

The Municipal World

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

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Calendar for December, 1907

Legal, Educational, Municipal and Other Appointments

- December 1**—Chairman of Board of Health to report to the Council on or before this date.—Public Health Act, schedule B, section 3.
Last day for appointment of School Auditors by Public and Separate School Trustees.—Pub. Schools Act, sec. 22 (1) ; Sep. Schools Act, sec. 28 (3).
Municipal Clerk to transmit to County Inspector statement showing whether or not any county rate for public school purposes has been placed upon the collector's roll against any separate school supporter.—Public Schools Act, section 72 (1) ; Separate Schools Act, section 52.
Clerk's Report to Public School Inspector under sec. 8 chap. 53, 6 Ed. VII. due.
- 5**—Make returns of contagious diseases to Register-General.—R. S. O., 1897, chapter 44, section 11, sub-section 4.
- 9**—County model school examinations begin.
- 10**—Last day for public and separate school trustees to fix places for nomination of trustees.—Public Schools Act, sec. 60 (2) ; Sep. Schools Act, sec. 31 (5).
Returning officers to be named by resolution of the public school board (before second Wednesday in December.—Public Schools Act, section 60 (2).
- 13**—County model schools close.
- 14**—Last day for payment of taxes by voters in local municipalities passing by-laws for that purpose. Consolidated Municipal Act, 1903, sec. 535.
Last day for collectors to return their rolls and turn over proceeds, unless later time appointed by council. Assessment Act, section 106.
Local assessment to be paid separate school trustees.—Separate Schools Act, section 58.
County councils to pay treasurers of High Schools.—H. S. Act, section 33.
- 15**—Municipal council to pay secretary-treasurer public school boards all sums levied and collected in township.—Public Schools Act, section 71 (1).
Councils, towns, villages, townships meet.—Con. Mun. Act, 1903, sec. 304 (6).
Rolls to be finally revised by Judge when assessments taken between 1st July and 30th September.—Assessment Act, section 53 (1).
Pass all accounts for subscriptions due THE MUNICIPAL WORLD, and order election supplies, etc.
- 16**—Nomination day, where fixed by by-law of county council.—Section 125, Consolidated Municipal Act, 1903.
- 18**—Provincial Normal Schools close (first term).
- 20**—Last day for treasurer to send clerk list of all who have not paid their taxes.—Consolidated Municipal Act 1903, section 292.
High Schools, first term, and public and separate schools close.—H. S. Act, section 45 ; Public Schools Act, section 96 (1) ; Separate Schools Act, section 81 (1).
- 23**—Last day for publishing notices of nomination.—Section 127, Con. Mun. Act, 1903.
- 24**—Last day for posting up annual statement of assets and liabilities in townships, towns and villages.—Consolidated Municipal Act, 1903, section 304 (7).
High school treasurer to receive all moneys collected for permanent improvements.—High Schools Act, section 39 (1).
- 25**—Christmas Day.
- 26**—By-law for disestablishment of township board takes effect.—P. S. Act, section 31 (1).
New schools and alteration of school boundaries go into operation or take effect.—Public Schools Act, section 25 (2) ; section 42 (3) ; section 46 (10).—S. S. Act, section 4.
- 30**—NOMINATION DAY.
Annual public and separate schools meeting.—Public Schools Act, section 14 ; section 60 (1) ; Separate Schools Act, section 27 (1) ; section 31 (1).
- 31**—Road commissioners cease to hold office.—4 Ed. VII., c. 25, s. 25.
License commissioners cease to hold office.—Liquor License Act, section 3.
Protestant separate school trustees to transmit to county inspector names and attendance during last preceding six months.—Sep. Schools Act, sec. 12.
Trustees' report to truant officers due.—Truancy Act, section 11.
Auditors' report of cities, towns and incorporated villages to be published by trustees.—Public Schools Act, section 65 (11).
Persons liable to municipality on mortgage to state balance due thereon to head of municipality.—R. S. O., 1897, chapter 228, section 22.

January 1.—A HAPPY NEW YEAR TO ALL.

Renew Subscriptions to THE MUNICIPAL WORLD for 1908.

The Municipal World

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

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ST. THOMAS, ONTARIO, DECEMBER 1, 1907.

If the number on your address label is 204 your subscription ends with this issue.

* * *

THE WORLD form catalogue for 1908 will be distributed this month.

* * *

In ordering election supplies do not wait until after the date fixed for resignation of candidates. A delay in the mails, a mistake on the part of an express agent, a railway accident, have all been the cause of many anxious hours on the part of some clerks who made no allowance for the delays that are occurring every day.

* * *

It is probably unnecessary to say that in anticipation of more elections than usual, we have put up a large stock of election supplies, all of which is in accordance with the present law. This is now ready for immediate delivery.

* * *

The information bureau will, during December, be available at all times to answer questions by mail, telegraph or telephone. No question is too small, no question is too large for our staff, provided it pertains to municipal matters.

* * *

The Halton county council will petition for an increase of Legislative grants for the construction of county roads under The Highways Improvement Act. Other county councils are requested to co-operate in having the Government grant raised from one third to one half.

* * *

Ratepayers should be as free in their praise of competent officials as they are to condemn those who by their actions show that they are unfit to be trusted in the administration of municipal affairs.

Owing to the many important questions connected with the industrial development of Ontario municipalities, we believe there will be more competition for municipal office than formerly in the cities, towns and villages at the coming elections. The office of mayor, or reeve, is a position of importance, dignity and usefulness, and is one to which any public spirited citizen may honorably aspire.

* * *

In a great many towns and cities the question of Niagara power distribution is being considered. In a nutshell, the price to the consumer must be lower than, or as low, as power required can be produced by any other means. It must compensate the municipality for the amount contracted for, the charges for distribution plant, and share of cost of government transmission line. The municipalities will, in most cases, be the largest users for street lighting, waterworks pumping, etc. A great deal is said about the peak load. What is wanted is a fixed price for the power used. This should be regulated by meter with a liberal discount to large users. The fixed price should be determined wholly by present conditions. A municipality should not load itself with a contract for power that it cannot use or sell. The fixed price to consumers would then be loaded with additional taxation. The proper time to have a definite understanding is before rather than after burdens have been assumed.

* * *

The Elgin county council at its last session in considering a notice from the Hamilton Radial Electric Railway Company of proposed application for charter through the county decided to request their representatives in the House of Commons to oppose the granting of a charter that interferes in any way with the full control of highways by municipal corporations, or that does not provide for the application of the Provincial Drainage Laws when the drainage of lands through or along the right of way of the said company is required. This action of the council is in the right direction and should be followed by all councils if they desire to safeguard their interests against encroachments by electric railway corporations applying for charters under the Dominion laws.

* * *

A most necessary reform in our municipal law is one requiring a municipality owning and operating a public utility to charge sufficient to pay running expenses and cost of installation. This is the law in Illinois. When rates are too low they should be raised, and when too high they should be lowered. The users of water, light and power in many a municipality do not pay a rate equal to the cost. The result is that annual deficits increase the general taxes. With a law of this kind it would be necessary to keep public utility accounts and management separate. The great success of municipal undertakings and their lauded surpluses is owing wholly to two causes—the users are paying too much, or the accounts are not properly kept.

NOMINATIONS

The following tabular statement will show when and where nomination meetings for 1907 should be held, and the municipal officers to be nominated.

STATEMENT

MUNICIPALITY	DATE	MAYOR; REEVES AND DEP'Y-REEVES IN TOWNS	WHERE	ALDERMEN	WHERE
I. CITIES Sections 118 and 119a	30 December.....	10 a. m. to 11 a. m.....	At City Hall..	12 noon to 1 p.m., or if by-law passed under section 120, 7.30 p.m. to 8.30 p.m.	At City Hall or place in each ward fixed by by-law.
II. CITIES Having a population of 100,000 or more..... Section 119a	30 December, or if by-law passed by the council, before 15th of Nov. under s. 119a on 23rd December..	10 a. m. to 11 a. m.....	At City Hall...	12 noon to 1 p.m., or if by-law passed under section 120, 7.30 p.m. to 8.30 p.m.	At City Hall or place in each ward fixed by by-law.
III. TOWNS Divided into wards; population over 5,000..... Sections 118, 119	30 December.....	10 a. m. to 11 a. m., or if by-law passed under section 120, 7.30 p.m. to 8.30 p.m.....	At Town Hall..	(Councillors) 12 noon to 1 p.m., or if by-law passed under section 118, from 10 a.m. to 11 a.m., or under section 120 from 7.30 to 8.30 p.m.	At Town Hall, or place in each ward.
IV. TOWNS Not divided into wards; population over 5,000... Sections 118, 119	30 December.....	Same.....	At Town Hall..	Same.....	At Town Hall.
V. TOWNS Divided into wards; population 5,000 and under... Sections 118, 118 and 71a	30 December.....	12 noon to 1 p.m., or if by-law passed under section 120, 7.30 p.m. to 8.30 p.m.....	At Town Hall..	Same.....	At Town Hall or place in each ward.
VI. TOWNS Not divided into wards; population 5,000 and under Sections 118, 119 and 71a	30 December.....	Same.....	At Town Hall..	Same.....	At Town Hall.
VII. VILLAGES Sections 110 and 120	30 December.....	12 noon to 1 p.m., or if by-law passed under section 120, 7.30 p.m. to 8.30 p.m.....	At Town Hall or at such place as may be fixed by by-law.....	Councillors, reeves and deputy-re'ves, 12 noon to 1 p.m., or if by-law passed under section 120 from 7.30 to 8.30 p.m.	At Town Hall or at such place as may be fixed by by-law.
VIII. TOWNSHIPS Sections 119, 122 and 123	On 30 December, or if by-law passed by county council under section 125 on 16 December.	12 noon to 1 p.m., or if by-law passed under section 122, 1 to 2 p.m. (Police Trustees.)	At Town Hall or place fixed by by-law under section 123.... At such place in the Police Village as is from time to time fixed by the Trustees.....	12 noon to 1 p.m., or if by-law passed under section 122, 1 to 2 p.m.	At Town Hall or place fixed by by-law under section 123.
IX. POLICE VILLAGES Section 723	30 December.....	12 noon to 1 p. m.....	At such place in the Police Village as is from time to time fixed by the Trustees.....		

Nomination Proceedings.

NOTICE.

It is the duty of the clerk or other returning officer to give at least six days' notice of nomination meeting. Notice may be given by advertisements in newspapers or printed posters.

NOMINATIONS, SECTION 128.

The persons nominated to fill each office shall be proposed and seconded (*seriatim*), and every such nomination shall be in writing, and it is required to state therein the full name, place of residence, and occupation of the candidate, and shall be signed by the proposer and seconder and be filed with the returning officer or the chairman within ONE HOUR from the time of opening of the meeting.

Nomination forms should be provided for use at the nomination meetings.

RESIGNATIONS

may be handed to the returning officer at nomination meeting, or on the following day, at any time before 9 o'clock p.m.

At the nomination meeting candidates proposed may resign verbally, but after the nomination meeting all resignations must be in writing, signed and attested by a witness, and delivered to the clerk or returning officer within the time mentioned. When resignations are not received in time or in proper form, a clerk has no alternative but to hold the election. Sub-section 3a of section 129 provides that in cities, towns and incorporated villages every candi-

date for the office of mayor, reeve, controller, alderman, councillor, water commissioner or street railway commissioner, shall on the day of the nomination or at any time before nine o'clock in the afternoon on the following day, or when such last named day is a holiday, then before twelve o'clock (noon) of the succeeding day, file in the office of the clerk of the municipality a statutory declaration in accordance with the form contained in section 311 of the Act, or to the like effect that he possesses the necessary qualification for the office, and in default of his so doing such candidate shall be deemed to have resigned, and his name shall be removed from the list of candidates and shall not be printed on the ballot papers.

A nominating or returning officer should not refuse to accept a nomination paper for the reason that he has a personal knowledge of the fact that the person nominated thereby is not a legally qualified candidate; the responsibility of deciding this question should be left to the courts. The Municipal Act does not make it the duty of such officer to read each nomination paper to the assembled electors, either when handed to him or at the close of the nomination meeting; He may do this, however, as a matter of courtesy. At the close of the nomination meeting he should announce the names of the candidates placed in nomination. The nominator and seconder of a candidate should both be present at the nomination meeting, and should be electors of the municipality. It is not necessary that a person nominated should be present.

COMMUNICATIONS

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

ACCIDENTS ON HIGHWAYS

To the Editor of *The Municipal World*:

SIR,—Kindly allow me space in your valuable paper to discuss for a little, a question that is attracting the attention of the yeomanry of the Province from time to time, namely the law respecting accidents upon the highway.

The Province of Ontario is the only Province in the Dominion subject to such legislation making each municipality responsible for all accidents upon the highways.

I am safe in saying that more of the people's money has been, and is now being, spent upon the building and maintenance of good roads in Ontario than in all the other Provinces put together, and that we have better roads on the whole than any of the other Provinces.

Yet there is not one mile of road in the Province but where an accident is liable to take place and the municipality be put to an enormous expense, as the law now stands.

It is universally claimed—and rightly so—that this is unfair and unjust in nearly every instance, as in nearly every instance where an accident takes place, it is the result of the lack of reasonable precaution, or recklessness on the part of the victims themselves, and the result is the township is sued for damages, and thus enormous sums of the people's money are spent, which should be used in keeping the roads in order.

This year alone the township of Westminster will pay for an accident of a trifling nature the sum of \$4,200, a tax of \$7 per hundred acres in the township. Yarmouth, also, is put to the cost of some two thousand dollars in a case which, if properly looked into, should have been settled for one-quarter of the amount paid.

The trouble is, when an accident takes place, from whatever cause, or however trivial, the victim knows that he or she can recover damages, and they look upon the municipality as rich and able to pay smartly, so that a reasonable settlement cannot be made with them by the officers of the township, and the result is a lawsuit.

The worst and most aggravating feature of the whole business is, that in many cases, those who meet with accidents of this kind, resort to dishonest means in order to obtain heavy damages. They fain all sorts of bodily injuries and ailments, fool and deceive their medical attendants with every scheme and device at all possible, until they obtain a verdict for damages, and then, as if by magic, they are as well as ever in a day or two.

About two years ago the municipal officers of the county of Elgin made an effort to have the law respecting accidents upon highways changed and modified, so as to in a measure, at least, relieve the Province of so heavy a burden as it is now carrying in this respect, but failed in their efforts. It is well, however, to persist in a good cause, and now as the municipal elections will soon be on, would it not be a good idea to bring this matter before the electors, and have it well discussed, with the view of once more calling the attention of the Legislature to its modification and adjustment. I am of the opinion that nine-tenths of the people of Ontario would gladly vote to have a radical change in this respect.

Thanking you, Mr. Editor, for trespassing thus far on your valuable space,

J. CAMPBELL.

Belmont, Ont., Nov. 20, 1907.

EXTREME VIEWS OF PUBLIC OWNERSHIP

A paper on public ownership, read before the recent meeting of the Union of Canadian Municipalities, contains the following unique sentences:

"Private ownership of utilities is largely, if not entirely, responsible for the existing corruption in public life; public ownership would tend to the purification of politics and the elimination of graft."

Everyone interested in the purity of public life must necessarily be made to pause by such a statement. If it be true, then we should advocate public ownership. This may be advisable even if we are not theoretically certain as to the wisdom of preferring public operation to private operation. The decision rests upon the truth of the statement made by the representative of the Public Ownership League, who read the paper.

The greatest talk about graft is coming just now from the Ottawa Opposition. And whence their charges? Do they not wholly concern the administration of public property along public ownership lines? They involve the public ownership of the Intercolonial Railway, the marine fleet, and the crown domain. Has any person arisen to say that any part of the corruption and graft—if there are any—is due to any other cause than bad administration of public trusts? Very little, if any, is charged to private corporations—nothing more than a vague insinuation that, like private individuals, they sometimes contribute to campaign funds. When we investigate further and inquire into municipal administration, are there any cases where it has been proved that any corporation or private owner of a public utility has corrupted a city? Is there any evidence, for example, that any street railway corporation in any city in Canada attempts to control the city council?

