

The Municipal World

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

Vol. 2.

ST. THOMAS, JUNE, 1892.

No. 6.

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NOTICE

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

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Single Copy, 10 cents.
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TOWNSHIP AND VILLAGE COUNCILS.

Six copies when ordered for each member of the council and the clerk, \$5. Additional copies for officers appointed by the council, 50 cents, each.

TOWN, CITY AND COUNTY COUNCILS.

Ten or more copies for members of one council, 75 cents, each; additional copies for officers appointed by the council, 50 cents, each.

CALENDAR FOR JUNE-JULY, 1892.

Legal, Educational, Municipal and Other Appointments.

JUNE.

1. Public and Separate School Boards to appoint representatives on the High School Entrance Examination Board of Examiners.—H. S. Act, section 38 (2).
20. Earliest day upon which statute labor to be performed —In unincorporated Townships, Assessment Act, section 113.
23. Examinations in Oral Reading, Drawing and the Commercial Course in High, Public and Separate Schools begin.
28. High School Entrance Examinations begin.
Public School Leaving Examinations begin.
30. High Schools close, third term.—H. S. Act, section 42.
Public and Separate Schools close.—P. S. Act, section 173 (1); section 173 (2); S. S. Act, section 79 (1).
Semi-Annual Reports of High Schools to Department, due.
Semi-Annual Reports by Public School Trustees to Inspector, due.—P. S. Act, section 40 (13).
Rural Public School Trustees to report average attendance of Pupils to Inspector.—P. S. Act, section 207.
Protestant Separate Schools to transmit to County Inspector, names and attendance, during the last preceeding six months.—S. S. Act, section 12.
Semi-Annual Reports of Separate Schools to Department, due.—S. S. Act, section 28 (18); section 62.
Trustees' Report to Truant Officer, due.—Truancy Act, section 12.
Assessors to settle basis of taxation in Union School Sections.—P. S. Act, section 95 (1).
Last day for completion of duties of Court of Revision, except where Assessment taken between 1st July and 30th September.—Assessment Act, section 64.
Balance of License Fund to be paid to Treasurer of Municipality.—Liquor License Act, section 45.

JULY.

1. All wells to be cleaned out on or before this date.—Section 113, Public Health Act, and section 13 of By-Law, schedule "A."
- Last day for County Council to pass By-Law that nominations of members of Township Councils shall be on last Monday but one in December.—Mun. Act, section 113.
Before or after this date Court of Revision may, in certain cases, remit or reduce taxes.—Assessment Act, section 67.
Last day for revision of Rolls by County Council with a view to equalization.—Assessment Act, section 78.
Last day for County Treasurers to return to Local Clerks amount of arrears due in respect of non-resident lands which have become occupied. — Assessment Act, section 143.
Last day for establishing new High Schools by County Councils.—High School Act, section 8.

✻ NOTICE. ✻

Commencing with the July number, THE MUNICIPAL WORLD will be enlarged by the addition of a colored cover, and a special edition of over 5,000 will be sent out.

Arrangements are being made to extend the circulation to Manitoba, British Columbia and the Eastern Provinces. It is the desire of the publishers to increase the size of the paper until there will be sufficient space each month for all items of interest to municipalities and their officers. Advertisements are solicited from firms doing business with Municipal Corporations and others.

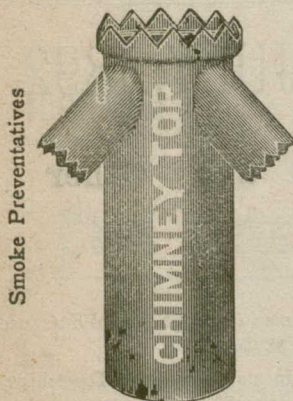
Our advertising rates are low, and will be furnished on application. Those desiring space in the July number, should have their orders in before the 20th June.

ESTABLISHED 1860

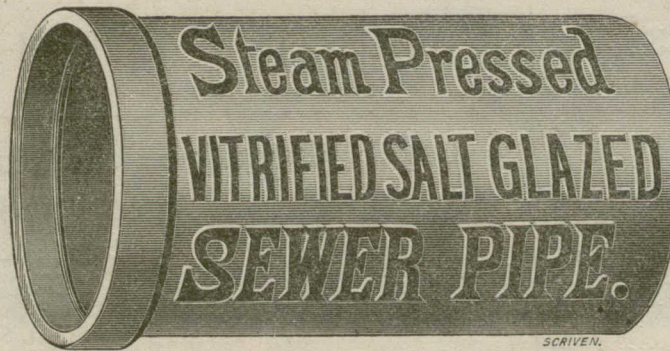
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K. W. McKAY,

Manager, box 749, St. Thomas, Ont

E. A. HUGILL, Travelling Representative.

Communications and advertisements for next issue must be in on or before the 20th of this month.

ST. THOMAS, JUNE 1, 1892.

The county council bill introduced by Mr. Hardy did not pass. It will probably be revised and brought in as a government measure next session. In the meantime cannot some of our experienced municipal officers suggest the best means of reducing the number of members of county councils if such a reform is desirable; nearly every person has a different idea on the subject.

* * *

A town clerk writes that he would like to see a short article written by some experienced clerk on work of a town council, also the order in which the business of the council should be conducted. He says an order of business fixed by statute would be of assistance. Will town and village clerks having rules of order governing the business of their councils, kindly send a copy to THE MUNICIPAL WORLD, and we will in a future issue publish a set of rules of order suitable for all councils in the Province.

* * *

Clerks should not delay returns required to be made to county treasurer by section 141 of Assessment Act. It is very necessary that all errors in description of property as entered in statement received from county treasurer should be corrected and returns made as promptly as possible.

* * *

A treasurer, writing in reference to circular received from the bureau of industries, with blank for return of receipts, disbursements, assets and liabilities for 1891, draws our attention to the item of principal and interest paid on tile drainage debentures. The act, chapter 38 R. S. O., fixes equal annual payment at \$7.36 for each debenture. For debentures issued previous to the year 1887, the annual payment is \$8.00. In order to give particulars required in return, a statement should be prepared showing amount of principal remaining unpaid on each debenture. Tables showing equal annual payments for 20 years for debentures issued previous to 1887 at the rate of 5 per cent., and for those issued since that time 4 per cent., should be prepared. This is not difficult,

as the equal annual payment is given, and the calculation need only be made for number of years debentures have been issued. We would suggest that a statement showing principal and interest paid and payable on each tile drainage debenture be entered in book required to be provided by the council in section 16, chap. 38, R. S. O., for reference in making returns and settlements with borrowers desiring to pay balance of principal due.

* * *

The amendment to section 278 of the Municipal Act, referred to in another column, requiring councils to remunerate clerks for services under the Ditches and Watercourses Act, is one that will be appreciated by all township clerks. The Ditches and Watercourses Act is an important one, and it is very necessary that parties taking advantage of its provisions should receive full information as to their duties and liabilities. This renders it necessary for the clerks to spend considerable time in explaining the different modes of procedure to applicants, and the legislature recognising the fact that this work is constantly increasing, and is in the interests of private individuals, has passed the amendment mentioned. We would suggest that by-laws be passed by township councils fixing the amount to be paid on each award to the clerk, and that the township engineer, in making his award, be required to add the amount to be paid to the clerk as costs in the award to be apportioned in the same way as engineers' costs. This has been done heretofore in a number of townships, and has been found to work satisfactorily, and the parties in whose interests the information is given or work performed should pay the expenses.

