

THE MUNICIPAL WORLD

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

Vol. 8. No. 12.

ST. THOMAS, ONTARIO, DECEMBER, 1898.

Whole No. 96

CONTENTS

PAGE

Editorial Notes.....	182
Nominations.....	183
Two Advantages.....	183
House of Industry.....	184
Better Roads.....	185
Sewage Disposal in Toronto.....	185
Road Reform.....	186
An Electric Plant for Hamilton.....	187
Society of Municipal Improvement.....	187
Streets in Peterborough.....	188
Street Sweepings.....	188
A Good Roads Parliament.....	188
Nominations and Elections.....	189
The Public Schools.....	189
Question Drawer—	190
424. Government Road Trespass.....	
425. Distress for Taxes.....	
426. Exemption From Distress for Taxes.....	
427. Cemetery Company and Burial of Paupers.....	
428. Qualification of County Councillor.....	
429. Taxes on Warehouse on Government Land.....	
430. Election in Neebing.....	
431. Collection of Taxes.....	
432. Farm Drain Outlet on Street.....	
433. Statute Labor; Who to Perform.....	
434. Cemetery Company Burying Paupers.....	
435. Liability for Town Dogs Killing Sheep.....	
436. Returns of Arrears of Taxes.....	
437. Farmers' Sons Vote.....	
438. Collection of Income Tax.....	
439. A Drainage Case.....	
440. Councillor and Contractor.....	
441. Where to Perform Statute Labor.....	
442. Nominations in Writing. Nominating Officer or Township Clerk.....	
443. Nomination Day 26th of December.....	
444. Fort William Election. Tax Sale Deeds.....	
445. School Trustees. Qualification.....	
446. Township Sidewalk in Town Limits Removed.....	
447. Damages. Trespass Roads. Arbitration.....	
448. No Compensation for Government Road.....	
449. Assessors' Equalization Union School Section Disagreement.....	
450. Assess Telephone Poles. Not on Town Line.....	
451. Non-Resident Lands. Effect of Neglect to Make Proper Returns of Taxes in Arrear.....	
452. Constables to Enforce By-laws and Liquor License Act.....	
453. By General Vote.....	
454. Accident Drover's Horse. Damages.....	
455. No Bonus By-law.....	
456. Clerk's Fees as D. R. O.....	
457. Townships Not Liable For Magistrates' Fees.....	
458. Personal Property no Qualification.....	
459. Correction and Ratification of Survey.....	
460. Statute Labor.....	
461. Taxes on Mill on Rented Ground.....	
462. Driftwood in Rivers.....	
463. Collector and Deputy Returning Officer.....	
464. No Ward Nominations in Townships.....	
465. No Deputy-Reeves in Townships.....	
466. Trustee's Order on Township Treasurer.....	
467. Nomination Proceedings, 1898.....	

Calendar for December, 1898.

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.—Public Schools Act, section 21 (1); Separate Schools Act, section 28 (5).
Municipal Clerk to transmit to County Inspector statement showing whether or not any county rate for public school purposes has been placed upon Collector's Roll against any separate school supporter.—Public School Act, section 68; Separate School Act, section 52.
Last day for councils to hear and determine appeals where persons added to Collector's Roll by Clerk of Municipality.—Assessment Act, section 166.
5. Make return of contagious diseases to Registrar General.—R.S.O., chap. 44, section 11.
Last day for publishing notice of County Council Nomination.—Section 132 (2).
12. Nomination Day, where fixed by by-law of county council.—Section 125.
13. Last day for Public and Separate School Trustees to fix places for nomination of Trustees.—Public School Act, section 57 (2); Separate School Act, section 31 (5).
Returning Officers to be named by resolution of the Public School Board (before second Wednesday in December).—Public School Act, section 57 (2).
14. Last day for payment of taxes by voters in local municipalities passing by-laws for that purpose.—Municipal Act, section 535.
Last day for Collectors to return their rolls and pay over proceeds, unless later time appointed by council.—Assessment Act, section 144.
Local Assessment to be paid Separate School Trustees.—Separate School Act, sec. 58.
15. Municipal Council to pay Secretary-Treasurer Public School Boards all sums levied and collected in township.—Public School Act, section 67.
County Councils to pay Treasurer High School.—High School Act, section 31.
Councils of towns, villages and townships hold meeting.—Municipal Act, section 304 (6)
Pass all accounts for subscriptions, etc., due THE MUNICIPAL WORLD, and order election supplies, etc.
19. County Council Nomination Day.—Section 133.
20. Last day for publishing notice of nominations.—Section 127.
Last day for Treasurer to send Clerk list of all who have not paid their taxes.—Municipal Act, section 292.
22. Public and Separate Schools close.—Public School Act, section 89 (1); Separate School Act, 79 (1).
High Schools close, first term.—High School Act, section 41.
Last day for notice of formation of new school sections to be posted up by the Township Clerk.—Public School Act, section 11 (5).
24. Last day for posting up Annual Statement of assets and liabilities in Townships, Towns and Villages.—Municipal Act, section 304.
25. CHRISTMAS DAY, (Sunday).
High School Treasurer to receive all monies collected for permanent improvements.—High School Act, section 37 (1).
By-law for dis-establishment of Township Boards takes effect.—Public School Act, section 30.
New schools and alterations of school boundaries go into operation or take effect.—Public School Act, section 24 (2); section 38 (3); section 39 (3); section 43 (10).
26. Nomination day.
28. Annual Public and Separate school meeting.—Public School Act, section 13; section 57 (1); Separate School Act, section 27 (1); section 31 (1).
31. Auditors to examine and report upon accounts, etc., for year ending on the 30th December, preceeding their appointment.—Municipal Act, section 304.
Roll to be finally revised by Judge when assessment taken between 1st July and 31st September.—Assessment Act, section 58.
Road Commissioners cease to hold office.—Assessment Act, section 120.
License Commissioners cease to hold office.—Liquor License Act, section 3.
Protestant Separate School Trustees to transmit to County Inspector names and attendance during the last preceeding six months.—Separate School Act, section 12.
Trustee's report to Truant Officers due.—Truancy Act, section 11.
Auditors' report of Cities, Towns and Incorporated Villages to be published by Trustees.—Public School Act, section 62 (11).
Persons liable to Municipality on mortgage to state balance due thereon to head of Municipality.

