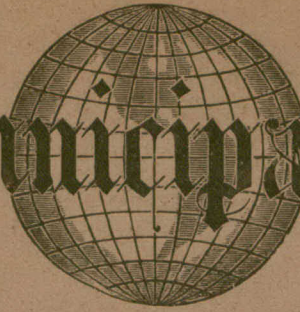


The Municipal World

PUBLISHED MONTHLY IN THE INTERESTS OF

THE MUNICIPAL INSTITUTIONS OF ONTARIO



Vol. 9. No. 6.

ST. THOMAS, ONTARIO, JUNE, 1899.

Whole No. 102

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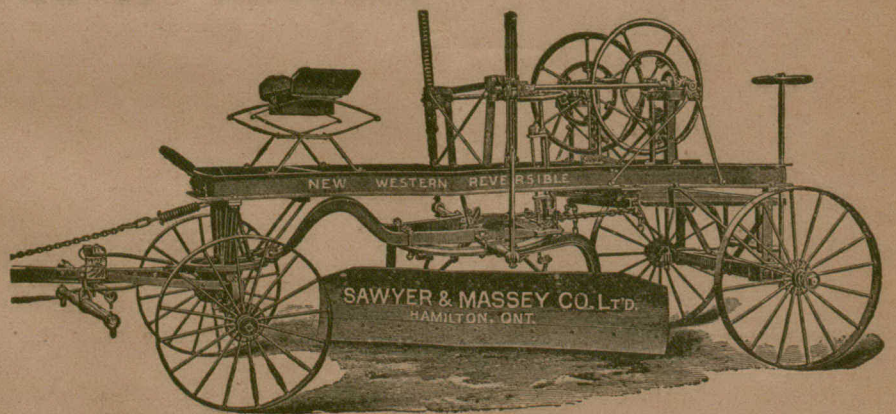
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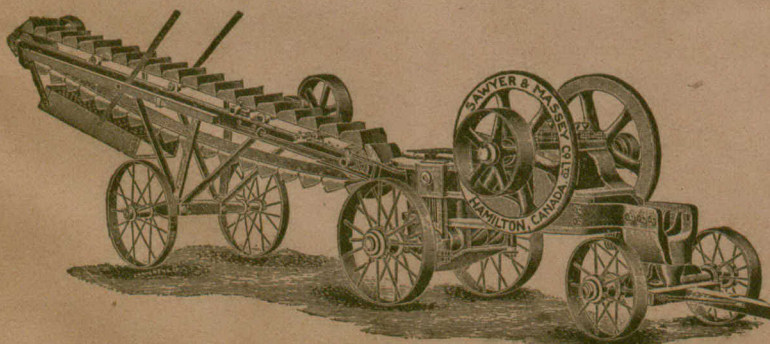
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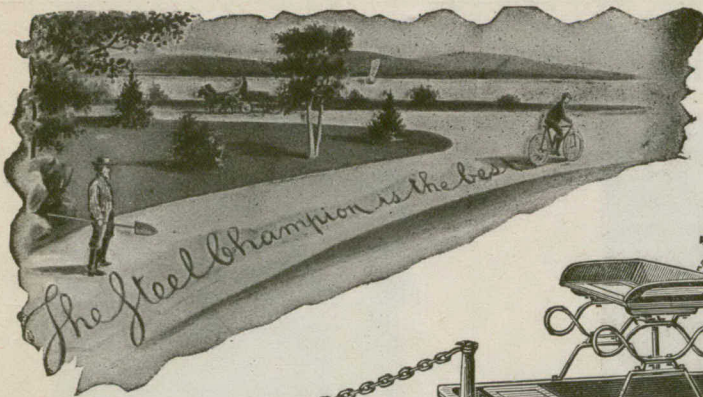
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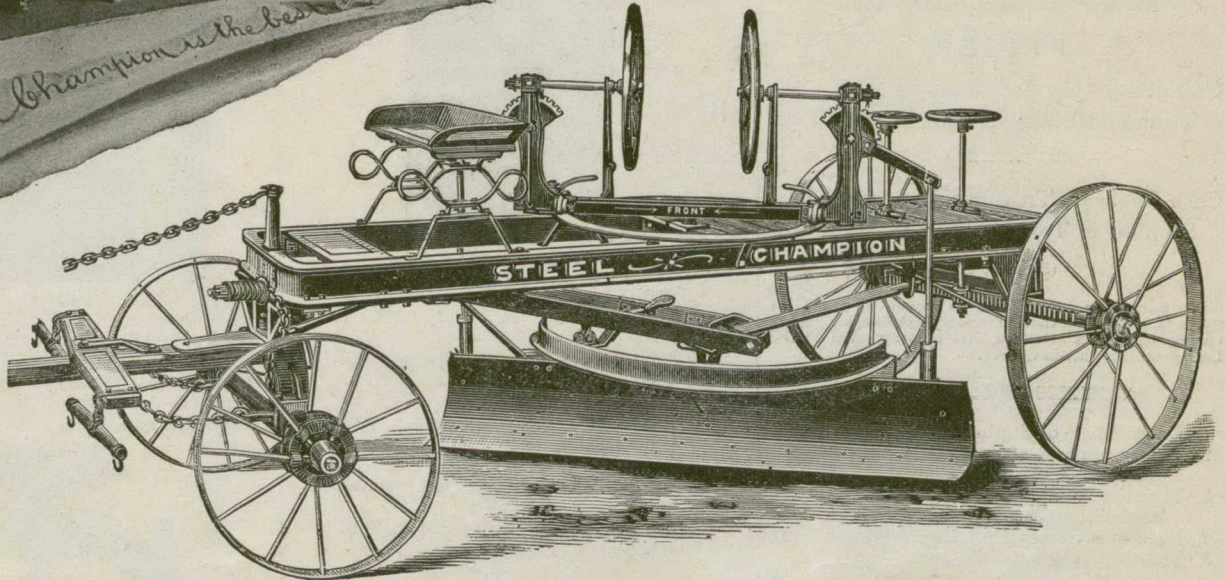
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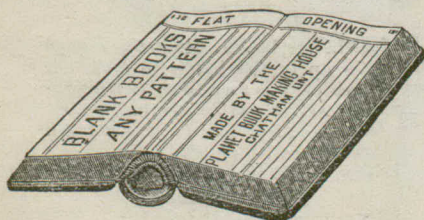
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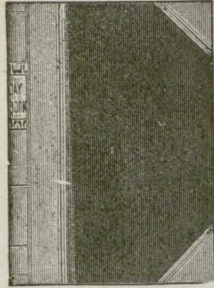
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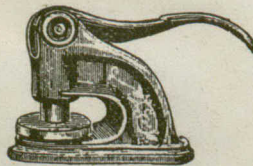
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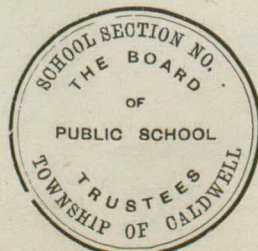


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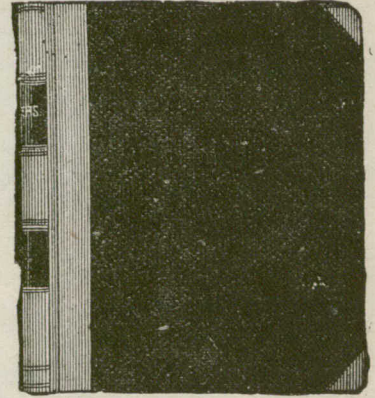
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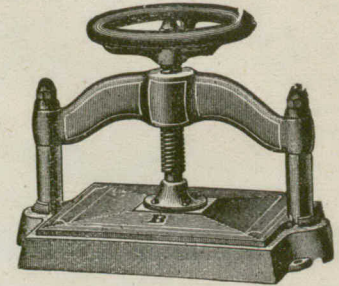


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THE MUNICIPAL WORLD

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

Vol. 9. No. 6.

ST. THOMAS, ONTARIO, JUNE, 1899

Whole No. 102

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Calendar for June and July, 1899.

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.—High Schools Act, section 38 (2).
By-law to alter school boundaries, last day for passing.—Public Schools Act, section 38 (3).
5. Make returns of deaths by contagious diseases registered during May.
20. Earliest date upon which Statute Labor is to be performed in unincorporated Townships.—Assessment Act, section 122.
28. High School Entrance Examinations begin.
Public School Leaving Examinations begin.
30. High, Public and Separate Schools close.—P. S. Act, section 91 (1); H. S. Act, section 41; S. S. Act, section 81 (1).
Protestant Separate Schools to transmit to County Inspector names and attendance during the last preceding six months.—S. S. Act, section 12.
Trustee's Report to Truant Officer due.—Truancy Act, section 12.
Assessors to settle basis of Taxation in Union School Sections.—P. S. Act, section 51 (2).
Last day for completion of duties of Court of Revision, except where Assessment taken between 1st July and 30th September.—Assessment Act, section 71 (19).
Balance of License Fund to be paid to Treasurer of Municipality.—Liquor License Act, section 45.

JULY.

1. Dominion Day (Saturday).
All wells to be cleaned out on or before this date.—Section 112, Public Health Act, and section 13 of By-Law, Schedule "B."
Last day for Council to pass by-law that nominations of members of Township Councils shall be on third Monday preceding the day for polling.—Municipal Act, section 125.
Before or after this date Court of Revision may, in certain cases, remit or reduce taxes.—Assessment Act, section 74.
Last day for revision of rolls by County Council with a view to equalization.—Assessment Act, section 87.
Last day for establishing new high schools by County Councils.—High School Act, section 9.

NOTICE.

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The Municipal World

PUBLISHED MONTHLY

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

K. W. MCKAY, EDITOR,

A. W. CAMPBELL, C. E.

J. M. GLENN, LL.B.

Associate
Editors

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THE MUNICIPAL WORLD,

Box 1321, - - - St. Thomas, Ont.

ST. THOMAS, JUNE 1, 1899.

The town of Perth is about to commence the permanent improvement of a number of streets.

* * *

Plans have been prepared for the macadamizing of a number of streets in Cornwall, and work is now in progress.

* * *

Several municipalities are this year buying or have bought steam road rollers or other road machinery, among the number being Cornwall, Peterborough, Milton, Smith's Falls and Belleville.

* * *

According to the Municipal Amendment Act of this year, the clerk of a council is required to record the votes of the members whenever a division is taken. To facilitate this it is advisable to have a list of the members printed on the back of the resolution forms or on a slip to be attached thereto so that the clerk can record the vote as announced by each member. In writing up the numbers it will be necessary to enter the vote after each resolution upon which a division was taken.

The New Order.

The congresswoman from the new state of Mpjkobrwp now rose and addressed the house.

"I move," she exclaimed, "that all this red tape be dispensed with."

The motion carried unanimously. But when it was urged that there be substituted heliotrope tape with a sea-green border, difficulties arose.

The brunette wing of the dominant party, supported by the agrarian bleached blondes, insisted upon shrimp pink.

Market Value of Debentures.

A large amount of money is borrowed on debentures every year, by Ontario municipalities, and in many instances there is a marked difference in prices paid. For the purpose of ascertaining the cause of this difference we made some inquiries from the well known firm of Geo. A. Stimson & Co., Debenture Bankers, King Street W. Toronto, and their reply was as follows:

We are pleased to say that debentures of municipalities are valued:

1. According to the quality or the security and the future prospects of the municipality.

2. According to the present condition and the future likelihood of the money market.

It is hardly necessary to say that the quality of the security is the first consideration. County and township bonds, (the security of which is subject to a minimum fluctuation or destruction) have a higher value than that given to smaller cities, towns and villages, whose security may more or less, depend upon the stability and retention of their industries, and also upon the system and efficiency of their fire protection.

Debentures of Municipalities, whose total indebtedness, including permanent and local improvements, is between 10% and 20% of their assessed value, are not valued so highly as debentures of municipalities, whose total debt is 10% or less of its assessed value. Of course the bonds of a municipality whose debt has largely been contributed to for permanent and revenue producing improvements, such as waterworks, electric light, etc., stand higher in the estimation of the investing public than had the debt been largely contracted for bonuses, either to industries or railways or other similar objects.

Debentures of towns, say of 8,000 to 10,000 population, whose debt is fairly heavy and increasing at a faster proportionate rate than its population and assessment, will not bring as good a value as a much smaller place, whose debt is in better shape, investors feeling that their money is safer in the hands of the municipality, whose policy is an economical one.

Regarding the mode of issue we might say, that debentures which run for a straight term in sinking fund plan with coupons attached for interest payable half-yearly, have a slightly higher value (other things being equal) than a debenture issued on the instalment plan. The reason being that this class is more suitable for depositing as a security, either with government, or other institutions, and also more desirable as a permanent investment, in so much as it does away with the necessity of reinvesting a portion of the principal each year as under the instalment plan.

Bonds are handled to the best advantage by brokers for the simple reason that

they divide up the issue, selling say the longer dated bonds to one client and the shorter dated to another, or frequently the issue is sold out in ten or fifteen lots in order to suit the demands of the different purchasers. Thus it is that the prices offered by brokers to municipalities almost invariably exceed the offers made by other parties.