* * *

The Bell Telephone Company is being made to pay handsomely in many municipalities for use of the streets for placing the poles on which they string their wires. We notice that Hamilton will receive \$1,500 per year, and Kingston is making a move in the same direction, while Ingersoll has paid the company the sum of \$200 for an all night service. This telephone company has a valuable franchise in Ontario. The poles are, to say the least, unsightly, and while the citizens put up with the appearance on account of the great convenience found in the use of the phone, still we think the rights of municipalities should be considered, and where telephones are required for police stations, fire halls, or fire alarm services, that the question of requiring the company to pay for the privilege of using the streets could be used to advantage. A general move in this direction would no doubt result in legislation regarding the matter at the next session of the legislature, but in the meantime what other municipalities have secured, other municipalities similarly situated are entitled to.

Appeals from Court of Revision.

Any person may appeal to the County Judge against the decision of the Court of Revision or against the omission, neglect or refusal of the court to hear or decide an appeal. Those desiring to appeal must serve a written notice on the clerk of the municipality or assessment commissioner, within five days from the first day of July. The notice is to be of the intention to appeal. Its object is to inform the parties concerned that the person decided against is dissatisfied and intends to avail himself of the right to appeal. If it substantially gives this information, no matter what the form may be, it will be held sufficient. The grounds of appeal need not be stated on the notice, but it should on the face of it in some manner appear that the party is dissatisfied with the decision appealed against. The clerk is required, immediately after the time limited for filing appeals, to forward the list to the judge, who will notify him of the date appointed for the hearing, and if in the opinion of the judge, the appeals appear to involve the calling or examination of witnesses, shall fix the place for holding the court within the municipality from the Court of Revision of which such appeal is made; or at the place nearest thereto where Division Court is held.

The clerk is then required to notify all the parties appealed against, at least six days before the sitting of the court. If the clerk neglects this duty, the judge may direct service of the notices, and adjourn the sitting of the court. In the municipality of Shuniah, the notice of appeal is required to be given within ten days after the first day of August in every year. The clerk of a municipality is required to act as the clerk of the court. The judge may adjourn the hearing from time to time, but all appeals are required to be determined before the first day of August, except in the municipality of Shuniah, where the time is extended to the fifteenth day of September. Exception is also made where cities, towns and villages have passed by-laws for taking assessment between the 1st July and 30th September, in which case the rolls are to be returned on the first day of October and the time for closing the Court of Revision is the 15th of November, and the rolls are required to be finally returned by the judge on the thirty-first day of December.

In counties where by-laws have been passed providing for taking the assessment in towns, townships and villages between the first day of February and the first day of July, the time for closing the Court of Revision is extended to six weeks from the day fixed in the said by-law for the return of the roll, and for final return in case of appeal, twelve weeks from that date. Every decision of the judge is final and conclusive, and the clerk is required to amend the roll accordingly.

Courts of Revision in the Districts, and Appeals Therefrom.

The day for the return of the assessment rolls in districts is required to be fixed by by-law of the council. Any person assessed may appeal against the assessment by giving the clerk, within one month after the time fixed for the return of the roll, a written notice of the ground of his complaint. The council is required within two months after the time fixed for returning the roll to appoint a time and place for hearing said complaints as a Court of Revision. Any person dissatisfied with the decision of the council on any complaint may appeal from the decision of the council to the stipendiary magistrate in the same manner as to the county judge in other municipalities, and the decision of the magistrate shall be final.

Subject to the provisions of section 76 of the Assessment Act which refers to appeals where large amounts or questions of law are involved, appeals in respect of assessment in any municipality in the district of Algoma, and in that part of the district of Thunder Bay not included in the Rainy River district, shall be to the district judge. If, for any reason, the decision of the Court of Revision is not known for six weeks before the time limited for the return of the roll by the judge or stipendiary magistrate, in case of an appeal to him, then the time for the return of the roll is fixed at six weeks from the day when the decision of the Court of Revision is given. Notice of appeal shall in all cases be left with the clerk of the division court for the division in which the municipality is situated, and copies thereof shall also be left with the clerk of the municipality, who are required to perform the same duties in reference thereto as in the case of an appeal to the county judge in other municipalities, and as provided in section 68 and following sections of the Assessment Act.

County Police Magistrates.

An act respecting the appointment of county police magistrates, passed at last session of the legislature, provides that where the county council passes a resolution affirming the expediency of the appointment of a salaried police magistrate or magistrates for the county or part of the county, the Lieutenant-Governor may make the appointment accordingly. The salary to be paid to each magistrate shall not be less than \$600 and travelling expenses. Every magistrate appointed is required to go from place to place within the county or part thereof for which he is appointed, as occasion may arise. Where police magistrates are appointed, justices of the peace will not be allowed to act except in case of illness or absence, or at request of such police magistrate.

The Equalization of Assessment of Union School Sections.

The equalization of union school sections should not be overlooked. Section 95 of the Public Schools Act directs that once in every three years assessors of municipalities in which union school sections are situated shall, after they have completed their assessment, and before the first day of July, meet and determine what proportion of the annual requisition made by the trustees for school purposes shall be levied upon and collected on taxable property of the respective municipalities within which the union school section is formed. Where this has not been done, where three years have expired, or where no changes have taken place in the boundaries of the section, the assessor of municipality in which the school house of the union school section is situated, is required to call a meeting of the assessors of the municipalities interested. If the assessors cannot agree as to the proportion, the inspector in whose district the union school district is situated shall name an arbitrator, who, with the assessors, shall determine the said matter. The decision of the majority shall be final and conclusive for a period of three years.

When the school section is composed of portions of two adjoining counties, then, on disagreement, the inspector of the county in which the school house of the union school section is situated shall name the arbitrator. The assessors, at the request of the inspector or five ratepayers, may re-consider their award within one month after filing the same with the clerk, and may alter or amend the same so far as to correct any omission or error in the terms in which such award is expressed.

It is very necessary that this duty of equalizing the union school sections should be performed, as, through neglect, great injustice is sometimes done to portions of union sections. Different assessors cannot be expected to assess property equally throughout their different municipalities, and the same will apply to the different portions of union school sections.

Where provision for this work was not made in fixing the salary of the assessor, he should be allowed a fair remuneration for the time spent in meeting with other assessors in accordance with the provisions of the act.

* * *

The *Pembroke Standard* says that the appointment of a truant officer for that town has had a good effect and that the average attendance at the schools will be greatly increased by the appointment.

* * *

The H. S. Inspector has refused to allow the government grant to be paid to the Pembroke High school until the board improves the accommodation and library.

CORRESPONDENCE.

Country Roads.

To the Editor of THE MUNICIPAL WORLD:

Many people advocate the abolition of the present system of statute labor. It is much easier to find fault than to furnish a better plan. My remarks are intended more to improve our present system while we have it to work by. One evil is doing all the road work at one time, in the spring, so that there is no work with which to make repairs in the fall; this necessitates grants from the council. The spring of the year is the best time to turnpike but a bad time to put gravel on the roads. If it is a dry summer the gravel often lies all summer without being travelled on until the wet weather comes. I have often seen gravel put on the road in October packed by 1st December as much as what was put on in the spring.

