

The Municipal World

PUBLISHED MONTHLY IN THE INTERESTS OF EVERY DEPARTMENT OF THE MUNICIPAL INSTITUTIONS OF ONTARIO.

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Calendar for Oct. and Nov., 1907

LEGAL, EDUCATIONAL, MUNICIPAL AND OTHER APPOINTMENTS.

October

- 1 Last day for returning Assessment Roll to clerks in cities, towns and incorporated villages when assessment is taken between 1st July and 30th September.—Assessment Act, section 93.

Last day for delivery by clerks of municipalities to collectors of Collectors' Rolls, unless some other day be prescribed by by-law of the municipality.—Assessment Act, section 95.

Last day for passing resolution by boards of separate school trustees in urban municipalities adopting voting by ballot at elections of separate school trustees.—Separate Schools Act, section 12, sub-section 1.

Notice by trustees of cities, towns, incorporated villages and township boards to municipal clerk to hold trustee elections on same day as municipal elections due.—Public Schools Act, section 61 (1).

Night schools open (session 1907-08).

- 5 Make returns of death by contagious diseases registered during September.—R.S.O., chapter 44, section 11.

Copy of roll, or summarized statement of the same, as the case may be, to be transmitted to county clerk.—Assessment Act, section 79.

- 10 Selectors of jurors meet in every municipality.—Jurors' Act, section 18.

- 30 Last day for passing by-laws for holding first election in junior townships after separation.—Consolidated Municipal Act, 1903, section 98.

- 31 Thanksgiving Day.

November

- 1 Last day for transmission by local clerks to county treasurer of taxes on lands of non-residents.—Assessment Act, section 96.

Last day for transmission of tree inspector's report to Provincial Treasurer.—Tree Planting Act, section 5.

- 9 King's birthday.

601 Township Cannot Take Advantage of Act for Improvement of Highways.....	606 Performance of Statute Labor in Police Village.....
602 Responsibility for Accident on Govern- ment Tow Path—Disposition of Surplus Drainage Money.....	607 Costs of Commitments of Lunatics to Asylum.....
603 Effect of Delayed Collection of Drain Tax	608 Assessment of Corner Lot for Construc- tion of Local Improvement.....
604 Enforcing Payment of Taxes by Seizure	609 Compulsory Removal of Fences Causing Accumulation of Snow.....
605 Possession of Original Road Allowance —Establishing Line of Road	610 Regulation of Erection of Poles, etc., by Telephone and Telegraph Companies...

The Municipal World

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

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ST. THOMAS, ONTARIO, OCTOBER 1, 1907.

A citizen who loves nature and admires symmetry in the old dame's works says in effect that what professional and amateur pruners do not know about trees would make a considerable pamphlet. Trees may not only be butchered into a formless figure by wrong pruning, but they may be killed. Here is a pointer for a council—one that they often had before. No man should be allowed to put his profane hand on a public tree who does not understand how properly to help and direct nature.

* * *

The representatives of the townships and counties in attendance at the Municipal Association meeting held a separate session to consider resolutions of particular interest to them and their decisions were reported by the committee on resolutions. At this session ex-Warden BEAM, of Welland, vice-pres. of the Association, presided. It was the general opinion of those present that the holding of separate sessions by the rural representatives would do much to increase their interest in meetings of the Ontario Association.

* * *

There appears to be some misunderstanding on the part of the directors of the Canadian Union of Municipalities as to the position taken by the Ontario Association in reference to federation. When the secretary of the Canadian Union issued notices of meeting to consider the matter, the Executive of the Ontario Association appointed President ELLIS to attend and present their idea of how a representative federation of municipal associations could best be brought about. At the meeting held in Ottawa, Mr. ELLIS presented the resolution of the Ontario Executive. This did not meet with the approval of the other delegates present and Mr. ELLIS so reported in his opening address at the annual meeting in August. The resolution of the Executive was there introduced to obtain an expression of the meeting in reference thereto, with the result that the new Executive was directed to confer with the Canadian Union, arrange a basis of federation, and report next year.

DEBENTURE BY-LAWS AND RATE OF INTEREST.

A few years ago the City of New York sold its three per cent. bonds at par. An unsuccessful effort was lately made to sell similar bonds, carrying four per cent. Now the city is seeking a loan of \$50,000,000, to extend over a period of fifty years, at four and one-half per cent. The increase in the rate on municipal borrowing is not confined to the United States. Guelph, which could have borrowed at four per cent. a year ago, so we are told by The Investor in *Saturday Night*, has to pay five and five-eighths now; the rate on Port Arthur and Fort William bonds is five per cent. to-day, as compared with four and one-half and four and three-eighths a year ago, while progressive towns in the West are paying five and one-quarter and five and one-half. Even with the increase in rates, municipal bonds aggregating nine and one-half millions, issued by Edmonton, Vancouver, Calgary, Winnipeg and Ottawa are still unplaced. It is a bad time to borrow money, either for public or private purposes.

In this connection an important official statement was made recently by the Ontario Railway and Municipal Board on applications for approval of by-laws increasing the rate of interest on debentures. Speaking generally, the Board is not encouraging applications of this kind during the present stringency in the money market. The Board is of the opinion that it is a good policy for municipalities to postpone the construction of municipal improvements for some time until the monetary conditions have improved. The present stringency may only be a passing condition which will right itself in a short time, and in that view it will be well for municipalities to borrow as little as possible at the present excessive rate of interest.

* * *

Municipalities which contemplate raising money for public purposes should, for the present, move with extreme caution. Because of their inability to procure funds, a number of Ontario municipalities have been unable to proceed with public improvements. A case has come under our notice of one town which wished to borrow money for paving purposes. Although 5 per cent. was offered, no cash was procurable. About a year ago Vancouver, B.C., offered a block of \$5,000,000 city debentures for sale. They were repayable at the end of twenty years and bore 4 per cent. interest. A Toronto broker offered to take them at 99½, but owing to his solicitor having discovered some defect in the wording of the debenture by-law, the bonds could not be sold. The city had to hold them until the Legislature of that Province met and legalized its by-law. This postponed the matter until the middle of the present year. The block was again offered for sale, but owing to the condition of the money market, only \$100,000 of the half-million issue has been sold and instead of receiving 99½, which was offered a year ago, it has accepted 90 and is glad to get it. These debentures were a straight issue, the whole amount being payable at the end of 20 years. It is plain that municipalities generally will require to pay a higher rate of interest on their debentures if they desire to dispose of them at par.

The Ontario Municipal Association

Proceedings of The Ontario Municipal Association, held in the City Hall, Toronto, August 28th and 29th, 1907 :

President J. A. Ellis, city treasurer, Ottawa, in the chair. Among those present were :

Vice-Presidents—Ald. Neil Cooper, London ; H. H. Beam, ex-warden, Welland ; George Sleeman, ex-mayor, Guelph.

Executive Committee—Mayor Coatsworth, Toronto ; Mayor Bowlby, Brantford ; W. C. Mikel, city solicitor, Belleville ; Controller Hubbard, Toronto ; J. H. Fryer, Galt ; S. H. Kent, city clerk, Hamilton.

Members Registered—Stephen Grant, assessment commissioner, London ; J. D. Evans, reeve, Etobicoke ; A. Macdonald, reeve, Port Stanley ; M. M. Black, Elgin county council ; S. R. Armstrong, city clerk, Peterborough ; C. E. Locke, reeve, Yarmouth ; W. C. Caughell, clerk, Yarmouth ; Samuel Oakes, Caradoc ; Dugald Blue, deputy-reeve, Dunwich ; J. A. McLean, deputy-reeve, Aldboro' ; D. A. McNabb, clerk, Dunwich ; A. E. Belcher, mayor, Southampton ; J. J. Graham, alderman, Toronto ; W. A. Clarke, clerk of York township ; Geo. H. Lees, Hamilton ; F. R. Waddell, Hamilton ; H. Bragg, editor *Canadian Municipal Journal*, Montreal ; W. H. Moss, mayor, Dundas ; A. W. Lawrason, councillor, Dundas ; J. W. Jardine, county clerk, Hamilton ; Arthur K. Bunnell, treasurer, Brantford ; John A. Leitch, alderman, Brantford ; W. H. Boys, warden, Barrie ; Calvin Lawrence, mayor, St. Thomas ; S. Chant, alderman, St. Thomas ; Geo. Geddes, alderman, St. Thomas ; W. B. Doherty, city solicitor, St. Thomas ; Chas. Gordon, town clerk, Owen Sound ; Geo. K. Dewey, clerk, Brockville ; D'Arcy Scott, mayor, Ottawa ; G. H. Wilson, alderman, Ottawa ; Samuel J. Davis, alderman, Ottawa ; M. Kennedy, Owen Sound ; J. G. Kilt, Ottawa ; Wm. C. Vansickle, warden, Wentworth ; Ira W. Binkley, clerk, West Flamboro' ; W. H. Brooking, councillor, Dundas ; W. A. Lewis, councillor, Brockville ; H. C. Hocken, controller, Toronto ; J. W. Ward, controller, Toronto ; J. W. Harrison, controller, Toronto ; Frank Folden, reeve, West Oxford ; Wm. Holmes, warden Oxford county ; Charles Sutherland, reeve, West Zorra ; E. L. Sutherland, clerk, West Zorra ; D. R. Ross, reeve, Embro ; R. A. Sutherland, reeve, Innisfil township ; Geo. Leslie, councillor, Innisfil township ; Eben Todd, councillor, Innisfil township ; H. Slight, councillor, Innisfil township ; E. Z. McConkey, councillor, county Simcoe ; W. H. Moore, *Canadian Municipal Journal*, Toronto ; George S. Henry, reeve, York township ; R. P. Slater, mayor, Niagara Falls, Ont. ; W. A. Tremble, Orillia township ; Thos. Goodeve, Hockley ; M. E. Lyon, clerk of Malahide.

The meeting was called to order at 11 a.m. Mayor Coatsworth welcomed the delegates to the city, and in this he was ably supported by Controller Hubbard and Alderman Graham, chairman of the Reception Committee of the Toronto City Council, who extended an invitation to the delegates to visit the fair as guests of the city.

The President, in his annual address, said that the Association had been fairly successful with its applications to the Legislature of the last session. The executive had met the commission for the revision of the statutes, and a favorable consideration had been promised by them of the several amendments to The Municipal Act designed to make its meaning clear. The executive had also met the Hon. Mr. Hanna, the chairman of the Municipal Committee of the Legislature, and had afterwards attended before that committee when it considered the applications made by the Association for legislation. Nearly all the more important of these had become law. The power of a council on a two-thirds vote to construct sidewalks and permanent pavements had been extended to sewers. Authority had been given to municipalities to construct conduits for wires in order to do away with some of the poles and wires now in the streets. Several restrictions, however, were attached to this authority, but the Association could congratulate itself upon having the principle of municipal conduits accepted by the Legislature, and later on could, no doubt, get any difficulties in the way of its successful operation removed. An amendment had been made providing for a more satisfactory equalization of the cost of per-

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W. C. MIKEL
City Clerk and Solicitor, Belleville. President Ontario
Municipal Association.

COMMUNICATIONS

[This paper is not responsible for opinions expressed by correspondents. All communications must be accompanied by the name of the writer, not necessarily for publication, but so that the publishers will know from whom they are received.]

MUNICIPAL ELECTIONS

To the Editor of *The Municipal World* :

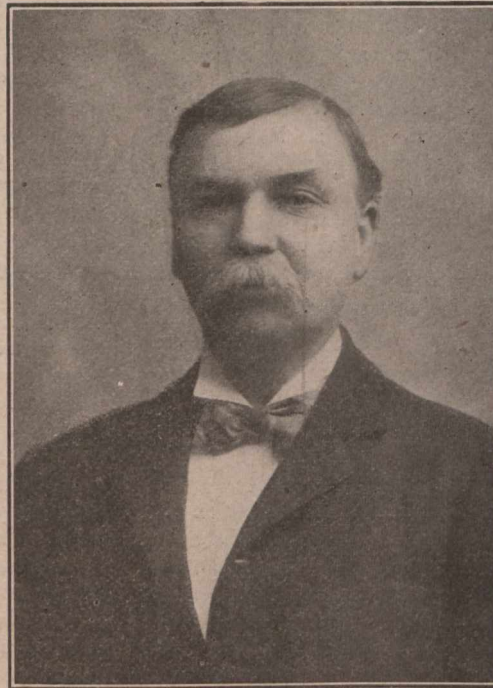
DEAR SIR,—In your last issue of the *WORLD* there appeared an article which treated on the proper or most suitable time for holding municipal elections, and if I remember rightly it upheld, or rather advocated, the month of November as a more suitable time than at holiday season, as at present, claiming that as people are at home for family reunion, etc., that they should be allowed to be with their friends instead of electioneering. Now, the writer's argument is partly my defence for upholding the present as a more suitable time than November, as people when holidaying, like something to break the monotony of domestic affairs. Therefore when an election is on they can flavor it with having a debate or argument on local politics.

Another reason is that by holding the elections in November, or I might say at almost any other season of the year, you would be making an unnecessary break in the season's work ; whereas if held as they are at present, during the holidays, it will not necessitate any such break, as the holiday season is on and every person seems to be in a mood to spend a day or two otherwise than at their daily labors. These, along with the losing of time and money occasioned by an extra trip for persons whose duties call them from home, and who are interested in local politics and would most necessarily have to come home to vote, are

ONTARIO MUNICIPAL ASSOCIATION (Continued.)

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manent improvements as between the county and the town or city in which a high school is situate. Legislation was also obtained legalizing the payment of fees by municipalities to the Ontario Association, and also payment of the expenses of delegates to attend its meetings. An amendment had been sought to section 606 of The Municipal Act regarding the liability of municipalities for non-repair of highways, the intention being that the municipality should not be liable unless it or some member of the council or officer had notice of the defect. After some opposition, this passed the Municipal Committee of the Legislature, but in the last days of the session in the House it was defeated. The re-introduction of this measure is strongly recommended. For the first time, the Executive retained the services of a solicitor to assist in, and watch the passage of the legislation promoted by the Association. With the limited state of our finances, this could not be done to the fullest extent desired. But even in the limited way in which it was done, the effects were most beneficial. Every effort should be made to increase the membership of the Association in order that its finances might be in a better position to meet the expenses of some one who should not only look after and promote the measures introduced by the Association, but watch closely all measures brought forward which might be detrimental to the interests of the municipalities. At the last annual meeting of the Association two matters were referred to the Executive. One was the question of exemption from taxation. This is a large subject. The Executive has gathered some statistics in connection with it, but is not yet prepared to report, as it is not thought wise to push this until such time as the fullest information possible is secured, and there is a reasonable prospect of securing it. The other matter was the question of a federation of the various Provincial Associations into a Canadian union. At a meeting in Ottawa attended by representatives from Provincial Associations, the proposal passed by your Executive upon which they would recommend this Association to enter into such federation was considered. It provided shortly: That the Canadian union should be composed only of the officers of the various Provincial Associations; that all fees paid by municipalities should be paid direct to the Provincial Associations, and that the financing of the Canadian union should be provided for out of the funds of the Provincial Associations. This apparently was not acceptable to the Canadian union, as they have framed a constitution, namely: That the Canadian union shall be composed as heretofore of representatives from the individual municipalities with the further representations from the Provincial Associations, and that each Provincial Association should contribute 25 per cent. of the gross revenues to the funds of the Canadian union. The Executive cannot see its way clear to recommend the Ontario Association to join the Canadian union on these terms. The President strongly urged upon the meeting the advisability of not asking for legislation unless the delegates were pretty nearly unanimous upon the subject, and especially that no legislation of a freak nature should be applied for. It was exceedingly desirable to present a united front when the Association went to the Legislature on any subject, and only to ask for such changes as were reasonable and

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T. J. STEWART, MAYOR OF HAMILTON.

logical reasons, I think, for upholding the system at present in vogue as more suitable than the writer of the article in question put forth. Hoping this may be of some material benefit, I remain,

Yours very truly,

P. GORMAN.

Eganville, Sept. 12, 1907.



NEIL COOPER

Alderman, London, 1st Vice-President
Ontario Municipal Association.

COMMUNICATIONS (Continued)

PUBLIC OWNERSHIP

To the Editor of The Municipal World:

DEAR SIR,—The federal political arena promises something which should interest every lover of good and new legislation; for however much reliance may be placed upon the possible character of popular confidence in the leadership of Mr. R. L. BORDEN, or however little, all realize that the essentiality of the platform which he advocates is, at last, in easy evidence.

For more than eighteen months the question of public ownership has usurped an interest for itself which, in history, is bound to prove unprecedented in the general outcome. Not only will this hold true as respecting popular sentiment in North America, but signs, due to the same original motive, that is centralization, are actively manifesting themselves everywhere as economical conditions shift sufficiently, relatively speaking, of course, in individual cases and countries, to permit of the possible adoption of more open phases of progress, in any direction, in those variously affected communities.

It is just such general evidence that leads us forward. We are firmly and finally, it may be supposed, established in the great and leading conviction that monopoly points to inefficiency, but that good management may never stop short, on the middle of the ladder. And, moreover, we are convinced that what ANDREW CARNEGIE and JOHN D.

ONTARIO MUNICIPAL ASSOCIATION (Continued.)

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proper and that there was a fair chance of securing. If there was any clash between the various classes of municipalities regarding any matter of legislation, it was better that it should be discussed, threshed out and settled at a meeting of the Association rather than before the Legislature.

The President then outlined the program for the convention and touched upon the proper topics for discussion, and the resolutions to introduce. He also stated there would be a separate meeting of the township and county representatives to deal with matters affecting this class of municipalities alone. He also referred to the advisability of endeavoring to induce more municipalities to join the Association. It was an important matter and a larger membership was a necessity.

The Secretary submitted his annual report of receipts and expenditures, which, on motion of W. B. Doherty, seconded by A. E. Belcher, was adopted.

A resolution was submitted, moved by S. H. Kent, and seconded by J. W. Jardine, of Hamilton, and carried by a standing vote, as follows :

"That this Association place on record its deep sense of the loss sustained by the death of Mr. Frank Hutton, assessment commissioner, of Hamilton, who, by his thorough knowledge of the practical principles of assessment and taxation, so ably advised this Association, and good work on behalf of the municipalities of the Province in the drafting of The Assessment Act. By his death the Association has lost an able adviser on assessment questions, and one whose place it will be extremely difficult to again fill. We would desire to convey to the widow and family of our deceased friend a sincere expression of our sympathy in the irreparable loss they have sustained."

A large number of resolutions were then submitted and referred to a special committee composed of the members of the Executive Committee and Geo. H. Lees, Hamilton; S. R. Armstrong, Peterborough; C. E. Locke, Yarmouth; W. B. Doherty, St. Thomas; Controller Hocken, Toronto; Solicitor Waddell, Hamilton; Mayor Scott, Ottawa; Mayor Kennedy, Owen Sound, and Warden Vansickle, Wentworth.

The Association then adjourned until 2 p. m., when the session was resumed, with President Ellis in the chair.

J. H. Fryer, Galt, President of Western Ontario Municipalities and the Niagara Power Union, reported on the progress that had been made in connection with the scheme for the distribution of Niagara power throughout Ontario, and said that very little had been heard about the power question during the last few months, but that was because the time for talking had given way for the time of doing. A great deal had been done in the district affected by Niagara power, with which he was specially familiar. The Niagara Power Union had been organized on a basis by which the mayor, or his representative, of the municipalities which had agreed to take power, had been formed into the Union, and of these there were over twenty. The Hydro-Electric Power Commission had made a provisional contract with the Ontario Power Company to furnish a certain amount of power, the minimum being 8,000 h. p. and the maximum 100,000 h. p. The price at Niagara was to be \$10.40 per horse power, up to 25,000 horse power, and \$10.00 above that amount; seventy-five per cent. at least of the power contracted for was to be used, and the amount was to be settled by the peak load at any twenty minutes in any month.