Bonds are paid for and taken over from the municipality through some one of the chartered banks of the country, and on such terms as may be arranged at the time of the sale, the bank usually cashing the draft of the municipality, which draft goes forward with the bonds to the purchaser, who pays it upon presentation provided the bonds themselves are found upon inspection, to be in order.

As the majority of municipal bonds are sold to Toronto brokers, they would, no doubt, bring a somewhat higher price if the coupons and debentures were made payable at some one of the bank agencies located in this city, instead of being payable, as they sometimes now are, at the treasurer's office, or at the local agency of the nearest bank.

The great bulk of debentures finally become located in the hands of capitalists, executors of estates, etc.

The statutes provide for the issue of debentures for any and all purposes, and the clerk of the municipality should see, when drafting the by-law, that it is drawn in accordance with the statute or statutes; and in issuing the debentures he should be careful to see that they comply in every respect with the by-laws governing them, as a very slight error or oversight is often the cause of a great deal of expense, trouble and delay.

In a recent report on Houses of Refuge, Orphan and Magdalen Asylums, Provincial Inspector, Dr. Cramberlain, refers to Houses of Industry as follows:

"The county Homes in operation are all west of Toronto, with one exception which is the Home provided by the counties of Leeds and Grenville. Other counties are now agitating this question of county Homes for their poor. It is to be regretted that every county in the province has not ere this provided such an institution. Our gaols are full of poor old men and women, placed there under the Vagrancy Act on account of their poverty, many of whom have been in well-to-do circumstances. This is not only a great injustice, but a disgrace to our fair Province, and should be stopped by legislation unless the counties are prompt in providing homes for them.

The government has done much to encourage the establishment of these homes by making a grant to each county or union of counties where such an institution is in operation.

The minimum quantity of land required with each county Home is forty-five acres; and the location and plans of building must be approved of by the Government Inspector in order to enable the county to receive the grant of \$4,000."

Municipal Officers of Ontario.

Clerk Township of Oro.

Mr. Tudhope was born in the township of Oro in 1864. He was educated at the common school and in Bengough Short-hand Institute, Toronto. He was appointed assistant Clerk of Oro in 1886, and succeeded his father as Clerk and Treasurer of the Township in 1892.

Clerk Village of Tilbury.

Mr. Wilson was born in Tilbury East Township, June 27th, 1856, of Irish descent. Graduated at Law Department, Michigan University in 1881, after which he spent three years in Manitoba and the North West. In 1884 he removed to Tilbury and started a book and stationery store. He was appointed a commissioner in H. C. J. in 1884, auditor of Tilbury

auditor, and in 1897 he was appointed Clerk of the Township of WOLFORD. In addition to his municipal offices Mr. Moffatt is Postmaster, Local Manager of the Bell Telephone Company, and Com-



MR. A. A. WILSON.

missioner. He has always taken an active interest in fraternal societies, and his motto is "Generous to friends, forbearing to enemies, and affable to all."



MR. H. J. TUDHOPE.

East Township in 1886, Clerk and Treasurer of Tilbury in March, 1888, and resigned the office of treasurer in 1896. Mr. Wilson also conducts a successful conveyancing and insurance business, and is business manager of the *Tilbury Times*

Clerk Township of Wolford.

Mr. Moffatt was born in the Township of North Gower, county of Carleton in 1864. He was educated in the common school, and having obtained a third class certificate and taken a course of training at the Ottawa Model School, he engaged in teaching, which he combined with mercantile pursuits in various localities. In 1896 he settled in the village of Jasper, commonly called Irish Creek. His first municipal office was that of county



MR. H. S. MOFFATT.

Clerk Village of Chesley.

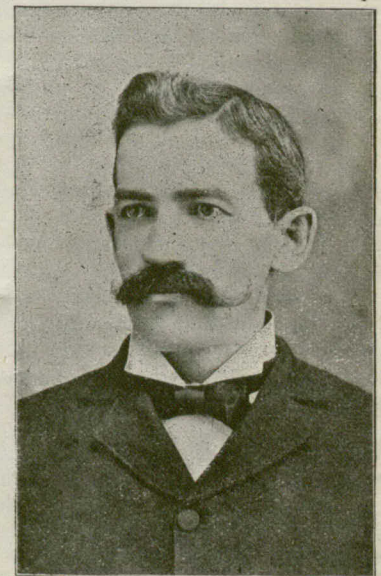
Mr. McNeil was born in Indiana in 1860. He was educated at the public school and attended for a short time the Central College at Iberia, Ohio, and the Business College at Indianapolis.

He was engaged in teaching for a number of years, and in 1890 removed to Chesley, where he was engaged as accountant for J. H. Elliott & Co., bankers, and now holds a similar position in the agency of the Merchants' Bank. From 1891 to 1894 he was one of the village auditors, and in 1895 was appointed Clerk.

Re Caldwell and the Corporation of the Town of Galt.

Municipal Corporations—By-Law Contracting Debt—Publication of—Blank dates in—Debentures—Interest—Form of By Law—Description of Property Taken—Necessity for Prior Expropriation By Law—Discretion.

It is not essential to the validity of a municipal by-law, creating a debt, that a certain day for its coming into force should be stated therein and submitted to the ratepayers, as section 384, subsection 2 of the Municipal Act, R. S. O., chap. 223, provides that if no day is named it shall take effect on the day of the passing thereof. Where such a by-law, as passed, declared the time required



MR. JOS. M'NEIL.

by law within which the principal and interest of the debentures should be payable, but the dates of payment were left blank in the copy of the by-law as published, the court, in the exercise of its discretion, refused to quash the by-law, which was legal on its face.

It is no objection to such a by-law that the enacting clause omits to settle certain specific sums for the payment of the debt and the interest, where the recital and enacting clause read together make clear what is to be done.

But where a by-law was passed to raise money to pay for the opening of a street without any settled plan, showing the exact position of the intended street, or of the land to be taken, or of the cost of the expropriation or the lands, the court, under the circumstances, quashed the by-law with costs.

Return of Collector's Roll—Collector of Taxes.

Our attention has been drawn to a question of importance to municipalities and their collectors, and that question is, Can a collector after he has returned his roll, continue the collection of taxes provided the council passes a resolution under section 145 of the Assessment Act, authorizing him to continue the collection thereof? Section 144 makes it the duty of the collector in towns, villages and townships to return his roll to the treasurer on or before the 14th day of December in each year, or on such day in the next year not later than the first day of February, as the council of the municipality may appoint. Section 145 provides as follows: "(1) In case the collector fails or omits to collect the taxes or any portion thereof by the day appointed or to be appointed as in the last preceding section mentioned, the council of the town, village or township may, by resolution, authorize the collector or some person in his stead, to continue the levy and collection of the unpaid taxes in the manner and with the powers provided by law for the general levy and collection of taxes.

(2) No such resolution or authority shall alter or effect the duty of the collector to return his roll, nor shall, in any manner whatsoever, invalidate or otherwise affect the liability of the collector or his sureties. 55 V., c. 48, s. 133."

It is the opinion of some that a collector must return his roll in any event not later than the first day of February, under section 144, and that the council may, under section 145, pass a resolution authorizing him or some other person to continue the levy and collection of the unpaid taxes, notwithstanding that the roll has been returned, and there is a great deal of force in that contention, and for these reasons: The collector does not require the authority of the council under section 145 until after the first day of February, but under section 144 it is his duty to return the roll by that date and subsection 2 of section 145 emphasizes the fact that it is his duty so to return it. If he complies with the law and returns his roll by the first day of February why, it is said, has the council not the power to authorize him to continue the collection of the unpaid taxes? If not, Subsection 1 of section 45 is practically a nullity. Be that as it may, according to the authorities upon the question it appears that the council cannot authorize the collector to continue the levy and collection of taxes after he has returned the roll. The interpretation placed upon this section is in effect that the council may still further extend the time for the return of the roll. The first case which we shall refer to is *Halcob vs. Shaw*, 22 U. C. Q. B., p. 92. At page 106 *Hagarty J.* says: "The avowry distinctly avers that the collector's rolls for the years 1855 and 1859, respectively, were

returned by the collector as required by law, and that after the return thereof the defendant was appointed by the council as collector to collect the taxes unpaid thereon. I am of the opinion that after the formal return of the roll by the collector, it is not in the power of the council to appoint any person to collect the unpaid taxes by distress and sale. Another course is pointed out by the statute to enforce payment by sale of the land, etc." This decision was given in *Hilary Term, 1862*, when the statute was substantially the same as it is now and, therefore, that case still governs. Section 103 of cap. 55, C. S. U. C. made it the duty of collectors to return the rolls on or before the 14th of December in every year, or on such day in the next year, not later than the first day of March as the council of the county or city might appoint, and section 104 of the same act provided: "In case the collector fails or omits to collect the taxes or any portion thereof by the 14th of December, or by such other day appointed by the council of the county or city as aforesaid, such council may, by resolution, authorize the collector or any other person in his stead, to continue the levy and collection of the unpaid taxes in the manner and with the powers provided by law for the general levy and collection of taxes; but no such resolution or authority shall alter or affect the duty of the collector to return the roll, or shall in any manner whatsoever invalidate or otherwise affect the liability of the collector or his sureties." The next case to which we shall refer is *Langford vs. Kirkpatrick* 2, A. R. 513. This case is not precisely in point because there it was not proved that the council had passed any resolution authorizing the collector to continue the collection of the taxes. That being so, and having returned his roll, he was clearly without any authority whatever. But the observations of the late Chief Justice Moss of the Court of Appeal, who delivered the judgment of the court, are of great weight in considering this question. At page 521 he says, "If the case of *Holcomb vs. Shaw*, 22 U. C. R. 92, was well decided, and if it is applicable to the provisions of this statute, it shows that such a resolution, if passed, would be ineffectual. Even considering that the effect of that decision is, as the defendant's counsel contends, to nullify the 102nd section, a view which I am not prepared to accept, we certainly should pause long before we ventured to throw any question upon a case which has so long been unchallenged. The assessment laws have not only been amended and modified, but more than once remoulded and recast since that judgment was pronounced. There has consequently been abundant opportunity of reversing the decision by legislation if it were unsound in principle or inconvenient in practice." It has been decided in *Newberry vs. Sheplins*, 16 U. C. Q. B., p. 65, and other cases, that so long as the collector has not returned his roll he has

authority to continue the collection of the taxes. At p. 68, *Robinson, C. J.*, says: "But with all deference for the contrary opinion, I cannot think it reasonable to hold the legislature to have intended by these enactments, that so long as the collector has not returned his roll, he is not at liberty to go on and levy when he finds a distress although the 14th of December may have passed, or any other day which has been given him for making up his return.

The construction placed upon the section referred to is in harmony with section 160 of the Assessment Act which provides that arrears of taxes after the collector's roll has been returned to the treasurer of a township or village and before such treasurer has furnished to the county treasurer the statement mentioned in section 157 may be paid to such local treasurer, and that after the statement under section 157 the collection of arrears of taxes shall belong to the county treasurer alone.

A British Municipal Year Book.

The publication of the *Municipal Year Book*, for 1899, by *Edward Lloyd*, Limited, London, will be welcomed by all who are studying or actively participating in municipal government. It gives a comprehensive review of all that has been accomplished in the United Kingdom in many fields to which municipal authority has extended. The compilers, who have succeeded in crowding a remarkable amount of statistical information into the 500 pages of the *Year Book*, have aimed, in the main, to describe the constructive work carried out by the municipalities. The routine work common to all municipalities in Britain, such as the administration of health laws, the providing of isolation hospitals, and the care of the insane, has received but little attention, these being enjoined on the councils or corporations by statutory enactments. In addition to the sketches descriptive of each municipality and its work, the great municipal industries, such as the supply of water, gas and electricity, the management of street car services, the erection of artisans' dwelling houses and municipal lodgings, art galleries, public baths, markets, libraries, abattoirs, etc., are dealt with under separate heads, detailing the work and method of each corporation. Although British municipal administration may be of little value for comparison and still less for guidance here, on account of different social conditions, it can teach us much regarding the advantages of keeping public services under public control. The *Year Book* sustains its title in a complete summary of municipal development, in statistical information and in the lists of municipal officials and authorities in the United Kingdom.

The book will be forwarded by the publishers, post free, to Canada for two shillings, ten and one-half pence (70c.)

ENGINEERING DEPARTMENT.

A. W. CAMPBELL,

O.L.S., C.E., M.C.S., C.E.

Give This to the Pathmasters.

The following directions contain in brief, the elemental principles which should be followed in the construction of a country road. They are adapted to the statute labor system and to the means and conditions which prevail in townships where more radical reform has not been undertaken. Councils in the majority of cases would obtain better results from their statute labor by distributing freely among the ratepayers, prior to the time of performing road work, copies of such a list of instructions.

1. Every good road has two essential features:

(a) A thoroughly dry foundation.

(b) A smooth, hard, waterproof surface covering.