GRADING.

The grading on a large portion of the roads is too narrow; in many places if you come up behind a heavy load you will be compelled to go half a mile before you can get room to drive past. All roadbeds on level land should be made twenty feet wide on top so that two can pass without danger of upsetting; the grades should not be more than one in eight where possible. On embankments and hills the roadway should be not less than sixteen feet wide. All culverts should be sixteen feet or more in length.

DRAINING.

Many deep ditches could be avoided by putting in tiles through deep cuts. Tile are the only means that can be used to give satisfaction in draining. Some advocate putting tile under the centre of roadbed in line with road. It would require to be put at a great depth and filled in all the way to the surface with coarse gravel to make it work. I have known frost to penetrate over four feet under roadbed, where it has been clear of snow during the winter; if frost reach the tile there would be great danger of them working out of position in the spring, but by putting the tile at the sides of the roads, in bottom of ditch, they will drain the road, keep their place and do better work.

When graveling roads, and many teams are at work, there should be one or more men to level the gravel, pick out large stones, put them in the bottom to be covered by the next load. Often the gravel is not properly leveled, but left so you can distinguish each load, which makes it very bad next spring, when the frost is going out.

When grants are given by council towards graveling roads it would be much better if the gravel were not put on until October, in readiness for the fall mud, when it will be immediately travelled on while the gravel is wet. It would improve all roads greatly to harrow and roll the gravel with a weighted roller. In making the Macadam and Telford roads it is rolled with rollers that weigh from three to five tons.

THOS. ROBERTS.

ENGINEERING DEPARTMENT.

A. W. CAMPBELL,

P.L.S., C.E., A.M.C.S., C.E.,

EDITOR.

Municipal Engineering.

In the contemplated improving of a city or town by the grading or paving of its streets the first step to be taken is the preparation and adoption of general plans, in order that as these improvements are made from year to year the several parts shall work harmoniously into the whole.

Before proceeding with the preparation of general plans bench marks should be established throughout the city with reference to some assumed datum line; levels should then be taken extending over the entire limits of the city or town, and from these levels a topographical map be made in order that the engineer may intelligently prepare a grade map or plan for street improvements or a plan for general sewerage system; and all street improvements of a permanent nature should be thereafter made in conformity with the general plan.

In case of sewers, after deciding upon the system to be adopted, whether a separate or combined system, by the aid of the topographical map the proper location of the main and lateral sewers can be decided upon, and no deviations should be made from said plan except for very good reasons.

The question of the method of payment having been settled by the authorities, and the improvement decided upon the first thing I would recommend is the establishment of permanent marks or street monuments of some imperishable material by which to locate the street lines. The particular location of these monuments is not so material so long as a uniformity is observed in locating them with reference to the centre or side lines of the streets.

A good plan is to plant a cast iron post at the intersection of the centre lines of all streets crossing one another. The monuments are quickly and easily set. The points at which they are to be planted having been found they are then driven with a heavy iron maul with wooden faces, care being taken to drive them straight and the monument being kept to the line of each street by glancing over pins which have previously been set on the centre lines. After driving the monument a few inches below the surface, measurements should be taken to the most permanent objects accessible and recorded in a convenient form for quick and easy reference in a book kept for that purpose and designated a "Monument Book."

In recording the references I would recommend an index book, indexing the east and west streets, and starting at the

first street intersecting on the west proceeding easterly, noting the streets in their order to the east end of the street.

Each alternate page is ruled to five columns, leaving the intervening page blank for remarks; the last four columns on the first page are headed respectively, "N. W.," "N. E.," "S. W.," "N. E." and refer to the direction in which the reference to the monument was taken.

Water is the greatest enemy which a roadway has to contend with. Experience has fully demonstrated this fact.

From the construction of the most primitive kind of road to that of the most improved modern pavement that fact should be kept in view and the cardinal principle to be applied to them all is drainage, both surface and sub-drainage.

Whatever may be the particular quality of improvement to be made to a street the first duty of the engineer is to see that proper provisions are made for draining.

Some soils, as those of a gravelly nature, provide in themselves for perfect sub-drainage but those of a retentive nature such as clay, should be thoroughly under-drained by means of tile drains. If sewers have been constructed on the streets to be improved, good outlets for the drains can be had in them; but if not, some other method must be resorted to.

The matter of grades for the gutters of paved streets is another important point to be considered. Sufficient grade should be given them to carry rapidly the surface water to the nearest sewer basin, or other outlet provided for taking care of such water. Generally speaking, the minimum grade should be four inches per hundred feet out, this will depend considerably upon the character of the improvement.

A gutter paved with large, smooth flagstones requires less grade than one paved with some other material offering greater resistance to the flow of water. The proper form of cross sections should also be considered. As in the case of grade of gutter so with the cross section, the greater resistance offered by the surface of the pavement to the flow of the water the greater the crown that should be given to the roadway.

Taking, for example, a street to be paved with cedar blocks, as probably that class of improvement is the most generally adopted in the cities of Canada: the minimum grade then, for the gutters should be four inches per hundred feet, and the crown for a thirty foot roadway seven inches.

Plans and profiles for an improvement should give all needed information. The title should indicate clearly what it is intended to represent. The plan should show width of improvement; grade of face; shed surface; grade of tile drains, sewers, manholes, basins, culverts and all other fixtures; profiles should show profile of surface of ground on centre line, and profile of sidelines should also be placed thereon to indicate the difference between the grade at any particular point and the surface of the adjoining property; and

further the scale should be shown, as it is sometimes inconvenient to pick up a plan from which the scale as well as the measurements, etc., has been omitted. A small table placed in one corner of the plan containing the estimated quantities of the material to be used in the improvements is also of use to those examining the plans, and saves the engineer an endless amount of trouble in answering questions.

Make the plans of a uniform width, as they can then be more conveniently filed in a case prepared for them. A width of fourteen inches will be found convenient; this will give plenty of room for plan, profile, title and other information. Indicate upon the plan all changes and additions, if any, made during construction at the time they are made, as "delays are dangerous," and the alterations are apt to be forgotten after the lapse of a few weeks. Properly label and index all plans so that convenient reference can be had to them. The specifications should be carefully drawn, and, as much as possible, cover every point that is liable to arise during the construction of the work, so that the bill for extras may be reduced to the minimum. They should be full enough to cover every contingency which can be foreseen and yet should be brief, concise and to the point. A verbosity of language should be guarded against, as it leads to confusion and makes the meaning less plain than would a shorter, clearer style. Describe plainly the method of construction, the kind and quality of the material to be used and the method of measuring the work. The specifications, in fact, should indicate in good, plain English just what is intended to be done, and nothing else.

Simcoe.

The House of Industry question was voted down by the Simcoe county council at its last session. The *Examiner* states that this time, as on former occasions, it was largely a case of the towns against the townships. The indigent expenditure of the very largest township seldom exceeds \$100 per annum, or at most \$150; whereas the towns each expend about ten times as much. It is caused by the poor flocking to the towns from the country places, and being cast upon the former for support.