The truth is that the question between public and private ownership has little to do with corruption or graft, which is a question of men and morals, rather than of systems. There is little corruption or graft in Canada because public opinion holds most men to correct principles; there is more in the United States because public opinion does not prescribe so high a standard, especially in the state and municipal government. Such a statement as that sent out by the P. O. League and quoted above is a libel on the country, and at the same time wonderfully absurd.

Public ownership, without public operation, has done fairly well in Canada. For example, the Montreal Street Railway Co. during the year ending September 30th, 1907, has paid percentages to the city amounting to \$214,840. The Toronto Street Railway will pay the municipality nearly double that amount this year. On the other hand, public ownership, with public operation, has worked badly sometimes, as in the case of the Intercolonial; it has worked fairly well in other cases, for example, the successful operation of the waterworks system in Toronto and other cities.

Public ownership and operation in some United States cities has worked ill, resulting in corruption, graft and inadequate service. For example, previous to 1897, Philadelphia had a municipal gas plant which was run at a loss, and which bred the "gas ring." In that year it was turned over to a company, which has since improved the quality of the gas, and gives percentages, street lighting and other benefits to the city estimated to be worth about two million dollars annually. This is a case where private ownership lessened corruption, abolished graft, and gave improved service and better financial results.

The evidence varies from city to city, from country to country, but it is quite evident that neither public ownership nor private ownership is responsible for corruption and graft. According to the power and force of public opinion corruption is present or absent.—*Canadian Courier*.

THE POLLUTION OF STREAMS

Many cities, towns, villages and manufacturing plants have used rivers and streams for sewers for so long a time that it has been found difficult and often impossible to break them of the habit. As for the Thames, it is not disputed that it is made the receptacle for drainage of the various communities through which it flows, and until the practice is put a stop to and other means of sewage disposal provided, it will be manifestly unsafe to adopt river water as part of our household supply. Even with filtration the danger to life and health would not be entirely removed. As has been frequently pointed out, it has been the experience of other cities that filtration plants get out of order, and an epidemic almost invariably follows.

led to understand that when the latter are completed a thorough system for the treatment of the city's waste will have been provided. In other countries various experiments have been made and are making to turn city refuse into an article of commercial value, but thus far with indifferent success. Some European cities have resorted to the system of using raw sewage as fertilizer on municipal farms ; in many others it is destroyed.

Not, however, until means are taken to entirely stop the pollution of running streams and they have undergone a process of cleansing will the rivers run as pure as when primeval forests lined their banks and before thousands of busy people came to live there. When that time comes it will be time enough to think of making the Thames part of our drinking-water supply.—*London Advertiser.*



MAIN BUILDING, ASYLUM FOR INSANE, PENETANGUISHENE

This public institution was until 1904 well known throughout the Province as a reformatory for boys, but in that year was remodelled and equipped as an asylum for the insane.

The pollution of streams is a matter which is engaging considerable attention in the United States. The New York State board of health has been authorized to formulate rules for the protection of the watershed of streams used for water supply. The watersheds of the streams that supply Boston are now under rigid regulation, and the Ohio, New Jersey and Minnesota boards of health have power to prevent the pollution of watersheds of water supplies.

Of course, it is one thing to prohibit the defilement of watercourses and another to devise other means for the disposal of sewage. In this city we believe we have solved the problem with bacteria beds and septic tanks, and are

TOWNSHIP HAD TO PAY

Division Court was held in Embro on November 1 before His Honor Judge Finkle. The principal case on the docket was that of *Youngs v. Township of West Zorra*. The plaintiff claimed that while gravel was being drawn from the pit on his farm the men employed were negligent and allowed a gate to be left open, by which means a valuable steer got out on the road and was killed. He therefore wanted damages. Several witnesses were called, and as the evidence showed that the men hauling the gravel were negligent in leaving the gate open judgment was given the plaintiff for \$30.

CORPORATION TAXES PAID IN MICHIGAN

The report of the Auditor-General of the State of Michigan for the year ending June 30th, 1906, has been received, and gives some very interesting figures regarding corporation taxes in that state.

During the year mentioned the railways paid \$8,079,119 (a portion of which was back taxes), express companies paid \$18,037, sleeping car companies paid \$6,962, car loaning companies, \$4,594, telephone and telegraph companies, \$97,235, insurance companies \$422,942.

The taxes paid during the year by some of the railway companies doing business in both Ontario and Michigan is of special interest to ratepayers here. The mileage and amounts payable in Michigan by these companies are as follows :

	Miles.	Taxes.
D. G. H. and M	189	\$ 332,777
D. S. S. and A	461	500,722
G. T. R.	224	391,281
M. C. R.	1,132	1,060,315
M. and Soo	242	283,453
Pere M.	1,786	1,038,103
St. C. Tunnel.....	1	91,246
T., C. S. and D.	96	167,471
Wabash.....	80	122,700

That the railway, express, sleeping car, car loaning, telegraph, telephone and insurance companies should pay the sum of \$8,629,000 in Michigan, while the same class of corporations paid during the same year only \$530,000, in Ontario, shows that there is something wrong in one place or the other. Where is it? The Ontario taxpayers can best answer, if they will.

There are 8,600 miles of railway in the state and the average amount of taxes per mile paid in 1906 was over \$930, of which over \$400 per mile was charged in 1906 alone.

Over in Michigan the people have forced the Legislature to impose equal taxation on the railway corporations which are now contributing about \$4000,000 annually to the state treasury. There are other corporations in that state which the people are now after. Attorney-General Bird has written a letter to Governor Warner calling attention to the necessity of further legislation so that corporation tax-dodgers can be reached. His letter should be read by every citizen of Ontario, as all that he says applies with even greater force here, as all the corporations in the Province have so far escaped. What is needed is a united and earnest movement by the individual taxpayers, who are now bearing the tax burdens of the corporation. If every voter will mark his ballot in his own interest, regardless of party, it can be done.

John E. Bird, Attorney-General for Michigan, has written a letter to Governor Warner calling attention to some reasons why he thinks the Governor should include in his call for a special session recommendation for legislation to tax the express, telephone and telegraph companies of the state on an *ad valorem* plan.

The letter, in part, is as follows: "Assuming that you will call an extra session of the Legislature to convene at an early date, I desire to call your attention to the bill taxing telephone and telegraph and express companies on the *ad valorem* plan that was introduced in the Legislature at the last session by Representative Dust, but which failed for want of a report from the house committee on taxation.

"This bill is meritorious and affects the revenues of the state, and should be again pressed for consideration at the special session. You will see the Western Union Telegraph Co. has physical properties in this state worth \$1,259,000, on which it paid, on July 1, a specific tax of \$3,401, or \$2.72 on a thousand valuation; while its

poorly-paid employes residing in this state paid \$16.46 on a thousand on property which they owned.

"The Postal Telegraph Co. has physical properties in this state worth \$304,000, on which it paid to the State Treasurer, on July 1, a specific tax of \$638, or \$2.10 on a thousand valuation; while its employees residing in Michigan were obliged to pay \$16.46 on every thousand dollars' worth of property they owned.

"The American Telephone and Telegraph Co. owns physical properties in the state worth \$300,000, and it paid a specific tax, on July 1, of \$72, or 24 cents on a thousand valuation.

"This tax is paid by non-resident millionaires, while our own people pay at the rate of \$16.26 per thousand valuation. The same is true of the telephone companies, only the discrimination is not so marked.

"The only excuse these corporations give for resisting the passage of this bill in the Legislature with a powerful lobby and a free distribution of franks, is that they cannot afford it. Few people in Michigan can afford to pay taxes, but they do. The laboring man with a mortgage on his little home and his family sick cannot afford to pay taxes, but he does. People who have business ventures that are failures cannot afford to pay taxes, but they do. Widows who have incomes which scarcely support them and their children cannot afford to pay taxes, but they do.

"A little while ago there came to my attention an old lady whose sole means of support was a life lease on a small farm. The income was small, and had been entirely used in her keeping, and the taxes (at the rate of \$16.46) per thousand valuation) had been allowed to accumulate until she was in danger of losing the farm. The guardian of the old lady consulted with the public authorities, and it was decided to take her to the poor-house until the rent would pay the taxes. No other solution suggested itself. The strong and inexorable tax-hand of this state was reaching for the taxes of the farm. The taxes had become a lien and could not be remitted. The approaching hand could not be turned aside by the tears of the old lady, nothing would satisfy it but payment.

"She could not afford to hire a lobby, so, in order to satisfy this demand the old lady will, in a few days, be hurried over the hills to the poor house. If the old lady had been assessed at the same rate of taxation that the American Telegraph and Telephone Co. is assessed, her taxes would have been 96 cents instead of \$65 last year, and she would have paid it; but, as it is, she will now go to the poor house in order that these demands may be paid.

"I hope that when the door of that poor house closes behind this trembling old lady it will shut with a bang loud enough to reach every Michigan legislator; and I hope it will ring in their ears until this outrageous discrimination ceases to exist."—*Forest Free Press.*

TOWNSHIP ROADS LIGHTED

The township of Stamford, Welland county, has completed arrangements for the lighting of its main highways by a private corporation allied with the Ontario Power Company. The municipality will pay the company for \$500 for lighting the roads from Niagara Falls to the point known as Stamford, a distance of three and a-half miles, and from Stamford for two miles along the Lundy's Lane Road. Incandescent lights will be used on these two highways which are among the finest in the province. In addition many of the residents, fruit farmers, along the road, have also contracted with the company for light. These orders will amount to about \$2,000 a year for the company. The customers will secure the illuminating at a rate lower than that prevailing in the city of Niagara Falls itself.

BRIDGES

In reply to our inquiry as to class of bridges the municipalities in South-Western Ontario had been building during the past season, Messrs. BELL & McCUBBIN have handed us the following list of structures designed by them. The permanent character of the different works shows conclusively that the day of the wooden bridge has passed in favor of those constructed of iron, steel and concrete :

Pitman Bridge.—Townships Malahide and South Dorchester, 12-foot span, reinforced flat top concrete culvert.

East Quarter Road Bridge.—Township South Dorchester, 12-foot span, reinforced flat top concrete culvert.

Bridge over Catfish Drain.—Township Malahide, beam span reinforced, 36-foot span, concrete floor and railing.

Glencolin Bridge.—Township Malahide, reinforced concrete abutments for steel bridge.

Kelly Bridge.—Township Southwold, beam span 37

inforced steel beam, reinforced concrete abutments and floor.

Alexander Bridge.—Township Tuckersmith, reinforced steel beam, 25-foot, reinforced abutments, floor and railing.

Elder Bridge.—Township Tuckersmith, reinforced abutments, floor and railing, reinforced steel beam span 35-foot.

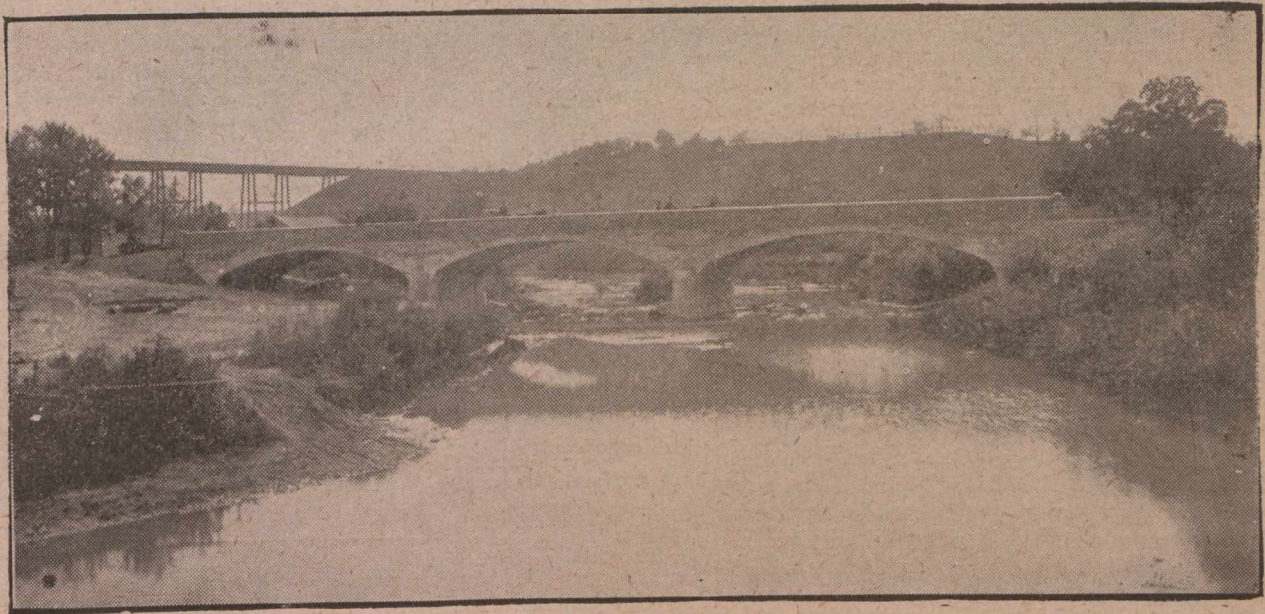
Grey Bridge.—Township Tuckersmith, reinforced steel beam span 25-foot, reinforced abutments, floor and railing.

McDonald Bridge.—Township Tuckersmith, reinforced steel beam span 22-foot, reinforced abutments, floor and railing.

Woodley Bridge.—County Lambton, 100-foot steel span, reinforced abutments and concrete floor.

Concrete Culvert.—Township Walpole, flat top, reinforced culvert.

Lehman Bridge.—Township Middleton, 80-foot steel



KING BRIDGE, OVER KETTLE CREEK, LONDON AND PORT STANLEY GRAVEL ROAD, ST. THOMAS, ONT.

feet, reinforced concrete floor and railing.

Keilor Bridge.—Township Southwold, steel bridge, 60-foot span, wood floor.

Bucke Bridge.—Township Yarmouth, 75-foot span, reinforced abutments and concrete floor.

Bridge over Dredged Cut.—Townships Tilbury East and Raleigh, 60-foot span, steel, reinforced concrete abutments.

Patton Culvert.—Township Dunwich, flat top culvert, 16-foot span, reinforced concrete.

Dead Fall Bridge.—Township Dunwich, flat top, reinforced concrete culvert, 75 feet long.

McLean Bridge.—Township Tuckersmith, 102-foot steel span, reinforced concrete abutments and floor.

Crich Bridge.—Township Tuckersmith, 92-foot steel span, reinforced concrete abutments and floor.

Townsend Bridge.—Township Tuckersmith, flat top culvert, reinforced concrete abutments and floor.

West Patterson Bridge.—Township Tuckersmith, flat top culvert, reinforced concrete abutments and floor.

East Patterson Bridge.—Township Tuckersmith, flat top culvert, reinforced concrete abutments and floor.

Roman Line Bridge.—Township Tuckersmith, re-

span, steel piles, wood floor.

Foote Bridge.—Over Kettle Creek, County of Elgin and City of St. Thomas, 3-arch reinforced spans, each 55-foot, and concrete rail and floor. (Since the construction of this bridge its name has been changed to "The King Bridge").

Willey Bridge.—Over Thames River, Counties of Elgin and Middlesex, one span 150 feet, two spans 75 feet each, reinforced concrete abutments and concrete floor.

Bridge over Kettle Creek.—Counties of Elgin and Middlesex, 36-foot steel beam span, reinforced concrete abutments, floor and railing.

Cook's Mill Bridge.—County of Elgin, over Otter Creek, 120-foot span, steel, reinforced concrete abutments and concrete floor.

Vienna Bridge.—Over Otter Creek, County of Elgin, 110-foot span, steel reinforced concrete abutments and floor.