2. The foundation is the natural subsoil, "the dirt road," which must be kept dry by good drainage.

3. The surface covering is generally a coating of gravel or broken stone, which should be put on the road in such a way that it will not, in wet weather, be churned up and mixed with the earth beneath. That is, it should form a distinct coating.

4. To accomplish this,

(a) The gravel or stone should contain very little sand or clay—it should be clean.

(b) The road should be crowned or rounded in the centre so as to shed the water to the open drains.

(c) Ruts should not be allowed to form as they prevent water passing to the open drains.

(d) The open drains should have a sufficient fall, and free outlet so that the water will not stand in them but will be carried away immediately.

(e) Tile under drains should be laid wherever the open drains are not sufficient and the ground has a moist or wet appearance, with a tendency to absorb the gravel and rut readily. By this means the foundation is made dry.

5. Do not leave the gravel or stone just as it drops from the wagon, but spread it so that travel will at once pass over and consolidate it before the fall rains commence.

6. Keep the road metal raked or scraped into the wheel or horse tracks until consolidated.

7. Grade and crown the road before putting on gravel or stone.

8. If a grading machine is available, grade the roads which you intend to gravel before the time of statute labor, and use the statute labor as far as possible in drawing gravel.

9. A fair crown for gravel roads on level ground is one inch of rise to each foot of width from side to centre.

10. The roads on hills should have a greater crown than on level ground, other-

wise the water will follow the wheel tracks and create deep ruts, instead of passing to the side drains. One and one-quarter inches to the foot from the side to the centre will be sufficient.

11. Repair old gravel roads which have a hard centre but too little crown, and which have high, square shoulders, by cutting off the shoulders, turning the material outward and placing new gravel or stone in the centre. Do not cover the old gravel foundation with the mixture of earth, sod and fine gravel of which the shoulders are composed. The shoulders can be most easily cut off by means of a grading machine.

12. A width of twenty-four feet between ditches will meet most conditions, with the central eight feet gravelled.

13. Wherever water stands on the roadway or by the roadside, or wherever the ground remains moist or is swampy in the spring and fall, better drainage is needed.

14. Look over the road under your charge after heavy rains and during spring freshets. The work of a few minutes in freeing drains from obstruction or diverting a current of water into a proper channel may become the work of days if neglected.

15. Surface water should be disposed of in small quantities; great accumulations are hard to handle and are destructive. Obtain outlets into natural water-courses as often as possible.

16. Instead of having deep open ditches to underdrain the road and dry the foundation, use tile.

17. Give culverts a good fall and free outlets so that water will not freeze in them.

18. In taking gravel from the pit, see that precautions are taken to draw only clean material. Do not let the face of the pit be scraped down, mixing clay, sand and turf with good gravel. There is a tendency to draw dirty gravel as it is the easiest to handle.

19. Gravel which retains a perpendicular face in the pit in the spring, and shows no trace of slipping is generally fit for use without treatment. Dirty gravel should be screened.

20. Plan and lay out the work before calling out the men.

21. When preparing plans keep the work of succeeding years in view.

22. Call out for each day only such a number of men and teams as can be properly directed.

23. In laying out the work estimate on a full days work from each man and see that it is performed. Specify the number of loads of gravel to constitute a day's work. Every wagon-box should hold a quarter of a cord.

24. Make early arrangements for having on the ground, when required, and in good repair, all implements and tools to be used in the performance of statute labor.

25. Do all work with a view to permanence and durability.

Materials for Culverts and Bridges.

The materials available for culvert construction in addition to timber, are sewer pipe, concrete pipe, iron pipe, brick, stone, and concrete. Culverts are sometimes made of one of these materials alone, or of two or more in combination. When the dimensions of a bridge are reached, concrete and stone abutments and piers, with iron or steel superstructure; or stone, brick, or concrete, alone or in combination, are the materials gaining favor.

SEWER-PIPE FOR CULVERTS.

For small culverts, sewer pipe is very economical and durable if well laid. To render them secure against the test of a Canadian climate, they should be laid with a good grade, and the ends protected with concrete, stone or brick headwalls with deep aprons. The joints should be made water tight with cement. These precautions will provide against the action of frost and will prevent the culvert being undermined by water passing along the outside of the pipe, either from the ends or through the joints. Care should be taken to excavate a concave bed for the pipe to rest in, always laying the spigot ends up grade.

The pipe at the outlet should be set flush with the surface of the ground. If set higher than the surface, the fall of water will wash out a depression and will in time undermine the end of the culvert. A too rapid grade will cause the same result. It is frequently well to cobble pave the outlet, where this undermining action is likely to occur.

Clay should be packed well about the pipes. Light or porous soil is apt to be washed away by the first heavy rain; as is a heavy clay if not properly rammed.

Damage by Floods.

The last spring has witnessed the usual amount of injury done to bridges and culverts having insufficient waterway. On the course of the Grand River, at Elora, Galt, Hespeler, and Brantford much damage was created. The Iron bridge over the Grand River at Paris was undermined by the high water and fell on April 24th, the damage to the bridge being estimated at about \$5,000. The wooden bridge over the Mississippi river, at Appleton, Ontario, gave way, having been weakened by an ice shove, throwing three men, a carriage and pair of horses into the river; one man was drowned and another badly injured. The bridge had been unsafe for some time. Bridge building in Ontario has not received the amount of scientific attention which the large amount invested therein imperatively demands. Until this department of municipal work, together with road-making, is carried on under proper advice and supervision, this annual loss is bound to occur.

Roadwork in North Monaghan.

The third annual report of the Provincial Instructor in Roadmaking is now in press and will shortly be ready for distribution. All interested in road improvement should make early application to Mr. A.W. Campbell, Provincial Instructor in Roadmaking, Parliament Buildings, Toronto. Included in the report is a description by the clerk of North Monaghan, Peterborough county, of the system now employed in that township in place of statute labor. This description, which follows, contains much instructive and interesting detail, and illustrates what a little enterprise will do in breaking away from methods which have outlasted their usefulness:

"North Monaghan is a small township—about 13,871 acres—with an assessed value of \$611,750.00, with between 35 and 40 miles of roads, a large proportion of which are earth roads.

"Our system now is commutation of our total statute labor, about 1,150 days at 50c. per day. This is levied and collected as ordinary rates.

"Our township is divided as easily as circumstances will admit, into four districts, in each of which a commissioner appointed by the council had entire supervision.

"As soon as possible after the court or revision, I, as clerk, make a list of all parties in each division liable to pay the tax, and amount of same. Each commissioner is supplied with the list for his division; this is for the purpose of making as equitable a distribution of the money as conditions will admit. This money, *e. g.*, commutation, is entirely expended in gravelling, *i. e.*, hauling gravel and metal from pits, some of which are private and some belong to the township, and dumping upon such portion of the roads as are graded and water-tabled to receive the same.

"The gravel from private pits costs us 10c. per yard—that from the township pits infinitely less, so much so, in fact, that no township should have, if possible, to pay for road metal by the yard. Our commissioners find it a great advantage to use a rooper plough in the pits to facilitate filling, and from the township pits they can select such material as best serves their purpose on the different kinds of roads.

"In addition to the commutation tax, each year, in our estimates there is an appropriation made for gravel, grading and grants, *i. e.*, to operate a road grader, one of which we have purchased, and grants on boundary lines where we are required to give an equivalent for maintenance, and for repair and reconstruction of culverts and bridges, of which we have a large number.

"All of these works are directly under the supervision of the commissioner, as such occur within their respective divisions. All gravel is paid for on the certificate of commissioner who receives blank forms for that purpose.

Our council, at an early date each year, go over each district in company with the commissioner, and suggest and lay out work to be done during the year.

"The method of letting jobs by auction tender is frequently adopted in cases requiring a larger expenditure than ordinary. This plan has been adopted, I may say, to facilitate the distribution of money as much as possible, in each case, the contract is subject to inspection of the commissioner in whose division the job is let, who reports on the same to the council.

"Previous to this year we had a permanent gang of three men and two teams on the road grader, who were controlled by the council. This method was discarded this year, as it was found too much grading was done for the amount of gravelling, and time too was wasted going about from place to place at the dictation of any member of the council.

"We, this year, only employ an operator who has become an expert by practice, and is under the direction of the commissioner when required by him, who supplies teams and uses the grader when and where he can do so to the greatest advantage, observing to do no more grading than can be well metalled in any one year. I may here say that out of twelve scrapers belonging to this municipality, previous to the purchase of a grader, we can now only get track of three—so little are they called for:

"Our council have fixed a rate of pay for all purposes as follows:

Commissioner	\$1 50 per day
Operator on Grader	1 25 " "
Breaking stone or filling	1 00 " "
Man and team for any purpose	2 50 " "

"Each commissioner is supplied with pay-sheets and a time-book which he is required to fill up, and as soon as required the council provide sufficient money which is paid to the order of each commissioner, who distributes it according to his pay sheet. This pay sheet when properly signed and certified is returned and examined by the council, then if correct, is filed for the auditor's future reference. This examination by the council is a check upon anything like favoritism on the part of a commissioner.

"This year our appropriations were as follows:

Commutation of statute labor for gravelling	\$ 550 00
Road grader operator	50 00
Bridges and culverts	400 00
Grants and miscellaneous	100 00
	<hr/>
	\$1,100 00

"I may say that for 1898 I have not the complete returns from the commissioners as to amount of work done; but for 1897, which will be about the same, there were $8\frac{1}{4}$ miles of highway graded and water-tabled at a cost of about \$34 per mile, a considerable portion of which will require the grader over it again as it was

found that during the wet weather in spring and fall the "narrow tire" cut into the grade, making ruts. This year there was much less grading done and also at a reduction in the cost. In 1897 there were 2083 yards of road metal, gravel, etc., drawn at an average cost laid on the road of 40c. per yard.

"There are other matters connected with our efforts to secure better roads, but I find this becoming too lengthy. However, although this may not be the best method of road construction, one thing is certain, there is not a man of any importance in this township who would go back to the old statute labor ways. There are a few kickers, whom the commissioners give the go-by as not being worth their salt. I find from direct communication with both council and commissioners, as well as a thorough knowledge of the condition of our roads, that until 1896 there was little or no work done in this municipality with a view of permanency. Now I find stretches of roads all over the township that will compare favorably with almost any street in the town of Peterborough, where they have procured modern road-making machinery and improved methods.

"Another thing—at a meeting of the council last week, attention was drawn distinctly to the fact that amongst other improvements, none have stood out so prominently as that of employing two first-class men at the dumps when gravelling, supplied with good shovel and two stone hammers. Another observation I can make.

"The commissioners having control of the work and also the pay for such work, can and do insist upon a uniform box on each wagon; with a result that almost without exception all the old boxes that were good enough for statute labor have now been discarded and new dump-boxes of uniform length and width have taken their place. This is important in many ways, not only does the township get the full value for its money in material, but each man draws an equal share, and it also facilitates the evenness of the gravel when dumped upon the road.

"There is an agitation on foot now in our council to have *one capable commissioner* over the entire township, and if it is possible, to cut loose from the patronage which these appointments give each councillor, and appoint one good man who can employ foremen when desirable. They think it would be a still greater improvement.

"Our council are divided upon the commutation method—some hold the view, and I indorse it, that abolition of statute labor and commutation entirely and levy a general rate sufficient to meet the appropriation as found necessary after the annual inspection in the spring, would be a better way.

"In conclusion I might say we hope to have it within our means to acquire a road roller and crusher. And also to see a 'wide tire law' within a few years."

Drains of Field Tile.

Paper read before Association of Ontario Land Surveyors by W. F. VanBuskirk, City Engineer, Stratford.

The primary object of making field tile drains is for the purpose of removing the drainage or hydrostatic water of the soil. The upper surface of this standing water, technically known as the water table, varies in height in different soils and with the quantity of water that may percolate through the soil by gravitation.

The design of drains necessary to lower the water table will therefore vary with the soil and with the quantity of water to be removed. It will be evident also that the design should be such that the drains will not be more expensive than is warranted by the nature of the work they will be required to perform.

The construction of tile drains in all cases should be such as to secure the maximum of efficiency, since the laws that govern the flow of water are unchangeable.

Carelessness and ignorance of proper methods of doing work are expensive in the end, and the amount supposed to be saved by employing cheap labor, with interest at an exorbitant rate, becomes a first charge upon the profits of the investment.

A glance at the papers on farm drainage contained in the Reports of the Superintendent of Farmers' Institutes, indicates a want of knowledge of this important branch of farm management. It is no doubt true that the neglect of drainage is in part due to the frequent failures to make it pay, but it must be also, that the many advantages of thorough draining of all soils are not known.

Our client, the farmer, does not yet realize that the drainage lore of but a few years ago is as much out of date as the flail and the cradle.

The study of thorough drainage as a branch of agriculture has kept pace with other branches of the science, and the uniform certainty of results which obtains in all other industries, can be arrived at only when the practice of the art is based on principles in harmony with the laws that govern the operations of nature.

It is obviously impossible in a paper of this kind to discuss the physiology of plants, and their relation to the soil and its moisture; a statement of a few of the known facts may, however, be of value in directing attention to the subject.

The ordinary farm plants require for their development a proper supply of food and moisture and a favorable temperature. These requirements can be controlled to a more or less extent by efficient field tile drains.