Another resolution that came before the council was to appoint an arbitration for the purpose of forming a Union School Section on the townline between Vespra and Sunnidale, west of Minesing. The Vespra council had, some time ago, appointed a commission for this purpose, and had requested the Sunnidale council to appoint one also, but the latter declined, and hence this appeal to the county council to interfere. The subject was debated at considerable length, and was rejected by the council. The chief reason for its rejection seemed to be that arbitrations were expensive and not always efficient. Medonite's recent experience was of this kind, and there was no disposition on the part of the council to saddle Sunni

* * *

A grant has been made by the County Council of Essex for the purpose of experimenting in raising sugar beet. It is rather an unusual proceeding for a municipal body to experiment in agriculture, but it appears that the county is specially interested in this particular branch.

Roads and Roadmaking.

VI.

Benefit of Good Roads.

Sometimes I hear it charged by thoughtless farmers that the railroads are largely responsible for the existing misfortunes of farm life, and that the freighting of grain and similar products from the immense and fertile farms bordering along railroad lines at low rates, has killed the business of farmers who own smaller and less productive farms, and shut them out of competition. I have also heard the opposite view maintained by other farmers who assert that the railway freights are altogether too high, and that if these were reduced a farmer could ship his produce to distant points and still realize a comfortable profit. The railroad is the best friend a farmer ever had. It has enriched this country beyond a limit that could possibly have been attained before railroads were constructed. Your grandfather used to haul wheat 200 miles in a farm wagon and sell it for thirty-five cents a bushel. His farm had no fence to enclose it; his stock was protected by only a most primitive shed, and everything about his home life was conducted on a miserable and undeveloped scale. If you are living six miles from a railroad on an upland farm with gravelly soil, you cannot expect to raise corn and wheat as cheaply as the farmer who plants his crop in the black loam of the prairie and reaps a thousand acres at every harvest. His farm is, perhaps, close to a railroad station, and the railroad will haul his grain from London to Montreal at twenty cents per hundred pounds, and make a handsome profit by the operation. With that sort of competition you will never grow rich at farming. Don't concern yourself too much about through freights. Look out for local freights and the local cost of transportation right at home in your own country. It costs you more money to haul a ton of produce from your farm to the railroad station than it costs the railroad company to haul the same about 1,500 miles. You are both using the same power. The main difference is in the track. When you are about to buy a steam engine to perform a given service, the manufacturer tells you that you need an engine of say "ten-horse power." Steam tugs, passenger boats, steam pumps, steam locomotives and all kinds of steam engines are rated according to the horse power which they develop. All this came from the old custom of ascertaining the exact amount of work which a horse could do under certain conditions and comparing it with the steam engine. You haul your load to the market with horse power; and if you give your horse power the same chance to work its results to the best advantage you will find that local expenses and home freights will be diminished in a wonderful degree.

Another thing; if you find it unprofitable to raise wheat and oats, try garden

vegetables or dairy farming, raise fruits and berries and sell them at home at the nearest market. The distant farmer, who works the mellow soil, cannot deliver fresh fruits and vegetables, eggs, butter and milk at your country seat as cheaply as you can do it, nor in most cases can he do it at all. Study the capacity of your farm, and see if your soil and other conditions are not adapted to this kind of industry. One thing you must remember, however, it is an indispensable condition to the successful market gardener and dairy farmer that he should deliver his goods in the local market regularly at all seasons of the year, without regard to weather or condition of roads. Wherever a large town is found in which any sort of thrift has been established, there is a demand for the best quality of farm produce. Fresh butter, eggs, vegetables and fruits, if raised close at hand, command a much better price than those brought from a distance and subjected to the trials of railroad freighting, delays and repeated handling. The distant farmer cannot compete with you in these lines, and if your town customers can be made to see that the home supply is reliable and constant, the home farmers will control that market.

Taken in its entirety, this comparatively new industry is found to be in a healthy, prosperous condition. New sections are being developed from year to year that to a certain extent affect the prosperity of some of the older ones, and there is likely to be more or less shifting of trucking centres every few years, all upon advancing lines, however. New and better methods of culture with the future invention of labor-saving machinery must of necessity reduce the cost of production. Better transportation facilities will place the products of these farms in cities and towns more promptly, in better condition and at less cost, while the ever-increasing wealth and population of the cities and towns insure a greatly increased consumption at satisfactory prices for first-class productions.

Of course, you know that the distance of any farm from the nearest market affects its value. If located within a short distance of the town it is worth much more than a farm of the same quality six miles distant. The reason of this is that the farmer nearest the town has many advantages which the more remote farmer has not. He can haul his load to the market in a shorter time and save much labor in marketing his crops. His social advantages are increased and he is possessed of many opportunities which would have been denied him had his farm been located a considerable distance from the town. But you know, also, that nothing shortens distance and saves time to the traveller as improved methods of quickening traffic and the means of transit upon which the traveller relies. It used to be a long week's journey for the Canadian farmer to travel two hundred miles by

wagon to the nearest city, and since the railroad enables him to cover the same distance in five hours he feels that his farm and home are so much nearer to the great centre of trade, and that its value has been enhanced accordingly. If you could drive over the six miles of wagon road between your house and the village in one hour at all times of the year, and haul a full load of farm produce into the bargain, you would feel your farm had been moved considerably nearer the market than it now seems to be, and its value would feel the benefit of that difference. There is no guesswork about this statement. It is a result which always follows the construction of good roads.

The common roads of the country are the veins and arteries through which flow the agricultural productions and the commercial supplies, which are the life blood of the nation to those great ducts of travel and transportation—the railroads of the country.

While our railway system has become the most perfect in the world, the common roads of Ontario have been neglected and are inferior to those of any other civilized country in the world. They are deficient in every necessary qualification that is an attribute to a good road, in direction, in slope, in shape and service, and, most of all, of repair. These deficiencies have resulted from an ignorance of the true principles of roadmaking, and also from the varied systems of roadbuilding in force in the different townships. The principle upon which the several townships have based much of their road legislation is known as the statute labor system of personal service and commutation, which is unsound as a principle, unjust in its operations, wasteful in its practice, and unsatisfactory in its results. It is a relic of feudalism borrowed from the "statute labor" of England, and its evil results are to-day apparent in the neglected and ill-conditioned common roads of the country.

It is a question of vast importance to the welfare of this nation that these arteries of agricultural and commercial life should receive the attention that their importance deserves, and that an effort should be made to remedy the defects now existing and establish a system that could be made uniform and efficient in all the townships of the Province.

Street Pavements.