Three Bridges over Maxwell Creek.—Townships Chatham and Dover East, 46-foot span each on steel piles, wood floor.

MUNICIPAL DEBENTURES AS INVESTMENTS

How is it that Ontario municipal debentures are not more sought after as a medium for the investment of funds belonging to those of our own people who depend upon the interest on accumulated savings for their income?

One would suppose that widows and men who have retired from active life, and desire a safe investment, would naturally turn toward these securities. The townships of the province, taken as a whole, practically debt free, their assets in the form of sinking funds, investments, lands, buildings, etc., being actually in excess of their liabilities. Their gross liabilities, leaving assets out of account, amounting to four and a half million dollars, are a mere flea bite in comparison with an assessment of \$572,000,000 and an actual valuation of double that sum. Even the urban municipalities present an excellent showing. The total indebtedness of villages and towns is only a little over \$20,000,000, and there are buildings, cash on hand, and water and light services to show for all but some \$2,000,000 of this. The cities of the province of Ontario carry liabilities to the extent of \$50,000,000, but as an offset they have assets of nearly \$49,000,000.

Such a showing places municipal securities in the front rank of the gilt-edged class. No bank or financial institution offers better. Not in the lifetime of the present generation has there been default in payment of either interest or principal on these securities. And the interest rate is, considering the safety of the investment, on a high level it being possible now to buy municipal bonds to yield 5 per cent.

Why, then, it may be asked again, is their such neglect of this means of investment?—*Toronto Star*.

MUNICIPAL ECONOMY

Mayor J. H. ASHDOWN, of the city of Winnipeg, who has recently returned from a trip to Great Britain, has prepared a list of recommendations for the consideration of the Winnipeg City Council at its next session. These recommendations are made by him as a result of his consultations on the financial situation, relative to his city, with financiers in Great Britain, and some of his advice might with propriety and profit be made applicable to many Canadian municipalities besides Winnipeg.

Throughout his list containing six recommendations, Mayor ASHDOWN urges strongly caution on the part of municipal officers in inaugurating new municipal works, and in his fourth asks: "That no money by-laws be submitted to the people at the coming election that are not within the category of necessities, and that any submitted be with a thorough understanding that the work would not be undertaken until our present indebtedness is covered and arrangements made for the money required for the new work."

This appears to be an economically sound proposition which at all times could be made applicable with advantage by municipal corporations.—Ex.

An exchange says that Humberstone village has excellent reason to be proud of its permanent walks. The village has more and better walks of this class than any place the county. This year 2,100 lineal feet of cement walk was laid under the direction of road commissioner Herman Knoll. Of this amount 1,600 feet was on Cranberry avenue, from Neff's foundry south to Cainsville, giving an excellent entrance from Cainsville to the village. The balance of 500 feet was laid on Thompson street. There is still another desirable feature of the walks, however—the price. The cost of the walks laid this year was less than eighty cents per square yard, and it is safe to say that no municipality in the county can beat that. Humberstone has many good reasons to be proud of its walks.

MUNICIPAL MATTERS

The following from the North Bay *Times* applies with equal force to other municipalities:

One of the penalties a community sometimes pays in return for the general prosperity of its citizens is the neglect of its public interests.

While the people of a city are busy piling up dollars for themselves and while each finds things in general going along to his personal satisfaction the tendency is towards allowing the control of municipal institutions to fall into unworthy hands.

As a general rule the man who is capable of handling a city's business is also capable of doing more than fairly well for himself, and in view of the paucity of thanks received by those who give up their time to the public good he feels more satisfied to look after his own affairs alone.

The man who is incapable of taking up the municipal burden is also possibly doing better than ever before, and he, too, is not particularly concerned as to who shall take up the work.

A city's government is an important matter at any time, and more particularly during the years of growth, for it is then the foundations for the future are laid.

In North Bay that period of prosperity which is likely to cause apathy in the public interest is being experienced. This is the time the people must be alive to the situation. The man who has the talent for and the ability to take his place in the municipal government must not forget that it is his duty as a citizen to take up the burden and do his share. The man who has not the talents is responsible also in his sphere that his neglect is not the means of enabling improper forces to gain control.

At present the town is in a very precarious condition. The financial condition is not very good, the streets are not in the condition they ought to be, the sewer system could be handled in a more efficient manner, and other matters require considerable study before they are proceeded with. The present time is not too early for the citizens to show themselves interested in the prospects for next year.

LOOK AFTER THE BRIDGES

The recent accidents caused by the collapse of two bridges in McNab should direct attention of township councils to the necessity of looking more closely after their bridges and see that they are made safe for public travel. One travelling through the country cannot fail to notice as he passes along the rickety structures doing duty as bridges, and is not surprised when he hears that one of those bridges collapsed under a heavy load and serious accidents or loss of life resulted. It must be made apparent to township councils that they are responsible for the safety of the people travelling along their township roads and over their bridges, and any mishap resulting in damage to any person travelling over these roads or bridges renders the corporation amenable to damages, if by evidence the cause of the accident can be traced to the carelessness of the corporation or their officials. But it is the custom of councils to let matters drift till some serious accident happens which awakens them to a realization of their duty. It appears that this negligence of corporations in rural municipalities, and in some urban municipalities also, is not confined to a few isolated cases. It is prevalent everywhere, as shown by the press accounts. Then there is to be considered the loss of life and the grief it brings to a household when, as was the case recently, the head of the family was hurled into eternity without a moment's warning.—*Renfrew Journal*.

Engineering Department

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

MODERN BRIDGES

Bridges of concrete and of steel, two materials which represent great strength and durability, are now commonly employed throughout Ontario in the construction of highway bridges. The use of these materials has grown out of the increasing scarcity and cost of suitable timber, the cheapening and improving of steel and concrete, and the greater strength and durability supplied by the latter materials.

Bridges are subjected to a much greater strain to-day than they were a few years ago, and this feature is likely to become greater rather than less. Traction engines with threshing outfits, weighing six and eight tons, are commonly seen on the highways. That steam road rollers weighing from ten to fifteen tons will be generally used in the course of a few years, is a certainty. Motor wagons and trains are a possibility in connection with farm traffic, such as will be a matter for early consideration. The bridges being built to-day must be strong for present traffic, and future needs cannot be overlooked, except as a very short-sighted policy.

A very slightly increased expenditure will supply much greater durability than is ordinarily sought. We of to-day owe much to our forefathers who opened the early roads, cleared the farms, and rendered possible the advanced Ontario as we find it. It is for us to build for the future, and in bridge building there is possibly much that is creditable—much that may be discreditable. Let us not hand on to posterity rattletraps—that may become death-traps—in the form of bridges.

In many municipalities practically all small waterways are made with concrete tile. As greater capacity is

required, concrete arches, or culverts with concrete walls and flat concrete covers are used. Arches prevail for the smaller types of bridges, offering strength and better appearance. As greater space is required concrete abutments and piers, with steel superstructure, is employed.

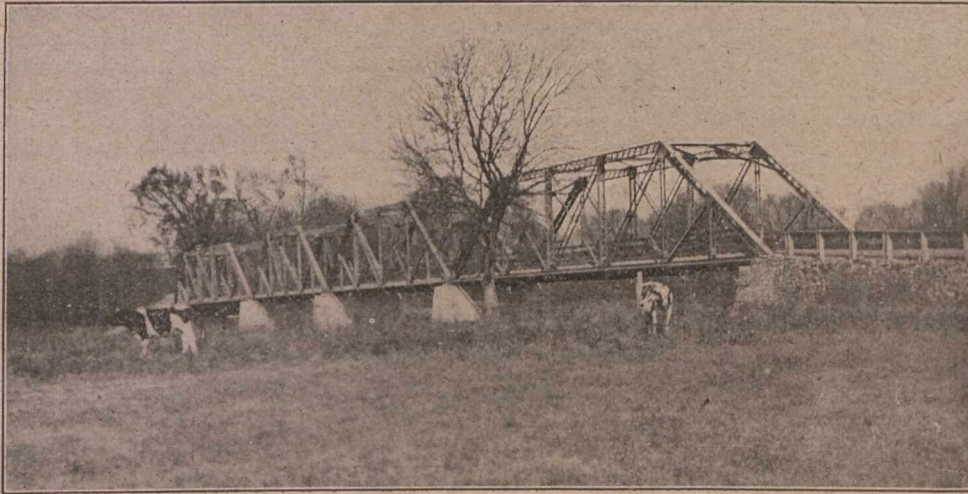
In durable and well-built bridges is an opportunity for work of a monumental nature that should not be lost. Permanent bridges now being built may be made enduring structures far more desirable and useful than a slab or a mausoleum in the cemetery. Concrete has endured the ages and no better was ever put together than that which is

now being made. Is it not for councils to see that plan and workmanship are as reliable as the materials they are using?

Materials of a temporary nature may be made to answer temporary needs, but the trend of public opinion is growing more and more in favor of all improvements, of whatever nature, being of a permanent character. Therefore materials of a durable and permanent character should be such that posterity will be proud of them.

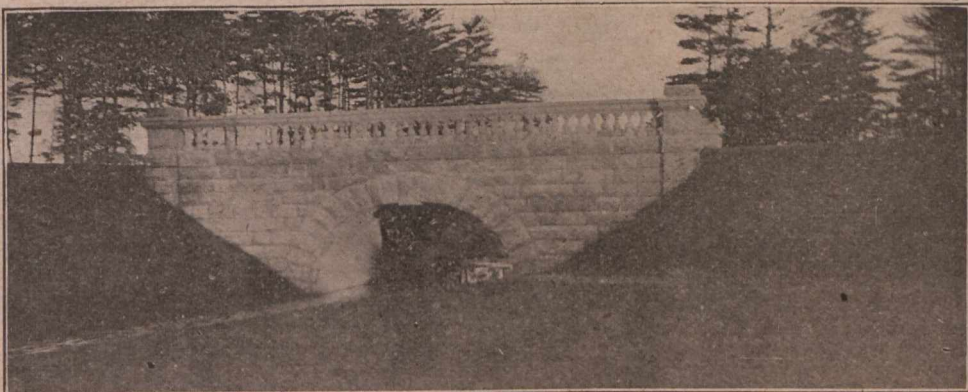
The County of Grey House of Refuge management has recently been the subject of some comment arising from the keeper's action in confining an inmate for three days in a dark room. This may have been in ac-

cordance with local regulations, that will, unless changed, be the cause of frequent complaints. House of Industry by-laws should limit the time during which an inmate may be restrained at the institution without the approval of the county inspector or other supervising authority. The more serious offences should be made the subject of an information and magisterial adjudication.



O'BRIEN'S BRIDGE, HASTINGS COUNTY

Concrete Abutments, Steel Superstructure and Concrete Floor, Four Spans, Sixteen Feet Clear Roadway



CONCRETE ARCH FACED WITH NATURAL STONE, AT MIMICO

MUNICIPAL ELECTRIC AND LIGHTING PLANTS IN ONTARIO

The following is a list of Ontario municipalities owning and operating electric or other street lighting systems. These are seventy-six in number, the total investment amounting to \$2,849,970 :

Cities—	Value of Plant
Belleville.....	\$ 81,730
Chatham.....	18,404
Guelph.....	155,000
Kingston.....	194,223
Niagara Falls.....	70,000
St. Thomas.....	200,000
Windsor.....	27,000
Woodstock.....	52,065
Towns and Villages—	
Acton.....	10,000
Alexandria.....	12,500
Almonte.....	38,000
Amherstburg.....	3,500
Aylmer.....	24,000
Barrie.....	44,828
Beeton.....	6,150
Berlin.....	195,474
Blenheim.....	9,500
Bothwell.....	6,000
Bracebridge.....	50,989
Brockville.....	137,314
Campbellford.....	18,500
Collingwood.....	47,178
Dresden.....	10,000
Dundalk.....	6,500
East Toronto.....	13,153
Fort Frances.....	350
Fort William (including \$29,429 for telephone plant).....	104,429
Goderich.....	31,539
Gravenhurst.....	22,000
Hagersville.....	684
Hespeler.....	13,340
Huntsville.....	19,100
Iroquois.....	10,000
Kenora.....	65,223
Kincardine.....	15,792
Kingsville (natural gas).....	18,000
Leamington (natural gas).....	15,000
Madoc.....	9,000
Markham.....	4,100
Midland.....	34,491
Milverton (acetylene gas).....	200
Mitchell.....	14,000
Morrisburg.....	31,000
Mount Forest.....	13,000
Newmarket.....	23,500
Niagara.....	17,500
North Toronto.....	9,000
Orillia (including electric power plant).....	287,396
Owen Sound.....	100,940
Palmerston.....	9,500
Paris.....	48,990
Parry Sound.....	33,327
Perth.....	11,600
Picton.....	21,350
Port Arthur (including telephone plant).....	201,685
Port Colborne.....	700
Port Perry.....	5,000
Prescott.....	17,300
Preston.....	600
St. Marys.....	18,000
Springfield.....	75
Strathroy.....	18,700
Sudbury.....	24,000
Thessalon.....	10,500
Thorold.....	25,000
Tilbury.....	1,000
Toronto Junction.....	15,000
Tottenham.....	6,300
Trenton.....	15,000
Waterloo (gas).....	20,000
Weston.....	7,000
Whitby.....	15,000
Wingham.....	31,551
Woodbridge.....	30
Woodville.....	30
Wroxeter.....	140

ELECTRIC PLANTS

The municipal ownership of electric lighting plants is slowly increasing throughout the Province, yet the tendency toward public ownership is not apparently so great as was the case a few years ago. Improved service and decreased rates are, as a rule, the first fruits of municipal ownership. Yet when the novelty passes away, and public interest slackens, there is apt to be a tendency toward mismanagement that the earlier stages did not foretell. Electric plants may undoubtedly afford good returns, under either public or private ownership, yet there is also the possibility of many leaks and losses that can only be prevented by continuously careful management.

The design, construction and operation of electric lighting plants presents a diversity of problems with the widely differing local conditions to be encountered. There is, however, a set of general requirements and facilities for meeting them, including the generation from steam power, using coal as the fuel, of current to supply from 50 to 2,000 lamps, which is represented by the great majority of installations in this service. The experience gained from these plants is of much value, and deductions made from their performance are very generally applicable to the design and operation problems of the majority of plants in this class.

Although perhaps not of greatest importance, the question of plant location is the one which logically invites first attention, after the exact station capacity and distribution requirements, and the fuel-transportation facilities offered, have been investigated. Other things being equal, the site which will permit of the most economical distribution of current over the entire area to be served should be selected, but often this location is not accessible to railroads or docks, and if it be selected, the coal-hauling account may become a much larger item than the transmission losses throughout the entire system. This is quite as true in small installations as in larger plants. Accessibility to fuel supply should, then, be the first consideration in the average case, and following this, efficient transmission, with due reference to probable future expansion of lines and service. The ideal is realized when the aggregate of the interest on the site investment, the fuel-haulage account, and the transmission losses, is minimum.

Of buildings, it may be said that they are never too large and seldom too well built, although there are, of course, plants in which all elements of the ultimate objective—commercial efficiency—are disregarded by the designers. Substantial foundations should be built not only for each piece of machinery, but for the building, although the latter is to be regarded as a cover and not as a support for the former. Fire-proof construction has been found to be cheaper than insurance protection, which, even though commanding high rates, never fully covers the real loss sustained. Natural light is very desirable, as is good ventilation, and in modern construction windows are cheaper than walls. The general lay-out of the building should be such as to provide for the economical handling of fuel and ashes, and for the distribution of steam and transmission of power with least possible loss. Provision for expansion, and for handling and duplication of apparatus, should not be overlooked.