The food and moisture are to a large extent obtained from the soil, and as the surface of the water table is the limit for healthy root growth, it is evident that the drains should be laid at a depth sufficient to afford room for the economical development of the plant.

It has been thoroughly established that the roots of most of the ordinary

farm plants will, under favorable circumstances, penetrate the soil to a depth of upwards of four feet; and it may be taken for granted that a four-foot depth of soil is the minimum for profitable production.

The roots, root fibrils and root hairs of healthy plants penetrate every available space between the particles of soil, and extract from the soil and the air contained in its interstices, the oxygen and mineral constituents of plant food.

Vigorous growth requires, therefore, a finely pulverized soil free from drainage water in order that the spreading of delicate mass of roots may be in contact with the moist particles of earth and the air.

This condition of soil is also favorable to the action of bacteria of nitrification, by the agency of which the nitrogen of organic substances, the ammonia of the soil and manures, and the atmospheric nitrogen are made available for plant food.

It may be mentioned that the popular theory, that the free nitrogen of the atmosphere is appropriated directly by plants, is entirely erroneous, and practical inferences from it are misleading.

The bacteria of nitrification are aerobic, that is requiring air for their development. They also require heat and cannot live in a cold, undrained soil.

Heavy soils, in a saturated state, are injured by working or by the treading of cattle, as they are thus rendered more compact, and when the water is removed by evaporation they become hard and tough and do not readily absorb water again. Thoroughly drained soils, on the other hand, are not thus injured, but are rendered capable of holding more water than before by about 20 per cent. as their hygroscopic and capillary properties are increased. The decrease in evaporation, through drawing of water by drains, saves an enormous amount of heat, and the increase in the hygroscopic property actually increases the heat of the soil. Thorough drainage not only increases the depth or mass of soil from which the roots gather food and moisture, but also increases both the food, moisture and heat in all parts of the soil. The plants in cultivation are thus provided with strength to resist all unfavorable seasons. Warmth is provided to resist frost, and moisture is stored for use in dry periods.

The requirements of a good drain or system of drains are:

1st. That it will keep the water table low enough to prevent damage to roots or soil.

2nd. That it will work at all times without deterioration or loss of efficiency.

ARRANGEMENT OF DRAINS.

The natural surface drainage system of the tract to be drained should be studied and made the course of the main drains. Lateral drains, leading to the main drains, should in all cases be laid directly down the slopes in the lines of greatest descent.

Laterals thus laid share the work

equally, and water does not escape from them in its passage. A drain laid across the line of slope, takes in water from the upper side only.

In case of a very flat valley receiving water from slopes or otherwise, it is sometimes advisable to lay two main drains in place of one of large size. Such drains can be laid near the foot of the slopes, and may have the gradient increased by running the head ends into the rising ground. The flat valley can then be drained by small independent drains.

FALL.

The fall or gradient of drains should be as uniform as it is possible to make it, and if at all possible, of increasing decent to the outfall in order to avoid the deposit of silt. Whenever it is found necessary to make such a change from a very rapid gradient to a rather flat one, it is advisable to put in a silt basin to prevent deposits, and an overflow pipe to prevent a washout.

Nearly all authorities on drainage recommend a gradient of not less than three inches in 100 feet; but in many localities such a requirement is out of the question. Drains can be made to work well with less than one inch in 100 feet, but it is needless to say, that such an inclination requires extreme care in grading and pipe laying.

All tile drains should be laid to exact grade, otherwise the depressions in grade will become partly filled with silt, and the effective waterway thereby decreased. The theoretical grade line should be transferred from the stakes by means of boning rods, and in case of large sized pipes on a flat grade, a straight edge should be used bringing the whole invert of all pipes to exact grade.

DISTANCE BETWEEN DRAINS.

For thorough drainage, with drains laid to a depth of four feet, the distance between drains should be; for clay soil, 20 to 30 feet; for light soil, 35 to 40 feet; for gravelly soils, 40 feet and upwards.

Where drains are laid at a less depth than four feet, as is sometimes the case in draining roads and foundations for sidewalks, etc., the drains should be placed closer together than as above suggested.

PIPES AND LAYING.

Tile pipes should be thoroughly hard burned, not warped or out of shape in any way whatever; one bad pipe may destroy a long length of drain, where drains are laid under roads and foundations this is of great importance. All pipes used should be round, and when laid in the trench, each separate pipe should be turned until the top fits closely against the end of the previously laid pipe, making a close joint at the top.

Where branch drains enter, junction pieces should be used if procurable, if not, it is well to place a length of larger sized pipe over the joint.

FILLING IN THE TRENCH.

After laying the pipes, a layer of a few inches of fine earth or clay should be filled in carefully over and around the pipes, care being taken that all open joints are stopped with small pieces of sod. Fine earth should then be filled in lightly, to a depth of one foot; over this, ordinary soil should be filled in, and the surface layers thoroughly well tamped and consolidated.

The object of covering the pipes with clay or fine earth is to prevent water flowing in streams into the joints between pipes, and the object of tamping is to prevent water flowing through fissures in the trench directly from the surface of the ground to the tile.

Water enters a well laid and properly working drain through the bottom and sides of the joints between pipes, after flowing along the top of the permanent water-table to the drain.

Drains laid as above described will not, for a time, take in and carry away water as quickly as those covered with gravel, stone or other loose material; but they will, after a time, thoroughly aerate all parts of the surrounding soil, since the gradual vertical flow of water from the surface of the ground to the water-table, and thence along the water table to the drain, will tend to make the whole mass of soil porous.

Drains of this character do not easily become stopped and may be considered a permanent improvement.

W. F. VANBUSKIRK,
O.L.S., A. M. Can. Soc. C.E.,
Stratford, Ont.

Regulating Traffic.

To submit to arbitrary measures is not in accord with the feelings and education of the Briton born, and municipalities when passing by-laws, should exercise every reasonable means to assure themselves that they are not exceeding their powers. The enormous number of bicycles which recent years have added to the traffic on the streets of Toronto, has created conditions which certainly require exceptional treatment. That exceptional measures have been taken, is exemplified by a by-law requiring all vehicles to keep to the right hand side of the centre line of the street. Last year little was done towards enforcing the measure, but with the coming of spring and the bicycle, the police have been exercising extreme rigor with regard to it. It is being enforced too, as though it applied exclusively to bicycles, while bread wagons and butcher carts are allowed, as heretofore, to swing around corners, in and out between vehicles, without regard to life or limb. The result has been considerable friction and ill-feeling with regard to the regulation.

The by-law is based on s. 559, s. s. 5 of the Municipal Act, permitting the council of a city of over 100,000 inhabi-

tants to regulate "the conveyance of traffic in the public streets." As the by-law is enforced, a bicycle or other vehicle on any street, with not another vehicle in sight and not the remotest chance of interfering with another's rights, is compelled to keep to the right hand side of the roadway, this in spite of the almost impassable condition of many of the block paved streets, even where the utmost care must be taken in picking one's way. Other difficulties arise too, as for example, when overtaking a vehicle in obtaining a right of way to the left of the vehicle overtaken and to the right of the centre line of the road.

The intention of the by-law is good, but as at present enforced, is likely to arouse a question as to its validity. The old statute, chap. 236, R. S. O., 1897, regulating travelling on highways, is evidently based on a preconception that a vehicle has full use of any part of a highway except when meeting or being overtaken by another vehicle, when it must turn merely to the right of the centre line of the road. Until this principle is more definitely set aside, a by-law such as that applied to the streets of Toronto is evidently too weak to be vigorously enforced.

Proposed Municipal Ownership of Street Railways in Detroit.

Under authority of an act passed by the Michigan legislature at its last session a commission headed by Governor Pingree is endeavouring to bring the Detroit street railway lines under municipal ownership. The commission, it is reported, is favorable to paying between \$8,000,000 and \$9,000,000 for the property, and is making encouraging progress in its negotiations with the owners. Citizens, however, are offering organized opposition to the carrying out of the plans and will, if necessary try to defeat the project in the courts. The law under which the commission is proceeding confers on the city of Detroit power to acquire and operate the lines. If the undertaking is successful Detroit will be the first American city to venture into municipal ownership and operation of street railways.

The lighting of Detroit streets by electricity is already under municipal control with eminently satisfactory results. The production of electricity for all purposes with ordinary conditions, can be most cheaply carried on under one management, and is therefore, essentially a monopoly. The municipality is the only body which can be trusted with so important a monopoly, and it is to be hoped the measure will be so wisely and successfully conducted in Detroit as to influence other cities and towns to make a similarly progressive step.

The average man who writes, these days,
He threshes old straw o'er,
And makes two leaves, at least, to grow
Where one leaf was before.

Statute Labor.

The month of June is heralded in most sections of Ontario by notices from the pathmasters that statute labor must be performed. It is necessary more than ever before, that the friends of statute labor should rally to its support and prove its usefulness. This is not to be done by talk and argument in its defence, but by giving good honest work. The great fault of statute labor is that heretofore too much time has been spent in talk instead of work. As a general thing the ratepayer who argues most in the defence of statute labor is the one who, by some means or other, succeeds in doing the greatest amount of talk and the least amount of work. The man who favors the abolition of statute labor, and the substitution of some other system is the one who has been in the habit of doing his work most faithfully, and keenly feels the injustice arising from so unjust a method of collecting the tax, a method whereby each man is enabled to pay his part of it to any extent and in any manner he pleases.

It is not to be contended, by any means, that the roads have not been benefited by statute labor; but wherever the matter is studied in an unprejudiced light it becomes evident that roads are of far too great importance to the welfare of a country to be left to the mercy of such a clumsy, inefficient and unjust system of construction and repair.

An Act to Amend the Public Health Act.

1. Section 104 of The Public Health Act, chapter 248 of the Revised Statutes of Ontario, 1897, is hereby amended by adding the following as subsection 2 thereof:

(2) The council or councils of such municipality or municipalities may, without submitting the same to the vote of the ratepayers of the said municipality or municipalities, pass by-laws necessary from time to time to raise loans and borrow the moneys required for the establishing, erecting and furnishing of such hospital or hospitals upon the credit of such municipality and the debentures to be issued under such by-law shall be payable at such time or times within ten years from the passing of such by-law as the council may determine.

The Future.

For days she hovered at death's door; but now the fever had turned at last.

"You will recover!" exclaimed the physician joyously.

A shade of anxiety swept across her wasted features.

"Will my hair grow in curly?" she demanded.

Ah, how pitifully confounded is science before the really important secrets of the future!

QUESTION DRAWER.

Subscribers are entitled to answers to all questions submitted, if they pertain to Municipal matters. It is particularly requested that all facts and circumstances of each case submitted for an opinion should be stated as clearly and explicitly as possible. Unless this request is complied with it is impossible to give adequate advice. Questions to insure insertion in the following issue of paper should be received at office of publication on or before the 20th of the month.

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

Time for Completion of Roll—Assessment Delayed.

263.—H. W. G.—Our assessor was duly appointed, but owing to the neglect of the proper official to furnish the said assessor with the necessary equipment he, the said assessor has not been able to complete and return the roll by the 30th of April, as provided by Statute. What course had the council better pursue? Can they extend the time under the circumstances?

There does not appear to be any authority given to the council to extend the time for the return of the assessment roll. Sections 55 and 56 of the Assessment Act require it to be returned on or before the 30th day of April. In the case of a collector, section 145 gives the council authority to authorize the collector or some other person to continue the collection of taxes after the time fixed for the return of the roll, but the Legislature has given no authority of that kind in the case of an assessor. The fact that the time for returning the roll has expired does not make it illegal for the assessor to continue the assessment, and he ought to go on and complete and return his roll. The Legislature appears to have contemplated or assumed that assessment rolls might not be returned by the time fixed because we find that subsection 2 of section 71 provides that notice of appeal is to be given within fourteen days after the day upon which the roll is required by law to be returned, or within fourteen days after the return of the roll, in case the same is not returned within the time fixed for that purpose.

Clerk Must Record Yeas and Nays When There is a Division.
(See No. 268)

264.—F. J. C.—Section 282 Municipal Act 1897, provides, "and if required by any member present the clerk shall record the name and vote of every member voting on any matter submitted." Is this now done away with by the Amendment Act, 1899, which reads as follows: "See additional Sec. 274 A." This section appears to make it obligatory upon the clerk to record the yeas and nays whether required by any member or not "upon a By-law resolution or for any other purpose each member shall announce his vote openly and individually and the clerk shall record the same." Does this mean that hereafter the yeas and nays must be recorded upon any matter submitted whether a demand is made for the yeas or not?

The effect of the amendment of section 274a is that the clerk must record the name and vote of such member voting upon any question where there is a division, whether he is required to do so or not by any member of the council. Section 282 uses the words "shall record the name and vote of every member, etc.," whereas the amendment is "shall record the same (i. e., the vote)," but they are practically the same. This duty is a statutory one and the clerk must discharge it, and cannot be controlled by the council in regard to it.

Statute Labor and Commutation.

265.—X. Y. Z.—1. If we abolish statute labor in townships how about parties liable to perform statute labor but not be assessed?