He was followed by Mr. A. F. Falls, C. A., Chatham, who presented an address on the subject of "Combined Assessor's and Collector's Tax Roll," as follows :

COMBINED ASSESSMENT AND COLLECTOR'S TAX ROLL

The name, *Combined Assessment and Collector's Tax Roll*, indicates that the book is intended to combine the work of the Assessment and Collector's Roll in one. It however, goes further than that, and is to contain in the one book the original work and certificate of each official or board responsible for it, as follows :

- (a) The Assessor will enter the names of all persons assessed, with descriptions and amount of assessment, which, when complete, will be certified to by him.
- (b) Any changes made by the Court of Revision, in any way altering the assessments, will be recorded and initialed by the Clerk, as authority for the change.



D'ARCY SCOTT

Mayor of Ottawa, 2nd Vice-President Ontario
Municipal Association.

COMMUNICATIONS (Continued)

ROCKEFELLER would like to do with their money need not make any one envious, but rather should we be prepared to recognize the part which wealth will yet play, as administered by the departments in the governments of the universe. But we cannot yet trust these matters, which involve all the greatest economic interests, in the keeping of mere legislators and governors. We wait inevitable progress.

Truly yours,

WESTON T. GARDINER.

Morpeth, Sept. 16th, 1907.

Under the heading, "Mr. JUDD at Fort William," the *London Free Press* says : "Mayor Judd is in attendance at the convention of Canadian municipalities at Fort William as the representative of this city. What benefit, if any, his presence there may be to the citizens remains to be discovered." Our contemporary might extend the last reference to the entire aggregation of self-appointed Tooley Streeters who enjoy that holiday trip at the expense of the municipal rate-payers. It is about as audacious a cheap bunco game as the public ever submits to.—*Hamilton Times*.

* * *

The Railway and Municipal Board of Ontario has sanctioned the request of the town of Berlin for permission to increase the rate of interest from 4½ to 5 per cent. on \$63,200 Street Railway and some \$30,000 Local Improvement debentures. The Railway and Municipal Board is of the opinion that the present stringency of the money market will be temporary, easing up within a year or so.

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- (c) Any changes made on appeal from the decision of the Court of Revision to the County Judge, will be properly recorded and initialed by the Clerk.
- (d) The Clerk will spread the taxes on the roll as set out by the statutes and by-laws of the municipality, and when completed, certifies to the same and turns it over to the Collector.
- (e) The Collector, after completing his work, returns the roll to the treasurer, to which his sworn statement is attached.

The Treasurer will then have in his possession, in one book, the original certified work of each officer, so that no reference to any other book will be necessary before offering the property for sale for the recovery of taxes.

In presenting this subject, I intend to refer only to such portions of the Assessment Act as will be necessary to clearly describe the manner in which the *Combined Assessment and Collector's Tax Roll* may be used, and the advantages of its introduction as compared with continuing the present methods.

The Assessment Roll

All municipalities in the Province of Ontario have the same law governing their assessment, with the exception of some cities having special legislation. Let us treat the question from the standpoint of municipalities, in accordance with the general provisions of the Assessment Act. The word "Assessor," when used in this paper means Assessor, Assessors, or Assessment Commissioners, as applied to the different municipalities.

The assessing, in the majority of municipalities in the Province, is performed by using the previous year's assessment roll as a guide to the Assessor. In many townships he is furnished with no further information than the roll of the previous year. Maps of the different school sections are not always furnished. The previous year's roll, the new roll, and notice slip forms are the equipment of the Assessor's office in the majority of municipalities.

With these, the Assessor proceeds with his work. In some municipalities, instead of making the original entry in the assessment roll of the names of persons and descriptions of the property assessed, with the values and statistics at the time assessed; duplicate notice slips are made, one of which is handed the person assessed, the other retained for the purpose of later making entry in the assessment roll. The Act requires entry to be made in the roll, and notice to every person on the roll. Under section 46, 1904, Assessment Act, schedule F provides for the entry on the notice of the date on which the assessment roll is required by law to be returned.

Loss has been sustained to municipalities by the method of using duplicate slips instead of making entry direct in the assessment roll at the time and place the work is done. The omission to make a duplicate slip might easily represent a considerable amount. One omission of this nature, which came under my personal observation in 1906, would have cost the municipality \$109.20 but for the honesty of the person assessed, who retained the assessment notices and compared them with the tax notices when received.

An assessment omitted in a city on a street where there are local improvement levies for sewers, sidewalks or pavements, will usually be detected when these are placed on the roll, but, in the instance referred to, the full number of feet frontage was already assessed. The lost slip was for the assessment of hallways and rooms in the second storey of a block, which the frontage tax could in no way affect.

Usually the Assessor makes entry in the assessment roll on the premises when he assesses it, and from the entry in the roll makes out the notice, entering in the roll the date on which he leaves it on the premises, or mails it to the person assessed.

The writing in the roll of the particulars of the assessments at different places, under varying circumstances and conditions, naturally prevents the assessor writing the roll up as neatly as he would wish. Entries are now always made in order by blocks, or concessions, in which the work was performed, owing to absence of owner's or inability to procure full information required at the time. In some cases, owing to the above facts, the Assessors would prefer to, and sometimes do rewrite the entire roll, rearranging any of the descriptions of property that are not entered in their regular place, by concessions and blocks, or placing the names by wards, divisions or the whole roll, in alphabetical order, and in that way very much improve the appearance of the roll. Most officials take a pride in their work, and want it to be accurate and present as neat an appearance as the circumstances will permit.

The *Combined Assessment and Collector's Tax Roll*, if adopted, will enable the Assessor to do the outside work more quickly. The present form of assessment roll, with all the columns for the names, descriptions of assessment, and statistics now required by the Act, will continue to be used, but as a field note-book. In it will be entered all the particulars and statistics now required to be entered in the assessment roll. This field note-book (the same form as the present assessment roll) is the permanent record of the Assessor of the entire assessment. It is the rough copy and data from which the names of owners, descriptions of property and values will be transcribed by him to *The Combined Assessment and Collector's Tax Roll*. The Assessor can enter all the required information in the field note-book, and may at the same time make out his notice slips more rapidly than at present, knowing that he will be able to rewrite later on the particulars on which the taxes will be charged, and rearrange the property in its order of location or alphabetically according to names.

In transcribing to *The Combined Assessment and Collector's Tax Roll*, every second line only should be used, so as to allow for changes of descriptions, or additions of names, by the Court of Revision, or by the County Judge. The work of transcribing from the assessment roll to the collector's roll is now done by the clerk



A. F. FALLS

Chartered Accountant, Chatham.

CITY GOVERNMENT

We are indebted to the Stratford *Herald* for the following interesting article:

Since Galveston demonstrated the value of a highly concentrated city government, Houston, Fort Worth, Dallas, El Paso and Austin have followed its example. Iowa, Kansas and South Dakota have enacted laws permitting municipalities to adopt the new form of local government, and Des Moines has availed itself of the privilege. That city has 75,000 inhabitants, and is the largest city to enter upon the experiment.

This form of local government is commonly called a commission, but the term is misleading. A commission is commonly understood to be a body of persons appointed by the Executive. Washington, the U. S. capital, is governed by a commission appointed by the President. A commission was originally proposed for Galveston when the destruction of the city by a tidal wave rendered it imperative to get rid of the cumbrous, extravagant and ineffective government then in operation. Constitutional objections compelled a change of plan.

The mayor and four other persons who govern Galveston are elected by the people, just as the mayor and aldermen were formerly. The two essential features of the change are that the legislative power of the city is vested in five persons instead of eleven, as at Stratford, or fifty or more as it is in some large cities. This secures responsibility on the one hand and knowledge of the candidates on the part of the voters. In the second place, these five persons are elected on a general ticket. The ward in the big city is the lair of the small, corrupt politician. Every metropolitan city council is infested with vermin who keep them-

ONTARIO MUNICIPAL ASSOCIATION (Continued.)

(Municipal Officers of Ontario)

of the municipality, who copies from the original work of one officer, in the book in which that officer's certificate is attached, to another book, in which that officer's certificate will not appear at all; as a consequence, omissions and mistakes are made in transcribing from one book to the other, usually resulting in loss to the municipality.

The tendency at the present time, in all lines of business, is to economize by reducing labor to a minimum, and cutting out any repetition of work. These principles, adopted in the conduct of affairs by the commercial industries, can be copied with advantage to municipalities. Economy is just as important to the ratepayers of a municipality as such, as to them as farmers, artisans, or members of a commercial firm or a stock company. There is no reason why economy in time, labor and money should not be studied and applied to the departments of municipal government to stay the upward tendency of the tax rate, and if possible reduce it in the municipalities in our Province.

The work of the Assessor can be materially reduced by a simple arrangement. The notices to persons assessed could be made by the use of carbon paper, duplicating the particulars of each assessment entered in the field note-book. The duplicate impression thus made on a form which would serve as a notice to the person assessed, will reduce the work of the Assessor one-half.

By having the Assessor write in *The Combined Assessment and Collector's Tax Roll* that part of the Collector's roll now transcribed by the Clerk from the assessment roll, the following changes will be effected:

- (a) The work will be done by the official responsible for that part of the roll, and if errors occur the responsibility is easily placed.
- (b) The roll will contain the certificate of the official responsible for the work.
- (c) The probability of error and omission in copying the work of one person by another will be done away with. The experience of those who audit the assessment roll with the Collectors' roll in townships is, that there are usually some errors in the description of property or value, as transcribed from the assessment roll to the Collector's roll, and some municipalities have sustained loss in this way.

The reasons that losses of this kind have not been pointed out more frequently are very simple, namely:

Very few of the auditors appointed by municipalities check the assessment roll item by item, with the collector's roll into which it is transcribed, to see if it has been properly copied, and all changes made by the Court of Revision are recorded.

- (d) The time of the clerk of the municipality is more fully occupied at the time of the year when the Assessor completes his work and turns over the roll, than at any other period. He has by-laws for local improvements to prepare and advance through their various stages. The voters' list to be made out and be prepared for the printer. These and other duties, if properly attended to, usually give the Clerk ample work to keep him busy without the necessity of copying the work that another official has already performed, and which it is recommended be done by the Assessor in *The Combined Assessment and Collector's Tax Roll*, without increasing the work of that official.

The Assessor, when his work is concluded, will certify to the field note-book and that section of the *Combined Assessment and Collector's Tax Roll* into which he has transcribed his work, the accuracy of which he is responsible for.

The purpose of his certifying to both is, one contains all the data, the other only part, and that there will always be in the possession of the Clerk the original field notes of the Assessor (in lieu of the assessment roll which he now retains in his possession), so that in the event of any inquiry made of the Clerk after the combined roll has been turned over to the Collector, he will be in possession of a record certified by the Assessor, as at the present time, to enable him to answer any questions that may be asked.

Frequently the Clerk is asked questions in reference to statistics, and other matters on the assessment roll which he could not answer unless he had the field note-book in his possession. Another reason why this book should be in his possession, outside of the fact of his complying with the Act, is, that in the event of the *Combined Assessment and Collector's Tax Roll* being lost or destroyed by fire, another roll could be made up from the data contained in it, and the minutes of the Court of Revision in the possession of the Clerk.

Court of Revision

After the Assessor certifies to the roll and turns it over to the Clerk of the municipality, the Court of Revision is held to hear any appeals against assessments, or to have changes made in the names or descriptions of property assessed.

The records of the Court of Revision on the assessment roll are not now always kept in accordance with section 60 of the Act. Frequently the minutes are not as full in respect to changes as are desirable or required to intelligently convey the full meaning of the changes. I have found the original figures of the roll erased and others filled in their places, without the initials of the Clerk appearing at all, the minutes stated the assessment be raised or lowered a certain sum, but did not furnish any record to show what the original figures were or what they should be. In my experience in one municipality, the oath of office had not been administered to the members of the Court of Revision for years, and the minutes did not contain the information that they should, were not signed by the Chairman, and the clerk overlooked the fact that his initials to changes were necessary, as required by subsection 22 of section 65 of the Act of 1904.

The Combined Assessment and Collector's Tax Roll provides columns for any changes in the assessment made by the Court of Revision, which will also be



C. E. LOCKE

Reeve of Yarmouth, 4th Vice-President Ontario Municipal Association.

CITY GOVERNMENT (Continued)

selves in injurious power through their popularity or by means of direct and indirect corruption in a very limited constituency, but who would be perfectly helpless with the city as a whole.

A very small city government elected on a general ticket, enabling the honest voters in one locality to offset the corrupt voters of another, is the essence of the form of local government which has given as gratifying results in Houston as in Galvesion.

In the above connection, *Municipal Engineering*, in its August number, expresses the opinion that the Galveston and Iowa plans, notwithstanding their merits, take the administration too far from the people, and put it into hands which have too much arbitrary power. So long as the commissioners are honest and competent, and can work together, the results will be good, but there is no check upon them, and civic government might be dominated by a ring. In Indiana an attempt has been made to remedy the weaknesses of the Galveston and Iowa systems. The legislative and administrative functions are kept strictly separate, and each checks the other. The administration is centered in the mayor, who is held strictly responsible. He chooses his controller or chief assistant, and is the business head of a business organization, carrying out the instructions of his board of directors, the council.

Mr. J. EARL HALLIWELL, barrister, clerk of the Village of Sterling, died last month.

ONTARIO MUNICIPAL ASSOCIATION (Continued.)

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recorded in the minutes of that body. The Clerk's initials must be inserted opposite all changes in the roll. The law, in some States to the south of us where there is direct taxation by the State, requires the Board of Review, equivalent to our Court of Revision, to pass on every item and value on the roll. The question of requiring the Court of Revision to pass on every item of the roll is one of importance, and might be a subject for discussion at some future time.

By providing columns for the changes, the necessity of erasing or ruling out any figures placed on the roll by the Assessor is overcome. Any figures placed in the columns provided for the changes by the Court of Revision, initialed by the Clerk, will take precedence over those placed in the roll against the same description by the Assessor.

The signature or initials of the Clerk of the Court of Revision at the conclusion of their work will be entered opposite each item on the roll. The roll as finally passed by the Court of Revision is in readiness to have the taxes spread as provided by the Act and by-laws, unless there are appeals to the County Judge or Court of Appeal.

County Judge

Any appeals from the Court of Revision to the County Judge in which the Judge orders any changes to be made in the roll will be recorded in the column provided for that purpose, and will be certified to. The figures in the column provided for changes ordered by the County Judge, properly initialed, will take precedence over those placed on the roll by the Assessor or Court of Revision against the same property.

The roll, after the appeals to the Judge are decided, is then in possession of the Clerk to spread the taxes in accordance with the statutes and by-laws governing the same.

Clerk's Duties

The Clerk will then proceed to perform his portion of the work on the roll, and spread the taxes for the various purposes as authorized by the by-law of the municipality fixing the rate, and for the various local improvements and other purposes, as provided by the by-law and Acts governing the same. Any arrears of taxes required to be placed on the roll are also added by him, in a column provided, so that the arrears will be separate from the total of the taxes for the current year.

There is no change suggested in this portion of the roll, except that it is particularly designed as that section of the roll which is the duty of the Clerk to perform, and for which he is responsible for the accuracy and completion of, by the time prescribed by the Act.

On the completion of this part of the roll, the Clerk issues his certificate, which is the authority to the Collector to collect the taxes as set forth in the roll opposite the various descriptions of property. The roll is then handed to the Collector.

Collector's Duties

On receipt of the roll the Collector proceeds with his work of notifying the various persons, whose names appear on the roll, of the amounts appearing on the roll, entering in the column provided the date of such demand. As payments are made he enters the dates on which the money is received opposite the different amounts so paid. Columns are frequently and should always be provided for the entry of any discount for payment of taxes in advance of certain dates, when such allowance is fixed by by-law, and also for any percentage which may be imposed in default of payment on specified dates.

The only change suggested in this portion of the roll is, that the amount of money actually collected be clearly shown, and that the columns be provided when the by-laws contain such provisions, so that the percentages deducted, or imposed as a penalty for delinquency, when collected will be distinctly shown opposite the entry to which they refer, and that the date on which payment is received will appear in all cases.

Some Advantages of the Adoption of the Combined Assessment and Collector's Tax Roll

The Assessor will perform his outside work of assessing with less labor and with very much more satisfaction and speed than is done at present. He completes and turns his work over to the Clerk certified, and assumes all the responsibility for that section of the work which is properly his duty.

The Clerk is relieved of the pressure of work at a time of the year when his services are the most valuable to the municipality by doing away with the necessity of copying that part of the Collector's roll from the assessment roll, for the accuracy and correctness of which the Assessor should alone be held responsible.

The excuse that is frequently made by the clerks of municipalities, that they could not have the Collector's roll in the hands of that official by the time prescribed by the Act, will not require to be resorted to, on account of reduction of work on the roll.

The delay frequently caused by adjournments of the Court of Revision and appeals to County Judge will not now keep the collector's roll behind as it has been in the past. The levies for local improvements against the various descriptions of property can be placed on the roll during any other delay, they will not be altered by any change in the value or names in the assessment.

The Collector is often met with the statement that the assessed amount in the Collector's roll does not agree with the amount on the slip that the Assessor served; he has to go to the Clerk's office to ascertain the facts. With that portion of the roll entered by the Assessor and certified by him, the Collector can at once answer the question and demand the tax as shown in the roll, without having to make reference to any other book or office.



E. COATSWORTH

Mayor of Toronto, member of Executive Committee Ontario Municipal Association.

An exchange says: At the coming session of the Local House several important changes in the laws affecting municipalities will be asked as a result of the proceedings of the Ontario Municipal Association at its recent session at Toronto.

Among the principal recommendations were: That only property owners be allowed to vote on a money by-law, to the exclusion of the lessee whose lease extends over the period of the proposed debt; that municipal elections be held in December instead of January, municipalities to effect the change where desired by by-law; that plans and specifications for new or remodelled buildings be submitted to the proper officers and signed by a competent architect; that municipalities be given absolute control over their highways; that all actions against the municipalities be tried without juries. A proposal to do away with all bonuses was also carried.

A motion of Ald. WILSON and DAVIS of Ottawa, that the municipal and railway board be given power to approve of money by-laws was laid over, Controller HUBBARD strongly opposing it. Another resolution was that which proposed the changing of the Assessment Act to equalize the assessment as between a retailer and a wholesaler; also one for Peterborough, asking for two-year elections of municipal councils, half to retire each year.

The great majority of cities are running along with the same organization they had when they were villages, but the people probably get the sort of government they deserve. Competent citizens who offer their services to a municipality are so often rejected in favor of men who are notoriously unfit for public office, that it may be doubted whether a change of system will bring a change for the better.
—Ex.

ONTARIO MUNICIPAL ASSOCIATION (Continued.)

(Municipal Officers of Ontario)

When changes are suggested in methods that have been in use for years, it is quite natural they will meet with opposition from some of those officials who are accustomed to the present way of doing the work and are averse to changes of any kind. It is not expected that such important changes as are here suggested will be looked upon favorably by all. On the contrary, the freest discussion is desired, and it is my wish that every possible objection that can be raised will be brought out why the following should not be adopted:

- (a) The recording in the roll in which the taxes are collected, the assessment by the Assessor who is responsible for the work.
- (b) The recording in the roll in which the taxes are collected, any changes in the assessment made by the Court of Revision, certified to by the Clerk.
- (c) The recording in the roll in which the taxes are collected, any changes in the assessment made by the County Judge, certified by the Clerk.
- (d) The relieving of the Clerk, at the time of the year at which he is the busiest, from the unnecessary work of copying from the Assessment to the Collector's roll part of the work of another official with the possibility of error or omission, which now exists, and having it done by the officer responsible for the work.
- (e) The placing in the Collector's hands the roll for collection combining in one book the original work of the Assessor, Court of Revision, County Judge, and Clerk, with the certificate of each. He can then without delay or having to go to the Clerk's office, settle any disputes that may arise that the Collector's roll is different from the original assessment or on any other point.
- (f) Removing any excuse the Clerk might offer to prevent the rolls being in the hands of the Collector on October 1st, the time specified in the Act. (In one township which has come under my personal observation the Collector has never had the rolls in his possession on October first in any one of the past twenty years.)
- (g) Permitting the tracing of procedure in connection with any changes and the taxes in reference to any piece of property without the necessity of referring to other books and records except to that in which the taxes are collectable for the different years.
- (h) Facilitating the earlier collection of taxes and reducing the interest expenditures.

