while they were in the United States, eligible for the Municipal Council, he having the necessary property qualification?

Yes. He is eligible. In the Lincoln Election Trial, in 1876, a voter was called and proved that he was born in New York, but that his parents were British subjects, and Mr. Justice Pattinson held his vote good. We have looked at the Naturalizing Act, and there is nothing in it to make the Councillor in this case an alien.

Owners to Pay for Road Lines.

46.—J. C. B.—Six or eight ratepayers, owners of land adjoining a concession road allowance make application to the township council to have the P. L. Surveyor, to run the lines. The council does not want to locate the road, nor do they ever expect it will be required for a public highway as the land is very low and wet.

1. Who has a right to employ the surveyor?

2. Can the council be compelled to be a party to the running of the lines, when they do not want to have anything to do about it?

1 and 2. The council cannot be compelled to take any action whatever for the purpose desired by the ratepayers. If they want to have the road located they must employ a surveyor, and bear the expense themselves.

Crop on Road Allowance to be Opened.

47.—H. J. L.—A and B live opposite each other with an unopened concession between them, each supposed to have one half of the road allowance enclosed. B has his share of the road allowance and the rest of the field sown with fall wheat. A has applied to the council to have the road opened for public use forthwith. B expresses his willingness to open the road as soon as he takes off his crop. A will not consent to this and threatens legal proceedings.

Can B be compelled to remove his fence before taking off his crop?

A claims that he gave B verbal notice not to sow the road allowance.

Yes. If B is legally possessed of the road within the meaning of section 552, Consolidated Municipal Act, 1892, a By-law should be passed; notice in writing being given as provided by section 553 of the same Act.

Collector or Assessor.

48.—CLERK, ALGOMA.—The council for 1896 appointed a Collector for the year, the time stated for him to complete his duties was February 1st,

1897. The council for 1897 extended the time until the 1st May, 1897, for him to complete his duties, and at the same meeting appointed same Collector to be Assessor for the year 1897, his duties to be the same as Assessors for other parts of Ontario, viz: to commence his duties February 15 and to return his roll on or before April 30th.

Can the Collector for 1896, he not having completed his duties, be legally appointed Assessor for the year 1897.

N. B.—I do not think that the Collector intends to return the roll to the Treasurer until near the time given by the council viz., May 1st.

No. We refer you to the declaration required to be made by the Assessor under section 271 of the Consolidated Municipal Act, 1892.

Tenant Railway Property—Voters' List.

49.—P. R.—A party working for a railway company, and living in a house owned by the said company gets assessed as a tenant, without being rated for any sum whatever, claims that his name should be placed on the Voters' List, and that he has a right to vote at Municipal Elections. Please give your opinion as to his rights in the matter.

He is entitled to be on the list.

Change in Council—Auditors—Committees etc.

50.—S. H.—Our Town Council formed committees last Monday. Since, upon a recount of votes another Mayor has been elected. Now, as the committees were very unfairly appointed, the Deputy-Reeve, for instance, not put in any of the important committees, etc.

1. Can we reconstruct or form the committees over again next Tuesday? If so, how? Please give the way to do it briefly.

2. Also can the Mayor be a member of the principal committee outside of ex-officio, i.e. Can he be a regular chairman of a Committee?

3. Can the council reconsider the appointment of auditors which were appointed last Monday, if not, why?

1. Yes. By resolution of the majority of members present.

2. Yes.

3. No. Because section 258 requires the appointment to be made at the first meeting of the council, one by the head of the council, and the other by the council. They have already been legally appointed, and are the auditors for the year. The appointment made by the head of the council, though he has since been counted out, is valid.

Appointment of Clerk

51.—C. D.—A was appointed township clerk some years ago; last year B was appointed clerk.

When B is appointed, must the by-law appointing A be repealed?

Section 279, Consolidated Municipal Act, provides that all officers appointed by a council shall hold office until removed by the council. We are, however, of the opinion that the appointment of a new clerk, operates as a removal of the old clerk by implication, and that it is not necessary to repeal the by-law appointing him.

Special Hunting Dog Tax.

52.—CLERK.—Has a Township Council power to impose or collect a tax (special) on dogs used for hunting purposes, either dogs owned in Township, or those coming from other Townships?

To be liable for the tax it must appear that the person sought to be taxed is the owner, possessor or keeper of a dog within the township. We cannot see why such a special tax may not be imposed. It is

a rule that a tax must not be discriminating, but a special tax upon the owners of all dogs used for hunting is not a discriminating tax any more than a special tax upon all bitches, and the latter has been considered valid.