2. Would it not be better to send out lists to all pathmasters that the names of such persons might be added and have them work or commute and direct that all parties assessed be returned as defaulters?

3. Have councils power to direct that assessed parties shall commute without first giving them a chance to work?

4. Have the councils power to abolish statute labor in one division and not in another?

5. Have they power to fix different rates for commutation in different road divisions?

1. If you decide to abolish statute labor in the township the by-law for that purpose should not discriminate as between those persons who are assessed and those who are not. Section 101 of the Assessment Act empowers the council to reduce the amount of statute labor or to entirely abolish statute labor and the performance thereof by all persons within the township.

2. We do not think the course suggested would be legal.

3. Yes.

4. No, but by-laws may be passed making commutation compulsory in the whole or any part of a township. See section 103 of the Assessment Act.

5. No, but under the authority of section 561, subsection 7 of the Municipal Act, the number of days to be performed in certain defined areas may be reduced when, in the opinion of the council, exceptional circumstances exist rendering such reduction, etc., equitable.

No Tendered Ballots on By-Law Vote—D. R. O. and Oaths.

266.—W., Seaforth.—1. Are tendered ballots admissible in a municipal election in voting on any municipal By-Law?

2. Is it the duty of the deputy-returning officer to administer the oath to any person if he is not required to do so by any one in municipal matters, if as stated in elections to the local legislature he is satisfied that an illegal vote is being tendered? R. S. O., page 166.

1. No.

2. Not at municipal elections, but under sections 356 to 358 he may do so in a vote on a by-law.

Farmers' Sons Assessment and Statute Labor.

267.—T. S.—There are a large number of farmers' sons in this township municipality, who are 21 and over, whose names appear on the assessment roll as such, but not assessed for any property. Are they not liable to do one day's statute labor? We have put their

names on the division lists and they refuse to perform such labor or commute.

We are of the opinion that you are right. Section 106 of the Assessment Act provides "Every farmer's son rated and entered as such on the assessment roll of any municipality, shall, if not otherwise exempted by law, be liable to perform statute labor or commute therefor, as if he were not so rated and assessed." The words, "otherwise exempted by law," refer to such persons as are mentioned in section 96 of the act, and chapter 231, section 6, R. S. O., 1897, and unless a farmer's son, rated and entered as such on the assessment roll, is entitled to exemption, that he is in Her Majesty's naval or military service or occupies some other position entitling him to exemption he must perform one day's statute labor or commute therefor. What can this section mean if it does not mean what we say it does mean? Suppose this section did not exist, it might then be contended that they were not liable. The legislature must either have thought that they would not in that case be liable, or it might have regarded the question as one of doubt, and either to make farmer's sons liable to perform statute labor or to remove any doubt, the legislature enacted section 106 to make it clear that they should be liable. If it was intended that they should be exempted, and there was any doubt about it, why did the legislature not use the words "shall be exempt, etc.," instead of "shall be liable." You will find that the right to have farmers' sons entered on the assessment roll was given in 1877, under 40 Vic., chapter 9, and it was provided at the same time that they should, if not otherwise exempt, be liable as if they had not been rated and entered on the assessment roll.

Clerks Duty to Record Yeas and Nays—A Division.

268.—T. J. C.—In reply to my question you answer, (May 7, 1899,) "Where there is a division," What do you mean by these words? Is there not a division upon every question decided by council? Our presiding officer sometimes asks, "Is there any objection" to the resolution, and if no one objects then he declares the motion carried. Would this be considered a "division"? I wish to be very clear as to my duty in this matter and no doubt other clerks are as anxious as I am to fully understand what is required of them.

When there is no objection we do not see how it can be said that there is a division taken within the meaning of section 274a of the Municipal Amendment Act of 1899. Under section 282 of the Municipal Act it was not necessary for the clerk to record the name and vote of every member voting on any matter unless he was required to do so by a member of the council. As the law then stood, any member had the right to have a record showing how each member voted, so that the public might, by reference to the books, see how each member voted on each question. The law now requires this information for the public, whether or not a member asks the clerk to record the way in which the members of the council

voted. If there is no division it will be presumed that all the members concurred in the decision arrived at by the council.

A Ditches and Watercourses Case.

269.—J. McD.—A owns a farm and part of it is flooded owing to a basin formed which holds the water. A wishes to drain, and the cheapest and most feasible course is through C's farm (adjoining) to a certain creek for an outlet; but C objects.

What steps will A take to have it drained? Will it be necessary for him to proceed under the Drainage Act, or Watercourse Act? Can C prevent him to drain under either Acts.

The only remedy which he has is under the Ditches and Watercourses Act, chap. 285, R. S. O., 1897. Before a private individual can obtain drainage under the Municipal Drainage Act, chap. 226, R. S. O., 1897, he must present a majority petition to the council and procure the passage of a by-law of the council in the manner provided by section 3 of that act. Whether C can prevent A from draining across his lands we cannot say without a better knowledge of the facts. The water from A's lands cannot lawfully be taken out of its natural course across C's lands.

Appeal from Judge's Decision Court of Revision.

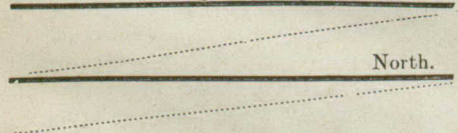
270.—SUBSCRIBER.—Is the municipal law so amended that there is an appeal from a judge's decision on assessment appeal from court of revision?

The only provision permitting an appeal from a county judge is that provided by section 84 of the Assessment Act, chapter 224, R. S. O., 1897, but it is limited to cases where large amounts or questions of law are involved. The judge may also, under section 85 of the act, state a case for the opinion of the court of appeal. There has been no change in the law in this respect since 1897.

Compensation for Land for Road.

271.—C. G. C.—I would like to know if I can demand pay from the corporation for land on road allowance as per diagram; the road has been used for, I suppose, four or five years. I am not the original owner, I only came in possession a few years ago. (The lines in black are as the road is, the dotted lines show how it ought to be.

C. G. Campbell's property.



Smith's property.

We must have the facts of this case in better shape. Why was the road constructed upon any part of your land, and who owned the land at that time? Did he dedicate the land in question for the purpose of a road, or did the council pass a by-law expropriating the land for the purposes of a road? If the council passed a by-law it was bound to compensate the owner for the lands taken, but what right would you have to the compensation which ought to have been paid to him? You had better furnish us with the actual

facts, at the same time giving the council's reasons for not being willing to pay anything, if that is the fact.

N. B.—The answer to the above will be easy, provided the facts are given, and we are not left to guess at it.

Indigent Ratepayer—Claim of Municipality—Property—Burial Expenses.

272.—W. D.—Township corporation. District of Parry Sound (not a county).

Please define the powers of the council as to land of an indigent person a former ratepayer, who dies intestate.

1. Can council charge cost of burial to land, and how are they to collect the expense?
2. Would next of kin be responsible?
3. Can council sell the land and pay expense and return the surplus to heirs as provided by section 588, sub-section A, Municipal Act, R. S. O., 1897.

Section 32 of chapter 225, R. S. O., 1897, gives the councils of municipalities in the district of Parry Sound the powers conferred under subsections 1 and 2 of section 588 of the Municipal Act, but the powers so conferred do not afford any assistance to the council in this case. It only authorizes the council to take a conveyance from an indigent in consideration of advances to him. This, as we understand the facts, was not done at all, and the council has no claim whatever upon the lands of the intestate by virtue of the above section, and in addition to this the section referred to would not help the council, even if there was a conveyance, because the conveyance would be a security for the advances made to the indigent, the interest thereon at 6 per cent. and the costs of realizing on the land. There is no authority whatever to charge funeral expenses against the land. Independently, however, of this section the law is that if a third person orders a funeral, the law implies a promise from an executor or administrator with assets to reimburse such third person his reasonable expenses. If there is an executor or administrator he may be sued and recovery had for the amount paid by the municipality, provided the amount is not in excess of what was reasonable considering the position of the deceased.

Ordinary Current Expenditure.

273.—J. W. H., Dunville. — Would you kindly explain what is the meaning of the words, "ordinary current expenditure" as set out in subsection 2 of section 435, chap. 223, R. S. O., 1897, and as amended by 61 Vic., chap. 23, subsection 2 of section 16, which reads in part as follows: "The amount so borrowed and outstanding shall not, in the case of any municipality, other than a county, exceed 80% of the amount collected as taxes, to pay the ordinary current expenditure of the municipality in the preceding year," etc. Would this mean the expenditure outside of any debenture debt, county rate, public and high school funds as required by the Public and High School Acts, or any other fixed charge over which the council has no control? Or would it mean the amount expended on roads and bridges, fire department, etc., and any debts which the council necessarily contract for controllable expenditure, during the year such council was elected for a village municipality.

We do not think the moneys required to meet the debentures or to provide for

the county rate or to comply with requisitions made by Board of Trustees of public and high schools or any other fixed charge over which the county has no control can be regarded as ordinary expenditure within the meaning of sec. 435. A municipality knows when its debentures will fall due and should provide at the proper time for the raising of moneys to meet them. Sec. 85 of the Assessment Act requires the county clerk before the 15th day of August to certify to the clerk of the local municipality the total amount to be levied for the year and it is then the duty of the clerk of the local municipality to calculate and insert the rate in the collectors roll for that year. There is therefore no occasion for regarding the county rate as ordinary expenditure for the purpose of section 435. The same may be said of school moneys, but by subsection 4 of section 435, special borrowing powers are given in regard to them. This latter provision affords an argument in support of the contention that the words "ordinary expenditure," do not include moneys which the council is required to levy each year, and for which there can be no excuse for not providing them at the proper time, and no excuse for borrowing them temporarily. Neither do we think that the amount expended on bridges can be taken into account except to the extent of repairs. Suppose a bridge has to be built this year costing \$5,000, we do not think the council of next year would have the right to borrow \$4,000 on the strength of the expenditure of the \$5,000, because the building of a bridge is not an expenditure which occurs yearly as in the case of many other expenditures.

Arrears of Taxes—Wrongfully on Collector's Roll.

274.—J. A.—1. Is enclosed tax slip regular with arrears added—same being for 1895 and 1896?

2. Can the collector take 1898 tax out of this and follow late tenant?

3. Can collector collect rent from present tenant on account of this tax slip?

(The tax slip is a correct copy of treasurer's roll, arrears being added by late town clerk in making up the roll.)

We can find no authority for placing the taxes for the years 1895 and 1896 on the roll for 1898, as appears to have been done in this case. If the taxes for the years 1895 and 1896 could not be made they should have been returned to the sheriff of the district, who is authorized to sell the lands at the time, and subject to the provisions contained in sections 56 and 57 of chapter 225, R. S. O., 1897.

2. If the tenant was assessed for the property in 1898 a levy can be made upon his goods and chattels or the goods and chattels in his possession in the municipality, but not outside of the municipality, and provided the roll has not yet been returned.

3. A tenant who has not been assessed may have goods which can be seized, but such a case is not likely to happen very often, and therefore the presumption in this case is very strong that the collector

cannot collect the rent from the tenant. Before expressing an opinion as to whether the goods of the present tenant can be seized we must know who is in possession of the premises, the kind of chattels, and from whom and how the tenant acquired them.

Assessment Roll When Finished.

275.—B. S.—Our assessor returned his assessment roll for 1899 to the clerk with the columns therein unadded up, except one, the total amount of real and personal property, R. S. O., chap. 224, sec. 56 of the Assessment Act states, completed and added up. Does this include columns of land cleared and un-cleared, personal property, real property, number of cattle, sheep, hogs, etc.? Assessor refused to add columns up unless he got the roll to take home and return it until 1st September, which he claimed the law would allow him to do. This the council evidently considered a peice of contrariness on his part and refused to pay him a balance due him for assessing until he completed his roll in a reasonable time. Has the assessor a right to add up the columns or is it, as the assessor claims, the clerk's duty, and are the council acting within their rights in the matter?

It is the duty of the assessor to add up all the columns. Until that is done the roll cannot be said to be completed and added up. The task of completing what he is paid for doing cannot be thrown upon the clerk. He is not entitled to keep the roll until Sept. 1st. He should have had it completed on the 30th April, unless the municipality is one where a different time is fixed for returning the roll.

Pathmasters' Declarations.

276.—J. O. S.—Would it be legal for pathmasters to make their declaration before any one of the councillors of the municipality? Some of them reside from ten to fifteen miles from the clerk.

No.

Settlement with Treasurer.

277.—J. M. D.—Our treasurer was hired on the 20th day of January, 1891, at a salary of so much per year, and he resigned on the 9th day of last January, and owing to a difficulty with the auditors they did not finish auditing his (the treasurer's) books until the 21st of January. His resignation was accepted by the council on the 9th January, when tendered, but he was told that the books would not be taken over until the auditors completed their audit which was done on the 21st, and the treasurer now asks the council for one quarter's salary on account of them not taking the books over when he resigned.