Conclusion

With the adoption of *The Combined Assessment and Collectors' Tax Roll*, of which the form is given above, showing the work for which the different boards and officers are responsible, the Province of Ontario will then have a more modern, up-to-date and complete method of imposing, levying and collection of taxes than any Province in Canada or State in the Union.

Considerable discussion followed Mr. Falls' paper. In this connection Assessment Commissioner Grant, of London, said:

I have listened with much interest to the valuable paper read by Mr. Falls on the subject of "Combined Collector's and Assessment Rolls." From the standpoint of an assessor it makes no material difference, as the usual amount of statistical information must be collected in blotter form, and if an abstract form of the work as suggested would suit for the collector's rolls, the assessors might just as well write up the work on the collector's roll as the assessment roll. It seems for the purpose of the voters' list that there should be other columns added, viz., a manhood franchise, occupation, P. O. address, age, public or separate schools and juror columns. The franchise and address column would give the reason why several parties were placed in the second part of the voters' list; the age and occupation column would show why many were exempt from serving as jurors. Referring to the collector's rolls, there should be a frontage column for the adding of local improvements, street watering, etc., which is always based on frontage. On the whole I think a system such as suggested could be made workable and save a good deal of clerical work, as the assessment roll must be the basis of the collector's roll and voters' list. I have seen the system working in a small town in the North-West, where one man was assessor, clerk and collector. I thought his ideas were very good. Touching on the danger as presented by Mr. Falls of losing taxes by the clerk having to copy from the assessment roll, I cannot agree, as the collector's roll when copied and added must agree with the assessment roll after the deductions by the Court of Revision are made, and should be a complete check on both the work of the assessor and the clerk.



STEPHEN GRANT

Assessment Commissioner, London.

point as soon as possible after the annual election as many collectors for the municipality as it may think necessary. The collector so appointed alone has authority to call on the person taxed and demand payment of the taxes, as provided in sub-section 1 of section 99 of The Assessment Act 1904, or give the written or printed notice mentioned in that sub-section. The making of this demand or the giving of the notice is a condition precedent to the enforcing of payment of taxes by defaulters, and, in case it becomes necessary to enforce payment of taxes by a defaulter, the collector or his agent alone has authority to levy the amount with costs, by distress of the goods and chattels of the delinquent.

According to the *Berlin News-Record*, at a recent meeting the council of that town passed the following resolution:

"That the Provincial municipal auditor be engaged by this council to audit the books, accounts, vouchers, etc., of the corporation for the first eight months of the present year, or for whatever period ante-dating the 31st of August, 1907, he may deem necessary in order to make a full report upon the finances of the town. Also to obtain from him an opinion on the system of accounting used, with such recommendations for its improvement as he may deem it advisable to make."

As a result of the passing of this resolution, our contemporary states that Mr. HENRY ALETTER, town clerk and treasurer, will resign. He has handed in his resignation and it will go into effect October 10th next, thus allowing the council time to secure a successor. He had intended, he says, to have resigned in any event at the end of the year, but council's action has decided him to step down and out now.

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Mr. Kent, of Hamilton, also criticised the proposed combination of assessor's and collector's rolls, and referred to many matters that would have to be considered in making such change, after which it was moved by Mayor Belcher, and seconded by W. A. Clarke :

That we tender our thanks to Mr. Falls for his valuable paper, and that his suggestions be referred to the Executive to report at the next session.—Carried.

Dr. S. M. Wickett then addressed the delegates for a few minutes on "Municipal Statistics and Debentures."

"Students of municipal government naturally feel great interest in the proceeding of such organizations as this, and I hope to see this movement broadening out into a federation of all such bodies into a federal union.

There are two or three topics which interest me deeply in my municipal studies, and I intend to touch very briefly on them.

Municipal Statistics.

Anyone who follows the growth of municipal institutions and development will see that there is a corresponding increase in municipal indebtedness which is overbalancing even Provincial indebtedness. Thus the issue of debentures for the Provinces during a certain period has been \$20,700,000, while those of the municipalities has been \$35,000,000. In fact to-day, the total indebtedness of the two public bodies stands thus :

Municipalities.....	\$150,000,000
Provinces.....	100,000,000

These figures show the tremendous importance of municipal statistics, and these statistics form the only means of comparing the results of one or two towns with another, and one city with another.

The ideal municipal report will tell its citizens what is being done, and what is being spent, and allow of comparisons with other municipalities of corresponding size.

As it is, it is quite impossible to compare one town with another, or secure the total results even of Ontario, though it is the best organized Province, much less of all Canada. It is utterly impossible to draw any inferences, because of the absolute lack of adequate statistics.

There should be schedules for uniform statistics for all towns and cities—there are such for rural municipalities in this Province. If such were done it would be very easy to get totals for the Province at large, and if combined action were secured, a general view of municipal government in Canada could be had.

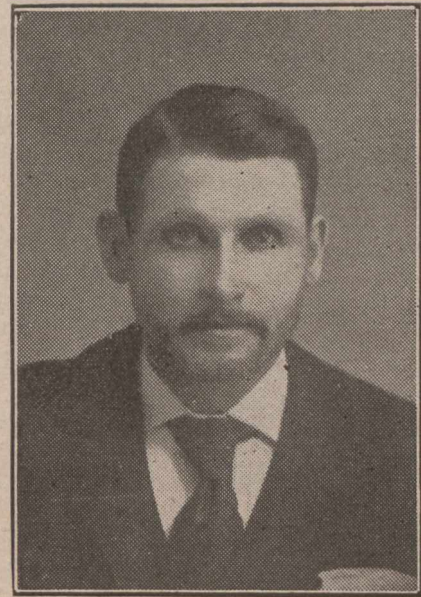
Municipal Debentures.

Everyone recognizes the peculiar stringency now existing, and is anxious to see anything done that is possible to make municipal bonds more acceptable to the public. Of course, municipal debentures are always good, even if the bank through which they are paid should move away or fail.

But they are not always attractive in appearance. Sometimes they are entirely written, and on various kinds and sizes of paper. Naturally such bonds do not sell well. They should be of a standard form, and I understand there is such a thing, but many do not use it. I am assured by a financial authority that there is a marked distaste for such poor-looking bonds, especially when they are of small value.

If anything could be done to save a single point on the issue of \$35,000,000, it would mean a saving of \$350,000 to the municipalities interested. And thus the subject is one of vital importance.

Fault is sometimes found with municipal bonds because the coupons are made payable at some village bank which is quite unknown



W. B. DOHERTY
City Clerk and Solicitor, St. Thomas, member Executive Committee Ontario Municipal Association

THE CANADIAN NEWSPAPER DIRECTORY FOR 1907

We have just received from the publishers, A. McKim, Limited, of Montreal and Toronto, a copy of the 1907 edition of the *Canadian Newspaper Directory*.

This is the fourth edition of this valuable work, which is filling a very real need in Canada, and deserves a place on the desk of every business man. It is the only Newspaper Directory published in Canada that has gone beyond a first edition, and it has now become the standard work of reference for all information about newspapers.

It not only lists and describes fully every periodical in the country, giving full particulars, but supplies as well, a comprehensive Gazetteer of the Dominion.

Comparing this edition with former ones, we note a large increase in the number of papers which have supplied detailed statements of circulation supported by affidavit and thereby received the *Star of Honor*. This is as it should be, and helps to put newspaper advertising on a more business-like basis. The rapid growth of the new western Provinces is very apparent, for they are credited with fully twice as many papers as in 1905.

SUSPENDED

"When the people of a town out West discovered that the mayor had been misappropriating the public money, did they suspend him from office?" No ; "from a tree."

ONTARIO MUNICIPAL ASSOCIATION (Continued.)

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to purchasers of such bonds in London and other large cities. If they are made payable at a local bank, and if it fails and the coupons are returned, it produces a lack of confidence.

Some form of oversight of the issue of municipal of municipal bonds would be helpful. In Manitoba there is such control, all school debentures being passed upon by the municipal commissioner; this does not guarantee the bonds in any way, but has helped the sale of Manitoba school bonds in Ontario.

Summarizing, it would be well to secure action towards the drawing up of model schedules for the accounts of cities and towns; towards securing full statistical returns; and the securing of the best and most attractive form of municipal debentures."

After some discussion, a vote of thanks was tendered to Dr. Wickett for his valuable remarks, by Alderman Kilt, of Ottawa, seconded by Treasurer Bunnell, of Brantford.

The Association then adjourned to meet Thursday morning.

11 a. m., Thursday, August 29th.

The Association met pursuant to adjournment, President Ellis presiding.

The Committee on Resolutions reported as follows:

1. That sub-section 1 of section 354 of the Consolidated Municipal Act, 1903, be amended by adding at the end thereof the following:

"Provided he has produced to and left with the clerk of the municipality at least one month next before the vote is to take place, a statutory declaration showing that he has the qualifications required by this section as to the covenant in his lease and to pay taxes, and as to the lease extending for the period of time within which the debts to be contracted or the money to be raised by the by-law is made payable."

Struck out.

2. That section 683 of The Consolidated Municipal Act, 1903, be amended by adding after the word "worship" in the second line, the words "land owned by any other municipal corporation."

Adopted.

3. That sub-section 1 of section 80 of The Consolidated Municipal Act, 1903, be amended by adding after the word "municipality" in the twenty-third line the words "and no person who or whose property is liable for any taxes as appears by any collector's roll in the hands of the tax collector in the municipality."

Adopted.

4. That sub-section 4 of section 591 be amended by adding after the word "school" in the third line, the words "or any other act."

Adopted.

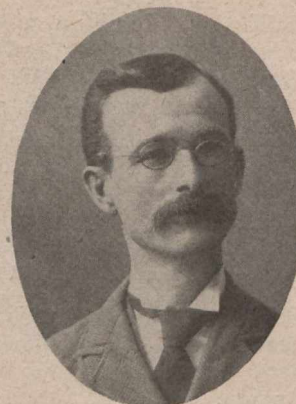
5. That the following section be added to The Consolidated Municipal Act, 1903, after section 120:

121. Notwithstanding anything contained in this Act, the Council of any city may, by by-law, passed not later than the 15th day of October in any year, fix and appoint the last Monday in November as the day for the meeting of the electors for the nomination of candidates for mayor and aldermen and for school trustees, where, by law, the nomination for school trustees is to be held at the same time and place as for aldermen, and in and by such by-law the hour of nomination may be fixed at any time in the day or evening, not earlier than 10 o'clock in the forenoon and not later than 9 o'clock in the evening, and where an election becomes necessary the same shall be held on the first Monday in December.

Adopted with the following addition:

And that the other necessary amendments be made to The Municipal Act consequent on such change of date, including an amendment providing that the provisions of section 328 apply.

6. That the Act be amended to provide that where an indigent person is committed to a county house of refuge, who has not resided continuously for one year in the municipality from which he is commit-



S. R. ARMSTRONG

City Clerk, Peterborough, member Executive Committee Ontario Municipal Association.

FRONTAGE TAX

We gather from an article in a recent issue of a newspaper published in one of our northern towns, that the council had been in the habit of paying for cement sidewalks constructed therein out of the proceeds of the sale of debentures issued to raise money for the purpose. We reproduce the concluding sentences of the article:

"What is needed is a change of system. We must have the frontage tax. Let local improvements hereafter be paid for on the local improvement plan, i.e., by the owners whose property fronts on the street where the proposed work is to be done. In cases where the said work is shown to inure for the general benefit of the town, it will be for the council to say what (if any) percentage of the cost shall be met by general tax. But the main expense will fall on the property owners who are directly benefited by the improvements. We cannot forever go on in the way we have been doing. As things are, the property immediately served is evading the big end of the tax and shifting it on to the community. It is a fact that in many glaring instances the people who have secured local improvement work done are the very ones who would have been most unlikely to petition for same under the frontage tax system. There is no justice in levying upon all for the special advantage of a few. It is opposed to the spirit of the times."

Kingsville proposes to abolish the office of the chief of police on the ground that the town cannot afford such a functionary. Amherstburg solved a like problem by creating this official a pooh-bah. Besides guarding the peace, he is inspector and mender of sidewalks, health inspector, janitor of civic buildings and half a dozen other things, at a moderate salary.

ONTARIO MUNICIPAL ASSOCIATION (Continued.)

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ted, and who has been residing in the county previous to his commitment, or whose place of previous residence is unknown, the cost of maintaining such indigent person be provided entirely by the county, and not be a charge on the municipality committing.

Adopted.

7. That The Conmee Act be repealed, and that power be given to municipalities to buy, or, if necessary, expropriate on equitable terms, any existing gas, light or water plant.

Adopted.

8. That The Municipal Act be amended so as to exempt municipal corporations from civil liability for non-repair of highways, and that the council of each municipality in the Province be asked to urge the representative in the Legislature for the riding in which such municipality is situate to support a bill embodying such amendment, and also to memorialize the Legislative Assembly to pass such bill: and that the Secretary-Treasurer of this Association be instructed to prepare and transmit to the several municipal councils forms of resolutions and petitions for adoption.

Adopted.—Legislation to be in wording of bill passed by Municipal Committee of Legislature during last session.

9. That The Consolidated Municipal Act, 1903, be amended by repealing the proviso in sub-section 1 of section 583.

Struck out.

10. That legislation be sought by this Association at the next meeting of the Ontario Legislature enabling municipal councils of cities to open or extend streets upon the local improvement plan upon such terms as to assessment therefor of the property benefited, as may seem proper, notwithstanding petitions against the same, upon a two-third vote of the members of the council.

Adopted.

11. That the Ontario Legislature be requested to pass at its coming session such legislation as will enable municipalities to assess railways at the rate of \$5,000 per mile.

Struck out.

12. It shall not be necessary for the collector of water rates to call on the person taxed and demand payment of the water rates or to give a written or printed notice specifying the amount of rates payable by such person as in the case of arrears of taxes, but in lieu of such notice of demand, notice may be given by inserting the same in a newspaper published in the municipality supplying the water, once a week for two weeks, and such notice shall specify generally the date such rates are due, the place the same are payable and the office hours during which the same may be paid, and shall be signed by the person authorized to collect such rates.

Struck out.

13. In cities where the council operates their light, heat or power plant, waterworks or street car system, the council may determine that an annual remuneration not exceeding \$200 may be paid the chairman of the committee under which any such light, heat or power plant, waterworks or street car system is operated.

Struck out.

14. That the Provincial Government be requested to introduce such legislation as will enable each municipality to recover for the use of the municipality all fines imposed for crimes or offences within the municipality.

Adopted.

15. That section 678 of the Consolidated Municipal Act, 1903, be amended by adding the words "sewers or" after the word "of" in the third line, and other necessary amendments.

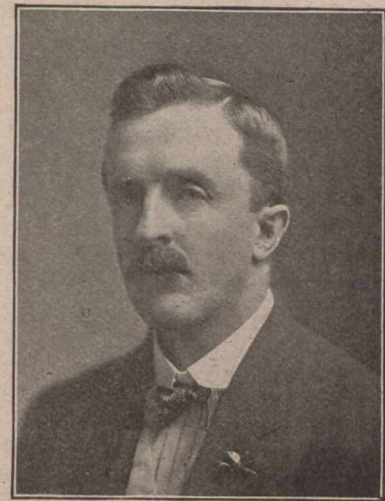
Adopted.

16. That section 282 of The Consolidated Municipal Act, 1903, be amended by adding after the word "accounts" in the seventh line, the word "until."

Struck out.

Reeve Locke, of Yarmouth:

17. That the present system of voting in county councils is unsatisfactory and that each representative should have one vote for each



K. W. MCKAY

Secretary Ontario Municipal Association.

The following deliverance on the use of our public roads by automobiles is from the pen of Prof. GOLDWIN SMITH:

"That nobody has a right so to use the public roads as to interfere with the safe and unobstructed use of them by others, is a position from which a chaffeur would hardly dissent. But the automobilists in their use of the public roads are felt to be interfering with the safe and unobstructed use of the roads by others in a way which provokes a general outcry, especially in the rural districts out of police control. In Switzerland, forcible resistance on the part of the rural population has been provoked. The auto almost proclaims itself a nuisance when it ramps along a crowded street, the driver sounding his proud trumpet to order all us common people, at the risk of our lives and limbs, to clear out of his lordly way. The rules about speed are loosely observed, as they were sure to be, the speed being the essence of the enjoyment. It is difficult to devise a remedy. The police cannot be always timing autos in the city, much less on the country roads. Even in case of detection, a fine of \$5 will not reform a millionaire. Five weeks might be more effective.

* * *

The Hamilton *Spectator* says that an inquisitive British journalist, looking at the soft stone on the mountain brow, asked why the city used that stuff to make "macadam" roads, and nobody could tell him why. The journalists were so pleasantly engaged while in Windsor that they did not see a sample of its macadam or they might have asked a like question. In Britain the macadam road is made of trap rock, and is about as enduring as the hills themselves.

ONTARIO MUNICIPAL ASSOCIATION (Continued.)

(Municipal Officers of Ontario)

\$250,000 (or fractional part thereof) of assessment of the municipality they represent, or that the vote be otherwise equalized or valued.

Struck Out.

Municipal Council, Tp. Whitchurch :

18. That the law in respect to noxious weeds on public highways be repealed, and the following substituted therefor :

"It shall be the duty of all pathmasters or commissioners in any municipality to destroy, or cause to be destroyed, all noxious weeds on the public highways, in time to prevent the ripening of seeds, in their respective divisions, out of the means placed at their disposal.

Adopted.

19. That the Ontario Municipal Association should use its influence with the Government in favor of granting a bonus to owners of wagons who have all narrow tires removed and replaced by wide tires, and we would suggest that the necessary money to pay said bonus be drawn from the money set aside for county roads.

Laid over for further consideration.

City of Kingston :

20. That there should be some equalization of assessment for business tax as between wholesale and the smaller retail merchants.

Laid over for consideration by Executive.

21. That the Assessment Act should be amended to extend exemption of income of head of family or householder to \$1,000, from whatever source, and amend section 1, 6 Ed. VII., chapter 36, amending section 5 (19), chapter 23, 4 Ed. VII.

Struck out.

22. That The Assessment Act should be amended so that in case of land held by hospitals, section 5 (4), and by the institutions mentioned in section 5 (9), 4 Ed. VII., chap. 23, they shall not be exempt when occupied by any any person as tenant or lessee.

Adopted.

Township of Caradoc:

23. That the Dominion Government be petitioned to make the Indian Reserves amenable to The Drainage Act, and also, if possible, place some restrictions on the Indians in keeping dogs.

Adopted.

S. R. Armstrong, Peterborough.

24. That legislation be sought to provide that the members of councils in cities may be elected for two years, one-half retiring each year.

Adopted.

S. R. Armstrong, Peterborough :

25. That legislation be sought to add a sub-section to section 108 of The Municipal Act to provide that in case a poll clerk signifies to the returning officer in writing that he will not act as poll clerk or neglects to attend at the polling place to perform the duties of poll clerk, the clerk of the municipality as returning officer shall appoint another person to act in his place and stead, and that the person so appointed shall have all the powers and authority which he would have had if he had been appointed by by-law.

Adopted.