JANUARY.

1. A HAPPY NEW YEAR TO ALL.
Renew subscriptions to MUNICIPAL WORLD for 1899.

THE
Lincoln Fountain Pen
 A REGULAR #2-50 PEN
\$1.25 **\$1.25**

The Municipal World

PUBLISHED MONTHLY

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

K. W. MCKAY, EDITOR,

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

TERMS.—\$1.00 per annum. Single copy, 10c.; Six copies, \$5.00, payable in advance

EXPIRATION OF SUBSCRIPTION.—This paper will be discontinued at expiration of term paid for, of which subscribers will receive notice.

CHANGE OF ADDRESS.—Subscribers, who may change their address, should give prompt notice of same, and in doing so, give both old and new address.

COMMUNICATIONS.—Contributions of interest to municipal officers are cordially invited.

HOW TO REMIT.—Cash should be sent by registered letter. Draft, express or money orders may be sent at our risk.

OFFICES—28 Elgin Street, St. Thomas. Telephone 101

Address all communications to

THE MUNICIPAL WORLD,

Box 1252, - - - St. Thomas, Ont.

ST. THOMAS, DECEMBER 1, 1898.

Debentures of the town of Barrie, amounting to \$135,000, have been guaranteed by the county council.

The East Flamboro council will, at the municipal elections, take a plebiscite on the abolition of statute labor. Commutation at fifty cents per day is proposed.

County clerks will, as formerly, supply all clerks of local municipalities with the extra forms required for the county council elections. We have supplied about thirty counties.

The first meetings of the municipal councils for 1899 will be held on the second Monday in January, and the county councils will meet on the fourth Tuesday in January.

The York county council has decided to purchase sixteen acres of land to protect the wells and springs upon which the House of Industry at Newmarket depends for its water supply.

A number of county councils will petition the Legislature to pass such legislation as would compel the county in which a crime had been committed to bear the expense of trial when a change of venue had been obtained.

Mr. W. R. Fellows, clerk of the township of Harwich, has resigned. The council passed an exceedingly complimentary resolution in appreciation of his excellent and efficient service during the past thirty-eight years.

The expense of maintaining boys at the Industrial School costs Simcoe county about \$1,000 annually. The council recommend that all boys up to 16 years should be sent to the Reformatory, where they are taught trades and a good education, thereby fitting them to earn an honest living.

Why is it that the position of mayor is so much more honorable than that of councillor? Is it not largely because the mayor is the representative of the whole town, while a councillor only represents a small section of the town? Abolish the ward system, have every councillor elected by the whole town, and the position of the town councillor will be a highly honorable one.—*Brockville Times*.

This issue of the WORLD is later than usual. This was owing to the large amount of work connected with the question drawer, and the importance of many of the questions bearing on the nomination and election law. Reports of charity conference and other matters are unavoidably crowded out. The January issue will be sent out in time for the first meeting of all councils.

At a recent session of the Barrie council "a by-law was passed authorizing Hewson & Creswicke to take proceedings in the name of the Corporation alone or jointly with the treasurer of the county of Simcoe, the Attorney-General and Treasurer of Ontario, the Receiver-General of Canada, and of C. H. Ross, police magistrate, against Henry Bird, late town clerk and police court clerk, to compel him to pay over certain fines and fees belonging to the town and not yet made over by him." Competent auditors should be appointed to protect a clerk from such a formidable list of possible plaintiffs.

The York county council will petition the Legislature, praying for such amendment to the Voters' Lists Act and Election Act as will compel the returning officers at elections for Parliamentary purposes, to obtain the voters' lists required for their respective electoral districts from the several municipal clerks within such districts, and that such local clerks be declared custodian of voters' lists. The council discussed the question in committee of the whole, when it was pointed out that the municipal clerk would be more competent of having these lists correct. Several cases were cited where names were left off the voters' list by the copying of the lists by the clerk of the peace, and errors like these could be easily brought home if the municipal clerks were responsible for them.