1. Would they be compelled to pay such?

Our clerk drew an order for two dollars on the treasurer and it was signed by him and the reeve, but in filling it out the clerk put the amount in figures only. The payee endorsed the order and it was handed to the collector in payment of taxes as \$2.00, and the collector deposited it in the treasury, he says, for the same as he got it. About three months after it had been in the treasury the treasurer noticed it had been raised from \$2.00 to \$12.00 by a stroke 1 being drawn in front of the 2 with a lead pencil and the order was drawn in ink. Nothing was done until it came before the auditors and they recognized it as a \$2.00 order and only allowed the treasurer for that amount, which caused a balance of \$10 more in the treasurer's hands than he accounted for. A new treasurer was appointed and the old treasurer refuses to pay over the balance

according to the auditors' statement including this \$10, and the council have not as yet taken any action to recover the amount from him (namely this \$10 in dispute).

2. What action would you advise them to take?

1. The treasurer is only entitled to his salary down to January 9th, under the circumstances stated. He resigned, and his resignation was accepted on that day and he therefore then ceased to be treasurer.

2. Whether the treasurer is liable to pay the \$10 referred to depends upon whether he was negligent or not in not discovering that the order was really for \$2 and not for \$12. There was negligence in drawing up the order. It was in a form which made it easy to alter it, so that the alteration could not, perhaps, be readily and easily discerned. As it is a question of fact, it is impossible to say what a judge or jury, having the order before them, might say. Under the circumstances, and considering the smallness of the amount, we think it would be best for the municipality to bear the loss.

Collector's Non-Collection—Liability of Municipality.

278.—CLERK.—A sold his farm to B and B was assessed for it. In November the tax-collector called on B and demanded the taxes and left the notice as required. The collector saw B several times afterwards and B kept promising to pay in a short time. B has chattels in his possession all the time but the collector did not wish to seize if he could get the taxes without doing so. Just before the first of February the collector went to call on B again for the taxes but B had left the place and had sold his chattels. The collector returned it in his roll as having no effects and made the necessary oath to that effect. The treasurer returned it against the land, B failed to pay for the farm and A has it back again. Now A threatens to enter an action against the corporation if the farm is sold for taxes, on the grounds that there were goods and chattels on the place that the collector could have seized before B left the place.

Has A any grounds for an action against the corporation?

It seems to us that the collector was negligent in not collecting the taxes in this case, and that he made an improper return. In the case of Caston vs. Toronto, 30 Ont., R. p. 16, it was held, "Where there is sufficient property available for distress on land assessed, during all the time in which the collector for the year has the roll, the taxes thereon cannot be legally returned to the treasurer and cannot be legally placed upon the collector's roll for a subsequent year." In the case cited it appears that there were, during all the time the collector had the roll, goods on the lands assessed, out of which the taxes could have been made. In this case the goods were sold before the collector returned his roll, but we do not think the case turns upon that point, but upon the point as to whether the collector might or might not have made the taxes if he had been reasonably diligent. We do not think he was. He made no attempt to seize, though the goods were on the lands until just before the day on which he should have returned the roll. As to A's

right against the corporation, it was held in the case cited, "A municipality is responsible for the acts of its officers in illegally placing arrears of taxes on the roll of a collector and subsequent distress therefor."

Council and Assessment Real Property.

279.—P. S.—Land in our municipality hitherto has been assessed at one dollar per acre for wild land and two dollars per acre for cleared, that is for the farms, and the buildings have been left out of valuation. Islands within the municipality in a certain lake used as a summer resort were, per agreement with the islanders three years ago, assessed on a basis of fifteen dollars per acre and two thirds of value of buildings. The council this year came to the conclusion that the assessment on the farm lands was altogether too low; they therefore instructed the assessor to raise them 20% as a starter for this year. Was it legal on their part to do so without raising the islands in proportion also? No lands, whatever, within the municipality being assessed at actual cash value.

We do not think the council had any power to do what it is said to have done in this case. If the property is in the unorganized districts, section 40, subsection 1, of chapter 225, requires the assessor to assess the lands at their actual value. It is their duty to do so, and the council has no control whatever over them as regards their duty under this section. If the property is an organized locality section 28 (1) of chapter 224 governs, and under that section the assessors are required to assess all lands except mineral lands at their actual cash value.

Assessor's Duty—Clerk's Duty—Statute Labor.

280.—J. R.—1. Is the assessor obliged, in making his roll, to enter parties jointly at their request, for different parcels of land when he knows that each party has the deed of his parcel?

Our roll this year has a number of entries of that kind. It seems to be done to save statute labor. The parties usually live together. In one case a mother and two sons each of whom has a deed for a separate lot, is entered as follows:

A. (mother)	_____	F. }	\$2,000
B. (son)	_____	F }	
C. (son)	_____	F. }	

The mother being assessed for the lots of which the sons hold the deed, together with her own, the sons following as above.

2. (a) Should the clerk in making his returns count everyone entered on the roll as F. as a ratepayer?

(b) Should he count three or one?

3. Will section 106 (2) chap. 224 apply in the case of a man assessed as trustee for church property? In computing statute labor is he entitled to have church assessment added to his assessment for farm, church being in another road division? I have computed it separately. Am I right?

1. No. He is obliged, according to law and to the oath which he takes, to do the very opposite. Where does he find his authority to group several persons who own distinct and separate parcels and assess them jointly? If he can do this we do not see why he cannot be still more obliging and include a few of the friends or neighbors of these persons.

2. (a) Yes. (b) three.

3. Subsection 2 of section 106, chapter 224, has been repealed. We are of the opinion that you are right in making the computation separately.

Palpable Errors and Court of Revision

281.—WROX.—Question 220 in May number of THE WORLD and answers thereto. What do you make of the latter part of subsection 18 of section 71, R. S. O., 1897?

Our council have been in the habit of doing what "Village Clerk" says of the council in his village did. I am now pointed to subsection 18 of the Act you quote. I therefore ask the enclosed question.

We do not think that the error of assessing a piece of property too high or too low is a palpable error. Palpable errors are errors which may be discovered by an examination of the roll itself. Whether property has been assessed too high or too low must be determined entirely by evidence outside of the roll altogether. In such a case no error appears on the roll, and there is nothing which needs correction.

Who Should Sign Debentures?

282.—S. M.—A bonus was granted to John Bertram and Sons, of the town of Dundas, for the amount of \$12,000 in 1898, and the mayor elect at that time was a member of the firm and was absent during the first, second and third reading of the by-law. The by-law required the sanction of the Provincial Legislature, which was obtained in 1899. The By-law authorized the debentures to be issued, to be signed by the mayor.

The question is, who should sign the debentures, the mayor of 1898, or the councillor that was chairman at the first, second and third reading of the by-law, or the mayor of 1899?

Is a by-law necessary to be passed by the present council authorizing the proper party who should sign the debenture?

The mayor for 1899 is the proper person to sign the debentures, but the coupons must be signed by the treasurer also. See sections 327 and 429 (1 and 2) of the Municipal Act.

Errors in Assessment and Collectors' Rolls.

283.—COLLECTOR.—1. A purchased unlocated bushland in Parry Sound District from B in 1894. A paid taxes on it for that year. He did not live on the farm, he lived in same township. A was assessed for it and performed statute labor each year. It was returned to sheriff on defaulters' list for 1895-6-7. A was located for it in 1897, he continued to take timber off the place each year but would not pay any taxes. The sheriff put the land up for sale for arrears in 1899. Can the land be legally sold?

2. Clerk in adding columns of collector's roll omitted by mistake to include \$15, the taxes on one of B's farms. This was in 1897. Can the township legally demand and enforce payment of the \$15 from B and add it to the taxes of 1899?

3. The assessor in 1898 missed assessing 100 acres belonging to B. Can the council add and collect the taxes of 1898 with those of 1899 off B?

1. So far as we are able to understand this question the lands or, if no patent was issued, the interest of A was liable to be sold for the arrears of taxes.

2. We do not think so. If the clerk had not made the mistake which he is said to have made, and overlooked the

fact that there was a tax of \$15 to be made, and the collector returned the roll without having made the tax, the amount could not now be placed on the roll, and we cannot see why the council can be in any better position because the clerk made the mistake.

3. Yes, under the authority of section 166 of the Assessment Act, which provides the manner in which the taxes on lands which have not been assessed in any year can be placed on the collector's roll and collected.

Filling Wells, Unoccupied Lands.

284.—J. A. R.—1. In the municipality of Cassleman there were many open wells on unoccupied lands which are dangerous to life. The council has had notices posted up requesting the same to be covered which has not been done. Can the council cover the wells and charge the costs to the land to be collected in the taxes?

2. A sold a farm to B in the month of May and gave B a clear deed. There was nothing said about the present incurring taxes. Is A compelled to pay taxes for the number of months in the year he owned the property?

1. There is no authority given to the council to have the cost of covering wells on unoccupied lands charged against the lands and collected as taxes.

2. Assuming that the deed is in the ordinary form, A is not liable. Where a person agrees to sell lands the purchaser may, before accepting a deed and paying his purchase money, insist upon a reduction being made sufficient to cover the vendor's proportionate part of the taxes, but if he accepts the deed and pays over his purchase money he cannot compel the vendor to pay his proportion. See section 409 of the Municipal Act and section 149 of the Assessment Act. In the case of Bank of Montreal vs. Fox, 6 Pr. R. 217, we find the statement of the law upon this point. "The vendors contended that they were not liable to pay taxes which were not actually imposed on the 25th of July. Held, that under 32 Vic., chap. 36 (O.), sections 18 and 107 no matter at what time in the year a rate is imposed, the taxes relate back and are deemed to accrue and to be due for the purpose of forming a lien on the land from the 1st of January. The vendors were, therefore, required to pay the proportion of the year's taxes up to the 7th of October, the day from which the purchaser was to be deemed to be in possession.

Maintenance of Toll Roads after Purchase.

285.—X. Y.—In the event of a county buying up the toll roads within its borders, under authority of chap. 239, R. S. O., 1897, what becomes of those roads or how are they maintained? Do the local municipalities maintain as much of them as lies within their boundaries, or will the entire purchase have to be assumed by the county as a whole?

Kindly advise, giving your legal authority, chapter and section.

The latter part of section 28 of chap. 239 provides: "Upon the removal of the tolls from any road under this act, the responsibility hereafter of maintaining and keeping the same in repair shall rest

upon the local or minor municipalities through which the same pass as in the case of ordinary highways. Sec. 606 imposes liability upon municipal corporation to keep roads and bridges in repair. By this is meant roads and bridges within the municipality. See sec. 606.

Election to Fill Vacancy—Clerks Duty—Disclaimer.

286.—ANXIOUS.—A vacancy occurred in our township council; the reeve issued a warrant to the clerk and deputy returning officers to hold a new election to fill the vacancy. The clerk called the meeting for nomination for ten o'clock, instead of twelve, but finding out his mistake, did not open the nomination until twelve, and kept it open for one hour. There were two candidates nominated. The election was held one week later. The candidate elected is assessed as farmer's son.

1. Does the clerk's mistake in calling the meeting for the nomination at ten o'clock make the election illegal?

2. If the candidate elected cannot qualify, can the other man take the seat, he having polled a minority of the votes cast?

3. If so can he do so before the candidate elected resigns or puts in a disclaimer?

4. If the candidate elected does not resign or put in a disclaimer, how long can this state of things last or what are we to do?

We do not think the clerk made any mistake in calling the meeting for ten o'clock instead of twelve. The statute fixes the hour for holding the annual nomination meetings but it does not apply to a case of this kind. The clerk, in a case of an election of this kind, is required under section 214 of the Municipal Act to appoint a day and place for the nomination of candidates, and we cannot see why he could not fix ten o'clock as the hour. But even if the clerk was wrong in calling the meeting for ten o'clock, he did not open it till twelve and kept it open for one hour, and in any case the election could not be voided upon the ground of irregularity in the nomination.

2. It is only in the case where a disclaimer is put in that the candidate having the next highest number becomes entitled to the seat.

3. No, nor can he do so unless a disclaimer is delivered as provided by sections 238, 239 and 240.

4. If legal proceedings are threatened or commenced he will likely disclaim, but if he does not disclaim nothing can be done until the election is voided.

Errors in Collector's Roll.

287.—CLERK.—1. A municipal clerk in 1897, in footing up certain individuals' taxes for that year made an error in the total. Said error was not detected until the collector's roll was returned. Had municipal council of 1898 any authority to instruct the clerk to add amount in error to taxes of 1898?

2. Had collector any authority or right to accept taxes less amount added as stated above?

3. Can the amount in error be deducted from the collector's salary, he having returned the roll for 1898?

4. In making out the voters' list would the clerk be justified in leaving off the names where two or more assessed together, and the amount does not equal or average \$100 each?

1. No. The council had no authority to instruct the clerk to rectify the error in the manner stated.

2. The collector had the right to receive the taxes for 1898. If he had insisted upon getting the extra amount for 1897, and had distrained he would probably have got himself into trouble.

3. No. The collector did not neglect his duty. He appears to have collected all the taxes which he had a right lawfully to collect.