The machinery of the lighting plant may be considered in three distinct groups; the boilers and accessories, the engines, steam pipes and condensers, and the dynamos and switchboard. Concerning boilers for this service, it may be said that no one type is better than every other type for every set of conditions. High efficiency in the production of steam can be obtained only by the care-

ful selection, setting, and firing of boilers which are adapted to the fuel available and to the other local conditions of service. For smaller plants any well designed, well constructed and properly set horizontal tubular boiler should give satisfactory results. In larger plants the water-tubular type is generally preferred on account of its greater steaming capacity, decreased floor space, and somewhat greater efficiency. In the economical operation of any type of boiler the fireman is the most important factor, and the exercise of training and intelligence in firing will save many times the amount of apparently high wages. A defective setting may likewise dissipate a considerable amount of heat which should be utilized. A supply of pure feed water, holding no lime or other matter in suspension or solution, and proper draft, are elements of importance in efficient boiler operation which must be provided for in the location and construction of the plant. Some progress has been made in the adaptation of automatic stokers and forced draft to lighting plant service, but their greatest success has been met in installations of larger capacity than those here considered. The selection of engines properly adapted to local conditions is more of a problem than the choice of the boiler, or in fact of any other piece of stationary machinery. Questions of first cost, of maintenance cost, and of operating efficiency are encountered.

With the many types and makes of engines on the market, the solutions offered often seem perplexingly diverse. The tendency is toward the use of direct-connected apparatus, which, as now designed, is regarded as standard. This arrangement, however, means, in small units, somewhat higher first cost, higher maintenance and lower operating efficiency; in large units where operating economy demands the use of Corliss valve gears, and consequent low speed, the first cost of both engine and dynamo is considerably greater. In any case the choice is to be made with proper consideration for first and maintenance cost and operating efficiency of engine and dynamo together, if the most satisfactory results are to be obtained.

In general it may be said that the best engine of any type is not too good. Although the design and proportions of each type have become standardized, it does not

follow that the machine in question has been properly built and that the various parts fit and are in alignment. Engines which will operate efficiently and satisfactorily for continued periods cannot be produced without adequate shop facilities. Ordinarily, the investment represented by the Corliss engine with the necessary shafting, pulleys and belting may be taken as double that of the high-speed machine. Then come the questions of efficiency, flexibility and durability.

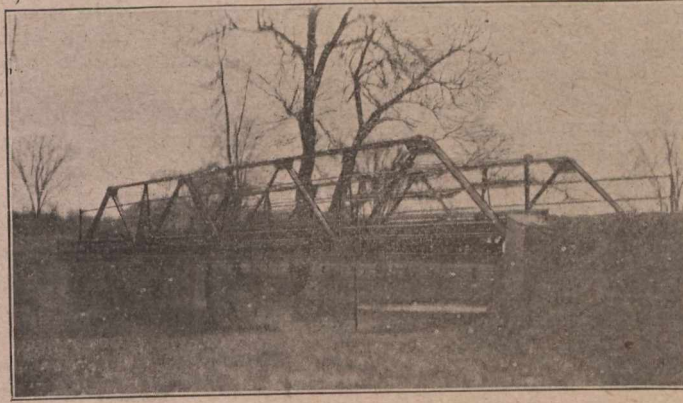
In the first connection it may be assumed for single-cylinder engines that a total of 3 pounds of coal per horse-power hour will be required by the Corliss, and from 4 to 5 pounds by the high-speed type. Except, however, in the case of large units where direct connection is possible, a considerable part of the gain in fuel economy will be absorbed by power transmission between engine and dynamo. The steam pressure used is an element of considerable importance.

The largest factor, however, in determining the engine to be used is the load to be carried. The load curve, which may be anticipated very approximately, should be studied most carefully.

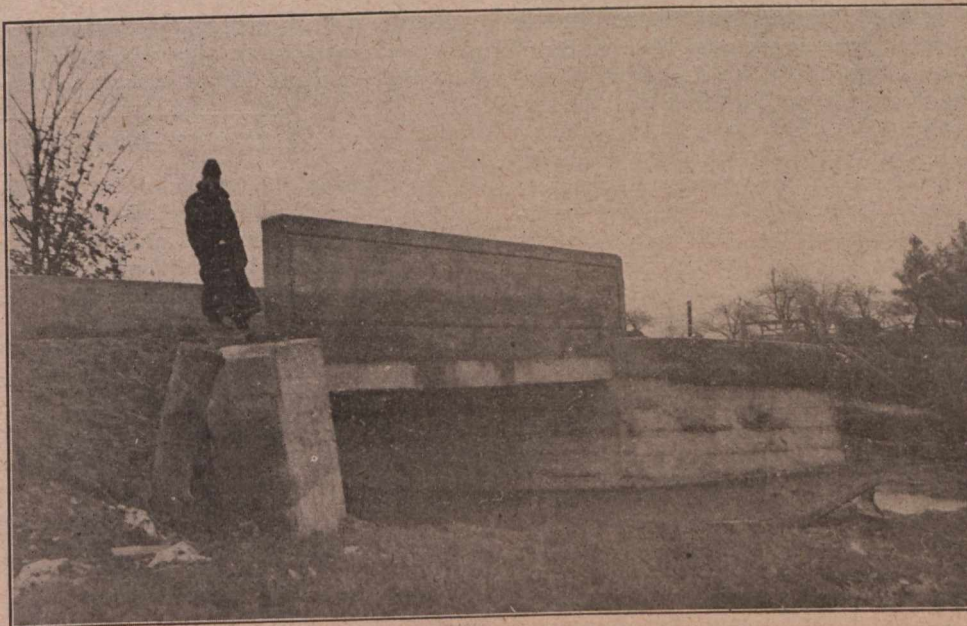
The efficiency of the high-speed is greater up to about 60 per cent. of the rated load, beyond which point the advantage gained by the superior steam distribution of the Corliss is increasingly marked. The Corliss is better adapted to loads exceeding the rating, whereas the use of the high-speed is advisable for loads varying within the rated capacity. Aside from the matter of type, the question of number and size and units must be determined from the general, regular fluctuations of the load curve during the twenty-four hour or other daily run.

As in the case of the engine, the load curve of the station is the

most important factor in determining the general type and even the make of dynamo to be used. The characteristics of each machine under all conditions of operation should be carefully studied and the dynamo which is best adapted to the load to be carried and to the general arrangement of apparatus should be chosen. Although varying somewhat among different makes of the same type, the first cost is of minor relative importance. The accuracy of rating, the general construction, and



WARREN TRUSS BRIDGE IN MIDDLESEX
Designed to Carry a Concrete Floor



CONCRETE BRIDGE WITH FLAT TOP, MIDDLESEX

wearing qualities, should by no means be disregarded. The switchboard should be designed to handle the full capacity of the station quickly and safely, and care should be exercised in its insulation and erection. Proper efficiency is as important in the distribution of energy throughout the mains and feeders as in its generation from the coal, which should be selected on the basis of the heat units it contains rather than the pounds avoirdupois it represents.

Statistics show that the electric lighting plant, if properly designed, installed and managed, offers opportunities to the private owner for large returns on investment, and as a municipal institution, a means of reducing materially one of the largest items of city expense. On the other hand, it affords unlimited chances in operation for numerous small leaks, which, taken in the aggregate, may easily counteract the elements of efficiency in design. It is stated that reports covering a large number of plants throughout the United States and Canada show that 12.6 per cent. are losing money, that with 10.8 per cent. the receipts barely cover operating and fixed charges, and that dividends of from 2 to 50 per cent. are being earned by the remaining 76.6 per cent.

The elements to be considered are many, but it is to be remembered throughout the design, construction and operation of the lighting plant that the aggregate efficiency to which each element must be made to contribute in maximum degree, is to be measured ultimately in commercial units, whether the stockholders appear as individuals or as organized members of an urban community.

REINFORCED CONCRETE

While it is true that the manufacture of reinforced concrete can be accomplished largely with ordinary labor, it is also true that this labor must have strict supervision by competent foremen, who understand the importance of doing the work just as the designer has planned it. A laborer does not understand the importance of a small rod in the concrete, and would probably see no harm in leaving some of the rods out; or he might think that the exact location of rods is a matter of no importance, so long as they are present. The displacing of rods, either by accident or design (as to make the placing of concrete more convenient), may be the result of an ignorant workman's act, for which he would feel no guilt because of his ignorance. Rods that are intended to lie close to the bottom of a beam or slab may thus be placed at the middle of its depth, resulting in a great reduction in the strength, and not improbably being a cause of failure. Rods bunched together, where they should be separated, is a possibility that would result in a loss of gripping power in the concrete.

An error that works to the detriment of reinforced-concrete construction is the notion that it is the cheapest form of construction. For many reasons it is economical, but in no sense is it cheap. Properly built it cannot compete, even at present high prices, with wooden construction in the matter of first cost. It compares favorably in cost with steel construction, and in many situations structures can be built of reinforced-concrete for less than of structural steel, when the same character of design is maintained.

Dry concrete is lacking in the essential characteristics that make the combination of steel and concrete so strong and durable. Mealy concrete will be porous and fail to protect the steel; wet concrete, if it contains enough cement, will coat the steel with a film of cement. This is one essential to the preservation of the steel; dense concrete is another. Neither of these are possible with dry concrete. Dry concrete has not much adhesion; it will

therefore fail to take hold of the steel. It is also lacking in cohesion, and would therefore be weak in its gripping power on the steel. Dry concrete will set in a shorter time than wet concrete, and on short-time tests will show greater compressive strength. The wet concrete will, however, attain greater strength than the dry concrete when it has thoroughly set.

One part of Portland cement to two parts of sand and four or five parts of broken stone, gravel, or cinders, all by volume, is the generally accepted standard mixture. A leaner mixture than this is not recommended. Stone concrete of these proportions, made of good materials, will have a compressive strength in short blocks of about 2,000 lbs. per square inch. If a long wall or building is brought up from one end to the other, so that the shrinkage of the concrete does not act on the whole line at once, it is believed that one or two hundred feet of continuous reinforced-concrete can be maintained in one piece. The placing of the concrete should be done from one end to the other of a long structure where possible. It is well to have expansion or cleavage joints and two sets of columns in very long buildings. Two weeks of good weather should be allowed before forms are removed, and two weeks more should elapse before any test is made. In freezing weather a longer period should be allowed, as the setting of cement is retarded, and sometimes almost suspended in freezing temperatures.

If construction is proceeding upwards, as in buildings, speed should not be too great. If too much weight is placed upon the columns while the concrete is green damage will result. The steel in reinforced concrete should be in comparatively small sections, well distributed through the mass. Wide flat bars bedded in concrete are not held as firmly as square and round bars of the same sectional area, and are not suitable shapes, for the reason that the concrete tends to shrink away from the flat sides.

Reinforced concrete will not work wonders. The materials are amenable to the laws of nature, including the law of gravitation, as has too often been demonstrated.

A TIMELY SUGGESTION

To municipal reformers who may be finding a difficulty in redeeming, by any reasonable, generally acceptable means, their election promise to reduce the rates, we are happily able to submit a proposal for achieving what they desire. The plan has the merit not only of economizing expenditure out of the rates, but of increasing the revenue from a municipal electrical undertaking. We are indebted for it to the ingenious and enterprising city council of Clay Center, Kansas, U.S.A., which has adopted a resolution offering to furnish free from the city plant one "incandescent front porch light" to every consumer who will agree to instal and use three or more incandescent lights in his house. A further resolution has been adopted instructing the city engineer to abandon the work of erecting lights in the streets, the idea of the City Fathers being that the streets will be sufficiently lit by the front porch lights. As our municipal reformers are in a proper state of mind just now to listen to economic doctrine, we are confident that this lesson from the city of Clay Center will not be addressed in vain. There's something in that instruction to the city engineer that strikes the true note of municipal reform.—*Ex.*

As a precautionary measure against the danger of the explosion of nitro-glycerine in the town, the council of the town of Petrolea recently passed a by-law prohibiting the manufacture or storing of the explosive within the corporation limits.

QUESTION DRAWER

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

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

Communications requiring immediate attention will be answered free by post, on receipt of a stamped-addressed envelope. All Questions will be published unless One Dollar is enclosed with request for private reply.

Collection of Business Tax.

646—P. A. C.—A is assessed for business in April. In May he takes a partner, B. Later A sells out to C, and finally C sells his interest to B. There is a clause in the agreement between C and B, in which C takes the responsibility of A's debts.

1. Who is responsible for the business tax?
2. How is a business tax to be enforced; can the collector seize on the personal property of the assessed party?
3. Have there been so far any decisions in the courts relating to the collection of business tax that you are aware of?
4. How can a corporation proceed to collect arrears of a business tax?

1. A.

2. Either by ordinary action at law under the authority of section 90 of The Assessment Act, 1904, or by seizure of the goods of the person taxed wherever found in the municipality, this being a town in one of the Territorial Districts, so long as the roll is in the hands of the collector.

3. Not that we are aware of.

4. As stated in our reply to question No. 4.

Liability for Damage Done in Constructing Cement Walks.

647—R. C.—The council awarded a contract to a paving company to lay a certain amount of cement walk at so much per square foot, the walk to be laid on the streets and places designated by the village street commissioner. On a certain street lives an owner of a lot whose front has need of protection from caving, and he built a cement wall for that purpose about three feet or three and a half feet high. This owner was very anxious that the council should build a cement walk by the side of the wall. The commissioner pointed the place out to the paving company, and the company began preparing for the walk by removing the sand to get what it supposed to be a proper grade. The commissioner cautioned the men not to work in this particular spot until ready to lay the walk, but they disregarded the warning and proceeded, with the knowledge of the owner of the lot. The instructions from the commissioner were to place the walk from nine to twelve inches from the wall; that is, there was to be a space of that distance between the walk and the base of the wall. A week passed before the company were ready to commence to use cement, and in the meantime the owner of the lot arranged with the company to fill in the nine or twelve inches between the village walk and the wall, for which he would pay. The men then excavated or removed the earth from in front of the wall, and beneath it, before being quite ready to fill in with cement. Again the commissioner warned the owner and the company that there being no support to the wall it would likely collapse, though the council had nothing to do with that part. A heavy rain came on, and before work could be resumed the wall slid off and crumbled. Now the owner claims that the council is responsible to rebuild the wall. Would you kindly inform the reeve whether the council has any obligation in the matter?

We do not think the council is responsible under the circumstances stated.

Finality of Assessment Roll.

648—J. T.—When the assessor left my slip of assessment I saw I was assessed the same as last year. Now I have received bill of taxes on it; I see I am assessed \$500 more than on my slip. Have I to pay the taxes on the extra \$500, if I have, can I get any rebate?

This ratepayer will have to pay taxes on the amount of his assessment entered in the assessment roll of the municipality as finally revised, no matter what the amount mentioned on the assessment notice served on

him by the assessor may be. Section 66 of The Assessment Act, 1904, provides that "the roll as finally passed by the court, and certified by the clerk as passed, shall, except in so far as the same may be further amended on appeal to the Judge of the County Court be valid, and bind all parties concerned, notwithstanding any defect or error committed in or with regard to such roll, or any defect, error or misstatement in the notice required by section 46 of this Act, or the omission to deliver or transmit such notice."

Estimating Percentage of Voters on Petition for Local Option By-law.

649—A. S. H.—Chapter 47, 6 Edw. 7, ss. 3, provides that in case a petition in writing signed by at least 25 per cent of the total number of persons appearing by the last revised voters' list of the municipality to be qualified to vote at municipal elections is presented to the council, it shall be the duty of the council to submit the same to a vote of the municipal electors as aforesaid. In our town a voter is placed on Part 1 of the list in every polling sub-division in which he has property, and there are many cases of it here. While it has been decided that each voter has only one vote on a local-option by-law, has the petition to contain 25 per cent of all the names on the list, or to contain 25 per cent of the total number of votes that are entitled to be polled? If the latter, how could a clerk or council in a large city or town where one person is on the list in many different divisions ascertain whether that name represented one or three persons?

We are of opinion that a ratepayer whose name is entered more than once on the last revised voters' list of the municipality should only be counted once for the purposes mentioned.