Assessor or Collector.

53.—S. B. F.—I. Can the same person legally act as assessor, and collector?

2. Or can the assessor be appointed collector after he has returned the roll?

1. No.

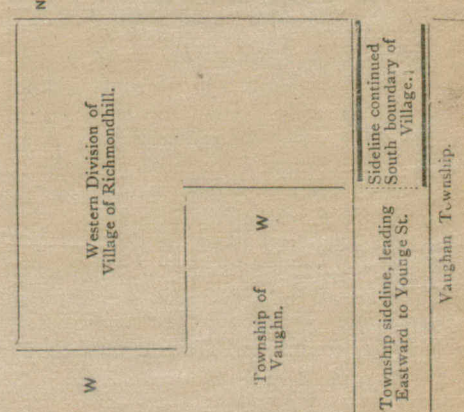
2. After the collector has returned the roll, and the council has accepted it and released him, so that he is no longer a collector, he may then be appointed assessor.

Maintenance of Roads Forming Boundary Lines.

54.—W. T.—By the enclosed diagram of our village, it will be seen that those parts of the side lines leading to the Yonge Street stone road from the Townships of Vaughan and Markham (lines with red ink) are taken in as the south boundaries of the western and eastern divisions of the village. The question has arisen as to whether or not those townships (Vaughan and Markham) should be compelled to contribute one-half to the proper maintenance of those parts of the side roads within the south boundaries of the village, as it is by farmers of those townships that the said lines are chiefly used in order to reach the stone road. Is there a law relating to such a case?



Yonge Street Stone Road and Electric Street Railway.



So much of the road as forms the boundary between the village and the townships, is under the joint jurisdiction of the village and the townships. See sections 538, 539 and 540, Consolidated Municipal Act, 1892.

Deputy Returning Officer May Not be Auditor.

55.—W. F.—Can a Deputy Returning Officer at the late Municipal Elections qualify as auditor? No.

Meat By-Law—Curfew Bell.

56.—G. G. A.—I. Can the council pass a by-law prohibiting or regulating the sale of meat by farmers in a town in quantities less than by the quarter carcass?

There is no established market here.



2. Kindly inform me if the Statutes give the municipality authority to pass by-laws establishing the "Curfew Bell", if so, by what section; and can the council impose a fine for infringement of that by-law, or authorize the arrest of offenders thereunder?

1. No.

2. See section 31, sub-sections 1, 2 and 3, chapter 45, of Act of 1893, for a full answer to this question.

#### Non-Resident Pupils.

57.—W. D. W.—Be pleased to define who are non-resident pupils in a public school. A who lives in the township of Mornington, section 12, and who also owns land in Milverton section 1, and has the same rented.

1. Can he legally claim the right to send his children to section 1, the schools being about equal distance from his residence?

2. Can a non-resident put his children to board or stay with friends in an adjoining section and claim exemption from non-resident rates because of the child or children so boarding or staying with friends or relatives, he not paying any rates.

In determining the meaning of "non-resident pupils," regard must be had to the residence of the parents. If the parents do not reside in the section, the children would be non-residents.

1. A's right to send his children to the section in which he does not reside is governed by section 88 of the Public School Act.

2. No.

#### Auditors for Accounts for One Year Only—Special Audits—Who to Make.

58.—A. B.—The accounts of a municipality having been audited each year, for past years, and the Auditors Reports having been adopted by the Township Council each year. Can the council appoint an auditor or auditors to go back and re-audit the accounts, and if there is a shortage in the township funds, can the council collect such shortage from the officer at fault, or from his sureties, or should the council proceed according to Sec. 383, Chap. 184, R. S. O., 1887.

The Auditors cannot go back of the year ending December 31, next preceding the year in which they are appointed. Section 263, Consolidated Municipal Act, 1892. If the council desire to go behind that time, the enquiry must be had under section 383, Consolidated Municipal Act. The officer through whose negligence the shortage was caused, is liable. Without a full statement of the facts we cannot express any opinion whether the sureties are liable or not. See Chapter 56, Ontario Statutes, 1896

#### Assessment Non-Resident Land in District—Tax Sale.

59.—W. H. E.—A man living twenty miles outside of the municipality owned 160 acres in it, but never did the settlement duties. When the township was formed into a municipality this lot was placed on the non-resident roll, and the assessor did not think it was his duty to notify non-residents. At the end of three years, this lot, with several others, was legally advertised. The local advertisement being in the same town where this man lived, but as there was no bidder for this lot it remained unsold. At the end of two more years a man offers to buy the lot, pay all costs, and allow the owner \$50 for his good will, which he refuses to accept, unless the council throws off the cost and interest, and defies the council to sell it, claiming that he has a clear case, because the assessor did not notify him.