It is desirable for several reasons that the surface of the streets through large towns and cities should be paved. The essential elements of a good street pavement are that it should be smooth and hard in order to promote easy draft, that it shall give a firm and secure foothold for animals and not become polished and slippery from use, that it shall be as noiseless and as free from mud and dust as possible, and that it shall be easily cleaned and shall not absorb and retain the surface

liquids, but facilitate their prompt discharge into the side gutter catch basin, it should also be of such material and construction that it can readily be taken up in places and quickly and firmly relaid, so as to give easy access to water and gas pipes. Facility to repairs at all seasons of the year is another important requisite, economy of maintenance and repair require that the material at the surface shall be durable. All the road coverings heretofore described are wanting in one or more of the most important of the qualities while they possess, beyond doubt some of those that are at least essential in even a greater degree than the best street covering. Road surfaces of broken stone or gravel produce less noise and give a more secure footing for horse than blocks of stone and wood or a construction surface of asphalt or other material, but they require such constant supervision to arrest the formation of ruts and are so infested with either dust or mud as to render them greatly inferior to a good stone or asphalt pavement, for streets subjected to heavy traffic. An exception may perhaps be made in their favor upon suburban streets so exclusively devoted to light travel or pleasure driving as to justify the expense of frequent sprinkling by day and sweeping by night, these kind of road coverings are also conceded to be excellent for drives in public parks and there are cases where the principle throughfare leading thereto should be constructed after the same method and maintained with the same care, as, the park drives especially if the bulk of the travel and traffic over it be of a light character. They should be swept every night and in dry weather sprinkled repeatedly every day. It must be admitted, however, that there appears to be no trust worthy record of any urban street of this kind in a thickly settled district which has been maintained in such manner that the inconvenience and annoyance inflicted by dust and mud upon the residents or people doing business on either side but did not really amount to a most serious public nuisance. The object of a pavement being to secure a hard even and durable surface and not to any considerable extent nor necessarily to support the weight of heavy loads, it is evident that the surface will soon subside unequally forming ruts and depressions unless it rests upon a firm and solid foundation. A good foundation is as necessary for the stability of a pavement as for that of any other construction. Among the foundations I would recommend, provided the thickness be adapted to the character of the subsoil and the nature of the traffic are: First, Hydraulic concrete six to eight inches in thickness. Second, Rubble stone set on edge but not in contact with the interstices filled in with concrete. Third, Cobble set in a form of sand or gravel. Fourth, A layer of broken stone laid in the manner of a macadamized road.

Water Supply.

IV.

The question of conducting a supply of water to, and delivering the same under pressure in, a city from a distant source, by gravity alone, or by erecting a pumping station, and lifting water by power from a nearer source, is sometimes a complicated one. In such a case all the items of cost and annual maintenance should be carefully considered, as well as the elements of safety, which are not to be sacrificed for a moderate difference of first cost. Long lines of conduits and mains are expensive, and their putting down may absorb more in capital and interest than would pay for pumps, power, and attendance for lifting from the nearest supply. As regards safety and reliability of operation, the gravitation system comes first and second in the method of delivery, as when the supply is elevated by hydraulic power, and third, when it is elevated by steam power to a liberal sized reservoir, holding in store from six to ten days reserve of water, from whence the supply flows by gravity into the distributing pipes.

If in such case there are duplicate first-class pumping machines, whose combined capacity is equal to the whole daily supply in twenty hours, then this method is scarcely inferior in safety to the gravitation method.

The elements of safety may be equally secured in the low and high service method, when the physical features of the town or city may make such division desirable. The records of nearly all the water departments of the largest cities having duplicate pumping machines, show how valuable and indispensable have been their reserve stores of water, and refer to the risks that would have been incurred had such reservoir storages been lacking. Fourth, as regards safety and reliability, comes the direct pressure delivery by hydraulic power; the fifth by steam power with either stand-pipe or air vessel cushions and safety relief valves. The mechanical arrangements that admit of this method of delivery are simple, and several builders of pumping machinery have adapted their manufactories to its special requirements, but in point of continuous reliability the method still remains inferior to gravity flow. Even when the most substantial and most simple steam pumping machinery is adopted, if not supplemented by an elevated small reserve of water, this method of delivery is accompanied with risks of hot bearings, sudden strains, unexpected fracture of connection, shaft, cylinder, valve chest or pipe, and occasional necessary stoppages.

The best pumping combinations are so certainly liable to such contingencies that cities may judiciously hesitate to rely entirely upon the infallibility of their boilers, engines and pumps, even when so fortunate as to secure attendants upon whom they can place implicit confidence.

The direct pressure method alone necessitates incessant firing of the boiler and motion of the pumping engine, and consequently double or triple sets of hands, to whose integrity and faithfulness, night and day, and at all times, the works are committed.

The direct forcing method does not provide for the deposition or removal of impurities after they have passed the engines, but the sediments that reach the pumps are passed forward to the consumers in all sections of the pipe distribution.

In combination with a reservoir sufficient for all the ordinary purposes, and equaling the ordinary work and the ordinary pressure at the taps, and also in combination with a very small reservoir, the direct pressure facilities may prove a most valuable auxiliary in times of emergency, and they are then well worth the insignificant difference in first cost of pumping machinery. In the smaller works, the entire machinery, and in the larger works one half of the machinery, may with advantage be capable of and adapted for direct pressure action.

If instead of substantial and simple machinery, built especially for long and reliable service, some one of the intricate and fragile machines freely offered in the market for direct pumping is substituted, and is not supplemented by an ample reservoir reserve, then a risk is assumed which no city can knowingly afford to suffer; and if true principles of economy of working are applied it will generally be found that no city can upon, well established business theories, afford to purchase and operate such machinery.

Well designed and substantially constructed pumping machines, such as are now offered by a number of reliable builders, are most economical in operation and most economical in maintenance, and infinitely superior in reliability for long continuous work.

The quantity of water required in cities has been found to increase much faster than the population. From 30 to 40 gallons *per capita* per day in non-manufacturing towns, and from 60 to 70 gallons per day in large commercial cities, ought to be sufficient; but statistics show that many cities consume largely over this amount.

With economy to prevent wastage, about 60 gallons per day would be a fair allowance; but inasmuch as cleanliness, comfort, and health are dependent upon its free use, as few restrictions as possible should be placed on it.

* * *

The subject of country roads is just now receiving extraordinary attention, an illustrated article in the *April Century* being the latest notable contribution. All that is said goes to show that no other civilized land has such poor country roads. But then, no other land has legislative bodies which habitually put politics above public interests.

LEGAL DEPARTMENT.

H. F. JELL, SOLICITOR,
EDITOR.

Legal Decisions.

CITY OF HAMILTON VS. TOWNSHIP OF BARTON.

This case was recently decided in the Supreme Court of Canada. Section 479 of the Municipal Act gives power to one municipality to enter upon the lands of another for the purpose of extending a sewer into or connecting with an existing sewer of the latter upon such terms and conditions as shall be agreed upon between the respective municipalities, and in default of an agreement upon terms and conditions to be determined by arbitration. If the municipality into which the entry is proposed objects, the arbitrators shall determine not merely said terms and conditions, but whether or not such entry shall be allowed at all.

Sec. 20 of 51 Vic., Chap. 28, authorizes a municipal council to pass a by-law for taking land in or adjacent to the municipality necessary or convenient for the purpose of opening, making, etc., drains, sewers, or water courses within its jurisdiction, or enter upon, take and use any land not adjacent to the municipality for the purpose of providing an outlet for any sewer, but subject always to the restrictions. It was held, in affirmation of the judgment of the Court of Appeal for Ontario, that the last mentioned act did not take away the necessity for having the terms and conditions of entering upon lands of another municipality settled by agreement or by arbitration as provided by section 479 of the Municipal Act.

IN RE TOWNSHIP OF ANDERDON AND THE TOWNSHIP OF COLCHESTER NORTH.