The West Zorra audit has been the subject of considerable newspaper discussion, in which the Provincial Treasurer, the Provincial Auditor, the auditor, the treasurer, the solicitor and the township

council have been interested. The treasurer has retained the confidence of the councillors who, by resolution, completely exonerate him from all charges reflecting on his honesty in dealings with the township. Auditor McPherson, of Windsor, is not satisfied with the way his report has been disposed of, and vigorously defends himself in a lengthy letter. We have no desire to criticise any of the proceedings, but would say that auditors should, in future, be instructed to collect monies found to be due the municipality, and that their reports should not become public property until all matters therein referred to are finally disposed of. A ratepayer's real interest is in the financial result of an audit, and the council can deal with an official as may be necessary to protect the interests of the municipality.

The council of every town, township and incorporated village is required to hold a meeting on the 15th of December, and immediately thereafter publish a detailed statement of receipts and expenditures. All accounts outstanding should be passed. This is intended to be the last meeting of the year, and the legislature have limited the powers of councils after that date by the following section:

"But no council of any local municipality shall after the 31st day of December in the year for which the members were elected, pass any by-law or resolution for the payment of money, or which involves, directly or indirectly, the payment of money; nor shall they enter into any contract or obligation on the part of the municipality; nor appoint to or dismiss from office any officer under the control of the council, or do any other corporate act after said date, except in case of extreme urgency. But the council may do any necessary business before the 31st day of December, which may, having regard to the circumstances, be done at such time, and which, by this act, they are now authorized to do at their last meeting.

If the number on your address label is 90 your subscription ends with this issue. We would be pleased to have renewal orders from all, and from those who are retiring from municipal life, a recommendation to their successors in office. We have to depend largely on the co-operation of those in office and to them our thanks are due for the good progress made during the year. The Supply Department is now larger than ever before, and we are in a position to fill all orders for blank forms, books, stationary and office supplies, required by municipalities. The use of forms ensures correctness and uniformity in municipal work, and when properly prepared direct attention to many important matters that might otherwise be overlooked.

A number of constables were being examined in matters relating to police duty. One of them was asked, "if you were informed that a lion had broken loose from a menagerie and was roaming about the streets, what steps would you take?" "Jolly long steps, sir!" replied the constable.

NOMINATIONS.

The provisions of the Municipal Act divide the municipalities into ten classes for nomination purposes.

The following tabular statement will show when and where nomination meetings for 1898 should be held, and municipal officers to be nominated.

STATEMENT.

MUNICIPALITY.	DATE.	MAYOR.	WHERE.	ALDERMEN.	WHERE.
I. CITIES.....	26 December	10 a. m. to 11 a. m. or if by-law passed, 7.30 p. m. to 8.30 p. m.	At City Hall ..	12 noon to 1 p. m., or if by-law passed, 7.30 to 8.30 p. m. (Councillors)	At City Hall or place in each ward fixed by by-law ..
II. TOWNS— Divided into wards separated from county; population over 5000.....	26 December	Same.....	At Town Hall ..	12 noon to 1 p. m., or if by-law passed at same time as nominations for mayor are held.....	At Town Hall or place in each ward
III. TOWNS. Not divided into wards, separated from county; population over 5,000....	26 December	Same.....	At Town Hall ..	12 noon to 1 p. m. or if by-law passed, 7.30 to 8.30 p. m.	At Town Hall
IV. TOWNS. Divided into wards, not separated from county; population over 5,000....	26 December	(Mayor, Reeves and Deputy-Reeves.) 10 a. m. to 11 a. m., or if by-law passed 7.30 to 8.30 p. m.	At Town Hall ..	12 noon to 1 p. m. or if by-law passed at same time as nominations for Mayor, Reeve or Deputy-Reeve.	At Town Hall or place in each ward
V. TOWNS. Not divided into wards, not separated from county; population over 5,000....	26 December	Same.....	At Town Hall ..	12 noon to 1 p. m. or if by-law passed, 7.30 to 8.30 p. m.	At Town Hall....
VI. TOWNS. Separated from county; under 5,000 population....	26 December	(For Mayor) 10 to 11 a. m., or if by-law passed 7.30 to 8.30 p. m.	At Town Hall ..	Same.....	At Town Hall....
VII. TOWNS. Not separated from county; under 5,000 population....	26 December	(For Mayor, Reeve and Deputy-Reeves.) 10 to 11 a. m., or if by-law passed, 7.30 to 8.30 p. m. (For Reeve.)	At Town Hall ..	Same.....	At Town Hall....
VIII. VILLAGES..	26 December	Same.....	At Town Hall ..	Same.....	At Town Hall....
IX. TOWNSHIPS.....	On 26 December, or if by-law passed by county council on 12 December..	12 noon to 1 p. m., or if by-law passed, 1 to 2 p. m.	At Town Hall or place fixed by by-law under s. 123.	12 noon to 1 p. m. or if by-law passed, 1 to 2 p. m.	At Town Hall or place fixed by by-law under s. 123.,
X. COUNTIES.....	19 December	(County Councillors.) 1 p. m to 2 p. m.	At place in each district fixed by Nom. Officer ...		

Nomination Proceedings.

NOTICE.

It is the duty of the clerk or other returning officer to give, at least, six days notice of nomination meeting for county council nominations, two week's notice is necessary. Notice may be given by advertisement in newspapers or printed posters.

NOMINATIONS, SEC. 128.

The persons nominated to fill each office shall be proposed and seconded (seriatim) and every such nomination shall be in writing, shall state the full name, place of residence and occupation of the candidate, and shall be signed by his proposer and seconder.