1. Is the council responsible supposing the assessor had the right to notify him?

2. And where in the Statute Book will it be

found that the assessor has a right to notify non-residents?

3. If it should be that the council is in error, what steps should they now take?

1. No.

2. See sections 3 and 47, Consolidated Assessment Act, 1892.

3. The council is not in error.

#### Acting as Councillor.

60.—T. T.—1. Is a person qualified to act as councillor, if he is rated on the Assessment Roll as tenant, for \$200 personal property, even though he signs the Declaration of Qualification (section 270, Form 1, Municipal Act) as being owner or proprietor, and that his estate is of that value?

2. Would the proceedings of a council be legal if one or two members signed the Declaration and could not qualify?

Before expressing an opinion upon this man's qualification, we must have the actual facts. The rating for \$200 personally does not help him, but you have not given us the necessary information in regard to the property which he is using to qualify on.

2. Yes.

#### School Taxes.

61.—J. B.—A resides in school section 11, and says he is four miles in a direct line from school house in S. S. 11, but is only two miles from school house, in S. S. No. 9. (A has no children).

1. Can A be compelled to pay School Tax?

2. Clerk places arrears of taxes on s. w. corner of Lot 3, (1½ acres) and it should have been on n. w. corner of lot 3. The owner of n. w. corner lot 3, refuses to pay the arrears of taxes.

What proceedings should be taken to collect the said arrears. Give answer detail.

1. Yes. See sections 11 and 42, Public School Act, 1896. Section 24, of same Act, applies to school sections in unorganized districts.

2. We do not think this payment of the tax can be enforced under the circumstances.

#### Assessors Necessary.

62.—J. C.—Can the incoming council of 1897 do away with assessor and establish the assessment of 1896 for 1897, and following years. Taking advantage of the privilege of assessing once in three or five years.

No.

#### Alteration School Section Boundaries—Commutation of State Labor.

63.—N.—1. Please give in your next the proper proceedings for ratepayers and council to take in order to be taken from one school section and added to another. A few parties are within a mile of school to which they wish to join, but the school in their own section is over two miles away.

2. Is there any way by which statute labor can be commuted and collected at end of year and the road work done by contract. If so, how, and what are proper proceedings to be taken?

1. Make application to Township Council at first session, and see sub-section 2 of section 38, Public School Act, 1896.

2. Yes. See sections 94 and 95, Consolidated Assessment Act, 1892, and section 521 Consolidated Municipal Act, 1892.

#### Widening Roads.

64.—A. S.—Thirty-five years ago a blind line was surveyed, established by by-law, opened,

travelled, statute labor and township funds expended on it from then until now. When the settlers cleared their farms adjoining said line, they built their fences so that the road was left only thirty-three feet wide instead of sixty-six feet, as described in By-Law and it remained so until last fall, when the council notified the land owners along said line to put back fences, some refused, then the Council employed men to do the work. Some who at first refused, afterwards complied, and now threaten action for trespass and intimidation, if council will not give them remuneration for lands, and for moving fences. They maintain that petitioners in the first place only asked for a two rods wide. Said petition is now lost, but the By-Law, together with surveyors plans are among the township records.

1. Would traditional evidence be as strong as original By-Law?

2. Could action be made for trespass and intimidation, when parties moved their own fences, and all the intimidation given was written notices to do so?

3. Has Municipal Councils the same power in compelling parties to take obstructions off blind lines, as they have over original road allowances?

4. Can council collect the amount paid for moving fences from those who refused to comply with their notice, if so, in what way? By action or levy amount on Collector's Roll?

1. No.

2. No.

3. Yes.

4. The right of the council to collect the expense of removal depends upon whether there was a by-law in force passed pursuant to section 15, Municipal Amendment Act, 1894. If there was such a by-law the expense would be recoverable by action, but it cannot, under any circumstances, be placed upon the collector's role.