Borrowing Power of Public School Boards.

650—T. S.—Has a public school board of a town power to borrow money for current expenditure (over and above monies asked for to be levied and received) from any other source than the municipal council?

We are of opinion that the public school board of the town has no authority to borrow money for the purpose named from any source other than the municipal council, under the provisions of The Public Schools Act, 1901, and amendments thereto, and section 435 of The Consolidated Municipal Act, 1903, and its amendments. Sub-section 10 of section 65 of The Public Schools Act, 1901, authorizes the trustees to borrow money from ANY source for the purpose of paying teachers' salaries, but for that purpose only.

Construction of Drainage Works.

651—R. H.—A, B, C and D own lots fronting on North and South road. There is a low place on A, B, and C's lots that the water drains into from the surrounding farms. A deep ditch has to be kept from the low place on A, B and C's property to a canal to prevent the water from the surrounding farms from flooding that portion of their lands, some of the water coming from a distance of 200 rods.

Can A, B and C compel all the other property owners to help construct and maintain this ditch from the low place to the canal, or have they to take care of it themselves? If so, what steps are A, B and C to take to compel them to do their portion of the work? Has the municipal ditch inspector any power to act, he not being a civil engineer?

The drain inspector has nothing to do with a case of this kind. Proceedings should be instituted either under the provisions of The Municipal Drainage Act (R. S. O., 1897, chapter 226), or The Ditches and Watercourses Act (R. S. O., 1897, chapter 285), whichever applies to the circumstances of the case, to have a drain constructed in the locality, and in this way the rights and liabilities of all parties interested may be properly protected and adjusted.

Clerk Cannot Give Casting Vote on Local Option By-Law.

652—T. E. M.—Can a clerk of a municipality vote on local option by-law, as there can be no tie?

We can see no reason why the clerk cannot vote as any other elector if he is qualified, but he has no right to give a casting vote after the close of the poll.

The Same Person Can Hold Office of Collector and Deputy-Relieving Officer.

653—J. D. D.—Can one person legally hold the office of tax collector and deputy returning officer in a township?

Yes.

Collection of Arrears of Taxes.

654—A. A. Y.—Will you kindly define the term "occupied" as used in The Assessment Act re treatment of the arrears of taxes, or say under what circumstances the taxes in arrears should be returned by the county treasurer for collection with taxes of the sur-rent year?

If a person is in actual occupation of a farm, or if he is in the use or enjoyment of it though not actually residing upon it, he can be said to occupy it. As to the duties of an assessor and other officers in regard to arrears of taxes, see sections 116, 122 and sub-section 2 of section 123 of The Assessment Act, 1904.

Assessment and Entry on Voters' List of Trustees of Churches.

655—VOTER—The different denominations in our village, viz., Methodist, Presbyterians, Church of Christ, Anglicans, have each a manse, parsonage or clergyman's residence belonging to their particular denomination, and in each case the clergyman is assessed as tenant, and votes as such. It appears that the property is deeded to a board of trustees, the number varying in each case, some resident and others non-resident.

1. Should the assessor enter the names of the full list of trustees (some of the original trustees to whom the property was deeded are dead or away, and their successors have been appointed) as they are at present on the assessment roll as owners?

2. Or as trustees?

3. If so, should they all be entered on the voters' list?

4. If entered on the voters' list as trustees, have they a vote on all questions the same as an owner or tenant?

1. The assessor should assess property of this kind in the names of the present trustees.

2. The names of the trustees should be set forth as far as their names are known.

3. Yes.

4. Yes, if the property is of sufficient value to entitle them all to vote upon the property, in which case their names should be entered upon part 1, otherwise on part 3.

Collection of Taxes on Business and Income Assessment.

656—G. E. J.—1. A person assessed for income or salary leaves the municipality on July 1st. Is the whole or any part of his taxes collectable? He has no chattels, but is now in receipt of a yearly salary.

2. A person assessed for business sells out and leaves the municipality or moves his business to another municipality. In either case what would be the extent of his liability for taxes?

1. The fact that the person thus assessed has left the municipality does not absolve him from liability for payment of the taxes on the amount of his income assessment. Steps can be taken to collect these taxes, either

by ordinary action at law under the authority of section 90 of The Assessment Act, 1904, or so long as the roll remains in the hands of the collector, by seizure of the chattels of the delinquent, wherever found within the county, in which the local municipality, in which the assessment was made, lies.

2. He is liable for the taxes on his business assessment to the same extent, and payment can be enforced in the same manner as is stated in our reply to question No. 1.

By-Law Adding Percentage to Unpaid Taxes—By-Law Disqualifying Tax Defaulters.

657—CV.—1. The council of the town of F passed a by-law in the year 1899 making provision for taxes to be collected half-yearly, first instalment on or before July 15th, and the second instalment on or before December 15th in each year, and in default of taxes not paid to the collector on or before the above dates, there would be five per cent added to the half-year's instalment due and not paid.

2. The council, on October 7th, 1907, passed a by-law to come into force on the above date (October 7, 1907) to disfranchise all ratepayers that are in arrears on December 14th. One member of the council must have the opinion of THE MUNICIPAL WORLD. What this member wants to know is:

A. If both by-laws are in force and are legal?

B. Can a ratepayer be disfranchised and afterwards be made to pay five per cent on his arrears?

1. We are of opinion that the council had authority to pass both of these by-laws, and that, since one is not inconsistent with the other, they can both be legally in force at the same time.

2. Yes.

Qualification of Voters on Local Option By-Law—Right of Clerk to Vote—Procedure.

658—D. W.—1. What parts of the voters' list of a township are used for voting on a local-option by-law; parts one and two, or parts one and three? Please give me the place in the statutes for your authority.

2. Has the clerk a vote on the local-option by-law?

3. Where in the statutes are there directions how to proceed in the matter of submitting a local-option by-law to the electors?

1. The voters qualified to vote on a local option by-law are those entitled to vote at municipal elections. Therefore the proper parts of the list to use in voting on such a by-law are parts one and two. See section 141 of The Liquor License Act.

2. Yes, the same as any other ratepayer possessing the necessary qualification, but he has no authority to give a second or casting vote in the event of a tie.

3. Section 141 of chapter 245, R. S. O., 1897 (The Liquor License Act) as amended by section 24 of chapter 47 of The Ontario Statutes, 1906, and section 338 and following sections of The Consolidated Municipal Act, 1903.

Assessment of Nursery—Powers of, and Proceedings at, Courts of Revision.

659—H. S.—1. In reply to No. 639 in November number regarding a ratepayer who carries on business as agent for the sale of agricultural implements, etc., is he liable to business assessment providing he occupies, etc.

Now, this man lives with his mother. He is a single man. He occupies and uses no land to carry on his business. If he does he uses a small building on his mother's property to stow away some machinery. He is an agent all right, but he sells from catalogue, and whoever buys from him goes to the railway for it personally. He is no ratepayer. How can business assessment be collected from him, or shall he be assessed for income? This is for school purposes, only township being unorganized (referring to No. 2,639).

2. At Court of Revision here an appeal was tried as follows:

Take notice that I intend to appeal against this assessment for the following reason:

Because it is not legal to assess my nursery.

Appellant argued saying that in The Assessor's Guide it is stated that a person had to own ten acres or more of a nursery before it could be assessed legally.

I argued that what he read meant for municipality taxes, not for school taxes. Am I right?

3. Court of Revision decided it was legal to assess the nursery as it added to the value of the land. Court of Revision wanted to lower the value of the assessment on account of nursery being valued too high. Can Court of Revision have the power to lower assessment when not asked for on notice of appeal? I claim they cannot. I claim they cannot. Am I right or wrong?

Appellant is willing, or is satisfied with assessment if legal to assess nursery.

Has not Court of Revision only to hear or try what notice of appeal asks for and nothing more?

1. If the agent referred to does not use and occupy any premises for the purpose of carrying on his business, which is or can be assessed to him, and upon the assessed value of which a business assessment can be calculated, he is not liable to any business assessment.

2. There is no limit to the number of acres of land used for nursery purposes and located in a township, which can and should be assessed to the proper parties, in the manner provided by section 36 of The Assessment Act, 1904, (section 40 of the Act applies only to lands used for this purpose, located in cities, towns or villages), and this is the case whether the assessment is in an organized township for ordinary municipal purposes or in an unorganized municipality for school purposes only. The Court of Revision had no power to decide whether the assessment of the nursery was legal or not. Its jurisdiction is confined to the question of valuation, namely, whether or not the assessment is too high or too low. Whether the property is assessable or not, is for the assessor alone to determine, from which there is no appeal. (See foot-note on page 61 of Mr. Glenn's "Assessor's Guide," 6th edition).

3. We agree with the contention that Courts of Revision can only hear and determine matters within their jurisdiction brought before them in the manner prescribed by The Assessment Act, 1904. Sub-section 5 of section 65 of the Act provides that "no alteration shall be made in the roll unless under a complaint FORMALLY made according to the above provisions."

Remuneration of Members of Village Council.

660—F. D. N.—What, if any, power has a village council to make provision for fees for services as members thereof? My impression is that the Act does not cover payments for members of village councils for their services.

The members of a village council (except the reeve) are not entitled to any pay for their services as councillors. The provisions of section 538 of The Consolidated Municipal Act, 1903, apply only to councils of counties and townships, and of certain cities. Section 280 of the above Act provides that "the head of the council of any county, city, town or village may be paid such annual sum or other remuneration as the council of the municipality may determine."

Payment of Interest on Moneys Borrowed for Schools.

661—J. H. H.—In this township the council had to borrow money to meet current expenses, also to pay about one-third of the school sections, the money to pay teachers' salary on the order of the trustees.

In March last the council passed a resolution for me (the treasurer) to charge the trustees of the schools getting the money five per cent on the amount they received until the taxes were collected.

1. Can the council collect the five per cent?
2. Will it be legal to do so?

1. There is no provision for the collection from a school section of interest on moneys borrowed for its purposes by a municipal council.

2. The council cannot compel the trustees of the sec-

tion for which the money was borrowed to pay the interest, nor would its payment by the trustees be legal.

Injury to Private Property by Construction of Cement Walks.

662—A. W.—An incorporated village gave a contract to a cement company for building a number of feet of walk. The corporation furnished an overseer to instruct them where to work. The company began laying walk in one particular place. They laid the walk alongside of a cement wall, and in doing so they undermined the wall. Now, what I want to know is, who is to blame, and who is to put the wall back as good as ever, the company or the corporation? The corporation had no engineer, they simply left it to the manager of the company.

This wall is in front of a house holding up a bank, also a veranda, and is considerable damage to personal property if not restored. To whom am I to look to rebuild the same. This wall was built by the individual owning said property, the said party paying for the same.

Question No. 647 in this issue evidently relates to this same matter. A reference to question No. 647 will show that there is a wide difference between the statement of the facts in that question and in this. If the facts are as stated in this question both the company and the corporation are liable for damages if the work was done negligently, and if the work was done without negligence, the corporation must compensate you for the injury done—such compensation to be determined by arbitration if the parties cannot agree upon the amount.

Regulation of Public Weigh Scales.

663—D. L. M.—We have here two weigh-scales owned by the town. One on the market square and the other at the G. T. R. stock-yards. The weighing is done by a town official and the fees received form part of the revenue of the town. Have we power to pass a by-law prohibiting coal dealers and others from weighing loads except in pursuance of their own business? For instance, weighing hay and roots for farmers, old iron, etc., for dealers, whether they charge a fee for same or not. Can you say what is the practice in this regard in other towns or the smaller cities?

We see no legal objection to the passing of a by-law of the kind mentioned by the town council. The weigh scales are owned by the corporation, and the council has power to make provision respecting the kind of commodities or articles to be weighed thereon, to provide by whom they shall be weighed, and for the amount of the fee to be charged in each case.

Tile Placed on Highway—Liability of Municipality for Accident

664—D. E.—For the purpose of building a culvert a pathmaster in this township drew some cement tile and placed them along the fence on the north side of the highway, clear of the north ditch. The next day (Sunday) a horse attached to a buggy driven by a small boy accompanied by his mother, became frightened at this tile and shied off into the south ditch, the wheel of the buggs coming into contact with a log lying there, and the woman was thrown out, breaking her arm. She is now asking the municipality for damages. The reason that the tile was placed there Saturday was that the person that was going to put them in wished to do the work early Monday morning.

There was plenty of room to drive a horse and rig along the north ditch between the graded part of the highway and the tile.

2. Do you consider the municipality liable for damages under the circumstances?

2. Are municipal corporations allowed to place material along the highway for the purpose of building and repairing culverts and bridges?

1. If the road was in a reasonable state of repair at the time of the accident, we do not think that the municipality is liable in damages. See *Foley v. East Flamborough*, 29 O. R. 139, and *McDonald v. Yarmouth*, 29 O. R. 259. Neither the existence of the tile nor the existence of the log on the highway constitute negligence on the part of the municipality if they were away from the metal part of the road and there was ample room to travel along that part of it in safety.

2. Yes, so long as such material is placed off the travelled part of the highway, leaving ample room to pass along that part of it.

By-Law Granting Franchise to Light, Heat and Power Company—Alteration in Boundaries of Union School Section.

665—A. O.—1. Our township propose passing a by-law giving a company a right to use the roads for the erection of poles, etc., for electric heat, light and power. Is it necessary to advertise this by-law? Will it be necessary to register the by-law? and any other information which may be useful to the council in giving a franchise to a company will be useful.

2. We had a town formed in our township three years ago, and as a result a part of our township is in the urban school section. Last year we had an arbitration on some lots in the township which were taken out of the urban school section, and now there are some others which would like to retire from the urban (in the township portion). Will you kindly give the method upon which they can proceed, and the time limit, if any, before they can take steps to be placed in a section in the township?

1. It is not necessary to advertise or register a by-law of this kind. It is impossible for us to make any suggestions as to what the contents of this by-law should be, the conditions in different municipalities vary to such an extent, and we have no information to guide us in determining what would be best in this particular municipality. We may say, however, that the by-law should provide for the responsibility of the Light, Heat and Power Co. for any accident that may happen by reason of the erection of their poles, and stringing of their wires, etc., and the company should be required by agreement to assume this responsibility.

2. Sub-section 1 and following sub-sections of section 56 of The Public Schools Act, 1901, prescribe the steps to be taken to detach lands from the union section and attach them to some school section in the township. Since, however, the boundaries of the union section were altered by the award of arbitrators, made last year, we do not think any further alteration can be made in its boundaries, except in the way of enlarging the union section, for five years after the award of the arbitrators went into operation. (See sub-section 11 of section 46 of the above Act).

Statute Labor in Police Villages—Vote at Council Meeting Necessary to Carry By-Law—Appointment of Substitute for Reeve to Sign By-Law.

666—G. W. B.—A by-law passed in the municipality abolishing statute labor in an incorporated police village in said municipality and substituting therefor an amount in cash to be collected from ratepayers in the village, the same as other taxes, said amount to be paid over to trustees of said village for expenditure.

1. Can the council repeal said by-law and pass another having money collected as before, but instead of paying to trustees have a road overseer appointed to expend said moneys?

2. And if the council repeals by-law at the meeting held December 16th, will it affect moneys collected this year? that is, will trustees have control of money, expect mostly all moneys will be collected by above date?

3. Can those of the council board in opposition to the reeve and other councillors repeal said by-law?

4. If the reeve will not sign the by-law, can the said three elect one of themselves to the chair to sign, and make the reeve vacate just for that by-law, and let him take his seat again?

1. The by-law referred to is within the authority of the council in so far as it purports to abolish statute labor within the limits of the police village, but we do not think the council had power to therein provide for the levy of a substituted sum of money annually on the ratepayers of the police village, and its payment over to the trustees. This mode of procedure is not authorized by section 740 of The Consolidated Municipal Act, 1903, nor elsewhere in the statutes. The police trustees may, however, commute the statute labor, and in that case the commutation is to be collected with the other taxes by the township collector.