The change in the law requiring nominations to be in writing came into force on first of January last, and will be in general operation for the first time at the meetings to be held this month. Nomination forms should be provided for use at the nomination meetings.

The tabular statement shows the municipal officers to be nominated at the meetings. In towns where ward elections have been abolished either by by-law or

the amendments of the act of 1898 the number of councillors has been reduced.

In towns, not separated from the county, reeves and deputy-reeves are to be elected as formerly. The general amendment abolishing the election of deputy-reeves and ward elections in townships and villages should be the subject of a short explanatory address by the returning-officer when the nomination meeting opens, so that no misunderstanding will exist among the ratepayers. Articles in this and the November issues explain the amendments.

RESIGNATIONS

may be handed to the returning officer at nomination meeting or on following day.

The nomination meeting continues one hour, during which 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.

Two Advantages.

Two advantages arising from the abolition of the ward system stand out conspicuously.

In the first place it puts an end to the tiresome and useless personal ward canvas, which deters the best men from seeking municipal honors, and materially helping the town; and in the second place, it prevents ward-elected councillors from devoting their energies to squandering public resources in their own wards in order to keep solid with their supporters.

Abolish the ward system and thus elect the best men and stamp out the pernicious ward politicians.—*Brockville Times.*

The Simcoe county council will pay nominating officers \$15 each, to include all expenses, except hall rent, for nominations, which is fixed at \$4. When county council election only is held, deputy-returning officers will be paid \$4, and five cents per mile to return ballot-boxes, and for polling-booths \$3.

Houses of Industry.

In villages and the smaller towns situated in the counties where no House of Industry has been established, the system of caring for the destitute poor by out-door relief, devolves upon the municipal authorities, assisted by individual effort, the church and other societies. In the larger towns, where the expenditure is greater, institutes of various kinds have been established. These are the centre of local charity organizations through which grants received from the government and the municipality are dispensed. In the country districts the duty of caring for the destitute poor devolves wholly on the municipal authorities. The system at first adopted in all, was that of out-door relief, but as this was found to be unsatisfactory and expensive, the establishment of county poor houses or, as they are now called, Houses of Industry, was thought advisable. Under the present law it is optional with county councils whether they erect one of these institutions or not.

In 1868 the county council of Waterloo erected a House of Industry, and we find that similar institutions have been established in sixteen counties. It is impossible to lay down any rules or make any suggestions in reference to the system of out-door relief in operation in rural municipalities. Circumstances vary in almost every instance, and it is sufficient to say that the more people become acquainted with the defects of the system, the more active they are in supporting movements for the establishment of Houses of Refuge.

LOCATION.

One of the most important matters for a county council to consider after the erection of a House of Industry has been decided on, is the location. This should be near the centre of the county and not more than two miles from a town or village and a railway station. This will minimize the expense of conveying inmates to the institution, and if convenient to a large town there will be better facilities for securing supplies which is an important matter. A location near the county town is most desirable as it is then accessible to the county councils and grand juries, and continually under the supervision of the county officials. In choosing a farm, the amount of land, the character of the soil, water supply and drainage must not be overlooked. The quantity of land varies in different counties. Fifty acres has, in the majority of cases, been found to be all that can be worked conveniently without increasing the help actually required to manage the institution. The employment of the male inmates suggests a larger farm partially cleared, as they could then be engaged in stumping, wood-cutting and clearing the land, which would increase its value. The rough land would also provide pasture for the stock. If it takes years to clear one field the inmates are the better for the work and an import-

ant question in the management of poor houses is solved. The soil should be of light or sandy loam, such as can be easily worked by the labor of the inmates. An unfailing supply of pure water, and facilities for drainage of the farm and sewage from the institution in an inexpensive manner must not be overlooked.

BUILDING

Having secured a suitable farm, the character of the building to be erected should receive careful consideration. A partial basement with one, or at most two flats above, is considered by many to be preferable. The physical condition of the inmates in the majority of the cases renders them unfit to climb long flights of stairs. Provision for the escape of inmates, in case of fire, favors a low building. The cottage system is generally a secondary consideration, and is not thought necessary, except by those who have had experience; the future development of the institutions already established will be along that line. Cottage or separate buildings for the isolation of certain classes of inmates are necessary. A yard enclosed by a high fence should also be provided convenient to a cottage for the use of inmates who are mentally defective, and who would otherwise require the constant supervision of the keeper.

PLAN.

The plan of the building should provide for a complete separation of the sexes, for bathrooms, for hospital wards, and facilities for the isolation of inmates in cases of an epidemic. Ample room must be provided for a large kitchen, convenient store-room and cooking apparatus of sufficient size. The dining-room should be near the kitchen and in the basement. The laundry should be separated from the main building. The plumbing should receive the attention of an expert, and should be of the most durable character. For heating institutions, the preference in most cases, is given to the hot water system. Two boilers should be used, both of sufficient capacity to heat the building. These should be arranged to run separately, so that in case of accident the inmates will not suffer.

The success of the management depends entirely on the appointment of the keeper and matron. The duties at first are thought to be onerous and unpleasant. They should at all times receive the advice and assistance of the municipal authorities.

COMMITTAL OF INMATES.