#### Unpatented Lot—Sale by Municipality.

65.—W. H. E.—A certain lot in the township of Laird was taken up about fifteen years ago or perhaps more. The man paid eighty dollars the government price of it, chopped and cleared about two to three acres but never built on it, nor took out a patent (he could not.) Six years ago the township was formed into a municipality. Of course the assessor put it on the non-resident roll, and did not notify anyone. Three years ago it was advertised for thirteen weeks in the same town where the man lived who claimed to own it. It was put up for sale, but no person bid on it; thought it too poor. Now, the man got a chance to sell it and refuses to pay the council for the taxes, statute labor, etc. He says the assessor should notify him although he never sent any requisition to be put on the roll, and threatens a law-suit with the Council. I might say that the lot has been found much better than it was considered, and will bring \$200 more than the taxes (\$50.) The council wishes to know if they are safe to put it up for auction this summer, provided he does not pay what is against it. I might state that a man has bought it and placed the money in the bank awaiting possession.

We are of the opinion that the land is liable to be sold for the taxes, and that the treasurer may sell the same at the proper time. See section 160 and subsequent sections, Consolidated Assessment Act, 1892.

#### Township School Rate—Urban Union Section.

66.—WROX—Chap. 55, Sec. 109 of 54 Vic., as amended by Sec. 66 of Chap. 70 of 59 Vic., requires the councils of township municipalities to raise \$150 for every public school in the township, where one teacher is employed, and \$100 for each additional teacher. Sub-Sec. 2 requires a proportion of this amount to be levied in each township where there are union schools, but does not apply where union schools is formed of village and part township. Our



village is a part of a union school section, being united with some farm lots outside of the village. What I want to know is: Should the farm lots outside of the village, in the union section, be taxed to make up the \$150 and \$100 for the township schools?

2. If yes, should the village union school get any of the money?

1. The farm lots should not be taxed. See latter part of sub-section 2, of section 66, Public School's Act.

Schools—Accommodations—Sections—Taxes.

67.—T. U.—1. Is a Township Council, without a petition from the ratepayers, obliged to provide school accommodation for all within the township?

2. A township council, assuming the school formations as they existed at organization with a few lots in different parts of the township out of the school sections limit? Are they obliged by law (without a petition from the ratepayers) to undertake the reconstruction of the school sections?

3. Or must they wait until the ratepayers move in the matter?

4. Are those lots that are outside of the limit of any school section liable to pay the tax provided for by section 109 of the Public School Act, and what is the amount required by this section, and amendments to be paid to each school section teaching a full year?

1. This duty devolves upon the trustees. See section 62, sub section 3.

2 and 3. No. See section 38, Public School Act, 1896.

4. No. See section 66, Public School Act, 1896.

Payment of Taxes in Township.

68.—E. T. W.—Can a Township Council pass a by-law to have taxes payable at a certain fixed place in the township, to the treasurer or some other appointed person by the council to receive the same, on the second week in December? All parties liable for taxes to have notice by card three weeks before the time mentioned. If not paid when due, four per cent interest charged.

No.

Local Clerk's Rights as to Voting.

69.—G. E.—1. Has a local clerk who is not in the Voter's List, a right to vote for county councillors?

2. Can a resident voter vote anywhere else except the polling division he resides, if his name appears on the Voters' List for that polling division?

3. Has any clerk or other official, authority to give certificates to voters (who are agents for candidates for the County Council) giving them a right to vote, elsewhere than at the polling division in which they reside and appear on the Voters' List?

4. Has a Deputy-Returning Officer a right to accept any votes for county councillor, if the name of the voter does not appear on the Voters' List for his polling division?

1. No. But a clerk on the Voters List may vote for county councillor, notwithstanding section 157, of the Consolidated Municipal Act.

2. No.

3. The clerk of the municipality has authority to do so, under section 141, Consolidated Municipal Act, 1892.

4. No.

County Councillor May be Commissioner or Member Board of Health.

70.—J. S.—A member of council in 1896, who was also a commissioner on certain drainage works, having been so appointed by By-Law was elected a county councillor for 1897.

1. Does his election bar him from continuing to act as such commissioner until the completion of the work?

2. Does his election disqualify him from completing his term as a member of the Board of Health?

3. Is he eligible for any appointment at the disposal of the Municipal Council?

1. No. See section 749, Consolidated Municipal Act, 1892.

2. No.

3. No.

Cost of County Council and School Trustees Election—Who to Pay.

71.—J. McC.—Woodbridge Council were all elected by acclamation. There was an election for Public School Trustees, also for County councillors. Who pays the expenses of election, the Municipality or the County? If the county has any, or all, how much? I sent the account of the whole election to the county clerk, school ballots and all, amounting to \$13.25.