J. H. Fryer, Galt, and Mayor Coatsworth, Toronto :

26. That the Dominion Parliament and the Ontario Legislature be asked to pass legislation to the effect that no individual, partnership or corporation now or hereafter incorporated shall have power to place poles, wires, rails, pipes or conduits over, upon or under the highways of any municipality in the Province of Ontario without the consent of the council of such municipality.

Adopted.



W. C. CHISHOLM

City Solicitor, Toronto, member Executive Committee Ontario Municipal Association

MUNICIPAL BULLETIN NO. 1

The Bureau of Industries has recently issued the first of a series of Municipal Bulletins, thereby making the statistics of Ontario municipalities for 1906 available some months earlier than usual.

The stringency of the debenture market and demand for information regarding the financial position of municipalities having securities to sell commends this action on the part of our statistical department.

The effect of the Assessment Act of 1904 on assessed values is most interesting, as the following table shows :

	Real Property	Townships Personal Property	Income	Total Increase
1904	\$477,691,722	\$ 2,384,695	\$ 262,315	22 per cent.
1906	\$582,036,240	\$ 4,951,061	\$ 1,402,074	or \$108,050,643
1904	\$135,581,967	\$ 11,187,390	\$ 1,678,239	24 per cent.
1906	\$161,153,708	\$ 18,554,393	\$ 4,886,522	or \$ 36,147,027
1904	\$246,415,960	\$ 23,799,514	\$ 7,103,857	19 per cent.
1906	\$280,289,349	\$36,087,023	\$14,142,322	or \$ 53,199,363

Notwithstanding the large increase in taxable property, the average tax rate in townships has only decreased about 7 per cent, less than one mill. In towns and villages the decrease is 6½ per cent, and in cities 2 per cent.

ONTARIO MUNICIPAL ASSOCIATION (Continued.)

(Municipal Officers of Ontario)

J. W. Bowlby, Brantford, and W. C. Mikel, Belleville :

27. That clause (a) of section 674 be amended by adding at the end thereof the following : " and the share directed by the council to be borne by the lands determined by the council to be benefited may be provided for by the issue of debentures therefor upon the credit of the municipality and assessed upon and charged against the lands so determined to be benefited as frontage tax in like manner as in the case of the share of the property owners of other local improvements.

Adopted.

J. W. Bowlby, Brantford, and S. Chant, St. Thomas :

28. That the Dominion Parliament be asked to pass an Act requiring the Great North-Western Telegraph Company, or any other company having poles and wires on the streets in such cities and towns within the Province of Ontario in which such company has, in the opinion of the council of such cities and towns, constructed a line or lines of poles and wires which have become highly objectionable, to remove such poles and wires from such street or streets and place them either in under-ground conduits or upon such other streets and lanes as the councils of such cities and towns shall direct, doing no unnecessary damage to the said company. Such work to be done at the expense of the company.

Adopted.

Mayor Stewart, Hamilton :

29. That in all cases of sale of real estate, whether the consideration is expressed in the conveyance as \$1 or otherwise, the owner shall make a declaration, upon the request of the assessor, stating the actual consideration paid for the property.

Struck out.

30. That sub-section 12 of section 591 of The Municipal Act respecting bonuses be repealed.

Struck out.

W. A. Clarke ;

31. That the Provincial Legislature be asked to so amend " The Registry Act " and " Land Titles Act " as to provide that no plan subdividing property showing new streets opening upon an existing street or highway, shall be registered by the Registrar or Master of Titles unless and until accompanied by a certificate of the Clerk or Assessment Commissioner of the municipality stating that there are no local improvement frontage rates on existing street, or, if any, that they have been commuted to the extent of the frontage of such new streets as shown on the plan proposed to be registered, or unless the consent of the Council to such registration has first been obtained.

Adopted.

J. D. Evans, Islington :

32. That the Association see to the repeal of the legislation passed in 1906 making counties liable for the payment of constables and criers attending courts.

Adopted.

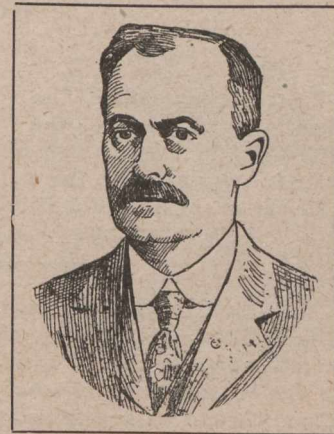
Ald. Cooper of London, and J. W. Jardine :

33. That in view of the apparent carelessness, and irregular manner in which new buildings are being erected and alterations and additions are being made to existing buildings, that it be advisable that all cities and towns in Ontario having a population of 10,000 or over should insist upon plans and specifications being first submitted to the proper officers of the municipality before permission is given to build, and that the Executive inquire into the legal authority of municipal councils to compel the removal of dangerous buildings and apply for further legislation if required.

Adopted.

W. C. Mikel :

34. That sub-section 3 of section 591 of The Consolidated Municipal Act, 1903, be amended by striking out the word "to" in the first line thereof and inserting instead thereof the word "or," and by striking out the word "and" in the first line thereof and inserting instead thereof the word "to."

Adopted.

W. C. VANSICKLE

Warden of Wentworth, member Executive Committee
Ontario Municipal Association.

A MODEL ROADWAY

In a recent interview Mr. A. W. CAMPBELL, deputy minister of public works, Ontario, gave the following description of the model roadway being built along the town line between the townships of Clinton and Louth, in the county of Lincoln, at the expense of Mr. D. B. RITTENHOUSE, a wealthy lumber merchant of Chicago, who is native of the vicinity :

" The Rittenhouse road is to be constructed as a sample of broken or crushed stone or macadamized roadway suitable for country highways. The section of the road to be treated will extend from the school house, public hall and other Rittenhouse buildings along the town line between the townships of Louth and Clinton, to the lake shore, a distance of two miles.

" The road allowance is 66 feet in width. The side of the road adjoining the experimental farm will be leveled and seeded with a row of hard maple trees placed twelve feet from the road line.

" Adjoining this will be a cement concrete sidewalk four feet in width, and a boulevard finishing the roadside between the sidewalk and the gutter. The creek crossing this section of the road will be bridged by cement and steel, with ornamental palings.

" The road will be graded to a width of 24 feet, and is to be constructed on soil composed in part of sand, other sections being of clay, while still others are a combination of sand and clay. The roadbed will be drained by laying a row of five-inch tile on either side of the roadway and 18 feet apart, discharging into the ravine.

" The central 14 feet of the road will be covered with brick stone 18 inches in the centre and 6 inches at the sides, built up of layers ranging in size from

ONTARIO MUNICIPAL ASSOCIATION (Continued.)

35. That The Automobile Act, chapter 46, 6 Edw. VII., be so amended as to make clear the speed of automobiles when using bridges.

Struck out.

36. That section 348 of The Consolidated Municipal Act, 1903, be amended by striking out all the words in said section between the word "division" in the fifth line and the word "and" in the eighth line and substituting therefor the words "a copy of the last voters' list prepared for the purposes of the Municipal Elections."

Struck out in favor of amendment to provide that only property owners shall vote on money by-laws.

37. That the Secretary-Treasurer be requested to send to each municipality in the Province in January of each year, an account for the membership fee payable by the various municipalities respectively according to the constitution, together with such information as he deems advisable, and that he be authorized to adopt such other measures as to him seem advisable to increase the membership.

Adopted.

Councillor Lawrason, and Mayor Moss, Dundas :

38. That the Ontario Legislature be requested to amend The Liquor License Act, making it contrary to said Act for the holder of a shop license in one municipality to establish an agency in or have an agent in another municipality canvas for or receive orders for intoxicating liquors.

Adopted.

Mayor Scott, Ottawa, and Mayor Bowlby, Brantford :

39. That the Legislature be asked to provide for the operation of Sunday street cars in any municipality where a vote of the people is taken on the subject and is decided in favor of Sunday cars.

Adopted.

Ald. Wilson, Ottawa, and Ald. Davis, Ottawa :

40.—That whereas municipalities are often seriously hampered by the fact that they cannot spend moneys except within certain specified lines, without either getting a vote of the people or permission of the Legislature, this body requests the Legislature to extend to municipalities a wider measure of financial liberty by giving the Railway and Municipal Board power to approve of money by-laws.

Laid over for consideration by Executive.

City Solicitor Waddell, Hamilton.

41. That section 541 of The Municipal Act be amended by adding the following thereto :

Sub-section (c). And in cases of cities, towns and villages to prevent, regulate and control the location, and making of pits and the location and erection of signs for advertising purposes.

The location and making of pits, and location and erection of signs in contravention of any such by-law, may in addition to any other remedy, provided by law, be restrained by action at the instance of the municipality passing such by-law.

Adopted.

42

BILL

An Act to Amend the Municipal Act

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :

1. The Consolidated Municipal Act, 1903, is amended by adding thereto the following section :

276c. (1) The council of any city may by by-law provide that the municipal council of the city shall thereafter consist of a mayor and four controllers to be elected by the city at large, and the aldermen to be elected from the wards of the city under section 70 of this Act ; and the four controllers so elected, together with the mayor, shall be the board of control for the said city.

(2) Each elector entitled to vote for mayor shall also be entitled to vote for not more than four persons to be elected controllers, and the

(Municipal Officers of Ontario)



M. M. BLACK

Reeve of Springfield, member Executive Committee
Ontario Municipal Association.

A Model Roadway (Continued.)

2½ inches to fine stone screenings. This will be compacted by a heavy steam roller.

"The serviceable road," added Mr. CAMPBELL, "is a first necessity along the side of the experimental farm, and while producing it, the intention is to illustrate to all who care to see the work in process, how ordinary road-beds should be drained and formed, how stone should be prepared for road-making and applied, and how the different model road implements should be utilized in the economic construction of proper roads.

"It is also the intention," concludes the good roads commissioner, "to illustrate how roadsides should be improved and cared for in order to make both road and adjoining property attractive."

Mr. CAMPBELL designed this road, and is, at the request of Mr. RITTENHOUSE, superintending its construction.

According to figures recently issued by the assessment department, the population of the City of London, Ont., has increased 3,065 since the completion of the last assessment.

* * *

Over in England they are spraying the roads with boiling tar to keep down the dust raised by automobiles. Sheffield has recently sprayed several miles of streets. The tar is ejected from a travelling tank under high pressure, and thus finds its way a little under the surface of the road, giving the work greater permanence. This spraying costs £40 to £50 a mile, somewhat costly, no doubt, but if it serves the purpose for which it is intended, it will be a boon to both pedestrians and merchants.

ONTARIO MUNICIPAL ASSOCIATION (Continued.)

(Municipal Officers of Ontario)

aldermen shall be elected in the manner at present provided by law, by the municipal electors entitled to vote in each of the wards in which they may be qualified so to vote.

(3) The candidates for the office of controller shall be nominated at the same time and place and in the same manner as candidates for the office of mayor are nominated, and the provisions of this Act providing for the nomination and election of a mayor, including election by acclamation and the filling of any vacancy that may occur in the said office, shall, except as otherwise provided herein, *mutatis mutandis* apply to the nomination and election of controllers.

(4) Any person desiring to vote for a controller, or for controllers, shall do so by placing a cross opposite the name or names of the candidates for whom he so desires to vote.

(5) No person shall be qualified to be elected to the office of controller who does not possess the property and other qualifications as required for mayor by section 76 of this Act.

(6) The mayor, when present, shall preside at the meetings of the board, and in the absence of the mayor the board shall select one of their number to preside.

(7) The council may fix by by-law the salaries to be paid to the members of the board of control.

(8) The elective members of the board of control shall hold office for the remainder of the municipal year in which they are elected; but they shall, if members of the council, be eligible for re-election. In case any member of the board dies, resigns, or becomes incapable of acting, the council may, at a meeting called for that purpose, elect a successor to hold office for the unexpired portion of the term of such member; or in case of the temporary absence of any member for more than one month, or of his inability to act, his place may be temporarily filled by the council.

(9) A member of the board of control shall be eligible for election as a chairman of any committee.

(10) No by-law shall be passed under this section by the council of any city, nor shall any by-law repealing the same be so passed until it shall have been submitted to the electors and shall have received the assent of a majority of the electors qualified to vote at municipal elections and voting thereon.

Adopted.

43. That Section 104 of the Judicature Act be amended to read as follows: All actions against municipal corporations for damages shall be tried by a judge without a jury.

Adopted.

Ald. Kilt, Ottawa, and Ald. Davis, Ottawa.

44. That petition be made to Legislature to grant discretionary power to municipalities to deal with the matter of licenses to pedlars, hawkers, etc., excepting garden or farm produce.

Adnpted.

Mayor Scott, Ottawa, and Ald. Kilt, Ottawa.

45. That legislation be asked for permitting cities, towns or villages to pass by-laws regulating electric wiring within their municipal limits.

Adopted.

46. That the Legislature be asked to provide that the provisions of section 677 of "The Municipal Act" as amended be extended to townships.

Adopted.

By the Mayor of Oshawa :

47. That the section of The Municipal Act dealing with the regulation and licensing of junk dealers be amended to apply to those dealers who drive about the country collecting scrap iron and other waste with a view to a humane regulation to improve the class of horses used in this line of business.

No Action.

By Executive Committee 1906-7 :

48. That the Union of Canadian Municipalities should consist only of the President, Vice-Presidents and representatives elected by the different Provincial Municipal Associations ;



J. W. BOWLBY
Mayor of Brantford, member of Executive Committee Ontario Municipal Association.

Canada and the civilized world was last month startled by the Quebec bridge disaster, in which this great structure, nearing completion, suddenly and without warning collapsed and fell a tangled wreck into the depths of the St. Lawrence river. At the time of writing, the cause of this terrible accident has not been determined. Between seventy and eighty lives were lost, including laborers, skilled mechanics, and engineers in charge of the work.

The bridge was to have been the largest span cantilever in the world, surpassing the great bridge of the Forth. The site of the bridge is nine miles above Quebec, where the river is a half-mile wide and 200 feet deep. The total length is 3,240 feet, with a central span of 1,800 feet.

So sudden was the fall that of the eighty-five men at work on the bridge only eleven escaped, and no eye-witnesses remain whose testimony is of value as to what is still a mystery, the cause of the collapse.

The most plausible theory yet advanced is that the weakness occurred in certain compression members, that while scientific knowledge of the strength of materials in compression, of ordinary dimensions, is sufficient, that for members of the unprecedented size, used in the Quebec bridge, there is something still to be learned.

The best-known bridge engineer on the continent, Mr. THEODORE COOPER, was consulting engineer. The bridge was designed by an engineer of wide experience. It is inconceivable that any blunder could have been made from lack of skill or trained judgment.

Awaiting the findings of the investigations now in progress, there would appear to be reason to expect that the explanation above given will be found the true one. The bridge company states that the completion of the bridge will be delayed for at least two years by the accident.

ONTARIO MUNICIPAL ASSOCIATION (Continued.)

That direct representation to the Canadian Union should be abolished ;

That all fees paid by municipalities be paid direct to the Provincial Associations ;

That the expenses of the Canadian Union be paid by the Provincial Associations in such proportions as may be agreed upon.

The Committee on Resolutions decided that the above proposal be submitted to the Union of Canadian Municipalities with the request that the Constitution of the Union be amended in accordance therewith, whereupon the Ontario Municipal Association would be prepared to join a federation of Provincial Associations, but that in the meantime no action be taken in regard to the Ontario Association joining the Canadian Union.

In considering the report, it was moved by Mayor Scott, of Ottawa, and seconded by Mayor Bowlby, of Brantford, That this Association join the Canadian Union, and that the report of the Resolutions Committee be forwarded to the Canadian Union.

The meeting decided that the question of federation with the Canadian Union be referred to the Executive with instructions to confer with the Canadian Union and arrange a basis of federation and report at next meeting.

On motion of W. C. Mikel, seconded by J. H. Fryer, the report of the Committee on Resolutions as amended was adopted, and the Executive instructed to bring the various matters referred to to the attention of the Legislature.

Moved by Mayor Scott, of Ottawa, and seconded by W. C. Mikel, Belleville, That the next annual meeting of this Association be held in such place in the Province of Ontario as shall be determined by the incoming Executive Committee, and that the Constitutions be amended to make the holding a meeting each year in Toronto optional with the Executive Committee.

Carried.

The election of officers and the Executive Committee then took place, and resulted as follows :

President—W. C. Mikel, city clerk and solicitor, Belleville.

1st Vice-President—Neil Cooper, alderman, London.

2nd Vice-President—Mayor Scott, Ottawa.

3rd Vice-President—Mayor Kennedy, Owen Sound.

4th Vice-President—C. E. Locke, reeve, Yarmouth.

Secretary-Treasurer—K. W. McKay, St. Thomas.

Executive Committee—Mayor of Toronto ; Mayor of Dundas ; Mayor of Brantford ; Mayor of Hamilton ; Controller W. P. Hubbard, Toronto ; W. B. Doherty, city solicitor, St. Thomas ; S. H. Kent, city clerk, Hamilton ; S. R. Armstrong, city clerk, Peterborough ; W. C. Chisholm, city solicitor, Toronto ; W. A. Clarke, township clerk, York ; W. C. Vansickle, warden, Wentworth ; M. M. Black, reeve, Springfield ; and all past Presidents.

President-elect Mikel then took the chair, and briefly addressed the meeting, outlining a progressive policy for the future.

Moved by Ald. Cooper, London, and seconded by Chas. Gordon, Owen Sound, That the thanks of this Association be tendered Mr. J. A. Ellis, the retiring president, for the interest taken by him in the business of the Association during his term of office.

Carried unanimously.

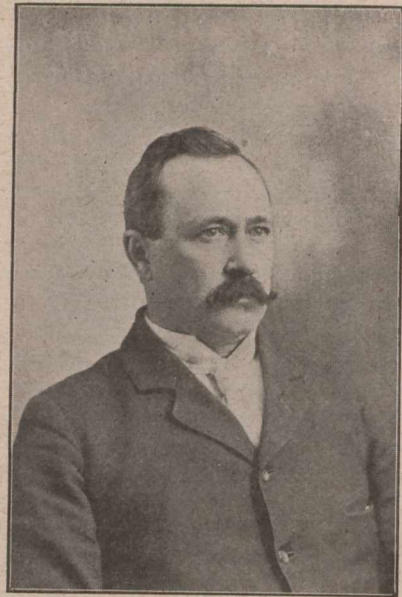
Moved by W. P. Hubbard, seconded by Mayor Bowlby, That the usual grant of \$100 be made to the Secretary for his services during the past year.

Carried.

Moved by J. H. Fryer, Galt, and seconded by S. H. Kent, Hamilton, That the thanks of this Association be tendered the Mayor and Council of the City of Toronto for the use of the Chamber in the City Hall for holding our annual meeting, and for the entertainment of the members during their stay in the city.

Carried with cheers.

The Association then adjourned.



MR. N. E. BIRTCH,

RECENTLY APPOINTED COUNTY CLERK
OF THE COUNTY OF OXFORD.

The new county clerk was born in St. Marys. He received his primary education in the public schools and collegiate institute of that town, and then went to Victoria College, at Cobourg, whence he matriculated. Mathematical subjects were his specialty, and in them he excelled. After leaving college, Mr. BIRTCH returned to St. Marys, and spent the next couple of years as a farmer. Then he left that avocation and opened in the Stone Town a real estate and insurance office. That was in 1877. He carried on that business for about eighteen years. Incidentally, he was town assessor for three years and collector for twelve, and for one year held both offices. He was secretary of the school board for twelve or thirteen years, and was an issuer of marriage licenses.