Under the Municipal Act, councils are authorized to make rules and regulations, not repugnant to law, for the government of Houses of Industry. These regulations, among other things, provide for the committal of inmates. They are the same in nearly every county, and need not be referred to in this paper. Under the present law no person can be compelled to become an inmate unless the county council passes a special by-law for committing and detaining them for a period

of not more than twelve months. Commitments are usually issued by members of the council, and may be issued by any two of Her Majesty's justices of the peace. In this Province no provision is made for the detention of persons at the Houses of Industry; they are usually controlled by moral suasion on the part of the authorities in charge.

The expense of maintaining inmates is provided in two ways:

1. By a general tax to meet all the expenses of the institution.

2. By a general tax to maintain the farm and the buildings and a special assessment on local municipalities for the support of inmates sent from each. The payment of all expenses by a general tax is, in many ways, most desirable. A great many inmates of these institutes are wandering characters who belong to no particular municipality or county, and are of necessity committed from the municipality in which they become disabled. Efforts have been made to define eligible inmates as those who have been resident in the county or municipality for a stated period, usually two years; justices of the peace are not restricted by these regulations. The greatest benefit would be derived if all institutions were open to residents and transients who may be in need of assistance.

The spiritual welfare of the inmates is often neglected, and where the church societies of the neighborhood or nearest town do not undertake the work, the authorities have, in some cases, found it necessary to pay for the services of a regular chaplain.

House of Industry authorities will find it to their advantage to encourage the work of Children's Aid Societies. All children at present in these institutions, or who may be committed thereto, should be handed over to the care of the society. Counties should be required to assist cities in providing children's shelters, as they are open to all children coming within the jurisdiction of the society.

A great deal might be said in reference to the details of the management of houses of refuge, but such suggestions would be more appropriate for a meeting of those who are particularly interested. It is almost necessary from a municipal standpoint that some organization of those interested in poor house work should be effected, if for no other purpose than deciding on a uniform annual report, containing not only complete statistics in reference to inmates, but as to cost of maintenance, etc. Municipal councils are apt to judge of the success of an institution by the low annual rate of maintenance and comparisons of the reports from different institutions often lead to unfavorable comment and annoyance to those in charge, which would be avoided if uniform reports were prepared.

A Japanese farmer who has as much as ten acres of land is looked upon as a monopolist.

ENGINEERING DEPARTMENT.

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

Better Roads.

Every now and again occasion appears to arise for reiterating the object of the Good Roads Movement, as advocated by the promoters in Ontario. It is so much more convenient at times to jump at conclusions than to reach them by the slower and more laborious method of adhering strictly to the trodden path, that it is not to be wondered at if the Good Roads Movement is occasionally misrepresented. To-day the movement is so well understood that, to misstate its aims is but to reflect discredit upon the person thus offending.

The Good Roads Movement is not a huge scheme to construct an extensive system of macadam roads on the English or any other plan that will entail a heavy expenditure and burdensome debt. The aims are more nearly expressed by the "Better Roads Movement." Not English roads, nor French roads, but Canadian roads are the kind we desire to see built. There is much, it is true, that we can learn from English and French and German and all methods of road construction. Our information in this respect cannot be too complete. But it is not by seizing upon any one plan or scheme that good is to be effected in Canada. It is by learning, first, the underlying principles, and then adapting them to circumstances as we find them in Canada that the aims of the Better Roads agitation are to be achieved.

A study of road making, as it is developed by the older and more experienced countries, will lead to the conclusion that roads well suited to the present conditions in Ontario can be cheaply built and maintained. Traffic on our country roads is not heavy. The population is widely scattered. As efficient service can be had from a comparatively cheap road in Canada as can be had from a very expensive road in England.

At the same time Canadians can well afford, and are as willing to pay as much per head of population as are the English for good roads. There is no effort to change the plan of country roads as we find them in Ontario. There is an effort, and one that is bearing fruit, to apply the best scientific principles of road-making to this general plan, together with economical methods of paying for them.

When the "Better Roads Movement" has accomplished its ends, roads will be better drained where they are now being raised to a dangerous height; water will be taken from the road instead of the road being lifted above the water; better metal will be used and it will be properly placed on the road; roads will be crowned uniformly, instead of being either dangerously "barrelled," or left flat or even hollow; wide instead of narrow tires will be used on wagons; statute labor will be

replaced by a system that can be handled more justly and more economically; durability and permanency will be sought; roads will be repaired, not once a year, but when repair is needed. The primary object of the "Better Roads Movement" is to check the waste that is now going on through misdirected labor and the absence of efficient roads, and to accomplish the most with the expenditure now being made.

It does not require an expert to observe the faulty construction of the roads we are making. Unfortunately for ourselves we are practising the greatest deception in professing to know all about road construction, when at least twice a year we are told by their woful condition of the temporary and inefficient manner in which work on them is being done.

Millions of dollars of money and its equivalent in work is being spent each year in making roads. We can point to but very few miles in the whole province that have been properly constructed, and this is largely due to the system or want of system in the various municipalities. Is it that our ratepayers are determined to prevent the improvement of our roads, or the adoption of a system which will expend our road tax in such a manner as will create an improvement?

Ever since Mr. Andrew Pattullo, M.P.P., first attracted attention to the need of reform in this matter, the question has been agitated, public meetings held, plans discussed, favorable resolutions for reforms passed, much interest taken, and there has been a unanimous feeling in favor of reform. While many municipalities have taken hold of the question in earnest and have made an excellent start, and will in a short time have solved the problem, yet it is to be regretted that in too many sections action is slow.