Section 22, of the County Council's Act, provides in the first place, that the expense in and about the election of county councillors, shall be borne by the county, except where a poll is held for the election of a member or members of the council of a local municipality at the same time as the election for the county council. In this case no poll was held for the election of members of the local municipality. There may be just as good reason for relieving the county—an election of school trustees having been required—as their would be if an election of members of the council of the local municipality had been required, but the County Council's Act does not exempt the county to any extent on this account. The latter part of the section, if it stood alone would perhaps relieve the county council in this case, but we think it must be read along with the earlier part, and that it is limited to elections of members of the local municipality.

The local council is not liable for trustee ballots, or anything not required for the election of county councillors.

Newspaper Owned by City.

Dresden, one of the German capitals, owns a singular piece of property. It is a morning newspaper, the *Dresdener Anzeiger*. This daily, upon the death of its last proprietor, was willed to the city upon the condition that all profits arising therefrom should be spent upon the public parks. This year a large playground of nearly eight acres was purchased from Prince George, the king's brother and heir apparent, and it will be ready for use next spring. The paper continues to hold the respect of all citizens, for the trust has been carried out in its broadest spirit, and the power has never been employed to foster any school of opinions.—*Fourth Estate*.

"Jones and his landlady had another heated argument this morning."

"Over the fare she serves up?"

"N; over her failure to keep the fire going in his room."—*Philadelphia North American*.

Gravel.

There appears to be a desire on the part of the people of numerous townships to put in their time by drawing gravel; and gravel is therefore hauled and dumped on the roads before a foundation has been prepared to receive it. Frequently much of the stuff placed on the roads is almost worthless, although first-class gravel may be abundant. Judging from the immense excavations to be found in many localities thousands of loads have been drawn, and farms have been paid for with the amount received for the gravel taken from one small corner. Contrasting the amount of material placed on the roads with their condition as a whole, it is evident that there has been great waste.

Buying gravel by the load is like buying water by the bucket. Borings and test-pits should be sunk where gravel is known to exist, and the amount estimated from these borings. The material should be purchased in a business-like way for a fair amount; and in case of opposition from the owner, the land may be expropriated if necessary.

One source of the use of poor and dirty gravel arises from insufficient care in taking it from the pit. The social feature of statute labor is carried to the extent that those drawing gravel want to load up together, drive together to the place of dumping, and return in company to the pit. There may be a dozen teams, and only room for one or two where good material is to be had in the pit. The remaining ten, however, drive in and fill up the wagon boxes with anything in sight, whether sand, clay or boulders, and this is the kind of gravel with which a good many roads are surfaced.

Not only should gravel be chosen from the best part of the pit, but care should be taken to sort out any bad stuff, sand, boulders, etc., that may be mixed with this. Gravel pits are covered usually with a deep layer of clay, loam or earthy material, useless on a road. While this is not shovelled directly into the wagons, it is undermined, falls down on the good gravel and then goes along with it to the road.

What is needed is a higher idea of what roads and streets should be, a better knowledge of how the work should be done, and more systematic and business-like management. Large sums of money are being spent with absolutely nothing to show for it a year afterwards. The people do not yet know the economy of durable and permanent construction, and consider only the first expenditure, not the ultimate cost, say ten years distant. The Romans, in the days of the Empire, built roads that still exist in good condition, but there are scarcely a dozen towns in Ontario with the streets paved so as to give good service for ten years.—*Ingersoll Chronicle*.