Thirteen years ago Mr. BIRTCH moved to his present location in East Zorra, opposite the Epileptic Hospital, just outside the city limits. He opened an insurance and real estate office in the city and promptly gathered a good clientele. During his residence he has held other positions. For the past six years he has been a member of the collegiate institute board, appointed by the county council. He has been township auditor for ten or eleven years, and for two years audited the city of Woodstock books. He was a member of the trustee board for S. S. No. 4, East Zorra, for half a dozen years. He has done special work for the county authorities at various times, among other duties being the working out of the schedules and the preparation of the complicated debenture issues, at the time the toll roads were taken over.—*By courtesy of the Woodstock Sentinel-Review.*

Engineering Department

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

WELLINGTON COUNTY ROADS

The Wellington county system of roads, comprising 170 miles, was established on its present basis under the Act to Aid in the improvement of Highways, in 1903. Prior to that time the county was maintaining a system of roads aggregating 144 miles. These were leading roads, converging at Guelph, constructed as trunk roads before the time of railways, and later, while Guelph was the only railway shipping point in the county. Wagon traffic over them was once very great, and they were built accordingly, with a very wide grade, usually about 40 feet, and metalled the full width. With the increase of railway shipping points throughout the county, and changing conditions of population, traffic, etc., a re-adjustment became necessary. To this end, when the system was placed under The Highway Act, extensions were made in several of the more wealthy and populous municipalities to more nearly proportion the benefit to the amount each would contribute.

Under the revised system the policy of the county is to appropriate each year the sum of \$80 per mile of road, or a total of \$13,600. The work is carried out under the direction of a county road superintendent, JOHN M. YOUNG, of Harrison. This sum is not spent uniformly over the roads, but is placed upon works of construction and repair as the council considers advisable within each township. In addition, special grants are made by the county council for the construction of bridges, culverts or other works of an exceptional nature. The total Government grants to date amount to \$11,632.28.

The older roads of the system are wide and flat, frequently with square shoulders and sharply defined open ditches; while the new roads are in various stages, from earth roads to roads with a more or less gravelled road-bed. The work now required consists for the most part of narrowing, re-shaping and re-surfacing the old

roads; the straightening, grading, metalling and draining of the 26 miles of new roads, and the permanent construction of culverts and bridges on the county system. Gravel of a good quality is fairly plentiful and well distributed in most parts of the county, but crushed limestone is used to some extent, more especially in the townships of Minto, Erin and Eramosa.

NARROW ROADS

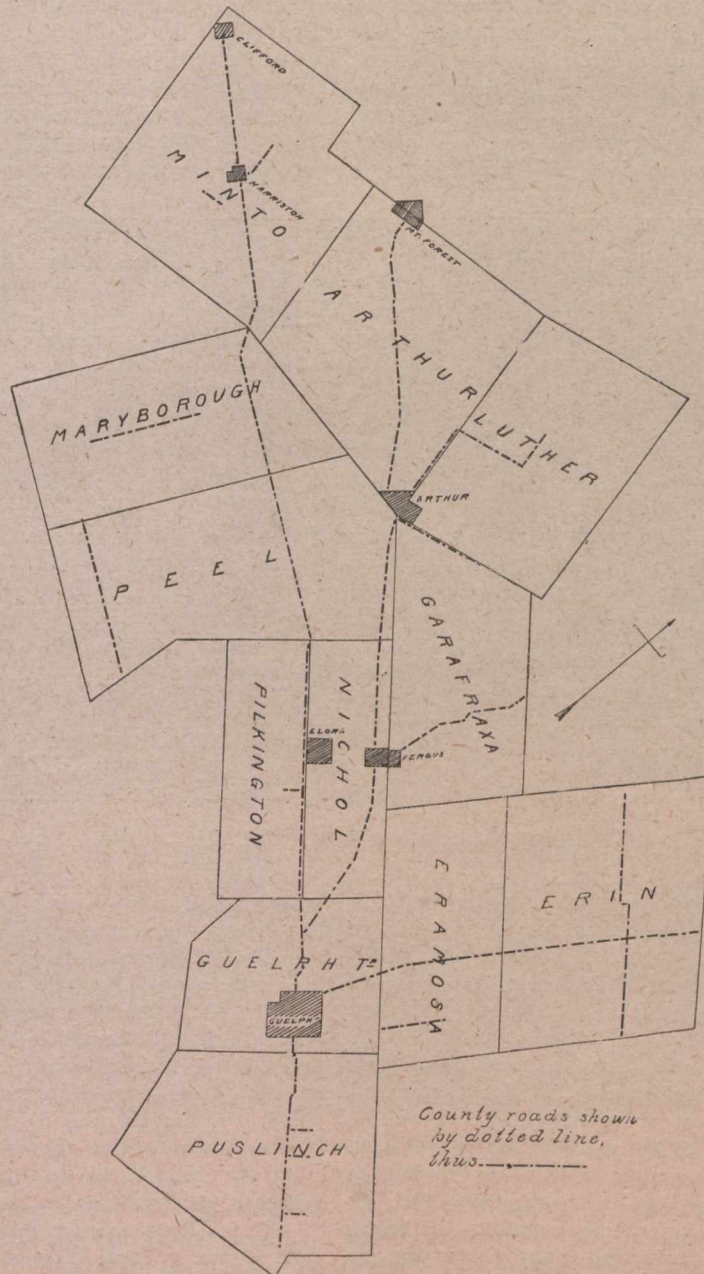
Narrow roads are more cheaply built than are wide roads, they serve every purpose and are more easily and cheaply kept in repair. In fact roads with a wide grade are certain to become flat and rutted at the sides and hold water in a way that makes it impossible to keep them in repair.

As roads are now graded with a grading machine, the earthwork can be very cheaply done. A width of twenty-four feet is ample for heavy traffic between the bottom of water tables. Eighteen feet will provide for travel on roads other than main highways, with the central eight feet gravelled or stoned.

The side drains should not have sharp angles or sides, but should rise with a gentle slope to the crown of the road. The crown on a newly-graded road should be made too high to commence with, as it very soon settles and spreads.

A road that is just right at first very soon becomes too flat to shed water to the side drains. Narrow grades with gentle slopes to the side drains, and a high crown at least two inches to the foot from side to

centre, on clay roads, are the roads that are most durable. Eighteen and twenty feet is a common width on English roads, where traffic is much greater than on roads in Ontario. There is no danger in turning out. Even if a milk wagon is upset now and again by careless drivers, it is much cheaper to pay for the spilled milk than to pay for wide (and bad) roads.



WELLINGTON COUNTY ROADS

WATER TROUGHS

Water troughs by the roadside, where man and beast can in the hot days of summer enjoy a refreshing draught of that greatest luxury, pure water, are not provided as frequently as Nature will readily and freely permit. Springs should be taken advantage of for this purpose wherever they are available by township councils, and should be properly fenced and guarded to preserve the water from contamination. Springs at some distance from the roadway can frequently be piped to the road, and a constant supply of flowing water ensured. If springs are not available, it will often be desirable to dig wells and place pumps where the public can freely use them.

Thirst is a source of intense suffering. Many a driver rarely thinks of watering his horses until he himself feels the need of a cup of cold water. There are some, let us hope but few, who treat their horses with utter inhumanity in this regard; who, in the heat of summer, will stop at a well, quench their own thirst, then drive their horses on without the drink they so intensely need. As a matter of self-interest, and the additional work the horse will do, it pays to water frequently. Numerous public watering places by the roadside will serve the cause of comfort for the driver, mercy to the horse, and profit in cash.

WATER RATES

Water rates are too frequently fixed by guess. Too little attention is given in many municipalities to a fair and equitable scale such as will meet all requirements of the waterworks as a business concern. There are over 125 waterworks systems in the Province, and practically all are under municipal ownership. The matter has been previously discussed in

THE MUNICIPAL WORLD, and the views then expressed are well supported by Mr. D. H. MAURY, in his recent presidential address to the American Waterworks Association.

The proper fundamental basis for all rates for water service is that the rates, when established, should be fair. Before the rates may be termed fair, these two conditions must obtain: First, the total yearly receipts from all sources must be just sufficient to provide (a) reasonable interest on the investment; (b) annual contribution to sinking fund to retire investment within a reasonable time; (c) proper annual contribution to sinking fund for depreciation; (d) legitimate operating expenses including repairs. Second, each consumer must pay yearly for the particular class of service that he receives, his just proportion of the above annual costs. To fulfil the second condition, no service of any sort whatever should be furnished free.

An average of available estimates made by eminent authorities shows that the annual cost of furnishing fire protection under average conditions is about 50 per cent. of the interest and other fixed charges due to cost of construction of the works, and about 20 per cent. of the annual operating expenses.

Fair rates would, therefore, make the receipts from fire protection service sufficient to cover 50 per cent. of the fixed charges and 20 per cent. of the operating expenses, the balance of 50 per cent. of fixed charges and 80 per cent. of operating expenses being provided by the rates for water supplied for ordinary consumption.

In practice, payments for public fire protection may best take the form of hydrant rentals, and whether the plant is municipally or privately owned is wholly immaterial in this connection. In either case, the water department is presumably a business concern, operated on a purely business basis, and it should receive the proper rates for public fire protection, paid out of the public funds.

There are abundant reasons why rates should be paid for private fire protection. The owner of the factory or other establishment so protected receives not only a yearly cash benefit measured by the reduction of his insurance premiums, but also a further substantial benefit in the form of protection against loss of business or other fire loss not covered by insurance. This latter benefit, while not so easy to measure in dollars and cents, is often of greater value than the actual reduction in premiums.

The factory owner may argue that the same service connection which lessens his individual fire hazard, also lessens to some extent the conflagration hazard of the community; but when all the facts are considered, this cannot well be said to be the case.

It is not possible to satisfactorily meter his fire service, and if it were, to base his rate on the value of the water actually consumed to extinguish fires would be as unreasonable as it would be to say that the

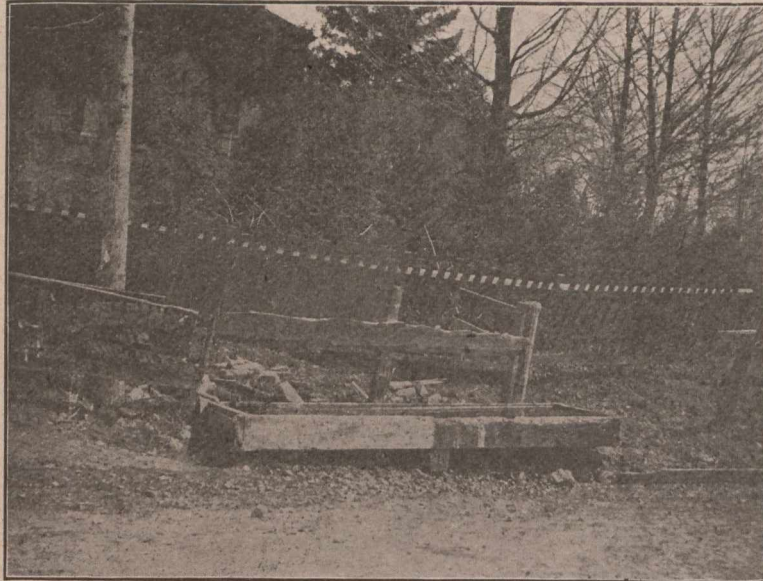
value of a navy is nothing more than that of the ammunition which it expends in actual warfare.

The fixing of rates for private fire protection is so intricate a problem, and involves consideration of so many points, that no fixed rule can be laid down that will fit all cases. It is believed that a reasonable sliding scale of rates for such service might be arrived at as follows:

A minimum rate for the smallest size of fire service pipe, and larger rates for larger service pipes, the rates for each size of fire service pipe to bear some approximately uniform relation to the special benefits derived by the private interests protected.

Rates for water for purposes other than fire protection are of two general classes, fixture rates and meter rates. Originally all water was sold at fixture rates, but the necessity for checking waste, and the recognized inequity of fixture rates as applied to individual cases, have brought about the introduction of meters, which is now going on at a constantly increasing speed.

That fixture rates are not now, as a rule, excessive is indicated by the fact that when all legitimate expenses are charged up, few municipally-owned plants earn large profits, and that the securities of private water companies are no longer so eagerly sought by investors as they were



A WATERING TROUGH BY THE ROADSIDE—Wentworth County

some years ago. The objection to fixture rates as a basis of the value of water service does not lie in the fact that they cannot be made, in the aggregate and for any one city, as a whole as equitable as any other rates; for this is not only possible, but is a condition which actually obtains within reasonable limits in many cities. But with fixture rates, no close discrimination can be made between individual cases; and they therefore fail to fulfil the second essential condition of a fair rate. Further more, they fail to check waste and leakage. These considerations naturally lead to the adoption of meter rates.

In almost every city, the introduction of meters, if accompanied by the establishment of proper rates, can be made to result in benefit to the water department as well as to the consumer; and it is possible, with meters, to make a closer approximation to the fair amount to be paid by each individual consumer than can be made without them.

The function of the meter is two-fold: First, to check waste, and second, to measure the water used by each consumer, with a view to making his annual payments bear a just proportion to the total fair annual receipts from the works. To treat the meter simply as a device by means of which certain individual consumers may reduce their rates below the fair amount, leaving other consumers to make up the loss, is to defeat its honest purpose.

In order that the meter may properly perform its two-fold function, it is absolutely essential that the meter rates be established on a proper basis. In view of the ever-increasing use of meters, no more vital problem today confronts the manager of a water department than the determination of what these rates should be in his city; and it is a problem whose solution demands the very highest degree of skill, careful study of all the conditions and a wide experience in the financial management of waterworks.

Nothing is more fallacious than the oft-repeated argument of some unthinking advocates of the universal introduction of meters, that when a man buys water by the gallon he pays for what he gets.

Each consumer, whether he use little or much water, enjoys the benefit of a water service, always at hand, always convenient. This benefit is the element which is usually termed the "readiness to serve," and the expense to the water department of its readiness to serve is always far greater than the mere cost of pumping and

distributing water. Furthermore, the fixed charges and operating expenses for each meter service amount to several dollars per annum; and this expense, together with a sum sufficient to cover the "readiness to serve," is properly chargeable to each consumer, large or small, before the rate per gallon can fairly begin to apply.

To provide for these two expenses, the first method which naturally suggests itself is the establishment of a minimum meter rate.

Here, again, there is a pitfall. If this minimum be too small, it will not accomplish its purpose. If it be too large, or if the rate per gallon for small daily uses be too small, the average domestic consumer may draw far more water than he actually needs without paying more than the minimum rate; and this condition will destroy the usefulness of the meter as a means of checking waste.

To develop the full efficiency of the meter as a means of checking waste, and to make each consumer large or small,

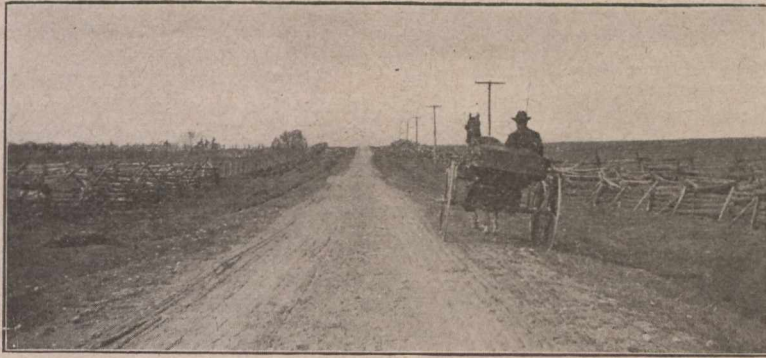
pay his fair share of the total receipts of the work, meter rates should be established about as follows: (a) The minimum rate should be nearly large enough to provide for the "readiness to serve" as well as for the added expense of the meter service. (b) There should be a sliding scale of rates for measured water. (c) The highest rates in this scale should be so adjusted that the average domestic consumer could draw, without exceeding his minimum rate, only enough water for his reasonable requirements, so that the incentive to avoid waste might always be present; and the lowest rates in the scale should be such as to encourage large consumers to patronize the water department, the profits from this patronage being, of course, ultimately applicable to the lowering of rates to all consumers.

From all of the foregoing it will be seen that rates of all classes are correlated. The total receipts should just provide for the total legitimate expenses, as enumerated in the definition of a fair rate. Each class of service

should be made to furnish its quota of the total receipts from all classes of services; and each individual consumer should pay his just proportion of the total receipts from the class to which he belongs.

The Ontario Municipal Association has put itself again on record in favor of legislation permitting municipalities to hold their annual elections in the first week of December instead of the first week of January.

Mr. S. J. McCLELLAND, of Palgrave, has been appointed clerk of the township of Albion to succeed Mr. S. JEFFERSON.



IN WELLINGTON—The Rake Needed



A GOOD GRAVEL ROAD—But with a Wider Grade than is Necessary—County Wellington

SEWERS AND WATER PIPES

Before undertaking permanent macadam or other pavements in town and villages, the matter of sewers and waterworks should be fully investigated. To construct macadam or other durable roadways, and then tear up trenches to lay sewers and watermains, means largely the destruction of the street improvements.

Waterworks naturally take precedence. They are a sanitary measure, and are essential for fire protection. Without waterworks, manufacturing and industrial concerns are not likely to be attracted to a municipality, however desirable the location may be in other respects. Insurance rates without waterworks, are high; and even insurance, while it may cover capital losses, cannot repay the loss through the interruption of business.

The full benefit of waterworks cannot be reaped without sewers. Sewers provide for the disposal of house and manufacturing waste, and without them modern plumbing conveniences cannot be used. Sewers carry away cellar drainage and provide an outlet for street drainage. Towns which instal waterworks invariably follow with a sewer system. At times sewer and water pipes are laid together in the one trench.

Municipal improvements, where they are likely to be undertaken, should be carried out in their proper order. If there is no likelihood of waterworks or sewers being constructed in a village or town for a decade or more, street improvements need not be delayed. But where there is a probability of the streets being torn up in the near future, this is an occasion for cultivating the quality of patience.

Before streets are macadamized or paved, not only should the main system of sewers and waterworks be laid, but house connections should be laid to the street line. The cutting of trenches across a roadway is notoriously a matter which is regarded with too little foresight. Every lot should have a sewer and water connection laid for it to the street line, and its location permanently marked on a street plan, in order that it may be found readily when wanted. All that has been said of sewers and waterworks applies to gas pipes, and arrangements should be made with companies to have this work done in advance of street improvement.

That permanent street improvement should await the construction of sewers and waterworks where the latter are likely to be undertaken in the near future, does not mean that nothing can be done to the streets. Without making a permanent wearing surface, the streets can be graded, sidewalks laid in their proper position, boulevards graded and sodded, and tile under-drains laid. Tile drains can be given temporary outlets, and these later turned into the sewers. Tile drainage, with good surface grading and drainage, will in many cases be a great immediate benefit, and are steps toward permanent results

THE SMOKE NUISANCE

The smoke nuisance is one which is most keenly felt in large cities where the furnaces of great factories, power plants, large store and office buildings send forth clouds of smoke which pollute the air, blacken buildings and destroy house furnishings, causing annoyance of various kinds to residents of the districts affected. The difficulty is not confined to large cities alone, and many isolated "tall chimneys" of smaller towns are pouring out their blackness from time to time, to the inconvenience of adjacent householders.

The Toronto branch of the Canadian Manufacturers' Association is considering the engagement of an expert on smoke abatement to consult with members of the association and advise them regarding the devices best suited

for their individual plants. "The manufacturers are determined to spare no pains nor expense," said Secretary Gilbert Murray in a recent interview, "in complying with the requirements of the city by-law. They are doing this, not because they expect to save a lot of money, but because they think the law ought to be obeyed, and because they are public-spirited enough to want to see an improvement in the sanitary condition and the appearance of the city."

There was recently held in Milwaukee, Wis., the second annual convention of the International Association for the prevention of smoke, which numbers sixty-two members from cities where there are official smoke inspectors. The object of the association is the suppression of the smoke nuisance.

Arguments went to show that it is possible to attach mechanism to steam boilers and fire-boxes which will cure the evil. The subject of smoke was discussed scientifically and the contention that the breathing of smoke will bring on tuberculosis makes it highly desirable that the question of smoke prevention should be investigated to a remedial point.