2. We are of opinion that the council has no power to pass a by-law embodying the provision stated. The extent of the authority of the council in its monetary dealings with the police trustees is to make an agreement

under, and within the limits prescribed by, section 740 of The Consolidated Municipal Act, 1903.

3. Since this council is composed of five members, the concurrent votes of three of them is sufficient to carry any by-law or resolution which the council has authority to pass.

4. If the reeve or head of the council of a municipality refuses to sign a by-law that the council has authority to pass, the other members of the council can, by resolution, appoint one of their number to sign the by-law in his stead.

Collection of Defaulters' Statute Labor.

667—J. F. S.—In the year 1906 a pathmaster in our township did not return the people on his division until September, and as that was too late for me to add them to the collector's roll for that year I added them this year. Now one of these delinquents has refused to even accept his tax notice, and says that we cannot collect back statute labor. I tell the collector to leave the notice at the house, and after he has had plenty of time, to seize and sell, that we are clearly within our rights in collecting the tax. State if I am right, and quote sections on which you base your opinion.

We are of opinion that the proper course has been advised. Sub-section 1 of section 15 of chapter 25 of The Ontario Statutes, 1904, directs the clerk to enter the commuted statute labor of defaulters either upon the collector's roll for the year in which default has been made, or in the following year. Sub-section 1 of section 99 of The Assessment Act, 1904, directs the collector to call at least once on the person taxed at his usual residence or place of business if within the municipality in and for which he has been appointed, and to demand payment of the taxes, or to give to such person a written or printed notice specifying the amount of the taxes payable by him, by delivering the same, or causing the same to be delivered to him, or for him at his residence or place of business, or upon the premises in respect of which the taxes are payable." If the ratepayer refuses to accept the notice, the collector should simply leave it with him, and if the amount of the taxes remain unpaid for 14 days thereafter, he may seize and sell the goods and chattels of the defaulter to realize the amount, as provided in sub-section 1 of section 103 of the last named Act.

Duties of Collector as to Serving Tax Notices.

668—M. E. L.—I wish to know if a tax collector sends in his notices by mail, the law requires him to register every letter containing a notice?

The collector in a township has no power to MAIL tax notices to ratepayers unless authorized to do so by a by-law of the council passed under the authority of sub-section 2 of section 99 of The Assessment Act, 1904, as amended by section 8 of chapter 41 of The Ontario Statutes, 1907. If such a by-law has not been passed the collector must proceed as directed in sub-section 1 of section 99 of the Act. If the by-law has been passed, it is not necessary to register the letters containing the notices.

Duties of Pathmaster.

669—J. R. P.—What are pathmasters' duties? Should they look after small jobs, such as putting a plank in bridge, or filling holes, etc. Have they not practically the same authority as a commissioner? Have they not power to do such jobs and present their bill to the council?

The duty of a pathmaster is to superintend the performance of the statute labor, and expenditure of such commutation money as may be paid to him, on the roads in his statute labor division in such manner as he deems most advantageous. Further than this he has no authority, unless it is specially granted to him by the council. If it is necessary to do any work on the highways in his road division after all the

statute labor has been performed and commutation money expended, the pathmaster should obtain the sanction of the council before letting the contract, otherwise it will not be binding on the council. Township councils usually pass by-laws regulating the duties of its pathmasters. If such a by-law is in force in this township, and if it is properly framed, the pathmaster should be guided by its provisions.

Place for Holding Nomination Meetings.

670—CLERK—Our township council hold their council meetings in a hall in a small village (not incorporated) in a bordering municipality.

Would it be legal for said township to hold their township nominations in this hall, where they hold their regular council meetings, or must the nominations be held within the limits of our own township?

Section 266 of The Consolidated Municipal Act, 1903, as amended by section 13 of chapter 34 of The Ontario Statutes, 1906, authorizes any township to hold its meetings, keep its public offices, and transact all the business of the council and of its officers and servants within any city, town or village lying in such township, or in a township adjacent thereto, but within the same county, etc. Paragraph 14 of section 2 of the above Act provides that the word "village," wherever used in the Act, shall mean an *incorporated* village, unless otherwise expressed. It is not "otherwise expressed" in section 266 of this Act, so we are therefore of opinion that the council cannot hold any of its meetings in an *unincorporated* village. We also call attention to section 104 of the Act, which provides that "every election shall be held in the municipality to which the same relates." An election includes the holding of the nomination meeting.

Exemptions From Seizure for Taxes.

671—G. G. G.—Kindly inform me whether the articles which are included in the Division Court exemptions are also exempt from seizure for taxes; if not, what amount of goods may a resident delinquent ratepayer hold exempt from seizure for taxes?

Sub-section 4 of section 103 of The Assessment Act, 1904, provides that "the goods and chattels exempt by law from seizure under execution shall not be liable to seizure by distress *unless they are the property of the person taxed, or of the owner, though his name does not appear on the roll.*" Therefore, if the goods seized are the property of the person taxed, whose name appears on the collector's roll, or of the owner, whether his name is on the roll or not, no part of them is exempt, otherwise the goods enumerated in section 2 of chapter 77 R. S. O., 1897, cannot legally be seized and sold for taxes.

Law as to Traction Engines.

672—E. S. W.—1. What is the law with regard to traction engines crossing bridges?

2. Does it require that all bridges must carry a certain weight of engine, and if they break down is the municipality liable for damages?

3. Can the council pass a by-law compelling drivers of traction engines to repair damages done to newly-graded clay roads during a very wet time?

4. Is there any law compelling drivers to carry heavy planks to assist in crossing culverts?

5. Must drivers of traction engines examine bridges and make them safe before crossing?

1, 2, 4 and 5. The provisions of section 10 of chapter 242, R. S. O., 1897, as to the strengthening of bridges, do not apply, if the engines are less than eight tons in weight, but the effect of the proviso enacted by section 60 of chapter 10 of The Ontario Statutes, 1904, is to require the owners of ALL traction engines to protect the surface or flooring of bridges and culverts from injury by contact with the wheels of the engine, by the laying of a covering of plank sufficient for the purpose.

If the engine is eight tons or over in weight, and if less, is not used for the purpose of drawing threshing outfits or road machinery, the owner must strengthen all bridges and culverts across which the engine is taken sufficiently to sustain its weight. If the engine is less than eight tons in weight, and is being used for threshing purposes or for machinery in the construction of roadways, the council of the municipality must, in order to escape liability for accidents, construct their bridges and culverts of sufficient strength to sustain its weight.

3. No.

Qualification of Tenant for Councillor.

673—P. M.—Can a tenant qualify for a township councillor, and what would the qualifications be?

Yes, if he is assessed on the last revised assessment roll of the municipality for leasehold property to the value of at least \$800. He must also reside within the municipality or within two miles thereof, and he must be a natural born or naturalized subject of His Majesty, and a male of the full age of twenty-one years, not disqualified under The Consolidated Municipal Act, 1903. (See sub-section 1 of section 76 of the Act).

Cemetery Cannot be Handed Over to Commissioners.

674—A. M.—The following is a copy of a by-law introduced at the last meeting of our council, and I ask your opinion on the same.

Can the council appoint a commission to take over the care of the cemetery?

By-Law No. — .

To be known as the Cemetery By-Law.

Being a by-law to appoint commissioners to be known as the H. Cemetery Commission, to take over the management of the M. Public Cemetery.

The municipal council of the village of M. enacts as follows:

1. The commission shall be composed of four members to be appointed as follows:

One member to be appointed by the village council from the members of the council at the first meeting after organization meeting in each year. Three members to be appointed by the council from among the ratepayers of the municipality at the first meeting of the council after the organization meeting in the year 1908.

The member appointed as a representative of the council shall hold office for the current year or until his successor is appointed. The three members appointed from among the ratepayers at the meeting in which they are appointed in 1908 shall hold office for three years, two years, and one year respectively. In each and every year following 1908, one member of the commission shall be appointed at the meeting following the organization meeting, which member shall replace the retiring member and shall hold office for three years, or until his successor is appointed.

3. The members composing the commission shall meet for organization on the first Monday in February in each year, and shall elect a chairman and secretary-treasurer to hold office for the current year until their successors are elected.

.. The commission shall and hereby is empowered to transact all business in connection with the cemetery, as the selling of plots, receiving and expending of all moneys, appointing of caretaker, the making and repealing of by-laws in connection therewith, the maintenance and improving of plots, and such other business as may be done in connection therewith.

5. The books and accounts of the commission shall be audited by the municipal auditors in the annual audit.

Sub-section 1 of section 577 of The Consolidated Municipal Act, 1903, empowers councils of villages, etc., to pass by-laws "for accepting or purchasing land for public cemeteries, as well within as without the municipality, but not within any city, town, or village, except as hereinafter provided, and for laying out, improving and managing the same, etc." We do not think this sub-section authorizes the council of a village to appoint and vest the management of a cemetery in a commission, and we are therefore of opinion that the by-law submitted to us is *ultra vires* of the council.

Abatement of Nuisance.

675—J. G. M.—In 1906 the Board of Health of this township passed a resolution authorizing the secretary to notify all school boards within the municipality to have their school premises cleaned and put in good sanitary condition before the 15th day of May, and that the secretary be notified by written notice, certified to by the teacher when this has been done, and that in case the secretary does not receive such a notice by the above date, the school premises will be inspected by a member of the Board and at the expense of the section.

The majority of the school boards sent such a notice certified to by the teacher to the secretary before the above date, but a number of schools did not, and were inspected by a member of the board, charging each section \$1.00 for such inspection.

All sections have paid this fee except one, which refuses on the ground that the Board had no authority for requiring such notice.

1. Has the Board of Health of a township the power to pass such a resolution, and have the school premises inspected in case the Trustee Board does not forward the notice required? We claim it has in the interest of the health of the school children.

2. Has the council or Board of Health power to deduct this fee from the money due the section in case the trustees do not pay it otherwise?

3. Has not a Board of Health power to inspect any public building if it thinks it is in the interest of the public health to do so?

1. Although we see nothing unreasonable in the requirements of the resolution referred to, we cannot find any authority for this mode of procedure. Section 65 of The Public Health Act (R. S. O., 1897, chapter 248) makes provision for the inspection of premises, in order to prevent the creation of a nuisance, and section 67 to 70 (inclusive) make provision for the abatement of a nuisance when found to exist. Sections 61 and 71 provide for the collection of the costs of the above. Section 13 of Schedule "B" appended to the above Act requires all wells in the municipality to be cleaned out prior to the 1st July in each year. A breach of this provision would subject the trustees to the penalty mentioned in section 18 of the schedule.

2. We do not think so.

3. Yes. See sections 68 and 75 of the above Act.

Council Cannot Establish Road Through Unpatented Lands.

676—During the year 1870 a road was established by by-law, part of which runs through a lot at that time unpatented. During the year 1907 the patent was taken out. The patentee now claims compensation for the land now occupied by the road. Is the municipality liable, or should not the Government have sold the land subject to the right-of-way for the road?

At the time the road was established the title to the part of it which ran through the unpatented land was vested in the Crown, and the council had no authority to expropriate it for road purposes without the consent of the Government. In making a grant of the land this year the Government could not be required to recognize the existence of the road through the land, and we are therefore of opinion that the patentee can close the road and if the council deems it in the public interest to open and establish the road, it will have to do so by by-law passed pursuant to section 637 of The Con. Mun. Act, 1903, and the owner will be entitled to compensation from the council for the land taken if he prosecutes his claim within the time mentioned in section 438 of The Con. Mun. Act, 1903.

Duties of Auditors.

677—D. A.—When the collector presents his demands for taxes in this municipality the demand calls for so many dollars for the municipal rate, and so many dollars for county rate, and so on each rate is called for separately on the list, and the amount required for each one.

What I wish to know is, when the auditors present their annual statement to the ratepayers, should it show the amount collected for each separate rate and how expended?

We do not think that it is necessary that the auditors' report should show the amount collected for each separate rate. A reference to the recapitulation at the end of the

collector's roll will show this. The report should, however, show in detail how every dollar received by the corporation during the year, from whatever source, has been expended.

Maintenance of Railway Crossings.

678—W. D. McL.—For what distance of the public road on each side of the rails are railway companies responsible for repairs under section 97, of the Ontario Railway Act of 1906?

No particular distance is specified, but the railway must be constructed across the highway conformably to the provisions of sections 90 and 91 of the Act.

Compelling Council to Build Bridge—Liability for Accident on Highway—Liability for Accident on Defective Bridge.

679—D. M.—Is the council compelled to repair or rebuild a bridge for one ratepayer only when said ratepayer can get to and from his property another way, but a little more inconvenient to him? This bridge being built a number of years ago by the township, for the convenience of two or three families, but now only the one above mentioned being interested.

2. Last June a party dug a ditch across the road between the townships of A. and B., without the knowledge or consent of the township of B. A party drove along and got his horse into the ditch the horse receiving such injuries that he had to be killed. The party that owned the horse asked the township of B. to pay half the value of the horse, which the council did. Now I maintain that, under the circumstances, the township was not liable. Please give me your opinion.

3. If the council examines and condemns a bridge as being unsafe for public travel, but puts up no notices on the bridge to warn the public as to its unsafe condition, but merely puts a notice in a local newspaper stating that it is not safe for heavy loads, and those that use it for such do so at their own risk. What I want to know is if a party when driving over a bridge, and the bridge goes down, causing a considerable loss to a person's horse and himself injured, would the township be liable for damages?

1. We do not think the council is bound to keep the bridge in repair simply for the convenience of one private owner, but, having built the bridge, so long as the road remains open for public travel, the corporation will be liable in damages for injuries occasioned any one by reason of the unsafe condition of the bridge, provided there has been no negligence contributing to the happening of the accident on the part of the person injured.

2. The townships of A and B would probably have been held jointly liable for the damages sustained by the owner of the horse, if there had been no negligence on his part contributing to the happening of the accident, had proceedings been instituted against them, and would have had a right of action for the amount recovered over against the owner who dug the ditch, for the amount recovered and costs. We therefore think a reasonable settlement of the matter was the best course to pursue.

3. We are of opinion that the corporation would be liable in damages under the circumstances mentioned, assuming that there was no contributory negligence on the part of the person injured.

Assessable Income.

680—C. H. L.—What income is assessable in townships?

The law as to the assessment of income in townships and other municipalities will be found in section 11 of The Assessment Act, 1904. The exemptions from income assessment will be found in sub-section 7 of section 10, and section 5 of the Act, and section 1 of chapter 36 of The Ontario Statutes, 1906.

Collector's Bondsman Disqualified as Councillor.

681—G. R.—A is collector of taxes for the year 1907. B is one of his bondsmen. Does it disqualify B from being a member of the council for 1908 if elected?

Yes, if he continues to be such surety on nomination day. In Reg. ex rel. Coleman v. O'Hare (2 P. R. 18) it was held that a surety for the treasurer of a town was

disqualified, and in Reg. ex rel. McLean v. Watson (1 U. C. L. J. N. S. 71) and Reg. ex rel. Hauer v. Roberts (7 P. R. 315) it was held that a surety in any sense to the corporation was disqualified.

Power of Trustees to Sell old School Site.

682.—A. W.—Our trustees have changed the school site and built a new school house, as both site and the school house were too small, that is the old site and school house. Now the trustees wish to sell the old site and school house. What will be the legal way to dispose of it? Can they put it up by auction and sell it, or can they sell it by private sale? Will the consent of the ratepayers of the section have to be got before it can be sold?

The latter part of sub-section 12 of section 65 of The Public Schools Act, 1901, empowers the trustees "to dispose, by sale or otherwise, of any school site or property not required in consequence of a change of site, or other cause; to convey the same under their corporate seal, and to apply the proceeds thereof to their lawful purposes or as directed by this Act." The trustees may exercise their discretion as to whether they sell the property by public auction or private sale, whichever they may deem most advantageous. It will not be necessary to obtain the consent of the ratepayers of the section before a sale can be effected.