## LEGAL DEPARTMENT.

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

## LEGAL DECISIONS.

## Howell vs. Township of Wilmot.

Ferguson, J. Judgment in action tried without a jury at Stratford. Action by the assignee for benefit of creditors of Alfred Kaufman against the township corporation and the Canadian Bank of Commerce for a declaration that a check for \$3,400 received by Kaufman on the 27th February, 1896, from the solicitor of one Irwin, to whom Kaufman had given chattel mortgage, was the property of plaintiff as such assignee, and that the moneys deposited in the Canadian Bank of Commerce at the City of London, being the amount or proceeds of the check, were the property of plaintiff as such assignee. Kaufman was insolvent prior to the 24th February, 1896. He was Treasurer of the Township, and borrowed the money from Irwin for the purpose of paying to the township the amount of a deficiency in his accounts. On the evening of the 27th February or morning of 28th Kaufman endorsed the check and mailed it to the manager of the Bank at London, who on the 29th February, placed it to the credit of the "Township of Wilmot; A. Kaufman, Treasurer," in the books of the bank. The assignment to the plaintiff was made on the evening of the 28th February. R. S. C., ch. 35, sec. 48, provides that from the time any letter, packet, chattel, money or thing is deposited in the postoffice for the purpose of being sent by post it shall cease to be the property of the sender, and shall be the property of the person to whom it is addressed. Held, that, although there was not in so many words authority from the endorsee to send the enclosed check by post, yet the sender, being the Treasurer of the virtual indorsee, and having given his instructions to the bank manager as such Treasurer, and having obtained the check for the purpose of making good moneys belonging to the township which he had misapplied, and the check having been indorsed by him with the intention of passing the property in it, and having been mailed to him as above stated, and having regard to the clear and strong language of sec. 43 above quoted, Kaufman had not, at the time of or immediately before making the assignment to the plaintiff the right to revoke his mandate to the bank manager, and, therefore, such alleged right could not have passed to the plaintiff by the assignment, under the words in this respect of R. S. O., ch. 124, sec. 4, the word "rights" being one of those words. Held, also, as to the alleged fraudulent preference contended for, that the check was a security for money, and not money. Davidson v. Fraser, 23 A. R., 439, followed. Held, also, that Kaufman, as Treasurer of the Township,

was a trustee for the Township, and had misappropriated a part of the trust moneys and was criminally liable in respect of his default, and, therefore, his replacing of the trust moneys by the transfer of a security could not be regarded as a preference of one creditor to others, the township having higher rights than those of creditors. Molsons Bank v. Halter, 18 S. C. R., 93, followed. Action dismissed with costs. Proceedings stayed for 30 days, if plaintiff desires it.

## Johnston vs. Town of Petrolia.

Osler, J. A.—Judgment on motion by plaintiff to extend time for giving to the defendants the Imperial Oil Company, and Fairbank, Rogers & Co., notice of appeal to this court from the judgment of the trial Judge pronounced on the 25th September, 1896, and signed or entered on the 16th November, 1896. The action was brought against the three defendants for an injunction and damages in respect of the alleged pollution of a creek which flowed through the plaintiff's lands. The trial Judge gave judgment for the plaintiff against the town corporation, and dismissed the action against the other defendants. The town corporation on the 23rd October, 1896, gave notice of appeal therefrom for the sittings of the Court of Appeal commencing 10th November, 1896. In the 5th November, 1896, plaintiff served his reasons against appeal, and, having been advised that he was entitled to do so under rule 825, claimed by way of cross-appeal that the judgment at the trial in favor of the other defendants should be varied by converting it into a judgment against them also for an injunction and damages. Held, that the case was not one to which rule 825 applied, the plaintiff having no right to cross-appeal under that rule against defendants, who had succeeded in the action, which, as against them, was an independent action, in no way bound up with, or dependent upon the success or failure of the action against the town. Freed v. Orr, 6 A. R., 690, 700, distinguished. Re Cavander's Trusts, 16 Chy. D., 270, followed. Held, also, having regard to the provisions of rule 804, that the time for serving notice of appeal runs from the date of signing the judgment appealed from, and not from the date at which judgment happens to be given by the trial Judge. The time for appealing, counting from the proper time, having now expired, leave to appeal should, under the circumstances, be given. Order made accordingly. No order as to costs. W. R. Riddell for plaintiff. W. Cassels, Q. C., for defendants the Imperial Co. McCarthy, Q. C., for Fairbanks, Rogers & Co.

## Johnson vs. Rathbun and Burford.

Mr. Rathbun is the collector of Burford township, and as such, seized certain chattels belonging to Mrs. Johnstone as a

distress against Mr. Johnstone, the plaintiff's husband, for his own farm and for the farm of the plaintiff, his wife. The amount of taxes apportioned to the plaintiff's farm was tendered to the collector, who refused to accept any sum short of the total amount charged against the two farms. Under a threat to distrain, Mrs. Johnstone paid the whole amount, and then brought action to recover the sum of \$65.28, the amount of her husband's taxes and \$6.58, the costs charged by the collector for making the seizure. His Honor Judge Jones in handing down a judgment made the following remark:—"I think upon the whole that the plaintiff is entitled to succeed and to recover back the amount she paid in order to prevent her property from being sold to pay her husband's taxes. It was stated in the argument that this money has been paid over by the collector, Mr. Rathbun, to the township corporation. The judgment will be against both defendants for the amount claimed, \$71.62 with costs of suit payable as usual in 15 days.—Expositor.