Every municipality is building roads — dry weather roads. It requires little skill to build such roads, for even a trail through the field or forest is good in dry weather. What we require in this country is roads that will be good in the long, wet seasons of spring and autumn. What more striking example of our indifference in this respect can be afforded than on a journey at the present time over almost any of our roads? Some of our big cities are narrow enough to encourage the shiftless and unprogressive in their indifference, but surely we have enough big men in the community who are broad enough to take hold of this problem, the solution of which will admittedly add so much to our industrial, social and commercial welfare.

THE MUNICIPAL WORLD in its first number took up the discussion and in every issue since has donated space to the matter, and will continue to do so until every municipality will have laid down a system which will provide for the proper expenditure of the public road tax, and embody the true principles of road-making. In every department of municipal work this is our object, and the results will be our reward.

Sewage Disposal in Toronto.

The sewage of Toronto, collected by a system which aggregates about 230 miles of sewers, the waste of 175,000 people, amounting, it is estimated, to 16,000,000 gallons daily, is at present discharged into Toronto Bay.

The bay is practically a stagnant, land-locked body of water. The water supply of the city, taken from Lake Ontario, off the south shore of Toronto Island, is forced across the island and thence to the city through mains which rest on the bed of the bay. There is strong reason to believe that these mains are not perfectly water-tight, and that the water which reaches the citizens is, in part, bay water.

The probability is that Lake Ontario will always be the source of Toronto's water supply. Mr. Manserge, the English expert employed a few years ago to report on the system of water supply recommends, in place of the present intake, a tunnel to the island through the bed rock underlying the bay, this tunnel to be lined with steel. This method which will doubtless be adopted as soon as the city can face the expense, would not be above suspicion so long as the sewage is emptied into the bay, for there would still be the possibility of the polluted water of the bay percolating through and mixing with the water in the tunnel.

In addition to the pollution of the water supply, the present method of sewage disposal is turning the bay into a cess-pool, if it has not already done so. This alone constitutes a grave menace to health and is an abundant reason for the early application of a suitable remedy. It is the great blot on one of the most delightful cities of the American continent.

Mr. C. H. Rust, the city engineer of Toronto, has recently reported to the council on a system of sewage disposal. The report details the information gathered by himself, Messrs Ald. Saunders and Ald. Crane, from a recent visit to several United States cities — Worcester, Mass.; Lawrence, Mass.; Brockton, Mass.; Providence, Mass. and Reading, Pa. The history of the question of Toronto's drainage, which dates back as far as 1857, is then briefly outlined, together with extracts from the report of Mr. Manserge, referred to above.

Mr. Rust then discusses the various systems of disposal which appear feasible; the Septic treatment now in the experimental stage; Land Treatment, of which there are the two systems; Broad Irrigation, Intermittant Filtration and Chemical Precipitation.

Broad Irrigation is defined as "sewage being utilized over a large surface of land for the production of vegetation, consistent with suitable purification of sewage."

Intermittant Filtration is described as "sewage applied intermittently in as great volume and at short intervals as can be properly absorbed, and purified by the land, and while not excluding vegetation,

yet making produce of secondary importance."

Of land treatment Mr. Rust says:

"In broad irrigation we are informed that it will take about one acre for every 100 of a population, but with intermittent filtration the sewage of 1000 persons may be satisfactorily disposed of on the same area. We are also told by authorities that efficient filtration will remove 99 per cent. of the bacteria, and it is this system combined with perhaps broad irrigation, to some extent, that I suggest to your council as being suitable to your city. The only land available in sufficient quantities for this purpose is situated in the township of York, east of Leslie Street and North of Danforth Avenue, extending eastwardly almost to East Toronto, and northerly to a branch of the Don. There is about 1,100 acres in this section, and is admirably fitted for the purpose. A great portion of this area has to-day no value for agriculture, the soil being sand running down to a great depth. I would recommend, providing this land can be purchased for a reasonable figure, and if this system of sewage disposal is adopted by the council that about 600 acres be purchased, and that at present about 300 acres of it be laid out for filter beds. There is no doubt that arrangements could be made with a number of the owners and tenants of some of the lands in this district so that they would be only too glad to receive a portion of the sewage upon their properties during part of the year. The remaining portion of the sewage could be turned upon the filter beds, and the effluent conducted to the nearest watercourse. The soil is of such a porous character that there could be no difficulty in disposing of 50 or 60 thousand gallons of sewage upon an acre. The question of the efficient working of the filter beds during our severe winter may be considered by some as an objection but from the results obtained in the New England States, where the winter is almost as severe as ours, I do not anticipate any difficulty."

The cost of installing such a system is estimated at \$1,730,000, while the annual cost of operation would be \$70,000, less the revenue derived from the sale of the produce raised on the sewage farm.