4. Section 93 provides: "Where real property is owned or occupied jointly by two or more persons, and is rated at an amount sufficient, if equally divided between them, to give a qualification to each, then each shall be deemed rated within this act, otherwise none of them shall be deemed so rated." It will be seen from this that where two persons own or occupy jointly and the amount is not enough to enable both to qualify, neither one can do so, but care must be taken that the case is one of joint ownership or joint occupancy. Section 92 provides: "In case both the owner and occupant of any real property are severally but not jointly rated therefor, both shall be deemed rated within this act."

Telephone Poles on Snow Roads.

288.—J. M. D.—There are a number of telephone poles obstructing the grading of the roads and others and ditches and sides of the (highways) used for winter travel when the graded road is bare of snow. Can the council cut down or remove such poles after notifying the company, if they do not remove them by a certain date? Could the company take action against the township for removing them?

Section 2 of chap. 72 of 45 Vic., provides: The Bell Telephone Company of Canada may construct, erect and maintain its line or lines of telephone along the sides of, and across or under any public highways, streets, bridges, water-courses or other such places; provided the said company shall not interfere with the public right of travelling on or using such highways, etc." If it is the fact that the telephone company has not placed its poles along the side of the road and interferes with the public right of travel the proper course is to notify the company to have the poles placed where they will not interfere with the public right of travel. But assuming that the poles have been placed along the sides of the highway in the only places where they could be placed on the highway at all, we do not think the township can compel the company to remove them simply because it can be shown that people could use sleighs and drive along the sides of the road but for the existence of the poles. The company having received authority from the legislature to erect poles along the highway it would be a dangerous proceeding on the part of the council to either cut down or remove the poles.

No Statutes for Reeve—County or Township Bridge.

289.—M. R.—1. Is the municipal council required to furnish the reeve with a copy of the Ontario statutes for his use in regard to council business?

2. What length does a bridge require to be to bring the county liable for construction cost? Said bridge is entirely in one township. Do approaches count to the length or only the bridge proper?

1. No.

2. The bridge being entirely within the township, it must be maintained by the township alone unless the county has by by-law assumed it. Section 613 of the Municipal Act shows the bridges which must be maintained by the county. A bridge may be wholly within a township and nevertheless be a county bridge, where the road is a boundary line between two townships. It often happens that it is impracticable in some places to open up original allowances for roads between townships, and deviations have to be made from the true boundary line, but a road so deviated is regarded as a boundary line and all bridges over it must be maintained by the county. The council of the county may, however, even in the case of bridges over rivers or streams crossing boundary lines, pass a by-law that the words "rivers, etc." shall not include any river of less than 80 feet in width. In regard to the approaches, section 605 provides that the approaches for 100 feet to and next adjoining each end of all bridges belonging to, assumed by, or under the jurisdiction of any municipality or municipalities shall be maintained by such municipality. The remaining portions of such approaches shall be kept up and maintained by the local municipalities in which they are situated."

Unincorporation of Village—Dangerous Mill in Village.

290.—J. A. R.—1. Our village was incorporated some years ago when there was sufficient population. Since it has reduced in population leaving about 600 and owes a debt of say \$3,000. Can we annul the corporation, with the consent of the electors, and go back into the township by assuming our own debt. If so, please tell me the proper proceedings to take, and give me an approximate idea of the costs.

2. A has built a saw-mill on the main street in an incorporated village; has no water appliances, very poor stock, boiler, etc. Can the council cause him to remove it, as it is a dangerous place; or what restrictions can they put him under?

1. You will find the procedure to be taken in order that a village may become unincorporated laid down in section 19 of the Municipal Act. We cannot approximate the cost.

2. We do not think the council can compel the removal of the building or put the owner under any restriction; but if the building is in such a state of decay, and is so near the highway as to be dangerous to the travelling public, the owner may be indicted. Mr. Barnes vs. Ward, 9 C.B. p. 392, Maule J., in giving the judgment of the Court, in holding that the defendant making a dangerous excavation close to the highway, was guilty of a public nuisance, says, at p. 420, "For the danger thus created may reasonably deter prudent persons from using the way, and thus the full enjoyment of it by the public, is in effect as much impeded as in the case of an ordinary nuisance to a highway."

Council's Liability—River Road Washed Away.

291.—ONE INTERESTED.—A navigable river (on which there is considerable traffic) has a four-rod road allowance along its bank. The wash of the steamers and spring freshets are washing away the 66 feet road allowance. Will the municipality have to buy and continue buying new ground for new roadway, as the one in use is being yearly washed away?

We do not think the council can be compelled to buy new ground to make a roadway. Where a road is allowed to go out of repair, the municipal corporation is liable to indictment, but we are of the opinion that the fact that the road is washing away as stated, and that the expense of keeping the road up will be very large (if that is so) would be a sufficient answer to an indictment. The council should warn the public of any existing danger so as to guard against damages by reason of any accidents. If it is a road that is not travelled very much why not take steps to have it closed, but before doing that you should consider section 629 and subsection 2 of section 660 of the Municipal Act.

Clerk's Salary and Courts of Revision

292.—M. R.—A municipal clerk getting a salary of so much a year *with extras*, is he entitled to put in a fee for court of revision of assessment roll (court brought before the council) "other words," is that work considered an extra, there being a heavy court?

Without having the contract between the council and the clerk before us it is impossible to express an opinion as to what the clerks rights are. You state that the clerk is getting a salary of so much a year *with extras*. What extras? The clerk is entitled to extra remuneration for certain services unless the council in its contract with the clerk provides that the salary shall cover everything. For example section 282 of the Voters' List Act, Cap. 7, R. S. O., 1897, entitles clerks to certain fees for services under that act and he is entitled to such fees unless the contract between him and the council expressly or implicitly provides that his salary shall cover these services as well. We think that probably what was intended here, was that the salary was not intended to include the remuneration which the clerk would be entitled to for services under certain special acts, and if it can be found that the clerk is entitled to any fees for services in connection with revision of the assessment roll he ought to be paid whatever fees are allowed. We cannot, however, find that any fees are allowed. The clerk may obtain assistance to enable him to effect services, which he is required by law to make, but that will not be the means of putting the money into his pocket, because the municipality can only be required to pay the cost of effecting the services which will be only what he has to pay out. The mere fact that there is a heavy court, by which we understand a great many appeals, does not help the clerk. He may have extra work over former years but that does not entitle him to call the work an *extra*.

Changes in the Municipal Act not Affecting Bureau of Industries.

293—TOWNSHIP CLERK.—The Municipal Act as amended in 1899 repeals section No. 74, of the Municipal Act of 1897. Such change will mean that the same name, although appearing several times on the assessment roll, must be counted every time in making returns to bureaus of industry or in making up the voters' list. Please explain your opinion of the change above mentioned in THE WORLD.

We cannot see what section 74 has to do with the returns required to be made to the Bureau of Industries, whether it is in or out of the act. Section 74 referred to voters, not ratepayers.

Collectors Seizure and Sale.

294.—A. R.—F. M. is collector of taxes in our township. He went to a resident place to collect arrears of taxes for 1897, and tax for 1898, as he could not collect he made a seizure on a frame sleigh. The day of sale the builder of the sleigh put an opposition to the sale as the sleigh is not paid in full to him; the sleigh was built two years ago, and the sum of five dollars was paid on account. The sale did not take place. What can our collector do in that case?

Unless the sale of the sleigh was a conditional sale, that is one in which the title was not to pass until the whole price was paid, the builder could not prevent its sale. If it was a conditional sale the collector could only seize the interest of the person assessed. See sub-section 2 of section 135 of the Assessment Act. The collector should satisfy himself on this point, because if it was not a conditional sale the collector must sell, otherwise he cannot return the taxes so that they can be made out of the lands.

Appeals Against Assessment Roll—Valuation of Property.

295.—A RATEPAYER.—1. Has the council of a town the right to appeal against the assessment of the ratepayers, (having held a private meeting to examine the roll) and then make out the appeals and get their town constable to sign them? And then select a court of appeal including the mayor from their number to sit on their own appeals.

2. How are valuations of real estate and personal property to be arrived at? Should they be assessed for two thirds of their cash value, or their cash value? How should such cash values be arrived at?

3. Neither private sales nor auction sales always show the real value of property. Property sells here sometimes at nearly double its value, and sometimes about half value and in each case the custom of the council is to count such sales as the actual value. Is this correct?

1. Subsection 3 of section 71 of the Assessment Act, authorizes any municipal elector to appeal against the assessment of any person, upon the ground that such person's assessment has been assessed too high or too low, or that he has been wrongfully inserted or omitted from the roll. If the town constable is a municipal elector in the town he has the right to appeal, and it does not matter whether he appealed of his own motion or did so at the request of the council. By section 63, in municipalities other than cities, if the council consists of not more than five members, such five members shall be the

court of revision, if more than five members the council shall appoint five of its members to be the court of revision. As the mayor is a member of the council he may be a member of the court of revision. It therefore follows that all that appears to have been done is probably quite lawful.

2. Section 28 (1) provides, "Except in the case of mineral lands hereinafter provided for, real and personal property shall be estimated at their actual cash value as they would be appraised in payment of a just debt from a solvent debtor." An arbitrary assessment of two thirds of the cash value is improper. Assessors must use their best judgment in valuing property. We cannot furnish any rule.

3. The price realized for property in a particular locality is one of the tests for determining the actual cash value, but there may be some special reason for very low prices in some instances and very high prices in others, and therefore it should not be taken as the only test.

Tenders for Municipal Printing.

At the last annual meeting of the Canadian Press Association, the question of Municipal Printing was presented by Mr. D. McGillicuddy, editor of the *Goderich Signal*, as follows:

"I don't tender for municipal printing. It is a mighty poor thing when a man has to tender for municipal printing. When it comes to that, a man had better sit in his office and play checkers with the devil." (Laughter.) "I have not tendered for ten years, and if I am preserved for another ten years, I don't intend to tender for municipal printing, as municipal printing is done. Up in our country there are some fellows that do tender, and I am quite willing to let them tender, because it is like a pig swimming a river—the action of the pig is cutting its own throat—and I am going to let other fellows do the swimming in the pig's way." (Laughter.) I will give you an illustration. There was a neighbor of mine who took the printing for the municipality of Hay for \$24. Head, tail, backbone and belly, he was to get through the whole job for \$24 for the year." (Laughter.) "He got stuck on the thing and he wrote me a letter, and you would almost imagine it was an invocation to Providence to help him out. He offered me \$18 to print his voters' lists. I was doing ordinarily good business at usual rates at the time, but I thought, what kind of a man is this that is willing to give me \$18 for the voters' lists and is willing to do all the other municipal printing for \$6. The amount of fat on that man's ribs at the end of the year would not be much for \$6." (Laughter.) "I did not do the work. And then he offered me \$20, and I told him I did not want to starve him out and leave him only \$4. And another thing was, I wanted cash and he wanted it on time." (Laughter.) "I thought that under the circumstances my chance of getting \$20 out of \$24 for

the printing for the township of Hay was small potatoes, and I did not go in for it. It is the same way with county work. I was a county printer once. I had the printing for Huron county. It was in my salad days—"

A voice: "A long time ago." (Laughter.)

Mr. McGillicuddy: "And I tendered for it; and to get that printing it was absolutely necessary that I had to print eight pages, 400 copies, for \$1.75. I thought there was no grease on that." (Laughter.) "I found it out before the year was over, too. And it was the same way when we charged 4c. a line and 3c. for each subsequent line for local advertisements. But to get that contract we had to tender for the list of lands for sale for taxes. You all know what I am talking about. One-eighth of a cent for the first insertion and nothing for the twelve subsequent insertions." (Laughter.) "I did it. That is what cured me of that kind of business."

A voice: "There is war in that."

Mr. McGillicuddy: "It was guerilla warfare, the worst kind you ever saw. That is a specimen from my corner of the vineyard. You are laughing, but I question if nearly everyone here has not been bitten himself, or known some of his neighbors to be bitten." (Laughter.) "It is all right to say, 'What a green fool McGillicuddy was.' I am not so green now. I am grey. As my years increase I think my intelligence increases, and, so far as I am concerned, I think that if we would let this tendering business alone the municipalities would soon fry in their own fat."

"I merely want to start the ball rolling, and I have told you a few cold facts that you have had in your experience, or, if you have missed them, you have missed a very valuable experience. One of the mistakes I want to remember is how I got salted when I touched that municipal printing. I do not intend to tender for anything that will not give me a profit, and any man who does is not more than 100 miles from a fool. These are my remarks, and if any man takes exception to them, he can do so." (Laughter and applause.)

At the conclusion of the address a discussion took place in reference to the matter, the general opinion being that while the prices were low the printers were the cause, and that the municipalities got the benefit.

Elderly Spinster (to young reprobate, who has been swearing)—Oh! how can you use such dreadful language? Do you know what becomes of little boys who do so?

Billy—Yes'm; they gits ter be cab-drivers!—Fun.

Teacher—You have named all domestic animals save one. It has bristly hair, it is filthy, likes dirt, and is fond of mud. Well, Tom?

Tom (shamefacedly)—That's me.

An Act to Improve the Laws Respecting Public Schools.

Her Majesty by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows :

CONTINUATION CLASS SCHOOLS.