One of the purposes of the Association is to agitate for the enactment of a uniform state law which will make the passage of black smoke from chimneys a proof that the manufacturers are violating a health law.

Professor Kent, representing the Civic League of the City of New York and the Syracuse Chamber of Commerce, addressed the delegates and stated that in every instance smoke could be prevented when the fires were properly handled. Besides from careless handling, smoke was caused by the grates being set too near the boiler surface, the space requisite for the proper mixture of air and gases.

Mr. Weeks, of the U. S. Government, and Prof. Breckenridge, have been conducting a series of tests for the U. S. Government for the past two years, the data of which will soon be published. The University of Illinois is constantly building test furnaces and destroying them after tests have been made; this experimental work is being carried on at the expense of the U. S. Government.

The convention delegates felt that the makers are largely responsible for the lack of room in furnaces, inasmuch as the boiler-makers do not give adequate space for the proper combustion of fuel between grates and boilers to obtain satisfactory results.

A visit was made to the certain plants where mechanical stokers are installed, all of which are doing excellent work towards the abatement of smoke.

SOME AIMS OF ENGLAND'S ROAD ASSOCIATION

Mr. REES JEFFREYS, Secretary of the Roads Improvement Association of England, has stated in an interview that the Association has so much confidence in tar as a dust preventive that it intends to petition for a Government grant of £1,000,000 to extend the treatment.

It is proposed to distribute the grant amongst the District Councils, should the money be forthcoming. The Association suggests that all taxes on vehicles be revised and consolidated, thus forming the nucleus for the grant. The money could then be devoted to tar-spraying and painting, and generally to the improvement of the roads. At the same time the Association will press on the Government the urgent need of a central road authority.

J. L. MEEK, clerk of the township of Caledon: THE MUNICIPAL WORLD is much appreciated by the council; in fact it has become a necessity.

QUESTION DRAWER

Subscribers are entitled to answers to all Questions submitted if they pertain to Municipal Matters. It is 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 will be published unless One Dollar is enclosed with request for private reply.

Requisite Petition for Drainage Works.

572—ENQUIRER—What petition is required to start a drainage work under The Municipal Drainage Act?

That of a majority in number of the resident and non-resident persons (exclusive of farmers' sons not actual owners) as shown by the last revised assessment roll to be the owners of the lands to be benefited in any described area within the municipality, as provided in subsection 1 of section 3 of chapter 226, R. S. O., 1897 (The Municipal Drainage Act).

Power to Take Gravel from Shore.

573—R. H.—Has the municipality any power to stop gravel being taken off the lake beach, there being a road along the shore and the road allowance is washing away in places, most people claim, from the gravel being taken from the beach outside road allowance?

We are of opinion that the council of the municipality has no authority to prevent the removal of gravel from the lake shore between the highway and the water's edge. If, however, the removal of the gravel injures the highway, or causes the subsidence of its soil, the parties causing the damage can be compelled to make it good.

Liability for Poll Tax.

574—W. H. W.—A has property in N. B. for which he is assessed and pays taxes. In the beginning of the year he accepted a position as foreman in one of the departments of the C. P. railway at S. His name was entered on the assessment roll for poll tax, \$1.00. He claims he should be exempt from poll tax here on account of paying taxes in N. B. Is he liable for poll tax in S.?

We assume that the reference is to the tax imposed by section 4 of chapter 25 of The Ontario Statutes, 1904. If this is so, under the circumstances stated, we are of opinion that A is not liable to pay the tax (commonly termed "poll tax") in S. He is assessed and pays taxes in N. B. Section 8 of the above Act provides that "subject to the provisions of section 7, no person shall be exempted from the tax in sections 4 or 5 mentioned, unless he provides a certificate that he is assessed elsewhere or that he has performed statute labor, or paid the

tax elsewhere in the Province." A is assessed elsewhere, and if he obtains and produces the certificate mentioned in section 8 of the Act, he is exempt from payment of the tax in S.

Maintenance of Township Boundary Line.

575—W. H. W.—What is the law in respect of work being done on the boundary between two municipalities if one municipality does a certain amount of work, can it compel the other municipality to pay half the cost or do an equivalent in work; and also can it compel the adjoining municipality to pay half for all statute labor expended by the other municipality.

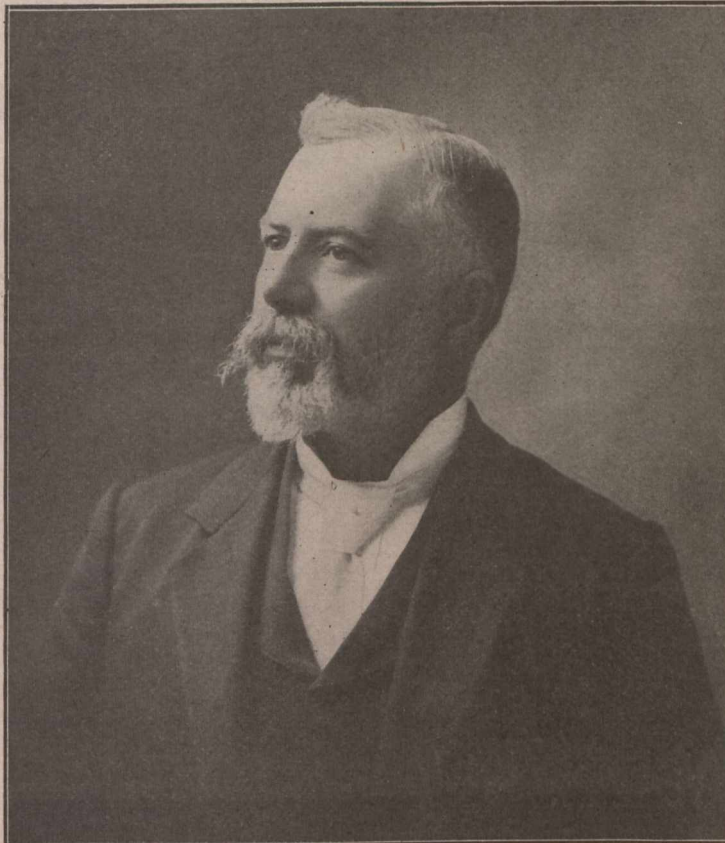
Under section 622 of The Consolidated Municipal Act, 1903, the adjoining municipalities are jointly responsible for the maintaining and keeping in repair of the boundary line between them. Section 625 of the Act provides that "no by-law of the council of any one of such municipalities with respect to such last mentioned road (or bridge) shall have any force until a by-law has been passed in similar terms, as nearly as may be, by the other council or councils having joint jurisdiction in the premises." Section 624 provides that "in case the other council or councils for six months after notice of the by-law omit

to pass a by-law or by-laws in similar terms, the duty and liabilities of each municipality in respect to the road or bridge shall be referred to arbitration under the provisions of this Act."

Section 625 authorizes the councils of the adjoining municipalities to enter into agreements for the maintenance of portions of the boundary between them for the whole of its width.

Cutting of Trees on Highways—Power to Plant Trees on Highways.

576—AMCL.—1. A owns land in concession 5, township of D, and plants trees outside of his fence on road allowance for shade.



W. A. CLARKE
Clerk York Township, member Executive Committee Ontario Municipal Association

Can a telephone company having a charter from the Government cut those trees down if they interfere with the building of their line?

2. Had C the right to put those trees outside of his fence, or did he leave himself liable for damage in doing so?

1. No, unless the Act incorporating the company gives it special authority in this regard. As to this we cannot say, not knowing the name of the company, nor having an opportunity of examining the Act under which it obtained its charter.

2. We are of opinion that C had the legal power to plant the trees as stated. Sub-section 1 of section 2 of chapter 243, R. S. O., 1897, enacts as follows: "A person owning land adjacent to any highway, public street, lane, alley, place or square in this Province, may plant trees on the portion thereof contiguous to his land; but no tree shall be so planted that the same is or may become a nuisance in the highway or other public thoroughfare, or obstruct the fair and reasonable use of the same."

Liability of Council to Repair and Build Approaches to Farms.

577—J. J. W.—A ratepayer came to the council for 1906 and wanted to run a drain down the side of the road to drain his land and also the road. The council for 1906 offered to buy a 5-inch tile drain down the road far enough to allow an outlet for drain. The ratepayer agreed to draw tile and put them in properly. When he put in tile they just reached to a farmer's culvert for ingress and egress to his buildings from highway. After a rain the tile did not empty out properly. The tile should have been run maybe two feet farther down the ditch and under the bottom of culvert. Should we find the farmer a new culvert in the shape of a sewer pipe if his culvert were taken up and the 5-inch tile laid under bottom of culvert and then the culvert put back again. What if the culvert was rotten and would not stand replacing?

2. A farmer has a level crossing out on to the public highway, never having to do anything to side of road to allow him to go in and out from his farm; it has been so for fifty years. The council now want to make a ditch along in front of his place on the road. Will the council have to find the farmer a culvert to cover the ditch on the side of the road they intend to make, or will the farmer have to find a culvert?

1. If, in constructing the ditch along the highway, the council caused injury to the ratepayer's approach to his premises, he is entitled to compensation for the damages he has sustained, as provided by section 437 of The Consolidated Municipal Act, 1903, and if he makes the claim within one year after the injury was done him. The council is not bound to repair the old culvert or build a new one, but this course is usually the cheapest and easiest way out of a difficulty of this kind.

2. The owner of the premises adjoining the highway in the locality of the proposed ditch will be entitled to compensation for the injury done his premises by the construction of this drain, under the authority mentioned in our reply to question No. 1. As the amount of this compensation would probably be regulated by what it would cost the owner to construct such an approach to his land, as he requires, we would advise the council to build it for him.

Goods Under Chattel Mortgage May be Seized for Taxes.

578—A. H.—May household effects on which there is a chattel mortgage be distrained and sold for taxes?

Yes. Clause (b) of paragraph 4 of sub-section 1 of section 103 of The Assessment Act, 1904, authorizes the seizure and sale for taxes of "any goods and chattels on the land, where title to such goods and chattels is claimed by purchase, gift, transfer or assignment from the person taxed or from such owner, whether absolute or in trust, or by way of mortgage or otherwise."

Removal of Obstructions from Highway.

579—G. W.—Some fishermen have their shanties on the roadway on the town line between the townships of G. S. and C. S. In fact they have one right in centre of the road at the beach so you cannot get down to the water's edge.

Now what we would like to know is, what rights and privileges fishermen have along the lake front, and has the council power to compel them to remove their shanties from the roadway, as complaints have been made that they are a nuisance?

We do not think the fishermen have any right to erect and keep any buildings upon the public highway. The adjoining townships have joint jurisdiction over this road, and should each pass by-laws providing for the removal of the buildings, under the authority of sub-section 3 of section 557 of The Consolidated Municipal Act, 1903. If the buildings have been placed on the highway by the fishermen themselves, who are now using the buildings, the by-law may provide for their removal at the expense of the owners, as mentioned in sub-section 4 of the above section.

Correction of Mistakes in Voters' List.

580—G. S.—When a printer leaves off or makes a mistake in a name in the printed voters' list, has the printer or clerk the power to correct the list before it has been sent out? See section 8 of the Voters' Lists Act and the clerk's certificate that it is a correct list, Form 2, or can such only be corrected by the judge?

The municipal clerk or printer, under his direction, may make any correction in the voters' list that may be necessary, before the clerk has posted up a copy of the list in his office as required by sub-section 1 of section 9 of chapter 4 of The Ontario Statutes, 1907, and transmitted the copies to the persons in that section named. After the clerk has performed this duty, the Judge, on appeal made to him for the purpose, is alone authorized to make any such correction.

Authority of Council to Issue Debentures.

581—T. A.—Our council decided to build two small bridges at a certain estimated cost. We struck the rate at our last meeting to cover the expenditure. On account of getting a poor foundation the expenditure has greatly exceeded the estimate. What is the proper way to meet the situation? Could we issue two small debentures coming due say 1908 and 1910, as we have some other debentures running out shortly. I think this would answer.

We are of opinion that the council has no authority to issue two debentures to secure payment of this expenditure, as such a proceeding would contravene the provisions of section 389 of The Consolidated Municipal Act, 1903. If there is still time to insert it in the collector's roll, and the making of an additional levy would not be a transgression of the provisions of the latter part of sub-section 1 of section 402 of the Act, the council may pass a supplementary by-law for the levy of the additional sum required, under the authority of section 405 of the Act. We would also direct attention to the provisions of sections 406 and 407 of the Act, but we have not sufficient particulars to enable us to say whether either of these sections could be made available in this instance.

Time for Meeting of Selectors of Jurors.

582—J. M.—I am reeve of the township of P., and I have given notice to our clerk and assessor to meet with me on the 10th of September to make out the jury roll. Since then I have some doubts in my mind if it is the proper day according to statute. Will you kindly let me know if I am correct in the day, or what is the lawful day, as I thought it might be changed.

The day mentioned is not the proper date for holding the meeting of the reeve, clerk and assessor for the purpose of selecting jurors. Section 18 of chapter 61, R. S. O., 1897 (The Jurors' Act) provides that the selectors named in section 17 of the Act shall assemble annually on the 10th DAY OF OCTOBER for this purpose, or if that day be a Sunday or a statutory holiday, then on the first day thereafter not being a holiday.

An Unenforceable Drainage Agreement.

583—A. W. McD.—Last year a number of the ratepayers of the township wished to have a drain or small stream which ran across their farms opened out. The council met said parties and an

agreement was signed by all to have the drain completed by September, 1906. All parties fulfilled the agreement but one, who owned farm lying second last, i. e., where the stream finds an outlet. The parties do not object to opening his part according to agreement, but although notified by the council different times, failed to have the work done. The stream and land above filling in, and the land not properly drained. I may say the agreement was simply signed and held by the reeve. What steps should we take to have the stream opened out through his property? Can the council hire the work done and charge the same against the property?

We gather from the statement of the facts that the agreement for the construction of the drain was not entered into as the result of proceedings instituted and taken under the provisions of The Ditches and Watercourses Act (R. S. O., 1897, chapter 285), but was in every way an informal affair.

If this is so, an owner refusing to construct his portion of the drain cannot be compelled to do so, nor can the agreement be enforced, as provided in the above Act. Even if proceedings leading up to the making of the agreement had been taken under the Act, we do not think it can now be enforced, as, instead of its having been filed with the clerk of the municipality within six days after it was signed, as required by section 9 of the Act, it was retained in the possession of the reeve. We are therefore of opinion that proceedings under the Act should be instituted anew, if the owners to be benefited are desirous of having the drainage work completed, so that the rights and interests of all parties concerned can be properly adjusted and protected by a formal agreement made, signed and filed, as required by the Act, or, in case the parties fail to agree, by an award to be made by a competent engineer.

Proceedings to Obtain Drainage of Private Lands.

584—J. B. S.—In order to drain his farm property J needs a good ditch along the road C F and F H, and this ditch drains into the ward ditch A B. There is a ditch along the road F E, along the farm, but it did not quite answer the purpose, so J has deepened the ditch along his farm and put the earth on the road F E, thus improving the road.

J proposes to deepen the ditch along the road F H so that the water of part of the farm may be taken away to the ward ditch A B. The road F H is gravelled; there is no culvert from 1 to ward ditch D C, and in deepening the ditch along his farm J will have to put the earth taken from the ditch on the road F H, and intends to make the road good.

The pathmaster of that section forbids J, in front of several witnesses, to make his ditch along the road, stating that his farm was well enough drained without that ditch being deepened any more.

1. Has J the right to make a ditch along the road alongside his farm without asking the council or pathmaster for it?

2. Can the pathmaster prevent J from making his ditch, and if J makes the ditch and puts the ground on the road, making the road good, can the council or the pathmaster cause a damage to J for such work?

3. What is the best thing for J to do?

1. Neither J nor any one else has any authority to dig a drain on the highway for the purpose of draining private property, nor should the council or its pathmaster allow any individual owner to do so.

2. The council, through its pathmaster, can and should forbid the making of a drain by J on the highway for private purposes, and if, in spite of their notice to the contrary, J persists in constructing the drain, he can be compelled to make good the injury he has thereby occasioned the highway.

3. J should institute proceedings, under the provisions of The Ditches and Watercourses Act (R. S. O., 1897, chapter 285) with a view to having a proper drain constructed in this locality, and the award of the engineer, made as a result of the taking of such proceedings should properly adjust the rights and liabilities of all owners interested, including the municipal corporation, as owner of the road affected by the proceedings.

Assessment of Nursery.

585—D. T.—The assessment referred to is for school purposes. You state that the land used for nursery purposes must be assessed at its actual value. Now the land on which my nursery is grown is worth about \$25 per acre. Is that the amount I would have to pay taxes on?

They claim around here that I have got to pay taxes on the land and on the trees, to the full value of both. Now is this right?

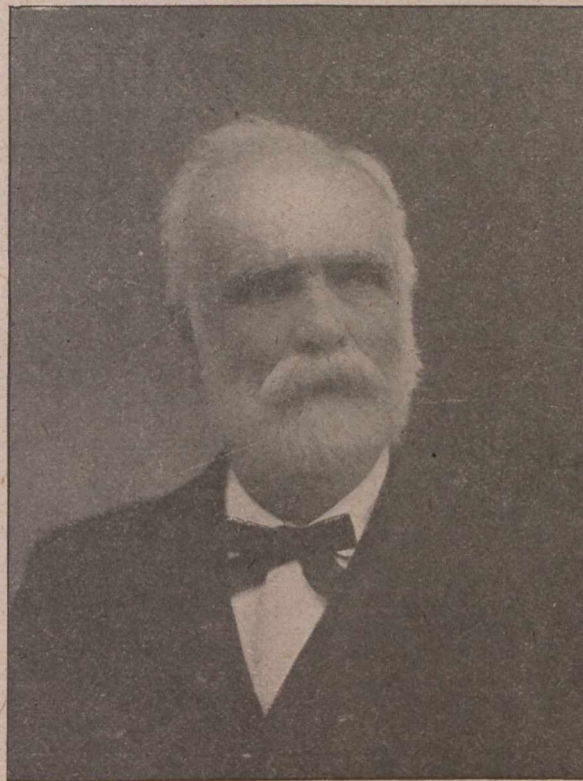
This land is not in a municipality. Is the law in this case the same outside a municipality as it is in it?

The principles of assessment embodied in The Assessment Act, 1904, and subsequent amendments, apply as well to the assessment of property for school purposes in unorganized territory as for municipal and school purposes in organized municipalities. By clause (b) of paragraph 7 of the above Act the word "land" wherever it occurs in the Act is made to include "all TREES and underwood growing upon land." Therefore, this property should be assessed at the actual value of the so with the trees growing thereon, and on the amount of the assessment thus made taxes should be levied by the school trustees and paid by the owner.

Authority of Chairman of Board of Works.

586—J. N. H.—Has the chairman of board of works power to

(Municipal Officers of Ontario)



(By courtesy of the Woodstock Express)

JAMES WHITE

RETIRING CLERK, COUNTY OF OXFORD, WHO HAS RESIGNED AFTER TWENTY-SEVEN YEARS' SERVICE.

MR. JAMES WHITE, after an official connection with Oxford County for over twenty-seven years, has tendered his resignation. Mr. WHITE's action has been taken on account of ill-health, from which he has been suffering for some time past. At present, however, he is steadily improving and is expected to be out again shortly. Mr. WHITE succeeded his father, the late DAVID WHITE, in office, receiving his appointment in 1880. He is a druggist by profession, and for a number of years conducted a large drug business at the corner of Light and Dundas streets, while attending to his official duties. Some years ago he retired from active business life, and devoted his entire time to the interests of the county.