As to the system of chemical precipitation the report says:

"The next method of disposal to be considered is that of chemical precipitation. This system, which a number of your council have seen in operation in Hamilton, is carried out by turning the sewage into large tanks after it has been treated by chemicals. The sewage is then passed slowly through the tanks to enable the suspended matter to settle to the bottom. It is necessary of course to have sufficient tank capacity to permit of a sufficient number to be out of use while the sludge is being removed. Disposal of the sludge is the most difficult part of the sewage precipitation, the sludge being used on land as manure, or got rid of by

filling in lowland or by burning. Authorities inform us that precipitation removes from fifty to sixty per cent. of the organic matter. American engineers assume that for every 1000 persons, fifty four cubic feet of sludge may be expected. The disposal of the sewage by precipitation is carried out in a large number of the principal cities of England, notably Leeds, London, Manchester and Bradford. In America there are several plants in operation, the largest of which is at Worcester, Mass. Providence, R. I., is now engaged in constructing works of this character. It is a question whether the removal of about half of the organic matter from our sewage would permit of its being turned into the lake without creating a nuisance, and I therefore considered in connection with chemical precipitation that the effluent should afterwards be purified by filtration, either by turning it upon the natural soil, or if sufficient land cannot be secured at a reasonable price for this purpose, artificial filters could be constructed. It may perhaps be found during the winter months and after a strong wind has been blowing from a westerly direction, that it would not be necessary to further purify the sewage by dropping it on the filter beds, but after treatment with chemicals it could be permitted to discharge into the lake. In connection with this matter the Local Government Board of England is now compelling nearly all the cities using this system alone to supplement it with further filtration. I have in my estimate assumed that the most economical and satisfactory chemicals to be used would be lime and either sulphate of alumina or copperas."

The cost of installing a system of precipitation would amount to \$1,150,000, while the annual cost of operation would approximate \$105,000.

Either of these systems, land treatment or chemical precipitation combined with Land Treatment, would in the opinion of Mr. Rust meet the requirements of the city, but he recommends that before incurring so heavy an expenditure as either would require, that the advice of a specialist in this class of work, be obtained.

Road Reform.

The following is an outline, in brief, of a system of road control which a great many townships in Ontario could consider with profit:

Do away with the statute labor roll entirely.

To raise the money required, levy a rate on the assessment of the township.

For road purposes, divide the township into a convenient number of divisions, usually four.

Apportion the money available for road improvement, among the divisions.

In thus apportioning the money equably, keep in view all circumstances, viz: Importance of roads, work needed on them, benefit resulting to the greatest number of people, amount of traffic, assessment, etc.

Appoint one township road commissioner to advise and counsel with, and carry out the directions of the council.

The office of road commissioner should be similar to that of the township clerk or treasurer.

Councillors should not act as commissioners, as they are subject to undue influence from the ratepayers, and the term of office is uncertain.

A general plan for road improvement should be laid down by the council for the commissioner to follow.

This plan should specify the width to be graded, width and depth of road metal, character of drainage, etc., of all roads.

Roads of importance should not be less than twenty-four feet between the inside edges of the open ditches. No road should be of less width than eighteen feet.

Early in the year the council and the commissioner should go over all the roads to consider the work to be undertaken.

Works of construction, such as hauling gravel, ditching and drainage, building of culverts and bridges should be done by contract, and supervised by the road commissioner.

No account for labor or material should be paid by the treasurer, except on the certificate of the road commissioner.

Minor work and repairing should be done by day labor, only the road commissioner being authorized to employ, direct or discharge men or teams.

All roadmaking machines should be in the care of the road commissioner.

Only the road commissioner should employ, direct or discharge the men or teams needed to operate the machinery.

Should the council desire to interfere in any of these matters they can do so through the commissioner.

The same men and teams should be hired to operate the machinery for the entire season, or longer if possible, as they become proficient and do better work. This applies particularly to the operator of a road grader.

The commissioner should keep a pay roll to return quarterly to the council, showing who have been employed and the amount paid, the roll to be then filed for auditors.

This roll will act as a check on favoritism on the part of the commissioner. Work should be divided much as possible among the residents of the township desiring it.

Work should be commenced with a definite end in view and continued systematically, from year to year if necessary, until the entire road mileage has been brought to a proper standard.

Mr. Robert Surtees, who for twenty-four years has been city engineer of Ottawa, has resigned. The salary attached to the office is \$2,500. Important sewage work costing \$450,000 are about to be undertaken, and an engineer will doubtless be chosen with respect to his qualifications for carrying on this work.

An Electric Plant for Hamilton.

The Council of the City of Hamilton, Ontario, has secured estimates from Percy Domville, electrical engineer, on the cost of installing an electric plant to be owned and operated by the city. The report is in two divisions discussing:

(1) An electric arc plant for lighting the streets only.

(2) An electric incandescent, power and arc lighting plant for commercial and civic purposes.

It is proposed that the plant be situated on the site adjoining the Sewage Interception Works, the advantage being the utilization of all surplus power from that establishment, plenty of water for condensing purposes, and a saving in labor, since the present engineer and foreman with an additional assistant would be sufficient to operate both steam plants. The power station and boiler house is estimated as containing 6000 square feet of floor space, so planned and located as to allow of additions being made when necessary.

(1) *The Electric Arc Plant Only:*

For an electric arc plant, for street lighting only there would be required one 500 horse-power Tandem Compound Condensing engine and Condenser, capable of supplying power for 550 arc lamps of 2000 candle power each, or 650 arc lamps of 1200 candle power each. There would be 636 boiler horse power in three units. Two boilers would be sufficient for general running purposes, but it is deemed advisable to have one in reserve.

The electric plant would include five arc dynamos of 125 light capacity each, switchboard, 500 double carbon lamps with globes, 50 miles of line and 1760 cedar poles.