Compulsory Opening of Road—Liability for Accident on Highway.

683.—C. M.—1. In our township there is a piece of road allowance that is not opened for the public to travel. It is opened at both ends, but there is a piece in the centre that is not opened, and some of the ratepayers own the property alongside of said road, which is timbered land, and want the road opened so as to get their timber out. This is the regular road allowance. Can they compel the council to open said road?

2. There was an engine broke down and left on the town line between our township and the adjoining township, and the path-master of that division of both townships knew it was there, and a certain man happened with an accident by his horse taking fright and upsetting his wagon at said place. To whom shall we look for damages, the council or the parties who left the engine there?

1. No.

2. If the engine was something which was likely to frighten the horses, and the council was aware of its being upon the highway or if it was on the highway such a length of time that the council ought to have known it was there, we think that the municipality is liable.

Removal of Reeve Does Not Disqualify Him for Balance of Term.

684.—J. J.—I was reeve of the village for 1907. I have moved to the county town. Can I act as reeve for the balance of this year, and have I the right to attend the county council as reeve of said village?

Yes.

Qualification of Voter on By-Law to Increase Amount of Liquor License.

685.—W. L. S.—The village council of S. is submitting a by-law to be voted on at the approaching municipal election for the purpose of increasing liquor license fees to \$400. What qualification must ratepayers possess in order to have a vote on this by-law?

We are of opinion that the electors qualified to vote on a by-law of this nature are those entitled to vote at municipal elections in the municipality. (See section 11 of chapter 47 of The Ontario Statutes, 1906).

Raising Money to Build New School House.

686.—E. B.—Our council, on the requisition of the Public School Section, No. 5, of township of C., to raise money by way of debenture for the erection of a school house, passed the necessary by-law. Such debentures were issued in May last, and are not sold yet. The trustees of said section built the school, and borrowed money to cover the expenses, and gave notes for the amount of expense, which is less than the amount of the debenture. Now they want to change the way of raising the money by not selling these debentures and have the council pay notes to the bank for them, and charge to the said section with the same interest as is paid to the bank. Has the council the authority to borrow money to pay the notes? Is the

council compelled to sell the debenture for the school section and find the money for the said school board?

We assume that the council has passed a by-law for the issue of debentures under the authority of section 74 of The Public Schools Act, 1901, and that the levy to meet the payments is spread over a number of years. If this is so, we do not think the council has any authority to borrow the money necessary to pay the notes held by the bank other than by means of the sale of the debentures. If the debentures realize more than it cost to build the schoolhouse, the surplus should be placed to the credit of the school section.

Closing Old Roads and Opening New—Power to Close Substituted Road.

687.—ROADS—1. A was formerly a regularly used and travelled highway of the township of M, having been originally either a trespass or a purchased road, and crossing the line of a new branch of the C. P. R. at a point where there is a deep cutting. B was also a regularly travelled highway, being an allowance for road laid out on the original survey of the township, and crossing the same branch of the C. P. R. at an embankment. C is a new deviating highway, purchased and opened by the council to take the place of A and B, which have both been closed and sold. C crosses the same railway at about rail level, but as the railway does not cross the road at right angles, and at one side approaches the road through a deep cutting, a very dangerous crossing is created. At both A and B, where they would have crossed the railway at little expense, safe crossings could have been made, one by bridge and the other by subway.

Both A and B have been sold by the council at low prices, while C was bought at a high price. The consent of the county council has not been obtained to the closing of either A or B, nor to the opening of C. C is a much less convenient road for a very large majority of those who formerly used A and B, making it necessary for them to go around some extra distance to reach their market, and the unsafe crossing prevents many from using the new road at all. The council made the change at the request of the railway and for their benefit, the only gain urged for the township being the reduction in length of road surface to be kept up.

The by-law was advertised in the usual way before being passed. It was passed Dec. 15th, 1906.

2. Another road, originally a deviation or purchased road, has for a number of years been used and known as a public highway, having public money spent and statute labor regularly performed on it for a number of years.

It cut across the corner of D's lot along the foot of a hill, being a deviation for the purpose of avoiding a bad hill which would have to be climbed going along the original allowance for road to the corner and travellers would have to come down it again in travelling the other original road allowance at right angles to the first.

This deviating road has been closed and fenced in by the owner of the lot across which it runs, acting under authority or permission of a committee of council having charge of the roads in that locality but no by-law has been passed by the council. The original allowances for road have been opened in its place.

Are the proceedings in these matters legal?

Can the action of the council as to either, or both, of the roads mentioned in Question 1 be upset?

What steps should be taken to re-open the deviating road mentioned in Question 2?

1. We see no reason why the council of the township cannot close these roads by by-law passed under the authority of section 637 of The Consolidated Municipal Act, 1903, after the provisions of section 632 of the Act have been strictly observed, subject, of course, to the provisions of section 629 of the Act. Since Road A is not an ORIGINAL road allowance, it is not necessary that the council of the county should pass a by-law confirming the by-law of the township council closing it, but, as Road B appears to have been an original road allowance, the by-law passed by the township council to close it, must be confirmed by by-law of the county council, passed within the time mentioned in clause (b) of sub-section 2 of section 660 of the Act.

2. The particulars furnished us as to this road are somewhat meagre, and not sufficient to enable us to say whether the deviating road is a public highway or not. It is not stated whether it was ever established and assumed

by a by-law of the township council as a public highway, or expressly dedicated as such. The mere fact that it was used by the general public for a number of years is not conclusive evidence that the road is a public highway, and the expenditure of public money and performance of statute labor on it, may not have been of sufficient extent to constitute the road a public highway. If the road is not a public highway, the present owner of the land can close it, and, if he does, we do not see that the travelling public has any cause for complaint, since the council has opened the original road allowance in its stead.

Collection of Business and Income Tax.

688—G. R.—1. I have a case of a retail merchant who has goods for sale and has a business assessment for doing business with those goods. The wholesale house has a mortgage on those goods and has packed them up and is going to remove them out of the county. Are they liable for the taxes on the business assessment, including street watering and night watch? The goods were in the retailer's name since last fall.

2. Are persons who are assessed for income and leave the county, such as school teachers that get their salary paid by the municipality, liable for taxes on said income? If so, how should collectors proceed to collect said taxes? If they are not liable under present laws I think it would be quite proper for the MUNICIPAL WORLD to draw the attention of the government to have law changed so as to cover such cases.

1. This is a case where the title to the goods is claimed by way of mortgage, and so long as they are on the premises in respect of which the assessment was made they are liable to seizure for the amount of all the rates and taxes mentioned, under the authority of clause (b) of paragraph 4 of sub-section 1 of section 103 of The Assessment Act, 1904.

2. The amount of the income tax may be realized by the seizure and sale of the goods of the delinquent wherever found within the county within which the municipality lies, or by action at law, as provided in section 90 of the above Act.

Appointment of Municipal Officers.

689—HARDHAMMER.—The council of our township has always made a practice of appointing all the officers of the township at its first meeting. Is it imperative by law to do so? Would there be anything against a council, at its first meeting, to announce that applications would be received at its second meeting for the various officers, and the salary named that each would be willing to do the work for? Then, at the second meeting, the council could make a selection and make the appointment.

The Statutes do not imperatively require a council to appoint all its officers at its first meeting in the year after election. We do not, however, think the course suggested a proper one, as it would be a transgression of the provisions of sub-section 2 of section 320 of The Consolidated Municipal Act, 1903, which provides that "no municipal council shall assume to make any appointment to office, or any arrangement for the discharge of the duties thereof, by tender, or to applicants at the lowest remuneration." The council should select a competent man, who is willing to act, to fill each office and pay him such salary as the discharge of its duties in a correct and diligent manner is reasonably worth.

Weight of Traction Engines—Township Council must Appoint Collector.

690—W. B. E. L.—1. What is the weight of a threshing engine that the council has to build bridges to carry?

2. Can a township do without a tax collector? If so, how can it be done?

1. See our reply to question number 672 in this issue.

2. A township cannot dispense with the services of a collector.

Qualification of Councillor.

691—J. P.—Can I, as municipal treasurer, run for reeve in the coming election for 1908, provided I tender my resignation at the last meeting of the council for 1907, which will be on the 14th of December?

If a treasurer resigns his office on the 14th December, and the resignation is accepted by the council, and previous to nomination day, all accounts and reckonings of all kinds between the treasurer and the municipality have been completely closed, he can, in this regard, qualify as a candidate for the reeveship of the municipality for 1908.

BEAUTIFYING GERMAN TOWNS

A U. S. consular report from Germany says the tendency to civic beautification is strongly evident. An interesting phase of this policy is revealed in the prize competition offered recently by the authorities of a neighboring Saxon town. The town council invites architects to submit suitable plans for the fronts of residential and business edifices. These facades should be in keeping with the location and general character of the place, and aim at fitting and harmonious effects, within the reach of modest purses. Four substantial prizes are offered for the most successful competitors, and other projects are to be purchased if deemed desirable. These plans will be placed freely at the service of property owners who decide to build or alter existing constructions.

It is hoped by this means to combat unfortunate and all too prevalent tendencies on the one hand toward monotonous uniformity, and on the other toward the baroque and grotesque, and when architectural details of projected edifices are often confided entirely to builders destitute of adequate training or taste for the esthetic.

NIAGARA POWER TO LONDON

London has been supplied with the estimates of the hydro-electric power commission of the cost of the distribution of power in the city limits. The estimate is placed at \$117,337. This provides, however, for copper wire at 28 cents per pound. If the cost of the wire is reduced to 18 cents the cost of the distributing plant will be only \$104,000. Copper has been selling, as a matter of fact, as low as 16 cents. The estimated cost of distribution per horse-power per annum is \$3.60. This figure is calculated to meet not only the cost of constructing the power distribution plant, but also the operating expense. The estimated price, as placed in the by-law sanctioned by the ratepayers in January last was \$23. If the price will actually be under \$20, as is predicted, Niagara power will be laid down at the factory for the figure at which it was estimated it would be laid down at the distributing station.

The Ontario Municipal and Railway Board has ruled in effect that Cobalt mines must pay an income tax, by confirming the assessment of \$100,000 on a Coniagias and Buffalo mines, the appeals of which constituted the test cases. The appeals were based on the contention that no profit from the mine could be considered income until all the capital had been paid off. This, says the Board, would frustrate the purpose of the Act of the Legislature. A paragraph explains the Act to mean "The lands and buildings is all the property that shall be valued as agricultural lands. The hidden treasure, when raised from the mine, becomes income, gain and profit, and is then subject to taxation in the same manner as other incomes under the Act after making the proper deduction for working expenses."

PUBLISHING OF ASSESSMENT ROLL

Apropos of Barrie's experiment in publishing the assessment roll, the following from the *Hamilton Spectator* may convert some of the doubting Thomases to the wisdom of the plan :

"The assessment rolls of Hamilton have been published before now, and the publication did much good in equalizing the assessment. But there are some people who do not want to see them published.

"The assessors are averse to publication, because it exposes their work to public criticism.

"Those whose properties are assessed too low naturally don't want to have the fact paraded before the public.

"The income men do not want publication for the good and sufficient reason that the bulk of the income assessments are ridiculously low.

"It is just for the reason that people, like those mentioned above, object to it that the assessment roll should be published. Publicity, more than all else, will ensure correctness and thoroughness in the work of this as of any other department of municipal life."—Ex.

Every municipality should exercise a great deal of care in incurring expense during the coming year or until such time as the money market eases up. The principle of discounting municipal bonds so heavily is a mistaken one and should not be encouraged at any stage of the game. No farmer would think of putting a mortgage on his farm and accepting cash for less than the face value of the mortgage which bears a reasonable rate of interest. Why therefore should a municipality accept such outrageous discounts as are offered at the present time by financial institutions? Business men are cutting off the ragged edges of expense and the municipalities must do the same if they are to come out safely. Of course it will be argued that certain improvements must be made, but there is the current year's revenue to draw upon, and the wise course is to sail close to the wind, for the time being at any rate. The affairs of the municipality must be run on just as sound a basis as the affairs of a mercantile enterprise, and in fact municipal affairs are far more important than the private enterprise, which affects only a few, while the municipal financial state affects every ratepayer within its boundaries, as well as his children. Don't load up the municipality with a debt which will be a burden to the ratepayers for years to come. Consider the future as well as the present.—*Western Municipal News*.

* * *

It is not every man's good fortune to be able to give the whole of his time to public work. Those who are in that happy position are sometimes apt to think that electors prefer that qualification to all others, and they therefore assume that the elected office which they hold is theirs so long as they have health and strength to fill it. The electors do not care much about a man's ability to find the time. In the struggle for power it is the man who can recite the creed most palatable to the populace who wins. And when that time comes, as it is certain to do in the history of publicly elected bodies, neither age nor length of service counts. The wave of popular opinion washes away old and young who stand in its path.

* * *

The City of Woodstock is claiming \$4,000 from the County of Oxford. The city separated from the county six years ago for all county purposes. It is claimed that at that time the county had a surplus of over \$3,600, though it was represented to the city council that there was a deficit. It is for a just proportion of this amount, based on the equalized assessment for that year, that the council is putting in a claim.

The time will come when cities will be ruled by two bodies—a legislative and an executive. The legislative body would not need to meet more than probably once a month and would direct the general policy of the city. This body should be composed of men with financial and general business abilities, who would be capable of deciding upon the general policy of the city and upon the amount of money to be expended, etc. As there are many works that require more than one year to complete, the executive body should be elected once in three or five years and should be experts in their respective departments. These men should be held responsible for the efficiency of their work to just as great an extent as the superintendent of the works of a large corporation and should not be tied down to anyone as to the details of the work in hand, such as material to be used, manner of construction, etc., etc. No business concern would entrust the management of its affairs to a man simply because he had been successful in an entirely different line. The directors of the concern need not be practically acquainted with the details of the business, but the executive staff, in whose hands the important part of the business is trusted, must be men of ability in that particular business. So it should be in municipal affairs. The legislative body of the civic government should have duties similar to those of the directors of a company, while the executive body represents the working staff, with a full knowledge of the various departments of municipal works and the ability to manage the municipal business in a thoroughly practical and economical manner, and to produce just as high a standard of results as would be called for in the mercantile corporation. This system of municipal government would result in the devotion to this class of work of the brains and talents of many men, just the same as these brains and talents are at present devoted to some line of business. The profession of expert municipal administrator would doubtless be followed by some of the best talent in the country. The members of the executive should be well paid—just as well paid as the executive of a large business—and they should hold their positions just so long as they "made good" in those positions, and the longer they did "make good" the better it would be for the city, as the man who was worthy of the trust would be gaining experience every year and would be that much more valuable to the city that employed him. It is a mistake to place the whole responsibility of city legislation and administration in the hands of a body of men elected from year to year and who, in a great many cases, just commence to get into the run of the work when a fickle electorate puts them out of office. It is all very well to elect the legislative body in this manner, but the building of streets, the laying of water mains, the installing of municipal plants, and the many other similar duties require a well arranged plan which in many cases extends over several years, and this in itself should be incentive enough to appoint the executive body. No man would think of letting a contract to one man to construct an intricate piece of work and in the middle of it put another man on the job who had no previous experience in this particular line, yet this is just what municipalities are doing every year.—*Western Municipal News*.

* * *

The Brantford City Council will make an application before the Railway Commission for a 50-foot passage or subway under the embankment of the Hamilton & Brantford radial road, which passes over the glebe lands of the New England Company. The city wants the passage in order to permit the T. H. & B. to run a switch through it for the opening up of new industrial locations. The radial company will grant the opening, but insists that the city shall pay for the retaining walls, which will cost \$7,000. The city does not want to bear the expense.