On a petition therefor, a by-law was passed and the usual proceedings taken for the construction of a drain from a point in the township of Colchester North, to the town line between the townships where it connected with an existing drain, whereupon certain landowners on the town line in question petitioned the council of Colchester North threatening that if their lands were damaged by the said drain they would hold the Township of Colchester North liable, and prayed that they would order the surveyor to continue the drain to a sufficient outlet. Instructions were given to the surveyor, who made the necessary examination, and reported in favor of a drain along the town line, and a by-law was introduced for the construction thereof, reciting that a majority of the landowners benefited had petitioned (referring to the petition last mentioned,) and assessing the costs on the lands benefited etc., and naming the proportion thereof to be borne by the lands in Anderdon. On the

receipt of notice of the proposed by-law, the township of Anderdon gave notice of appeal and arbitrators were appointed afterwards the township of Anderdon moved for an order of prohibition forbidding the arbitrators from further proceeding in the matter, on the ground of the absence of a proper petition for the drain. It was held that the drain in question came within either section 569 or 598 of the municipal act and not within section 585, and that a petition was an indispensable preliminary to the passing of the by-law, whereas the alleged petition was clearly insufficient; that the mere fact of its not being quashed within the period limited by section 572 would not prevent its being treated as invalid in other proceedings as in this case, and that prohibition would be granted notwithstanding the by-law was good on its face, especially as there had been no laches.

RE ADAMSON AND TOWNSHIP OF ETOBICOKE.

Judgment on motion to quash by-law No. 494 of the Township Etobicoke granting a bonus to a street railway company. Numerous objections were taken, as to bribery, personation and undue influence, but the principal objection was that the majority of the ratepayers did not assent thereto. The number of voters as shown by the list was 187; of these 124 voted, 109 in favor of the by-law and 17 against. The applicant alleged that from those who voted for the by-law 19 should be deducted as representing persons who had improperly voted in other persons' names, so that only 90 voted for and 17 against, and that under the provisions of the Municipal Act 94 were required, being a majority of the 187 on the list. The learned chief justice holds, however, that a majority of only those who vote upon the by-law is required, and as this construction gives a large majority in favor of the by-law, it is unnecessary to consider the other objections. Motion dismissed with costs.

VILLAGE OF BRIGHTON VS. AUSTON.

This was an appeal from an order of Galt, C. J., allowing an appeal from the report of Mr. Benson, judge of the County Court of Northumberland and Durham, and from the judgment of Galt, C. J., dismissing the action with costs. The action was brought by the corporation of the village of Brighton to recover damages for breach of contract on the part of the defendants to carry on their lace manufacturing business for a term of 10 years, and to recover a proportionate part of a bonus paid to the defendants by the plaintiffs for the term during which the business was not carried on. Mr. Benson reported that the plaintiffs were entitled to recover such proportion of the bonus paid as the time during which the defendants failed to perform their agreement bore to the whole time for which they had covenanted to carry on their business, and found the sum of \$400 and interest payable by the defen-

dants to the plaintiffs. It was admitted that the plaintiffs could prove no damages unless it was considered that they were entitled to recover a proportionate part of the bonus paid and that all they were entitled to recover, if anything, was the proportionate part of the bonus with interest. It was admitted that the defendants carried out their contract for six years out of the ten for which they contracted. The question for the determination of the court was whether the plaintiffs were entitled to recover the proportionate part of the bonus. The learned chief justice held that upon the true construction of the agreement under which the bonus was paid, the plaintiffs were not entitled to a return of any part of the \$1,000 paid to the defendants.

ST. THOMAS BOARD OF EDUCATION VS. COUNTY OF ELGIN.

The Board of Education of St. Thomas claimed \$2,017 annually from the County Council of Elgin for the next three years as the proportionate cost of maintaining pupils from Yarmouth, Southwold and Port Stanley at the St. Thomas Collegiate Institute as county pupils, as based on the cost for the last three years, in accordance with the High School Act. The County Council only granted \$1,400, and claimed that these pupils were not county pupils within the meaning of the Act, because the territory had been set apart as a high school district some years ago, though no high school was established and no high school trustees appointed. The dispute was referred to Judge Hughes, as provided in the Act, and he holds that the municipalities named do not form a high school district, never having been organized nor vitalized as such, and that the pupils therefrom attending St. Thomas Collegiate Institute are county pupils. He also holds that under the 37th section of the Act the term county pupils has a wider application than that given it in the interpretation clause, namely, pupils not within the bounds of a high school district, and includes all pupils in any part of a county who may attend a high school in a town or city separated from the county for municipal purposes, as St. Thomas is from the county of Elgin. The amount awarded St. Thomas was \$2,157.10 per annum.

A case under the Truancy Act tried in Thornbury was brought by Wm. McAteer of Kolapore against the truant officer of that section, Mr. Jas. Long, for neglect of duty and dismissed with costs. It appears that McAteer set the law and the truant officer at defiance and would not allow his child to attend school hence he was cited before Andrew Shore, J. P., and fined \$7. For revenge he brings the truant officer before the magistrates in Thornbury for neglect of duty—the penalty in this case is a fine of \$25—complaining that while he (McAteer) is hauled over the coals, men who are in good financial conditions are allowed to go scot free.

QUESTION DRAWER.

SUBSCRIBERS only are entitled to opinions through the paper on all questions submitted if they pertain to municipal matters. Write each question on a separate paper on one side only.

CULROSS—In discussing municipal matters with a party the other day, among other things he maintained that a reeve had no right to make motions or to second them. That his place was to give a casting vote in case of a draw and nothing more. That he had been told so by good authority. But I cannot find anything in the statutes to that effect, so I thought I would write to you and get your opinion on the matter through your paper, if you should think it worth while to do so.

Section 243 of the Municipal Act provides that the reeve shall be the head of a township council; section 244 defines his duties, and section 236 enacts that he shall *preside* at the meetings of council. We are of the opinion that the reeve has no right to move or second resolutions of his council.

W. H. E.—(1) Have a municipal council (not under county organization) power to remove the dog tax on application of twenty-five ratepayers? If they can, are they liable for animals killed after the tax is taken off?

(2) How should the council deal with the work on a town line—one township is organized, and the other not; will the organized township be responsible for the damage done on account of defective bridges or very bad places? Is there any way of compelling an unorganized township to do its share of the work on the town line?

(3) A store is built on the road allowance; has been there five years, and no accident nor any evil consequences occurred from it, as there is plenty of room for two teams to pass between it and the ditch. The council has been notified by one person to have it removed.—Cause, spite. Must the council take action, and how should it be done?

(1) Section 2 of chap. 62, Ont. statutes, 1890 (50 Vic.), repeals section 2 of chap. 214 of the revised statutes of Ontario, 1889, and is as follows: "Upon the petition of twenty-five ratepayers it shall be lawful for the council of any city, town, township or incorporated village to provide by by-law that the said tax (*i. e.*, the tax mentioned in section 1 of said chap. 62) or any part of it shall not be levied in the said municipality." Section 18 of chap. 185 of the revised statutes of Ontario, 1887, enacts that "the council of every municipality in any of the said districts, whether incorporated under this act or otherwise, shall have power to pass by-laws for such purposes as are from time to time authorized to be passed by the councils of townships," etc. We are therefore of the opinion that the municipal council has power to provide by by-law, passed pursuant to the petition mentioned, "that the said tax or any part of it shall not be levied in said municipality."

(2) Sections 536 and 537 of chap. 184, R. S. O., 1887, impose on township councils the duty of opening, maintaining and improving township boundary lines, and section 531 imposes on the corporations the liability to keep them in repair. There is no way of compelling an unorganized township to perform its share of the work on the town line.