## Premium on School Debentures.

At a recent meeting of the Barrie council, Solicitor Creswicke presented an opinion re the claim of the Public School Board upon the town for the premium derived from the sale of the Public School Debentures, the board requested the council to submit the question of raising the said sum to a vote of the electors, that amount being required for the purpose of improvements. It appears that the town by agreeing to pay a higher rate of interest upon the debentures than they could be sold for to realize the par amount thereof, were unable to produce more than \$8500, that is to say by making the public school supporters pay, say; 4½% instead of 4% on these debentures; the town has the money on hand which is claimed. They should only have agreed to pay on their debentures such a rate as would produce, after paying expenses, the exact sum of \$8500. It therefore follows to my mind, that the premium justly belongs to the Board. The only difficulty about the matter is whether the town should not pay over the \$8,500 only and security for that amount enough for the P. S. supporters, keeping the premium as general funds and paying back their proportionate share of the debentures, corresponding with the amount retained. This, however, would be a clumsy way of doing the matter, and as the two ideas bring about the same result, I would unhesitatingly say that the town pay over to the board the premium less the expenses of the by-law.

The way my neighbor's daughter sings  
Would make one tear his hair;  
Yet I suppose she has the right  
Because she rents the air.

Moss—"What do you think would be the greatest evil of another civil war?"  
Foss—"The plays that would come after it."—Life.



Publications Received.

*Meat and Milk Inspection*—Issued by Provincial Board of Health, with regulations relating thereto.

*Third Annual Report on Births, Marriages, Divorces and Deaths, State of Maine, being for the year 1894.*—By A. G. Young, M. D., Registrar of Vital Statistics.

Six hundred and seventy-four divorces were granted during the year.

*Financial Statement, Township of Pelham.*

*Financial Statement, Village of Streetsville.*

The expenditures of the village amount to \$2,500, but the statement as posted on 15th December last is four feet long.

*Financial Statement, Belmont and Bethune.*

*Instructions to Deputy-Retiring Officers.*—By W. A. Clark, clerk township of York.

This draws attention to the more important points to be observed in conducting an election, and makes special reference to the County Councils Act.

*Special Report of P. S. Gibson & Sons, York Township Engineers.*

This is most complete, and contains a statement of the local improvement work during 1896, together with information of expenditures on roads, as follows:

SIDEWALKS.

Of about 45 miles of sidewalk, only a few new pieces have been built this year, but a considerable expense has been incurred in re-building and repairing old sidewalks, as on Kingston road and on Yonge street in Deer Park. In these cases the good plank were relaid together, and the remaining parts laid with new plank, and in both cases generally on new stringers and sidewalk kept well up to keep them from decay, by allowing a circulation of air beneath as also to facilitate cleaning snow off.

A considerable part of the expense of repairs of sidewalks arises from cattle and horses being allowed to tramp over them. Some action should be taken to prevent this, and if necessary, legislation secured, otherwise accidents will happen and damages incurred, as often during a single night a number of planks will be broken by horses.

ABANDONED TOLL ROADS.

The abandoned Toll Roads, including the York Roads, are as follows: Don Mills Road, Don and Danforth Road, Vaughan Road, Davenport Road, Weston Road, Dundas Street, Kingston Road, and Yonge Street—in all about 27 miles, equal in length to that part of Yonge street, lying between Eglington Avenue and Holland Landing, and we are quite safe in saying that the portions of said roads and the bridges thereon, which have been under the control of the Corporation of the Township of York are in a much better condition than when owned by the different companies.

These roads, as all other leading roads which the Council propose to keep up, require a complete system of drainage and grading, as it is practically impossible to have good roads without good drainage. We called upon Mr. Campbell, lecturer on good roads, at the Government building, and have also written him in the matter of drainage of roads, and have received word from him that the Minister of Agriculture, Mr. Dryden, has the matter under consideration. The object we have in view is that municipalities in the rural districts shall have the right to make reasonably deep ditches along public roads, and that the public travelling these roads so ditched are required to exercise due diligence to keep out

of them, failing which, the municipalities shall not be held responsible.

After these roads are properly drained and graded if they have not already a fair foundation of macadam, it should be put on if there are sufficient funds, and rolled and consolidated, so the macadam may be properly bedded, and then gravel applied in coats of about three to four inches thick, and while being applied the larger gravel stone to be raked in and covered, the whole then rolled with a heavy iron roller.

The macadam and gravel should be put on early in the fall, but drainage and grading early as possible in the summer, so roadway may be properly consolidated before the fall.

SNOW.