GERMAN LOCAL GOVERNMENT

By Dr. ALBERT SUDEKUM, Member of the German Reichstag

In Germany self-government of the different bodies of population which constitute the various corporations is not the first consideration upon which the whole administration of the country is based, but rather a secondary one. The right of self-government is only a part of the omnipotence of the state. The leaders of the self-governing corporations possess their authority only by delegation; they are not only responsible to the state authority—that is obvious—but they are nominated or confirmed by that authority, which comes to be the same.

The municipalities in Germany, as a whole, with the exception of Wurtemberg and certain small parts of Western Germany, are administered by two bodies—the magistrate and the town council. The magistrate is elected by the town council, but his appointment must be confirmed by the King in case of towns having a population above 10,000, and by the president of the Provincial administration in the case of towns having a population below 10,000. When in the year 1876 an attempt was made in Prussia to reform the municipal organization, the right of the Government to confirm appointments was to be materially limited; but the reform miscarried.

The underlying principles of the franchise laws in the North German communities are as follows: Not one of these laws recognizes the general, equal, direct, and secret franchise. The franchise is, of course, direct throughout the whole kingdom, but is nowhere general; it is equal only in a few parts of the country, and secret exclusively in Frankfurt and in the diminutive state or province of Hohenzollern. Every one of the sixteen laws contains conditions which materially limit the franchise or completely remove it, so far as many classes of the community are concerned. That there is not such a thing as woman-suffrage is self-evident when we consider the conception which the Government and the ruling classes possess concerning the place of women. But still more significant are the statutes which define as conditions for the exercise of the franchise a minimum rateable value, or a comparatively high age-limit, or a considerable length of residence, and so on.

The equality of franchise is most seriously affected by the system of "three-class franchise." The principle of this three-class franchise is as follows: The electors are divided into three groups or classes, according to the direct rates which are levied upon them. Each of these classes elects one-third of the total number of councillors. The differentiation into classes is reached as follows: The rates paid by all the electors are tabulated, beginning with the highest amounts. The total is then divided by three, and those persons, beginning from the top of the list, whose rates together make up one-third constitute the first class. Those who come next on the list, and whose rates make up the second third, form the second, and the rest, who are obviously a large bulk of electors paying a low rate, form the third class.

The legal limitations, however, affect not only the active, but also the passive, franchise. The most important of these limitations is the privilege of the houseowners. In most provinces of Prussia, at least half the total number of the councillors must be themselves householders, and where the three-class system exists, at least half of the representatives of each class must be houseowners. In the rural electorate in most provinces, at least two-thirds of the councillors must be houseowners. These conditions mean much more in Germany than they would in England. In German towns the ownership of a house has been for a long time the exception, and not the rule; in the country districts, too, the number of separ-

ate houses is materially diminishing. It follows that the privilege of the houseowners tends constantly to increase.

The example of Berlin will make clear how these limitations affect the municipal franchise. The electoral roll of Berlin for the current year contains the names of 351,080 electors. For every 1 elector of the first class, there are 21 electors of the second, and 214 of the third class. There are 144 seats on the council—48 seats for each class. The result is that on an average 34 electors have the disposal of each seat in the first class, while in the second class 693 electors have the same right, and in the third 7,212 electors.

But these figures are average numbers. We can study the results of the system in particular cases. The city of Berlin is divided for the first class into 16 wards; for the second class also into 16 wards; and for the third class into 48 wards. The wards for the first and second class have each the right of electing 3 councillors. The 48 wards of the third class elect each only 1 councillor. Of the wards of the first class, the largest has at present 191 electors, and the smallest only 51; the wards of the second class vary from 864 to 4,904 electors. The smallest ward of the third class has 3,232 electors, and the largest 22,294 electors. The 51 electors of the smallest ward of the first class have to elect 3 councillors, which means 17 electors for each seat. In the largest ward of the third class the 22,294 electors have only one representative to elect. That means each elector in the last ward has only one thirteen-hundredth part of the electoral right of a member of the smallest ward of the first-class. I think that suffices to illustrate my meaning.

Where the three-class system does not exist, as for example, in Bavaria, there are other limitations of the franchise for the poorer classes of the population; for instance a high price payable for the purchase of the rights of citizenship. In Nurnberg only those have a vote who have obtained the rights of citizenship, and this right costs more than £6. For the working classes in that town it is impossible to pay such a sum. They have accordingly founded unions, and by paying sixpence a week per head, purchase a certain number of electoral rights annually, which are distributed by a kind of lottery, generally at Christmas.

In all important German towns, gas, electricity, means of communication, slaughterhouses, water supply, etc., are owned by the communities, or will shortly be so. Latterly, with the increasing prices of the necessities of life—in consequence of prohibitive tariff, which is so severe that already it pays to import British-grown wheat into Germany—the supply of the means of livelihood by the communities is becoming more and more frequent. Not only in the interests of public health, for instance, is the milk supply regulated, but the erection of municipal fish markets is undertaken, by which the middleman is excluded, also the building of places for the fattening of swine, etc.

We can record similar successes if we consider the care of the employees of the towns. The improvement in the material circumstances of these people is evident. The wages have risen, the hours of work are shortened, the workmen get holidays every year, and provision for old age and sickness is made, apart from the State insurance—not everywhere, of course. The legal improvement of conditions has not quite kept pace with these material improvements. Most of the cities deny to their employees the recognition of the right of unionism, though all do not go so far as beautiful Dresden, which requires from every scavenger an oath of loyalty to the king. Moreover, in the placing of public contracts, trade unions are very seldom recognized; in many cases the efforts of the unions are actually treated with brutality.

TOWNSHIP HAD TO PAY

Division Court was held in Embro on November 1st before His Honor Judge FINKLE. The principal case on the docket was that of YOUNGS v. Township of West Zorra. Mr MCKAY for plaintiff and Mr. PETER McDONALD for the defendent township. The plaintiff claimed that while gravel was being drawn from the pit on his farm the men were negligent and allowed a gate to be left open, by which means a valuable steer got out on the road and was killed. He therefore wanted damages. Several witnesses were called and as the evidence showed that the men hauling the gravel were negligent in leaving the gate open, judgment was given the plaintiff for \$30.

At the January elections the ratepayers of Chatham will vote on a by-law to loan \$20,000 to a concern known as the Canadian Pin Company, who propose to locate there. They agree to pay off the loan in twenty annual payments and interest at five per cent. The company has a paid-up capital of \$40,000, manufactures safety pins, buckles, stamped goods, etc., and will employ sixty hands and pay \$18,000 per annum in wages, outside that paid to officers. They also ask for water for ten years at seven cents per thousand gallons, and exemption from all taxes, with the exception of school and frontage taxes, for a term of ten years.

A Montreal exchange says: "A report completed at the city hall on Friday shows that property is exempted from paying real estate assessments to the city for the current year to the amount of fifty-four million dollars. Never in the history of the city were the exemptions so large. The figures show that during the past three years exemptions have increased by fully twelve million dollars. Last year's exemptions amounted to \$50,350,195.

In Midland a discount of two per cent. is allowed on taxes paid on or before a certain date. This year \$23,260 were paid in in twenty-four days previous to October 25th. Other towns follow this practice, but in Collingwood the corporation has the whole thing, which appears to be a mistake. Had the financial end of Collingwood at the present moment the amount of money paid in in Midland, interest at the rate of 6 per cent. would be saved and the ratepayers would be reaping the benefit, directly and indirectly.—Ex.

Toronto *Saturday Night* has the following to say in reference to the granting of bonuses to manufacturing institutions by municipalities: "A correspondent sends us a clipping from a Toronto evening paper reporting the voluntary assignment of a company owing one of the towns in Ontario a very large sum of money, which was granted the firm as a bonus, repayable in twenty years. 'It would seem fair to suppose,' writes our correspondent, 'that in future the town in question will be slow to go fishing for infant industries. But quite aside from the possibility of failure, why in the name of common sense should any municipality fall all over itself to bribe into its midst a concern too weak to stand on its own hind legs? Or why should a town without the natural advantages necessary to induce an industry to settle there attempt by a bonus to take it from another town that has these advantages? It is not the giving of bonuses by municipalities wrong in principle, as well as often disastrous in its results? Does it not put a premium on business adventure, and therefore hinder, rather than help, a legitimate enterprise? Would it not be better for the self-respect and for the ultimate good of the community if the money squandered in bonusing mushroom manufactories, etc., were invested in municipal improvement?'"

Re McLEOD AND TRUSTEES OF SCHOOL SECTION
No. 11, TOWNSHIP OF TAY.

School Site—Compulsory Purchase of—Award of Arbitrators

Judgment on appeal by McLEOD and NORRIS from order of TEETZEL, J., dated 25th July, 1907, dismissing application for an order of mandamus directing the board of public school trustees of School Section No. 11, township of Tay, to purchase or acquire the necessary property for a school site, pursuant to the award of arbitrators fixing the same. Appeal dismissed with costs.

STEEL PAVING

A section of steel pavement has recently been laid in the Rue St. Martin, Paris, to test its usefulness, says *Youth's Companion*. The steel blocks are nearly seven inches long and an inch and a third thick, and are ridged on both sides. They are laid in cement so that the tops of the ridges just reach the surface. The ridges are so close together that a horse's shoe covers at least three ranges of them. It is believed that such a pavement will prove superior to asphalt, in being less slippery and more durable than a pavement of wooden blocks.

Many an officer who has performed his duties honestly during the year and has become better acquainted with the members around the board will no doubt be found fault with if he does not take the same stand towards his fellow-councillors at the approaching elections as at the last. A healthy strife for office should be devoid of all personalities. Every candidate will work for the good of his municipality and incidentally for a little personal glory. This is as it should be. If a better acquaintance with his fellow-representatives changes a man's opinions, it is only another evidence that candidates are not always as black as they are painted at election time.

It will be of interest to many to know that the Westinghouse Company of Pittsburg has recently issued a new storage battery catalogue. The Niagara power discussions will be simplified if the use of storage batteries is included with the estimates for each municipal distribution plant. Manufacturers using power at irregular intervals can, by the use of a storage battery, contract for the average power required during 24 hours, the storage batteries receiving and storing the current when not otherwise required. Write for catalogue, S-2 for stationery batteries and catalogue "P" for portable batteries.

Victoria, the capital of British Columbia, has a peculiar municipal franchise. Every person who pays a \$2 dog tax is entitled to vote in elections for mayor and aldermen. The system has led to abuses. It has been discovered that six enterprising women voted on the strength of a single dog. Worse still, one ingenuous woman, unable to get a real dog in time to qualify, took out a license for a china dog on her mantelpiece. Municipal franchise reform is now regarded as a question of urgency in Victoria, and the unkind association of dogs with mayors and aldermen is doomed.

Orillia's reputation for cheap power seems to have been somewhat shattered, Gravenhurst having just completed a scheme whereby hydro-electric power is developed and transmitted eight miles at a cost of \$7 per horsepower.

Legal Department

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PINKERTON v. TOWNSHIP OF GREENOCK.

Damage from Flooding—Erection of Bridge—Spring Freshets—Unusual Contingencies.

Judgment in action tried without a jury at Walkerton. Action for damages for injuries to lots 1 and 2, in the village of Pinkerton, in the township of Greenock, containing about two acres, on which are erected a dwelling house, grist mill, woollen mill, saw mill and barn, by flooding, owing to the erection of a bridge by defendants over the Teeswater River. Held, upon the evidence, that, during the freshets of 1904 and 1905, plaintiff's property was not flooded by the backing up of water from the new bridge, but that the water entered on his land from the south and west, and was flooded in that way. The snowfall preceding the flood of 1904 was the greatest in many years, and the freshet was of an unusual character; and the freshet of 1905 was unusual by reason of the quick melting of the snow, causing the Teeswater River and its tributaries to fill up with extraordinary rapidity. Against these unusual contingencies, defendants were not called upon to provide: *Dixon v. Burnham*, 14 Gr. 594. Defendants having employed competent and experienced engineers, who submitted the plans and specifications for the bridge to defendant's council, which approved thereof, that alone would have been sufficient to free defendants from liability: *Hill v. Taylor*, 9 O. L. R., 643; *McCann v. City of Toronto*, 28 O. R., 650. *Denton on Municipal Negligence*, p. 187. Action dismissed with costs. Plaintiff's damages assessed contingently.

Re VILLAGE OF NEWBURGH ANC COUNTY OF LENNOX AND ADDINGTON

Municipal Law—Liability of County for Maintenance of Bridge.

Appeal by the county from the judgment of the county judge who found that the county was required to build and maintain certain bridges crossing the Napanee River in the Village of Newburgh. The river in question, where it passes through the Village of Newburgh, divides into two channels, which re-unite enclosing an island. These two channels at that point constitute the river. The river is more than 100 feet in width above and below the island. The road, which it is admitted, is a highway leading through the county, passes over these channels by bridges. The channel crossed by one bridge is 38 feet in width, and the channel crossed by the other bridge is 80 feet in width. The island contains 5 or 6 acres. The question was, whether, under the Act, the county council had exclusive jurisdiction over these bridges. The statute declares that the county council shall have exclusive jurisdiction over all bridges crossing streams or rivers over 100 feet in width.

HELD, that the statute has reference to the width of the river, and not to the length of the bridge. The two channels of the river being together, admittedly over 100 feet in width at the place where it is crossed by the bridges in question, the matter is concluded. The case is clearly within the purview of the statute. See *Regina v. County of Carleton*, 1 O. R. 277.

RE CLEARY AND TOWNSHIP OF NEPEAN.

Local Option—Recount—Uncounted Ballots—Illegal Votes.

Judgment on motion by Cleary to quash a local option by-law of the township. The electors of the township voted on the by-law on the 7th of January, with the result, as appeared in the certificate of the township clerk, dated 9th January, that 995 votes were polled, there being 587 for the by-law, 391 against, and 17 rejected ballots. A recount was had before the County Court Judge, and his certificate of 25th January gives 589 for the by-law, 392 against, and rejected or uncounted ballots 20, thus giving the by-law a majority of 197. Three-fifths of the ballots counted would be 588 $\frac{3}{5}$, so the by-law, having 589 in its favor, received "the approval of at least three-fifths of the electors voting thereon." (6 Edward VII., ch. 47, sec. 24, sub-sec. 4) unless the 20 uncounted ballots are to be taken into consideration in computing the number "of the electors voting thereon" mentioned in the section. The by-law was finally passed by the council on the 4th of February. Mabee, J., agrees with the opinion of Morgan, Co. C. J., in *re Weston* by-law, 9 O. W. R., 250, that the rejected or uncounted ballots cannot be considered. It appeared that, by accident, in so far as the lists were concerned, five persons, and probably nine, voted who had no right to vote. Held, that these votes must be deducted from the 599 favorable to the by-law, thus defeating it. Order made quashing by-law with costs.

TAYLOR AND MARTIN.

Vendor and Purchaser—Removal of Local Improvement Charge—Section Consolidated Municipal Act.

Judgment on petition by the purchaser under the vendors and purchasers' act, (heard at London) for an order directing the vendor to comply with certain requisitions of the purchaser in respect to title. A discharge of mortgage was given in 1888 by the executor of one George Stevens, the mortgagee. Held, that the purchaser being entitled to a registered title, the vendor was bound to register the probate of the will of the late George Stevens. Upon another point: Held, that, though section 681, of The Municipal Act, is applicable quantum valeat to a vendor before conveyance, it does not relieve him of liability to remove a charge for local improvement rates, where he is bound to convey free from incumbrances, notwithstanding the purchaser's agreement to assume "all taxes, rates assessments wherewith the lands may be rated or charged," from and after the date fixed for completion of the sale. On the argument counsel for the vendor stated his readiness to supply evidence that no dower had attached to the property by reason of the seisin of one Buckle. Held, that the purchaser must satisfy himself by the usual searches as to entries in the general register and executions affecting the lands in the hands of the Sheriff. Order declaring accordingly. Purchaser to be paid by vendor his reasonable costs of petition.

The Brant county council has let the contract for building the Glen bridge to the Hamilton Bridge Works Co., Limited, the contract price being \$13,500.