(3) The council should not allow the

store or any other obstruction to remain on the road allowance, especially after they have been notified to have it removed.

E. B.—(1) A leases a farm from B. A is duly assessed for said farm. When the time for collection of taxes arrives A has given up, and left the farm, but is still residing in the township. The collector demands the taxes from him for said farm. He is willing to pay the taxes for the current year, but refuses to pay arrears of taxes which are charged against said lot on the roll, and which have been incurred through default in payment of taxes by B in previous years. Kindly state whether, under the circumstances, the collector can enforce payment of the arrears by A.

(2) Can an assessor assess lumber in a mill yard the property of the mill owner? And can he assess it standing in said yard to the mill owner when it has been sold, but not yet shipped to the purchaser?

(1) We are of the opinion that A is liable to the collector for the whole amount of the taxes, and the question as to whether A or B is ultimately liable for the payment of the amount of arrears is one to be fought out between themselves.

(2) The assessor can assess the lumber in the mill yard to the owner. The portion that has been sold could be assessed to the mill owner, as agent for the purchaser.

G. J. T.—This town recently put in a system of waterworks. The money raised by debenture for that purpose is all spent. All the mains authorized by the by-law have been laid. Extensions costing over \$1000.00 are now asked for on streets not included in by-law. In what way should the money be raised to pay for these extensions? (1) Would it be legal to pay for them out of the general funds? (2) Would it be legal to use money raised from the sale of debentures issued to consolidate the old debts of the town? (3) Or would a supplementary by-law have to be put to a vote of the people as the original was?

The council can go on and complete the extension asked for and pay for same out of general fund, or raise the money necessary to do so in the manner provided by section 505 of chapter 184, R. S. O., 1887, the municipal act, as amended by section 31 of chapter 36, Ont. stats., 1888, section 28 of chapter 50, Ont. stats., 1890, and section 32 of chap. 42, Ont. stats., 1891.

(1.) Yes.

(2) and (3.) No.

C. P.—Parties in this location have quite a practice of connecting their farm fences with the fences along the embankment fence at end of bridges or fence up to bridge abutments, cutting off all communication with the water privileges. As this is the practice invariably, cattle running on the road have no access to any of the otherwise water privileges. Sometimes they get the consent of the council, but more frequently not. Thus by accommodating the few, allowing the fence to be so connected with the bridges, it is greatly disaccommodating to many.

The law says the roads must be at least 66 feet wide, hence I contend that no council has power to allow any person to so fence in a roadway, as to make it less than said 4 rods. No doubt there are cases, that to fence along the line dividing road limits with farm would be impossible, that a deviation would be necessary, but when the object is to take in more land and less fencing and prevent running cattle from access to streams crossing road allowances.

The question I put is, has any private party, with or without consent of council, power to encroach on road allowance for the purpose of fencing, anything more than to allow half of fence on road, and half on farm? I have no reference to wire fences. Has any council permission to grant any such power

whereby great numbers are discommoded, and the benefit only a private one, or in other words, is a council bound to look after the interests of the public or the interests of private individuals?

If the road referred to by our correspondent is a highway as defined by the Municipal Act and regularly established as such, the council has no right to allow any person to fence any part of it. A council should administer the affairs of a municipality in accordance with the powers and authority conferred on them by statute, having a due regard for the public weal and private rights.

WROX.—In opening streets in an incorporated village, which streets have been fenced in since before incorporation by those owning adjoining lands or village lots, but which are registered street allowances, does it require the usual proceedings as in case of making new streets through private property or of closing or of diverting streets, such as publishing in newspapers and posting up, etc., and in case of such notices mentioned in chapter 184, sec. 546, sub. sec. 1 and notes by Harrison, being required, is it the intended by-law or notice of the intention to pass a by-law which requires to be posted up and published.

Since the streets mentioned appear to have been dedicated to the public for use as public highways, the fences are obstructions and wrongfully placed on and across these streets. We do not consider it necessary that the council should observe the formalities referred to by our correspondent before causing the removal of the fences. If the streets have been assumed by the municipality, the council need only pass a by-law for the removal of obstructions on them pursuant to the power conferred on them (the council) by section 550 of the Municipal Act, sub. section 1.

REEVE.—A person has not yet paid his taxes on a certain property on which he is not living, but said person has another property within the municipality on which property he is living. The question is, can a collector levy by distress of goods and chattels found on the occupied property to make up the amount of taxes due on the unoccupied property?

If the person who has not paid the taxes mentioned is the "person who ought to pay the same" the distress may be made on any goods and chattels in his possession and within the county in which your municipality lies, although not on the premises in respect of which the taxes have not been paid. See section 124, sub-section 1 of the Assessment Act, and Mr. Harrison's note O thereto.

RATEPAYER.—A and B bought a farm and afterward divided it, A's share being the rear half. A cannot reach a public road from his land, except by crossing private property. Has the council of the municipality the right to open a road through private property for A? If the municipality has the right to open the road, at whose expense should the purchase and the opening of the road be?

We are of opinion that the municipality has not the right to open a road through private property for the benefit of A alone, especially in view of the fact that he appears to have acquired his land knowing that he had no ingress or egress to or from the same, and without obtaining a right-of-way over B's part of the lot or over other lands.

THESSALON.—Would you kindly state in your next issue if it is absolutely necessary for a town to appoint a constable.

2. Can it be arranged to have the treasurer to collect the taxes?

3. Should we have a plan of the town?

4. If the council put on a tax instead of statute labor when can it be collected? Must we wait and collect it with the other tax, or can the street inspector collect it, say in July?

1. Yes. If your town has a board of commissioners of police. See section 441 of the municipal act—and if it has not such a board (see section 445 of said act) as to the number of and legal necessity for appointing constables and police.

(2.) No.

(3.) Yes.

(4.) There is no *statute labor* in towns. The street inspector can collect the *poll tax* if authorized and appointed by the council so to do.

Amendments to Municipal and Assessment Act, 1892.

The Municipal Amendment Act for 1892 has 73 sections and a large number of sub-sections, and the Assessment Amendment Act has 30 sections with sub-sections.

Municipal officers generally will be pleased to know that these acts are to be consolidated and included in statutes for 1892, as it will be of great convenience to them in the discharge of their duties.

The following are the most important amendments to the Municipal Act:

The first is to sub-section 7 of section 2, which is amended to read "land, real estate, real property shall respectively include lands, tenancy, hereditaments or any interest therein or right or easement respecting the same."

Section 73 is amended by setting forth a special qualification for persons elected to municipal councils in districts and the provisional county of Haliburton, where the qualifications for townships and incorporated villages is a freehold to \$200 and a leasehold to \$400, and in towns freehold to \$400 and a leasehold to \$800.

An important amendment that clerks must bear in mind in making out the voters' list was made to section 80, by which the qualification to vote at municipal elections in townships and in incorporated villages is \$100; towns, under 3,000 population, \$200; towns, over 3,000, \$300; in cities, \$400, the population to be decided according to the latest annual enumeration of the assessor.

Section 117 is amended by requiring the resignation of persons proposed for office at nomination meeting, to resign at the nomination meeting or on the following day. The clerk is required to post up in his office the names of the persons proposed for the respective offices on nomination day instead of the day following, as heretofore.