The heavy snow storms and drifts of last winter caused a larger expenditure than usual in trying to keep open, leading roads and deviations therefrom into the adjoining fields, and later in the spring opening a large number of other roads.

These expenditures reduced materially the funds usually available for road improvements. It would be well, so soon as the township funds would permit, to pass a by-law encouraging, by grants, the building of wire fences adjoining the roads, which, while in cases of well travelled roads, are apt to cause accumulation of snow in the centre of the road, and make a "heavy road" to travel, still prevent deep snow drifts, and in cases of roads not much travelled are not open to objection.

BRIDGES.

We have had a much larger expenditure in bridge repairs than usual, which we found necessary—about \$1,400—to protect the public from accidents and the township from suits for damages. Most of the large bridges had been rebuilt in 1878-9, after the destructive floods in 1878. Previous to that date nearly all our bridges were built on bents, cribs and stone abutments on not very good foundations, but which answered very well so long as the mill dams and timbered lands were in existence. In rebuilding, the bridges were put on pile bents and piers, and given wide water ways. Now, after eighteen years, we had to make numerous repairs and some improvements, especially as in rebuilding in 1878-9, considerable old material were used in the new bridges.

We had also to take into consideration the now general use of steam engines of the ordinary kind, and also traction engines, the immense weight of which concentrated very much on the driving wheels, causes a very great strain on the bridges and damage to the planking, especially when longitudinal planks are not put on to protect them.

In view of the probable damages to bridges and accidents, we notified the owners of the traction engines, on the opinion of the township solicitors, that they were bound to strengthen the township bridges before crossing them with their traction engines, except those on toll roads.

The general expenditure in each of the four divisions into which the township is divided is then given, and this most complete report concludes with a list of the machinery and implements in charge of the foreman for each division.

*Report of the Bureau of Industries containing Municipal Statistics for 1895.*

In townships, the rate of taxation in 1895 was \$4.03 per head, an increase of eleven cents in ten years. In towns and villages the rate in 1895 averaged \$4.64 per head, and in 1895, the average in towns was \$6.77 per head; and in villages \$4.15. During the same period the taxes in cities increased from \$9.23 to \$12.68 per head. The total increase in taxation for the province being from \$4.93 to \$6.29 per head in ten years, amounting to \$330,000 per year, all in the urban municipalities. In addition debenture indebtedness is growing at the rate of two million dollars annually in these municipalities, while in townships and counties the amount of outstanding debentures is decreasing. It is also necessary to note, that while the assessed value of townships shows a slight decrease, that of other municipalities has increased over \$130,000,000 in ten years. The report concludes by giving a few pages of notes and comments taken from the numerous returns received from municipal officers, showing the great necessity for a uniform system of keeping municipal accounts and records.

The Embro council at their last session decided to petition, in accordance with section 383, Municipal Act, praying the Lieutenant-Governor in Council to appoint a commission to investigate the voters' list of 1895 and 1896 re the James McDonald, A. B. McKay, J. W. Duncan, and Thomas Masters surveys.

\* \* \*

At the January meeting of the Oxford County Council, School Inspector Carlyle drew the attention of the council to the necessity of having a set of regulations drawn up for the guidance of the chairman at the annual meetings of the different school sections. He thought that this might reduce the number of irregularities which had occurred at annual meetings recently.

\* \* \*

The great bane of municipal government is the ward system. There is no inducement to the ward member to interest himself in the general affairs of his municipality. The idea of a council elected irrespective of ward divisions is the correct one, it enlarges the constituency of a councillor and calls for a wider application of his influence. The aim should be to adapt the public expenditures and improvements without consideration of ward boundaries.

Underpaid Municipal Clerks.

As a rule municipal clerks are underpaid. Why they should be, no legitimate reason can be advanced. The work of a town or township clerk is enormous. Some town clerks are reasonably well paid, but we cannot recall the name of a township clerk that receives even a fair remuneration for his services. Take Goderich township as an example. The clerk there has about five months work for the township, and the work is by no means light. He receives a salary of something like \$100 or \$105. For this he works about 150 days, which means less than seventy cents a day. The majority of school teachers perform less work than a municipal clerk and receive from \$300 to \$1,000 per annum.—*Clinton News-Record.*

"I'm going there," she said in style!  
The girl of Gotham did—  
And on each slender hand the while  
She drew a yellow kid.



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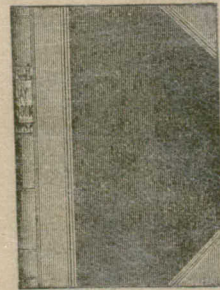
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