The Woodstock *Sentinel-Review* pays the following tribute to Mr. WHITE's worth: "Punctuality and fidelity were not the only or the chief characteristics of his service. His extensive knowledge of municipal history and procedure was always at the disposal of those who needed it. He was a regular storehouse of information on all debatable points. Men might come and men might go, representatives and systems of representation might change; but the county clerk remained to give continuity to the work of successions of councils, and to assist in keeping the machinery of government moving smoothly. He preserved his head and his temper under all conditions; was always approachable, willing and helpful."

spend under \$50 without consulting his committee? Our chairman put on the road \$8 to \$10 worth of gravel, and we do not think it should have been put down, and want, if possible, to make him pay for it.

Unless there is some standing authority under a by-law or resolution of the council authorizing him to do so, the chairman of the board of works has no power to expend any part of the moneys of the municipality on the roads or otherwise, unless he has been duly given such power by the council, or, if the council has delegated such authority to a committee, by the members of the committee.

Adding Percentage to Unpaid Taxes—School Trustees or Councils Cannot Raise Money to Provide Surpluses—Diversions of Water by Town for Waterworks Purposes.

587.—T. B.—1. Can a municipal council of a township add a percentage to all taxes unpaid by December 13 in any year?

2. If so, will it be necessary to pass by-law for the same?

3. What clauses in statutes provide for above if it can be done?

4. Whose duty is it to add the percentage? Is it the treasurer's?

(Municipal Officers of Ontario.)

5. Can the trustees of a school section levy more money than they require for the actual expenses of the year in order that they may have a surplus in hand to meet next year's expenses?

6. Can a municipality levy more taxes than are required to meet the current year's expenses?

The town of N. has constructed a system of waterworks for a supply of water. They have diverted certain running waters into their artificial reservoir with the result that a number of farm properties have their water supply diminished thereby to such an extent that they have no water for their stock, etc. On account of said waterworks the creeks are being dried up. No compensation was given.

7. Is it lawful for the town to thus divert water?

8. Have the farmers recourse for the damages sustained by loss of water?

9. How should those deprived of their water supply proceed? Above stream is spring creek.

1. Yes.

2. Yes.

3. Sub-sections 2 to 5 inclusive of section 102 of The Assessment Act, 1904.

4. That of the collector.

5. No.

6. No.

7. Yes. See section 4 of The Municipal Waterworks Act (R. S. O., 1897, chapter 235) and sections 564 and 565 of The Consolidated Municipal Act, 1903.

8. Yes.

9. Section 6 of The Municipal Waterworks Act provides that "in case of any disagreement between the corporation and the owners or occupiers or any other person interested in such lands, or any person having an interest in the said water or the natural flow thereof, or in any such privilege as aforesaid, respecting the amount of purchase or yearly rental or value thereof or as to the damages such appropriation will cause or otherwise, the same shall be decided by arbitration, in accordance with the provisions of The Municipal Act, and as herein provided."



ALD. J. J. GRAHAM, TORONTO

Chairman Legislation and Reception Committee City of Toronto.

Procedure for Construction of Municipal Drain—Payment of Councillor's Fees.

588—J. MCF.—1. Please tell how a person should proceed who wants a municipal drain put in repair which was constructed under authority of a petition, section 3 of The Municipal Drainage Act, R. S. O., 1897, chapter 226.

2. Supposing the engineer's estimate on the drain was \$2,000, and there is \$200 still to the credit of the drain, should the councillors' fees be paid from the drainage scheme or out of the general township funds?

1. If all that is required is the restoration of the drain to the dimensions mentioned in the report of the engineer when the drain was originally constructed, any owner interested may request the council to have the drain put in repair, and the council should proceed as authorized by section 68 of the Act. If the repairs required are of a minor nature, the council should proceed as provided in section 78 of the Act. If any of the alterations mentioned in sections 72, 74 or 75 of the Act are contemplated, proceedings should be taken under such of these sections as the case requires.

2. Whatever fees the councillors are legally entitled to for services in connection with the drainage scheme, should be paid out of the drainage moneys.

Liability for Repairs to Town Line.

589—T. P. N.—A railroad station is built one mile from this village, and the town line runs direct from the village to the station. The road was in bad need of repair. Our town granted \$100 to improve the town line, and advised me to notify the council across the town line that they were expected to grant an equal amount, as the town line should benefit both municipalities alike. The council across the line has refused to grant anything. Can our council do anything to collect from them, or what steps can be taken to have the town line repaired. Our council already expended their grant of \$100.

This village is built in both municipalities pretty near equally.

We are of opinion that the council which made the grant and expended the money on the boundary line cannot, under the circumstances stated, collect any part of the money expended from the adjoining municipality, nor compel it to make a grant of a similar amount for the repair of the town line. Before expending the money the council should have passed a by-law under the authority of section 623 of The Consolidated Municipal Act, 1903. In case the other councils concerned did not pass a by-law in similar terms for six months after notice of the passing of the first by-law, the matter should have been referred to arbitration as provided in section 624 of the Act. The two municipalities might also have entered into the agreement mentioned in section 625 of the Act.

General School Levy for Teacher of Continuation Class.

590—H. B. B.—In making our township public school general levy of \$300 for each single teacher in a public school, and \$200 for an assistant teacher, I do not find any authority in The School Act to include teachers of continuation classes.

Will you kindly inform me if the teachers in these continuation classes are to be regarded as public school teachers under the public school law and to be provided for in our general township levy on public school supporters?

If continuation classes are established in a rural public school under the authority of section 8 of the Public Schools Act 1901, and amendments, and the employment of another teacher is thus necessitated, the additional teacher so employed must be regarded as a public school teacher, and the general school levy must be made for him either as principal or assistant, as the case may be.

By-Law Exempting from Local Improvement Rates.

591—N. W. B.—1. Re inquiry No. 459, on page 168 of your July, 1907 issue, question No. 4, I do not fully understand your answer. Does the law make it obligatory for the council to pass the by-law therein mentioned, if persons who would be entitled to the exemp-

tion do not notify the council, as required by sub-section 3, of section 39 of The Assessment Act.

2. Can the council legally pass said by-law if said persons do not so notify?

1. Where the lands mentioned in sub-section 1 of section 39 are not benefited to as great an extent by the expenditure of moneys for and on account of public improvement of the character mentioned in sub-section 2, it is obligatory on the council to pass the by-law referred to, whether persons claiming the exemption notify the council as provided in sub-section 3 or not.

2. Yes.

Division of Interest in Public Hall Between Village and Township Municipality.

592—M. L.—In our township is a village which was incorporated; it formed a part of our municipality. In this village is the Town Hall, which was erected long before the village was incorporated, and is still used by both municipalities. At the time the village was incorporated it was agreed between the two municipalities that the township part of the hall be 78 per cent and the village be 22 per cent. The maintenance and all expense of the hall is paid for by each paying for their portion as stated before, the township paying the larger portion, and the village gets more use of it than the township. The hall needs some repairs, but our township council will do nothing, as they have the larger share to pay. The township council wishes to either buy the village portion or sell their portion to the village. The village council will do nothing, as they are far better off the way it is now. The township council would by all means rather sell their share and get out, as the hall is larger than they require.

1. What is the proper course for the township to follow, to force a settlement whereby one would buy the other's share?

From the statement of the facts we gather that the hall was by the agreement between the township and village municipalities, to be maintained for all time to come by the two municipalities in the proportion of 78 to 22 respectively. If this is so the village can compel the township to carry out the agreement and pay 78 per cent of whatever repairs to the hall are necessary. Unless the agreement contains a provision to that effect, neither municipality can compel the other to purchase its share or interest in the hall.

Method of and Time for Filing Appeals Against Voters' Lists.

593—H. T. P.—1. An appellant sends in a number of appeals against the voters' list by mail, registered. Is it legal to do so? Can they be entertained, as the Act absolutely says they shall be given to the clerk or left at his residence? Would a judge be justified in throwing them out?

2. A list is hung up on the morning of a certain day, should the 30-day limit include that day, that is, to appeal against the list?

1. The sending of the list of appeals against the voters' list in the manner mentioned is not a compliance with the provisions of sub-section 1 of section 15 of chapter 1 of The Ontario Statutes, 1907. But, if although sent in this way they reach the hands of the clerk within the time mentioned in the above sub-section, he cannot ignore them, but should consider them as filed, and see that they are presented to the Judge for his consideration. We do not think the Judge could or would refuse to hear appeals filed in the way mentioned, simply because they were forwarded to the clerk by registered letter.

2. The day of posting up the list is excluded. The general rule for the computation of time fixed by statute is, to hold the first day excluded, and the last day included, unless there is something in the statute to the contrary.

Proportionate Levy of General School Rate.

594—J. K.—The trustees of a certain public school in this municipality did not hire a teacher until the first of March, conse-

quently the school was closed the first two months of 1907. The teacher took the usual summer and other holidays.

1. How much of the \$300 township grant is that school entitled to?

2. Under the Act is that school entitled to \$150, \$240 or \$250?

My opinion is if a school is not open the whole school year, that school is only entitled to one-half of the township grant?

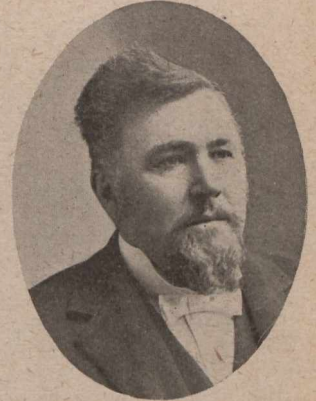
1 and 2. This school was kept open for more than six months of the year, and, in this case, the latter part of sub-section 2 of section 70 of The Public Schools Act, 1901, as enacted by section 19 of chapter 51 of The Ontario Statutes, 1907, provides that a proportionate part of the \$300 shall be levied. We are therefore of opinion that the council should levy five-sixths of \$300 or \$250 for this school.

Respective Powers of Council and Water Commissioners.

595—J. N. H.—Do I understand, after a council has made provision for water commissioners, and they have been elected, is all the power under the Municipal Waterworks Act handed over to the commission and taken out of the hands of the council?

I will give you a case: A petition has been handed to the council here asking an extension of mains. The council is divided as to whether they should deal with it or hand it back to the commission. It seems to me that the council have no power to deal with it, and they are going over the heads of the water commission.

(Municipal Officers of Ontario.)



J. A. LEITCH
Alderman, Brantford.

Please let me know if you think, after the council have named the commissioners, and they have been elected, that the power of running the works and extending the mains rests or is in the hands of the commission, and legally the council have no right to act?

We are of opinion that it is the duty of the water commissioners to look after the extending of water mains as such extension becomes necessary. Sub-sec.

2 of section 40 of The Municipal Waterworks Act (R. S. O., 1897, chapter 225) provides that "upon the election of commissioners all the powers, rights, authorities, or immunities which, under this Act, might have been exercised or enjoyed by the council and the officers of the corporation acting for the corporation, shall and may be exercised by the commissioners and the officers appointed by the commissioners, and the council thenceforth during the continuance of the board of commissioners shall have no authority in respect of such works." If the council is not satisfied with the way the commissioners are discharging their duties, it may pass and submit a by-law to the electors under the authority of section 44 of the Act with a view to getting rid of them.

Cattle May be Restrained from Running at Large in Part of a Municipality.

596—E. H.—Has a township council power to pass a by-law restraining cattle from running at large in one part of the township but permitting them to do so in another part, or must every part of the municipality be treated alike?

We see no legal objection to the passing by the council of a by-law of this kind applicable only to a certain portion of the township described therein.

Appeal Under D. and W. Act—Proceedings for Cleaning Out Drain.

597—G. W.—I appealed against the engineer's award on a Ditch and Watercourse drain. The man that was county judge at

the time I appealed died before he gave his decision, and the man that was appointed judge after the man that died gave his decision against me. This decision was given last May.

1. Can I appeal to the county judge of another county?

2. In this ditch the engineer left a dam when it was first constructed, and when the engineer went over the drain to have it cleaned out, he left the dam out, claiming it was not needed. Can the party at the head of this drain take the dam out and let the water come out of another tap drain down on us without being prosecuted for trespassing and damages.

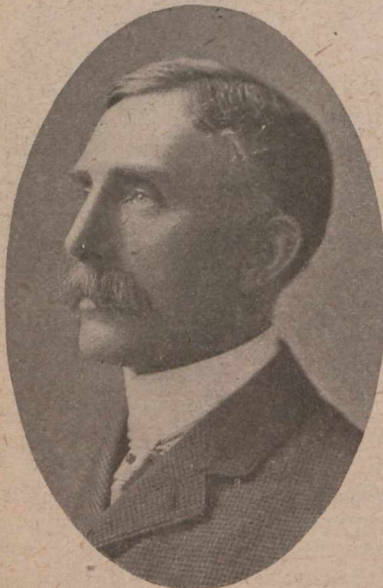
1. No.

2. We cannot gather from the statement of the facts whether the engineer was accomplishing the cleaning out of the drain under the terms of and according to the dimensions mentioned in the original award, or doing so, under a new award, made as a result of proceedings instituted to reconsider the original award. If the former was the case, he must be guided in this matter by the terms of the original award. If a new award was made, we should see a copy of it before replying to this question.

Owner May Plant Trees on Road Allowance—Telephone Company Has No Authority to Remove Shade Trees.

598—D. A. McN.—1. Will you be good enough to let me

(Municipal Officers of Ontario)



S. H. KENT

City Clerk, Hamilton, member Executive Committee Ontario Municipal Association.

answer.

Under the agreement between the trustees and teacher submitted to us, the only absences allowed the teacher without rendering her salary liable to reduction on that account are, under clause 2, holidays and vacations prescribed by the law and regulations. These will be found in section 81 of chapter 294, R. S. O., 1897, and do not include church holy days or festivals. Under clause 3, the days on which the teacher has attended the meetings of Teachers' Associations or Institutes, certified as in this clause mentioned, and under clause 4, in case of sickness, the number of days authorized by statute. Section 38 of the above Act provides that this number shall not exceed four weeks for the entire year. We are therefore of opinion that construing the agreement strictly, the trustees can withhold from the teacher a proportionate part of her salary for the church or holy days on which the school was not kept open, if they did not occur in any of the periods mentioned in clauses 2, 3 or 4

know if an owner whose land is adjoining a road allowance has the legal right to plant shade trees along said road allowance?

2. Has the Bell Telephone Company the right under their charter to remove any shade trees that may be necessary for the construction of their lines?

1. See our reply to question No. 576 in this issue.

2. We do not think so.

Payment of Teacher's Salary.

599—E. Q.—In reference to question No. 497 in the August number of THE MUNICIPAL WORLD, I have been instructed by the board of trustees in question to forward you the agreement in order to get a definite

of the agreement. We may say, however, that if all the supporters of the separate school observed the church or holy days as holidays, and kept their children away from the school, the requiring of the teacher to sit all day in an empty school room would be simply a farce, and that the withholding of any part of her salary by the trustees by reason of her absence on any of these days, would be shabby conduct on the part of the trustees.

Borrowing of Money by Councils for School Purposes.

600—J. S. B.—A gentleman in the Education Department and acting for the Deputy Minister, is quoted as saying "that the School Act requires that the township council shall pay the trustees from time to time such sums as are necessary to meet the teachers' salary, and if there are no funds on hand the council must borrow for the purpose. This is obligatory on the council, and not optional on their part."

My reading of section 435 of the Consolidated Municipal Act 1903, as amended by section 9 of The Municipal Amendment Act 1907, does not appear to make the borrowing of money for current expenses of public schools obligatory on township councils.

1. Is there any, and what section of The Public Schools Act, that makes it obligatory on township councils to do so?

2. Is it legal for school trustees to borrow money for current expenses in their corporate capacity?

3. Some trustees will refuse to have any more money levied for them than will, with general school rate, be sufficient to pay their obligations for 1907, and will try to compel the township council to borrow enough of money for them to pay their teachers quarterly during 1908. Can they succeed?

4. What is the proper way of disposing of the general school rate or levy, that is, hand it over to trustees on the 15th of December or place it to the credit of the several schools to be doled out in 1908 on the order of trustees in favor of teachers?

I mean by general school rates the amounts levied under section 39 (2) (3) of the Act to Amend the Public Schools Act, 1906, and further amended by section 19, sub-section 2 and 3 of the amending Act of 1907.

1. Sub-section 10 of section 70 of The Public Schools Act, 1901, as enacted by section 39 of chapter 53 of The Ontario Statutes, 1906, is still in force, and provides that "all moneys hereby required to be levied and collected and applied to the salaries of teachers shall be paid to the treasurers of the respective public school boards from time to time as may be required by the school trustees." This provision extends only to moneys "required to be levied and collected and applied to teachers' salaries." If a requisition is made by any public school board in any year after the board has received all the money that has been levied and collected for it for this purpose, the council is not obliged to borrow the money for the purpose of paying the amount of the requisition. If there is money to the credit of a school board, which has been levied for the above purpose at the time the requisition is made, and the council has not the required amount on hand, the amendment to section 435 of The Consolidated Municipal Act, 1903, enacted by sub-section 1 of section 9 of chapter 40 of the Ontario Statutes 1907, empowers the council to borrow the money for the purpose. We also call attention to sub-section 4 of section 435 of The Consolidated Municipal Act 1903, which authorizes the council, if it sees fit to do so, to borrow moneys required by the trustees of any public school, to the extent of the estimates submitted for the year, under the provisions of The Public Schools Act 1901.

2. Yes, under the authority of sub-section 10 of section 65 of The Public Schools Act 1901.

3. No, for the reasons given in our reply to question No. 1.

4. All the words in sub-section 1 of section 71 of The Public Schools Act 1901 after the word "expense," were struck out by section 40 of chapter 53 of the Ontario Statutes 1906. Therefore under the authority of this sub-section and of sub-section 10 of section 70 of the Act (as enacted by section 39 of chapter 53 of the Ontario

Statutes 1906) the council is not bound to pay over school moneys collected to the secretary-treasurer of a school section before the 15th December in each year, but should pay them out from time to time as is required by the board of directors.

Township Cannot Take Advantage of Act for Improvement of Highways.

601—HARDHAMMER—As you are aware, over a year ago the Government passed an Act appropriating \$1,000,000 to encourage the making of good roads, promising under certain conditions to pay one-third of the cost of making them. About last spring it was reported, and I think correctly, that the Government, thinking it was too good a snap for the townships, annulled the Act, giving such a promise later on. Parties, I do not know that they were official, stated to our reeve that the Government would in honor carry out the promise to townships for this year who had done or were doing, or who were going to do work under the good roads promise. Please let me know whether the promise to assist was annulled *in toto* from the date of annulling, or is the report correct that they will in honor stand to said promise for work done or which may be done during this summer on roads specified last year, and at what date has this, or will the annulling take effect? To go back on such a promise is not or would not be honorable, but corporations have no souls, and too frequently not too much honor.

The original Act for the Improvement of Public Highways was chapter 32 of The Ontario Statutes, 1901. Section 4 of the Act enabled townships to take advantage of its provisions, under the conditions in that section mentioned. This section, and subsequent amendments thereto, were repealed by section 3 of chapter 27 of The Ontario Statutes, 1905. Section 13 of chapter 16 of The Ontario Statutes, 1907, repeals chapter 32 and all subsequent amendments thereto *in toto* and the new Act (chapter 16, 1907) contains no provision enabling township municipalities to take advantage of its provisions. No promise to do anything that the Act does not authorize would be binding on the Government.

Responsibility for Accident on Government Tow Path—Disposition of Surplus Drainage Money.

602—J. F.—1. Through the township of W a canal runs, and the municipality has been using the tow-path for a road, and performing statute labor for a number of years on it. In case the path-master neglects his duty and lets the said tow-path get full of ruts and a resident of the township breaks his rig on it while driving along it, can he compel the municipality to pay him for damages?

The tow-path and canal are government owned, and used by the municipality only for convenience. It was not an original road allowance.