1. Section 8 of The Public Schools Act is repealed and the following substituted therefor :

8. (1) The school corporation of any municipality or section in which there is no high school shall have power to establish in connection with the public or separate school over which it has jurisdiction, such courses of study in addition to the courses already provided for the fifth form of public schools as may be approved by the regulations of the Education Department. The classes established under such courses shall be known as "Continuation Classes."

(2) The trustees of any number of school corporations, whether of public or separate schools, may, by mutual agreement, determine that continuation classes shall be conducted in one only of the schools under the jurisdiction of the corporations entering into such agreement, and in all such cases the trustees shall have the same power to provide, by rates levied on the taxable property of their respective sections, for the tuition of pupils attending such continuation classes as they possess under The Public Schools Act or Separate Schools Act, for the tuition of pupils attending the schools under their immediate jurisdiction.

(3) No pupil shall be admitted to the course prescribed for continuation classes who has not passed the entrance examination to a high school or some higher examination, or whose qualifications for admission have not been approved by the principal of the school and the public school inspector of the district in which the school is situated.

(4) Non-resident pupils and all other pupils who have completed the course of study prescribed for the fifth form of public schools whether resident or non-resident, may be charged such fees as the trustees may deem expedient.

(5) Any teacher who at the date of this Act, holds the position of principal of any school in which a continuation class has been established shall be deemed a qualified teacher of such school, but every teacher appointed principal after the date of this Act whose classes consist entirely of pupils who have passed the Entrance examination shall be the holder of at least a first-class certificate.

(6) The Minister of Education shall apportion among the schools conducting continuation classes, such sums of money as may be appropriated by the Legislature, subject to the regulations of the Education Department. The municipal council of the county shall pay for the maintenance of such classes a sum equal to the legislative grant appropriated by the Minister of Education for such class and any further

sums the municipal council may deem expedient.

CLERK TO SUPPLY VOTERS' LIST.

2. Section 14 of The Public Schools Act is amended by adding thereto the following sub-section :

(9) It shall be the duty of the municipal clerk to supply a list of the persons qualified to vote in any school section when required by the board of trustees or by the public school inspector in the case of any investigation or dispute with regard to the election of a school trustee.

3. Section 34 of the said Act is amended by adding thereto the following sub-section :

(3) It shall not be necessary for the trustees to build a wall or fence along any street or highway for the purpose of enclosing the school premises in any municipality in which a by-law has been passed by the municipal council, prohibiting stock from running at large.

4. Subsection 1 of section 39 of the said Act is amended by inserting between the first and second words in the tenth line thereof the words "form, unite, divide or" and subsection 3 of said section 39 is amended by striking out the words "revise, determine" in the fifth and sixth lines and inserting in their place the words "form, divide, unite."

5. Section 43 of The Public Schools Act is amended by adding to sub-section 11 thereof the following words :

Provided always that $\frac{2}{3}$ of the ratepayers of any union school section may, at the expiration of three years from the date of the formation of such union section, petition the municipal council or councils concerned for a re consideration of any award for the formation of any union school section made under this Act, and such petition shall be taken in lieu of the petition or petitions for the formation, alteration or dissolution of the union school section concerned, referred to in subsection 1 of section 43.

6. Section 52 of the said Act is amended by adding thereto the following sub-section 3 :

(3) The power to form a union school section shall in no way be restricted by any by-law passed by a municipal council for the alteration of the boundaries of one or more sections in any township within the jurisdiction of such council.

7. Sub-section 3 of section 58 of the said Act is amended by inserting after the words "closing the poll" in the eighth line thereof the words "the mode of receiving the resignation of persons nominated for the office of school trustee before a poll is taken."

ELECTION OF TRUSTEES.

8. Section 58 of the said Act is further amended by adding the following sub-section :

(6) In towns and incorporated villages the trustees may, by resolution, limit the number of trustees constituting the public school board to six provided that at least one month's notice was given of the inten-

tion to consider a resolution to that effect. When such resolution has been adopted the election for school trustees shall thereafter be by vote of the electors of the whole municipality. Any reduction so approved shall not come into operation until the close of the school year. The board shall by lot determine what trustee or trustees shall retire in addition to the number retiring by annual rotation in order to admit of the election of three new trustees at the next annual meeting, and thereafter three trustees shall be elected by the ratepayers of the whole municipality each year to fill the place of the same number retiring by rotation annually.

9. Section 65 of the said Act is amended by striking out the figures "31" after the word "sections" in the fifth line thereof and substituting the figures "32."

10. Subsection 1 of section 79 of the said Act is amended by inserting after the word "county" in the third line the words "including the inspector or inspectors of the county town or of any town separated from the county."

ASSISTANT SCHOOL INSPECTORS.

11. Section 82 of the said Act is amended by adding thereto the following subsection :

(13) The municipal council of every county and the public school board of every city shall have power to appoint an assistant inspector in every county or city where the inspector, by reason of age or infirmity, has become incapacitated for fully discharging the duties of his office, and in such cases it shall be lawful for the municipal or school corporation concerned to apply towards the payment of the salary of such assistant a portion of the grant made by the county council or city towards the inspection of schools, or to supplement the same by further grants, as may be deemed expedient.

12. The Education Department shall have power (a) to call for competitive plans of school buildings with all modern improvements suitable for schools of from one to four teachers, and to appoint a board of not more than three architects to examine such plans and to report with respect to the same to the Minister of Education ; (b) to affiliate one or more of the public schools in any city in which a Normal School is situated, with such Normal School for practice in teaching by Normal School students, and (c) to appropriate out of moneys voted by the Legislature for public and separate schools, a sum not exceeding \$5 for every school in which the regulations of the Department as to equipment, ventilation, heating, lighting and the care of the premises generally have been complied with.

APPOINTMENT OF INSTRUCTORS IN AGRICULTURE.

13.—(1) The council of every municipality may, subject to the regulations of the Education Department, employ one or more persons holding the Degree of Bachelor of the Science of Agriculture or

a certificate of qualification from the Ontario Agricultural College, to give instruction in agriculture in the separate, public and high schools of the municipality, and the council shall have power to raise such sums of money as may be necessary to pay the salaries of such instructors, and all other expenses connected therewith. Such course of instruction shall include a knowledge of the chemistry of the soil, plant life, drainage, the cultivation of fruit, the beautifying of the farm, and generally all matters which would tend to enhance the value of the products of the farm, the dairy and the garden.

(2) The trustees of any public, separate or high school or any number of boards of such trustees, may severally or jointly engage the services of any person qualified as in the preceding section for the purpose of giving similar instruction to the pupils of their respective schools, providing always that such course of instruction shall not supersede the instruction of the teacher in charge of the school, as required by the regulations of the Education Department.

(3) As far as practicable, the course of lectures in agriculture by such temporary instructor shall occupy the last school period of each afternoon and shall be open to all residents of the school section or municipality.

14.—(1) On the report of any Public School Inspector that the attendance at the schools in the outlying and sparsely settled portions of his inspectorate is so small as to justify the consolidation of two or more such sections with a view to the transportation of the pupils to some central school thereafter to be determined upon the Lieutenant-Governor in Council may appoint a commission of not more than three persons, of whom the Public School Inspector shall be one, whose duty it shall be to rearrange such school sections, having regard to the settlements and the facilities for transportation in order that the number of sections may be reduced, and the pupils conveyed from their homes to the school in the most convenient manner.

(2) On the receipt of the report of the commission, the Lieutenant-Governor-in-Council may cause the same to be published in the sections to be affected by such consolidation in such manner as may be deemed expedient and on a day to be fixed by the said Lieutenant Governor, the ratepayers shall vote "yea" or "nay" on said report.

(3) If a majority of the ratepayers vote "yea," then the boundaries of the section so settled shall be the legal boundaries of the school sections concerned from and after the 25th day of December next following such vote, until altered as provided by The Public Schools Act.

(4) The ratepayers of the sections so formed shall, on the date fixed by The Public Schools Act for the annual meeting of rural sections, meet and elect three trustees for the sections so formed as in

the case of the organization of new sections under The Public Schools Act.

(5) It shall be the duty of the trustees in the case of all sections formed as herein provided, in addition to the other duties imposed by The Public Schools Act, to provide for the transportation of all pupils to and from school, who reside more than one-half mile from such school, and the trustees shall have power to levy and collect the cost of such transportation as other expenses of the section are levied and collected.

15. The trustees of any public school in the unorganized townships of the Territorial Districts of Algoma, Nipissing, Parry Sound and Muskoka may issue debentures, for the purchase of a school site and the erection of a school-house, payable in ten equal annual instalments, or such other sums as the trustees may deem expedient, providing always that the proposal to issue such debentures has been sanctioned, by resolution, at a special meeting of the ratepayers of the section; such debentures shall be signed by the trustees of the section and sealed with the corporate seal, and shall be a charge upon the assessable property of the school section. The debentures shall, as near as may be, comply with form A prescribed by The Public Schools Act.

16. Section 100 of the said Act is amended by adding thereto the following: Provided further that any journalist or the publisher of any periodical who may be elected Public School Trustee shall not by reason of the publication of any advertisement in the regular course of business in any newspaper or periodical of which such trustee is proprietor or in which he is the holder of any shares or stock, be deemed to be disqualified to serve as School Trustee.

16.—(1) Subsection 1 of section 51 of The Public Schools Act is amended by adding the following words after the word "concerned" in the last line thereof; "and to the clerks of the respective municipalities. In any municipality where more than one assessor is appointed and employed, the reeve or mayor of the municipality shall name the assessor who shall act for and on behalf of such municipality."

(2) Subsection 2 of the said section is amended by striking out the words "shall name an arbitrator who" in the third line thereof.

(3) Section 3 of the said section is amended by striking out the words "name an" in the fourth line and inserting in lieu thereof the words "act as."

Mrs. Jingso—While I was waiting I visited my dressmaker, went to the grocery and left an order, chatted with Mrs. Hightone for half an hour—Jingso—While you were waiting for what? Mrs. Jingso—The car.

Great personages who are selfish and whimsical are generally surrounded by parasites and buffoons.—Disraeli.

Tisdale vs. Township of Middleton

Meredith C. J., Drainage, Section 75 Drainage Act.

I think I must give effect to some of one of the objections to this by-law. The scheme which the engineer has put forward for draining these lands, while very probably it is the only scheme to efficiently drain them, does not seem to me to be sanctioned by the provisions of section 55 (chap. 222, R. S. O.) which is the one under which the by-law is attempted to be supported. That section provides for giving very large powers for the improvement of drains, under two conditions, as I read the section; first, for the better maintenance of the drainage work constructed, and second, to prevent damage to lands or roads. I agree with Mr. Douglas that that means to prevent damage by reason of the drainage work.

Then, if either of these two conditions exist, the council has power to make a new outlet for the whole or any part of the work, or to otherwise improve, extend, or alter the work, or to cover the whole or any part of it. The difficulty is that the council, as recited by the by-law shows that this was entered upon practically as a new scheme of drainage; and the engineer in his report shows that he provided for the proper drainage of lands assessed for the original construction of the drain in question, that is, I suppose under by-law number 71. Then he further says that the lands all around the marsh, being higher, it is necessary to make an outlet through the lowest place in the lands adjoining, and to make it deep enough to create a fall and afford an outlet for the lands adjoining. It seems to me in doing that he exceeded what the municipality was permitted to do under section 75. It would appear from his report that the original drain would not have answered the purpose of draining the adjacent lands, and what he proposes to do is to construct another work for the purpose of supplying that which was omitted in the original scheme. I do not think the legislature intended that.

It is to be observed that this was done without the petition of anybody, but upon the motion of the council; and, while it is to be presumed that the council in this case acted in the public interest, a very large sum of money is to be imposed upon the property owners, said to be \$6,000, while the cost of the original work was \$1,000, I do not think the legislature intended that such a scheme as this might be entered upon. The municipality must either cut down the scheme so as to bring it within the Act, or proceed under petition.

"Yes, all the boys called that pretty Miss Simmers the angel of the hospital." "Somebody told me she didn't do a bit of work." "That's right. All she did was to come around in the evening, and give the boys a good-night kiss."—Cleveland Plaindealer

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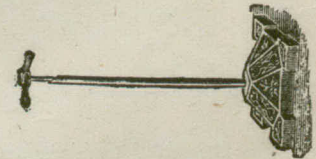
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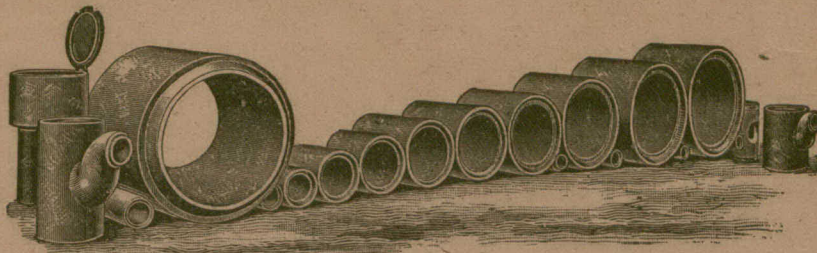
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