A new section, number 105 A, is added and provides that voters may select any one of the forms of oath in sections 102 to 105, inclusive, irrespective of the des-

cription either in the voters' list or on the assessment roll.

Section 239 is amended by the addition of a sub-section, which provides that the person appointed by the council to act as presiding officer during the illness or absence of the mayor, shall have authority to act as police commissioner during the time he acts in the place of the mayor.

Section 247 is amended by the addition of sub-section 2, which provides that a copy of any document under the control of the clerk of a municipality, certified under his hand and under the corporate seal of the municipality, may, after the original thereof has been produced from the proper custody, be filed in any court in lieu of such original. This amendment will be appreciated by the many clerks who have been from time to time called upon to produce documents in court, and very often documents filed during the progress of litigation are not available when required, but with this amendment, when a clerk is called upon to produce a document he should make a correct copy, produce the original, and file the copy.

Section 263 is amended by the addition of sub-section A, which requires auditors to report on the sufficiency of treasurer's security, also as to the balance on hand at the end of the year and where deposited. This does not relieve the council from the provisions of section 249.

This section is further amended by requiring treasurers, within twenty-four hours of request, to give auditors an order upon any bank or company with which the public moneys have been deposited, to exhibit accounts and details thereof to auditors. Municipal treasurers are also required to keep a separate bank account of funds of the municipality separate from their own moneys.

A further amendment to sub-section 3 of this section provides that, in addition to the detailed statement of receipts and expenditures, assets and liabilities required to be published after the 15th December in each year, a similar statement in detail shall be attached thereto, respecting the last fifteen days of the preceding year.

Section 269 is amended by providing that the valuation of valuers at the expiration of five years may be extended by the county council for another period of five years, that it shall continue to be made the basis of equalization for such extended period.

Section 271 is amended by adding the following words to the declaration required to be taken by municipal officers: "save and except that arising out of my position or office as clerk, as the case may be."

Section 278 is amended by making it the duty of the council to pass a by-law to give a fair and reasonable remuneration to clerks of municipalities for duties performed in carrying out the provisions of the Ditches and Watercourses Act. The council may also by by-law regulate the sum to be paid to the clerk by any person for copies of awards or other documents,

or for any other services rendered by the clerk, other than services which it is his duty to perform under the provisions of the Ditches and Watercourses Act.

Section 309 is amended by providing that a ratepayer may vote on by-laws in each ward in which he possesses the necessary qualification.

Section 320, relating to bonus by-laws, is amended by striking out the words "or for promoting any manufactory" in the second and third lines, and by striking out the words "or for loaning money to any other company or person on condition of such company or person establishing or continuing a manufactory in or near such municipality" in the fifth to the eighth lines.

Section 332 is repealed and a new section substituted. Any resident of a municipality or other person interested may, by motion, appeal to the High Court to quash a by-law, order or resolution in whole or in part, for illegality, and the court may upon such motion quash the by-law, etc. Notice of such motion must be served seven days before the day on which it is to be made. The by-law, order or resolution may be proved by copy, certified under hand of clerk and seal, if shown by affidavit to have been received from clerk. The applicant is required to give security for \$150 to prosecute the motion with effect before any such motion is made or entertained.

Section 352 is amended by an additional sub-section which provides that nothing in this section contained shall be taken to make valid a by-law or a debenture thereunder where it appears on the face of such by-law that the provisions of sub-sections 2, 3, 4, and 5 of section 340 or of section 342 of this act, have not been substantially complied with. The sections referred to relate to issuing debentures, rate payable by equal annual instalments.

Section 466 is amended and county councils are required to provide stationery for the courts of justice other than the division courts, and for the library of the law association of the county.

Sub-section 10 of section 479, relating to by-laws granting bonuses aiding manufacturing establishments, is repealed.

Section 487 is amended by inserting 487 A, the appointment of arbitrators under section 391 to 394 shall not be an admission of liability on the part of a corporation.

Section 489 sub-section 9 A is amended by adding the word "towns," after the word "cities" in the seventh line. This allows councils in towns to pass by-laws requiring all transient traders to pay a sum not exceeding \$100.

Section 24 A, is added to section 489, and provides for the passing of by-laws regulating the keeping of gunpowder and other explosives, and for the regulating of magazines, and for the erecting of powder magazines.

To be Continued.

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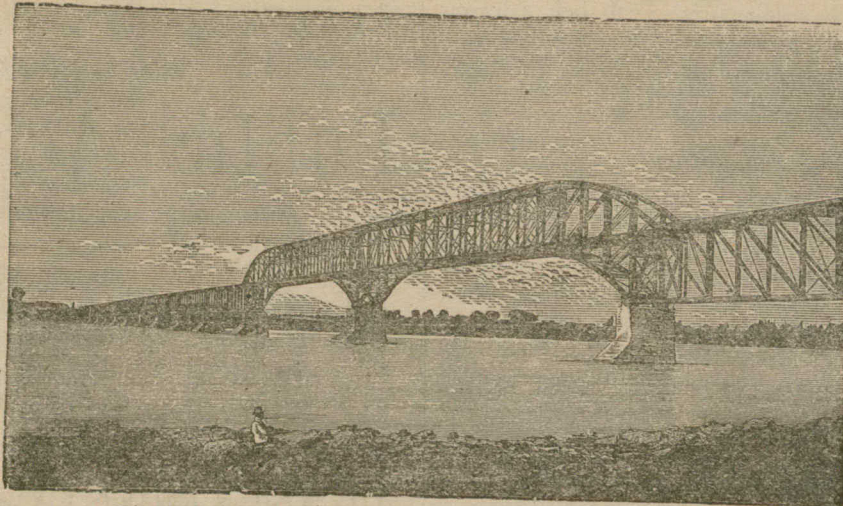
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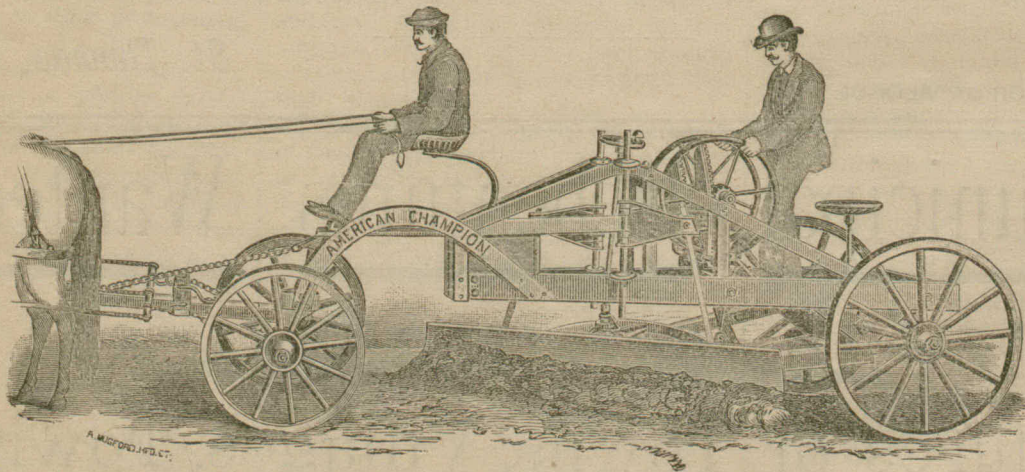
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