2. About seven years ago a drainage work was repaired on report of the engineer, and was done below the estimate, but the full amount that the published by-laws called for has been paid up for over two years. The auditors have reported everything all right every year, and their report was adopted. Now a ratepayer on said drain wants the present council to go back over the past seven years' work and find if there is not a rebate coming on that ditch. Can he compel them to do so? What steps should be taken to recover? Would the present council, not having had anything to do with the expenditure, be compelled to spend their time in hunting up this old matter?

1. As we understand the statement of the facts, the tow-path is Government property, and was never intended to be used by the general public as a highway. This being the case, we do not think the township has any jurisdiction over it, nor has the council any authority to cause any statute labor to be performed thereon. If any person sees fit to use this tow-path for purposes of general travel, he must do so at his own risk, and cannot hold the municipality responsible for any accident that may happen him as a result of its being out of repair.

2. Under the circumstances stated, we are of opinion that the council cannot be compelled to have a special audit made to ascertain the state of this account, at the simple request of an individual ratepayer. If the ratepayer desires the account verified he can employ some competent person to do the work at his expense, or pro-

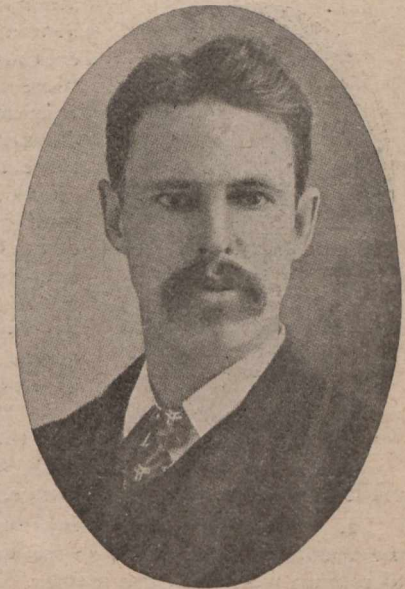
ceed as provided in section 9 of chapter 228, R. S. O., 1897. If, as a result of a special audit, it is found that there is a sum in the hands of the treasurer of the municipality to the credit of the drain, owners originally assessed cannot recover any part of the tax they have already paid the township, but the surplus should be applied as provided in sub-section 3 of section 66 of The Municipal Drainage Act (R. S. O., 1897, chapter 226).

Effect of Delayed Collection of Drain Tax.

603—F. C.—The council is notified in the year 1904 to repair a drain constructed under The Municipal Drainage Act known as "Tamarac Swamp" drain. The council appointed an overseer to have the drain repaired, and the cost to be charged to said drainage works. The drain was cleaned out and cost of work placed on the roll that year. It was then thought advisable to have a rock bar removed to further improve the drain. The council was asked to advance the sum of \$80 for that purpose, the same to be placed on the roll of 1905, with 5 per cent interest added thereto. The council paid for the work, but through an oversight it was not placed on the roll of 1905 or 1906. Some of the then owners have sold out to present owners, who would most likely object to paying, they not knowing that there was any back taxes on the land for drainage.

We are of opinion that the council cannot enforce payment of this amount now by the owners assessed for the original construction of the drain. Its only remedy is to endeavor to induce the owners interested to pay their respective portions of the amount voluntarily. It may seem unfair that the municipality should lose this amount, but it would also be unfair to require purchasers without knowledge of the liability, to pay their respective shares, when the negligence of the council or its officers prevented their ascertaining that it existed, before paying over their purchase money.

(Municipal Officers of Ontario)



W. H. BOYS
Barrister, of Barrie, Warden of the County of Simcoe.

Enforcing Payment of Taxes by Seizure.

604—A. J. M.—A and B are assessed for a property, A as the owner and B as tenant, for the year 1906. When the collector made his call in the early part of December he left notice for the payment of taxes with B, who had removed from the property and assessed to himself and A, B did not pay taxes at the time, and asked the collector to wait. Time passed and the collector advised A that the taxes were not paid. A refused to pay. B was tenant on another parcel (taxes on same were paid by him), and the two parcels as well as the two on roll extended opposite B's name. Can the collector distrain on B's chattels for taxes on parcel owned by A (the whole being within the township), and in the event of not being able to get the taxes from B, can collector return taxes against land or distrain A's chattels?

As both A's and B's names appear upon the collector's roll, one as owner and the other as tenant of the premises in respect of which these taxes are payable, we are of opinion that the collector can distrain the goods of either A or B, or both of them if necessary, wherever found within the county in which the local municipality lies, in order to realize the amount. (See clause 1 of sub-

section 1 of section 103 of The Assessment Act, 1904), provided the collector's roll has not yet been returned.

Possession of Original Road Allowance—Establishing Line of Road.

605—P. S. E.—A owns land, across the corner of which is a forced road. He has had the concession fenced in opposite his land in lieu of the forced road. B owns land farther west on said concession, and he has the consent of the council to open said concession to the corner of his lot (which is a wild pasture lot with no one living thereon), it having no other outlet.

1. Can B proceed to throw down A's fence, leaving A's premises open, without first notifying him, and is he liable for damages for so doing, as the road has not yet been improved or traveled?

2. As none of the parties are certain as to the proper boundaries of said concession line, by whom should it be established, A, B, or the council?

1. This appears to be a case within the purview of section 642 of The Consolidated Municipal Act, 1903. This section provides that "in case a person is in possession of any part of a government allowance for road, laid out immediately adjoining his lot and enclosed by a lawful fence, and which has not been opened for public use

(Municipal Officers of Ontario)

by reason of another road being used in lieu thereof, or in possession of any government allowance for road parallel or near to which a road has been established by law, in lieu thereof, such person shall, *as against any private person*, be deemed legally possessed thereof, until a by-law for opening such allowance for road has been passed by the council having jurisdiction over the same." Section 643 of the Act provides "No such by-law shall be passed until notice in writing has been given to the person in possession at least eight days before the meeting of the council, that an application will be made for opening such allowance."



COL. A. E. BELCHER
Mayor Town of Southampton.

made for opening such allowance."

2. It does not appear that the general public requires the opening of this road, so we would advise the council to remain passive in the matter. The dispute seems to be between A and B as private individuals, and if the establishing of the concession line is necessary to settle it, they should have this done themselves.

Performance of Statute Labor in Police Village.

606—R. J. H.—1. In our municipality is a portion of an incorporated police village. I notice my predecessor has not charged any statute labor against the ratepayers of said village living within our municipality. Is this correct, there being no by-law commuting statute labor within the municipality?

2. If not, which should have the benefit of any monies derived therefrom, the police village or the municipality?

1. If statute labor has not been commuted within the limits of the police village, the owners of property therein should perform statute labor in the same manner as the other ratepayers of the township municipality, according to the ratio of statute labor in vogue therein. If any ratepayer in the police village does not perform his statute labor, he should be returned by the pathmaster to the clerk as a defaulter, and the clerk should enter the amount of the commutation against the lands of the defaulter on the collector's roll for the year in which the return was made, or the following year, as provided in sub-section 1 of section 15 of chapter 25 of The Ontario Statutes, 1904.

2. The commutation moneys should be paid to the

township treasurer with the other taxes, to be expended in the road division in which the land in respect of which they are paid lie, the year following that in which they have been paid, as provided in sub section 2 of section 15 of the above Act.

Costs of Commitments of Lunatics to Asylums.

607—T. F. W.—In the August number of the WORLD, a question, No. 512, was asked in regard to the liability of this council to charges for commitment of insane persons to the asylum. The council acted on your reply, and then received a letter from lawyers in S demanding payment of the account. The council has requested me to again ask you which is correct, the S lawyers or the WORLD. The council had no knowledge of what had been done until P. D. M. presented his bill for payment. They did not authorize any action in the matter.

From the statement of the facts this does not appear to be the case within the purview of section 11 of chapter 317, R. S. O., 1897, and we are therefore of opinion that the council is not liable for the payment of this account. The physicians should look to the mother of the girl, or whoever is liable for her support and maintenance, since they are apparently financially able to pay the bill. The fact that the inspector of asylums has approved of the account does not fix liability for its payment on the municipality.

Assessment of Corner Lot for Construction of Local Improvement.

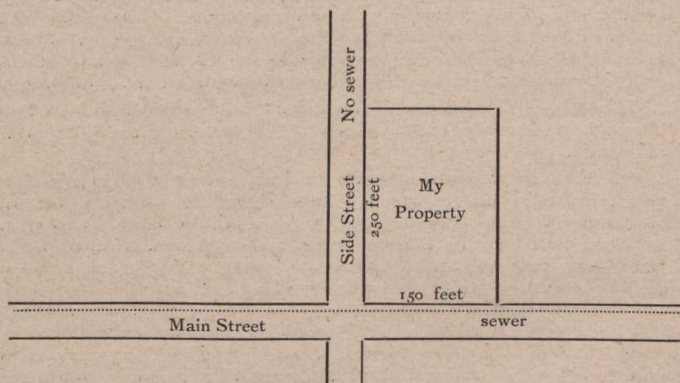
608—S. C. W.—Last fall the town put in sewerage here, and some time ago the council gave the ratepayers a statement of their assessment for same.

On the street on which I live and have my house and lot, the latter 130 feet front, is a sewer.

On the side street is no sewer, but they charged me 150 feet on this, my lot being, as you may see on diagram, on a corner, and 130 feet front by 250 feet deep.

I did not appeal to the council about it, but my neighbor did, but received no satisfaction. What I wish to know is can they tax me more for it than they are for the one with the sewer; or what can I do in the matter, or need I pay it.

The council has not yet passed a resolution confirming assessment.



The Assessment for local improvements of property located as this is, should be regulated by by-law of the council, passed under the authority of sub-section 4 of section 663 of The Consolidated Municipal Act, 1903. It is not stated whether such a by-law has been passed by this council or not. In any event, we do not see upon what principle any frontage on the side street could be assessed for the construction. The owner should have appealed to the Court of Revision, and if dissatisfied with its decision, to the County Judge. Since he neglected to do this we do not see that he has any redress. Sub-section 7 of section 671 of the above Act provides that "the statement referred to in the two preceding subsections, unless so far as the same is altered or varied by the Court of Revision or the County Judge, upon appeal, shall be final and conclusive as to all matters therein contained."

Compulsory Removal of Fences Causing Accumulation of Snow.

609—E. J. M.—A has a log fence running north and south along the west side of a concession wood. In winter time the snow fills the road on account of that high fence, and the fence on the east side of the road as well. This makes it harder driving in winter time. Usually A takes down his fence when the snow falls in early winter. Suppose A does not want to take down his fence for the winter :

(1) Has the Pathmaster the right to order A to take down his fence, and has A to abide by the order ?

(2) If A does not want to take his fence down, can the Pathmaster cause the fence to be taken down, so long as he makes the fence good in the spring ?

(3) Can the council cause A to put down his fence without paying him ?

1. No.

2. No.

3. No, but the council of the township may, by by-law passed under the authority of sub-section 2 of section 545 of The Consolidated Municipal Act, 1903, settle the height and description of lawful fences, and regulate and settle the height, description and manner of maintaining, keeping up and LAYING DOWN fences along highways, or any part or parts thereof, and may make compensation for the increased expenses, if any, to persons required so to maintain, keep up or LAY DOWN such last mentioned fences or any part thereof. As to the compulsory removal of fences causing accumulations of snow see the provisions of An Act Respecting Snow Fences. (R.S.O., 1897, chapter 240).

Regulation of Erection of Poles, etc., by Telephone and Telegraph Companies.

610—W. M. S.—The Municipal Amendment Act, chapter 34, 6 Ed VII., section 20, states that township councils may pass by-laws for permitting and regulating the erection and maintenance of telegraph and telephone poles, etc., etc.

1. Under this section may council pass a by-law, general in its terms, setting forth that permission to erect poles, etc. must first be obtained from the council ?

2. Regulating the distance of poles from highways ?

3. As to keeping the highways clear of fallen poles and wires ?

4. As to the right of the council to grant like privileges to any person or persons at any time ?

5. Should the by-law be specific granting certain privileges to one party but including points as noted.

1. We think a provision of this kind in any general by-law would be superfluous, as a telegraph or telephone company has no authority to erect poles, etc., on a highway in the municipality until it has first obtained the permission of its council to do so, except in cases of companies whose charters grant them this permission, as for example : The Bell Telephone Co. and Great Northwestern Telegraph Co.

2, 3 and 4. We are of opinion that it would not be wise to insert these provisions in a general by-law.

5. The circumstances and conditions are apt to vary to such an extent that we think the council should pass a special by-law in each instance where application is made to it by a telegraph or telephone company to erect its poles, etc., on a highway.

The Oxford county council will co-operate with the councils of Waterloo, Brant and Elgin in the matter of the proposed establishment of a consumptive sanitarium. The county council at its special session appointed a committee to meet with representatives from the counties named. Most of the members expressed themselves as strongly in favor of the erection by the three counties of sanitarium where patients could be treated in the incipient stages nearer than Gravenhurst.

ASSESSMENT FOR SCHOOL PURPOSES

Following is the text of a judgment given recently by His Honor Judge FINKLE, in the matter of an appeal against the decision of the Court of Revision of the township of West Zorra, relating to certain assessments for school purposes :

"In pursuance of appointment issued by me on the 7th of January and forwarded to the clerk of West Zorra, I proceeded with the taking of the evidence as to whether the assessment on the lands was correct or not as to amount and as to how same was made.

"It was shown by the owners that prior to the assessment of 1906, the owners were assessed prior to the assessment appealed against in the school section in which the respective parties reside and which it is argued was correct.

"Appellants contended that such lots could only be assessed as stated above, and referred to 16 Vic., chapter 185, section 16.

"The township submitted that this Act was repealed by 37 Vic., chapter 28, section 191—that section 33 of 22 Victoria was included in the Consolidated Act of 1874, and is section 58 of chap. 37, Victoria 187. (Municipal Officers of Ontario)

"This same section reappears in the consolidation of the Revised Statutes of Ontario for 1877, and is section 106 of chapter 204 R. S. O. 1877, and the part of the section on which appellants rely, namely : 'Every undivided, occupied lot or part of lot shall only be liable to be assessed for school purposes in the school section where the occupant resides,' is omitted, and if that section were still law as contended by the counsel for the appellants they would be entitled to have their assessment struck out of the school section where they did not reside.

"I agree with the argument of counsel for the township, namely, that the law was repealed as contended for by the township, by chapter 49 of 48 Victoria, 1885, and section 120 reenacts the first part of the above section 106, but the latter part of section 106 is omitted, and section 120 of the School Act of 1885 is identical with section 12 of sub-section 2 of the School Act of 1901.

"As above pointed out the clause of the statute on which appellants rely last appeared in the Revised Statutes of 1877 as sub-section 2 of section 106, of chap. 204 and the whole of the statute (chapter 204) was repealed by The Public Schools Act of 1895, 58 Victoria chapter 47, as appears in Schedule 'B' of that part of the Act at page 260.

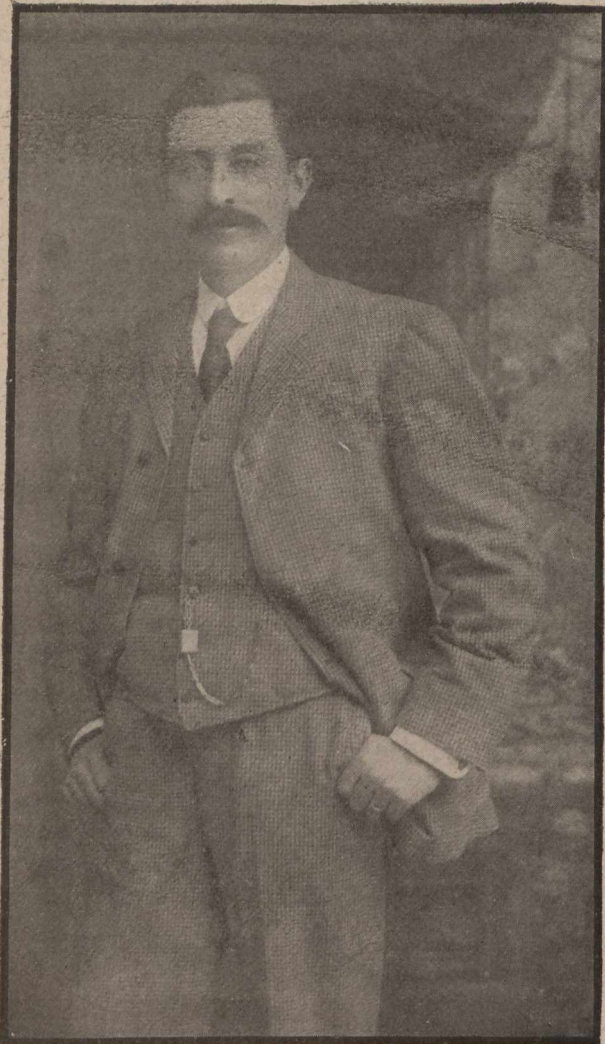
"Appellants were obliged to admit on the argument that the statute originally cited was repealed, and that as the law now stands such property is to be assessed as it has been in this case, but that it can only be by by-law passed under the present law.

"I do not, however, agree with this contention, but do agree with the argument advanced on behalf of the township at the sitting of the court, that the assessment of the land so purchased by the railway should be assessed for school purposes against the railway, and the assessor is to change the assessment in accordance therewith."



H. H. BEAM

Ex-Warden Welland, who presided at session held by delegates representing Counties and Townships.

(Municipal Officers of Ontario)

J. LEWIS THOMAS, C.E.
LONDON AND ST. THOMAS, ONTARIO.

The above photograph is that of Mr. J. LEWIS THOMAS, Civil Engineer and Architect, of London and St. Thomas. In addition to a rapidly increasing and flourishing architectural practice, Mr. THOMAS is also making big strides in the Engineering profession. He has prominently identified himself with the much-talked-of water question in London, Ont., and is a staunch supporter and advocate of "filtration," and goes further, by vigorously pushing for a gravity scheme in preference to a pumping one. It is noteworthy that his ideas are gaining converts rapidly. He is also Engineer for several townships, notably: Stephen, Hay, McGillivray, Bayham, etc. Though a comparatively new addition to the professional circle in Canada, having received his training in England, Mr. THOMAS has come to the front in quick time in this country. He is a man essentially of "development" ideas and believes in a great future before Western Ontario, being a strong supporter of any movement whereby increased means of transit are concerned. He says increased means of transit means increased development, increased population and increased prosperity. He also thinks Western Ontario possesses certain mineral wealth yet unfound.

Plattsville held its civic holiday on August 19th. A commendable feature of the occasion was the devoting of the financial proceeds of the day's sports towards the instalment of a street lighting system in the village.

CITY OR TOWN CLERK?

A few days ago a note appeared in the *Liverpool Post* column which raised the interesting question, "Why is the Liverpool town clerk still known by that title when all his fellow-officials are known by titles—city treasurer, city engineer, and so on—which take cognizance of the fact that the municipality which they serve is a city?"

The same question was raised with regard to the retention of the old name of the town hall, although the descriptive title of the administrative body of corporation has been changed from town council to city council. For the subjoined interesting communication the *Post* is indebted to a correspondent whose knowledge of municipal law and usage entitles his opinion to be regarded as authoritative:

"The chief reason is that a town clerk is a statutory officer. He is appointed, not because the council desires to have one, but because the statute requires that every borough and city shall have a town clerk, and town clerk is the statutory title of his office. He is not known by any other official title in the statutes, whether he acts in a borough or city, and it is as town clerk that numerous Acts of Parliament direct his duties.

"It would not, therefore, be competent for any council, whether town council or city council, to alter his title. Town clerks themselves, far from complaining of any apparent incongruity in their title, rather rejoice in it, because reference to the Acts of the Apostles shows that the office as well as the title existed from the earliest times.

"In fact, there is no public officer, whether mayor, sheriff, or any other, whose office can be traced so far back without a break under the same title as that of town clerk. Therefore, tradition as well as the statutes, supports the continued use of the name."

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