The report states that the "estimated cost of coal for operating is of considerable importance, fuel being the principal operating expense. With the latest type of Compound Condensing Engines, fitted with economizers, etc., a great saving of fuel can undoubtedly be affected. The amount of coal required is variously estimated from 5 pounds per horse power per hour for a simple non-condensing engine to 1,765 per horse power per hour for a triple compound condensing engine." The estimated cost of operation, however is based on a consumption of 41 pounds per horse power per hour.

For the above plant to light city streets only (500 arc lights,) the cost of installation is estimated complete at \$97,130. The total annual cost of operation, including depreciation, would be \$27,277. This would make the cost per lamp \$54.55 per annum.

The additional cost of installing a 1000 light incandescent plant for lighting city buildings would amount to \$10,075, with an additional \$1000 per annum for operation.

(2) *An Electric Incandescent and Arc Lighting and Power Plant for Commercial and Civic Purposes.*

With respect to the above plant, supplying 3000 Incandescent and 125 Arc lights for commercial purposes the report states that "while the original cost of installation of an Incandescent and Arc lighting and Power plant for commercial purposes would be high, the city would be more than compensated for the same by the receipts for the sale of light and power."

"There should be no difficulty in installing the full number of lights (3000 incandescent.) This with the introduction of small motors for power should give adequate return for the money expended, as well as partially, if not altogether wipe out the cost of operating the city Arc lights."

The principal addition to the power station would be the duplicating of the steam plant and the introduction of an alternator, a power generator, an Arc dynamo, together with the necessary switchboards and connections. This would involve an additional expenditure of \$40,516 for installation and \$9,332.50 additional yearly for operation.

The comparative costs, then, are:

Cost of installing an Arc lighting plant for street purposes only \$97,130
Annual cost of operation 27,277

Cost of installing a plant as above for street purposes together with 1000 incandescent lights for civic purposes only \$107,205
Annual cost of operation 28,277

Cost of installing a plant for all civic and commercial purposes 137,646
Annual cost of operation 36,609

(With the reservation in the last case that the income from commercial lighting and power would largely if not wholly cover the cost of the street lighting.)

The report says with respect to the present street lighting system, "it is evident a much better distribution of lights can be made than at present. Many lamps are so placed that the radiating power is to a degree lost, either by their being too high, or hung without proper allowance being made for the shadow cast by trees. These lamps can be so stationed as to give the full candle-power of the light generated."

Society of Municipal Improvement.

The annual convention of the American Society of Municipal Improvement, held last month in Washington, was attended by a large number of delegates from the cities of the United States and Canada. It is sometimes imputed that these meetings are organized for the purpose of providing junketings for municipal councillors and officials, and that any money spent in sending delegates is practically wasted. This view is an extremely narrow

one. Much good has resulted from such associations in this country, and in no line is there greater need for thorough organization and education than in the matter of municipal improvement. Following closely all movements of this character, so as to be able to criticize or recommend and to profit by their deliberations, it is the practice of THE MUNICIPAL WORLD to attend as many of these meetings as possible.

A representative of THE MUNICIPAL WORLD attended this convention for the first time in its history and is convinced that the objects of the association are most laudable. Valuable papers were read on subjects of vast importance to municipalities, and an official report of the meeting should be secured by every municipal council.

The planning of sewage systems, disposal of sewage, construction of waterworks plants, filtration, water supplies, street railway construction, electrolysis, street paving, road-making, principles of taxation, municipal government and kindred subjects were discussed by men of wide experience and national reputation. In all of these subjects many municipalities are interested and every municipality is interested in some of them.

The value of these deliberations cannot be overestimated, as the result of the study, experience and life-work of these men is fully and freely given. The information is such as would cost a municipality working independently, an enormous amount of money, and in fact would be difficult, if not impossible to secure. Here the men from different parts of the continent meet on one platform and give in detail the practice followed in different localities, subjected to the varying influences of climate, soil and the many other conditions which tend to perplex in the planning of such work.

The next annual convention was fortunately secured for Toronto, to be held probably during September of 1899. The opportunity will thus be afforded to all councillors and municipal officers in Ontario, of attending and listening to the best of American authorities on municipal affairs.

None interested in municipal matters should in any way underestimate the privilege thus afforded—one which is of two rare occurrences to be lost. Every council in Canada should send at least one delegate. Toronto can be easily and cheaply reached, and the information received, if used to advantage, may save some municipalities many thousands of dollars in the construction of their works, besides securing an efficiency of vast benefit to the people and economy in future maintenance and operation. It will repay every individual to attend the convention at his personal expense, for it is educational influences of this kind which enable men to take an intelligent and up-to-date view of municipal politics.

Streets in Peterborough.

During the last three years there has been expended upon the streets of Peterborough the enormous sum of nearly \$40,000,—to be exact,—\$37,794.49. The money was expended as follows:

In the year 1896, \$14,667.73.

In the year 1897, \$14,517.43.

In the year 1898, up to November first, \$8,609.29.

Let any one go round about the town and mark well her streets, and what does he see to represent this comparatively vast expenditure? He will chiefly see an abundance of mud and rough uneven streets that would be a discredit to a country municipality. Can any person making such an inspection, by the most vivid sketch of imagination, honestly arrive at the conclusion that we have received anything coming within cannon-shot of value for the expenditure mentioned? When the streets are not in a condition of mud and rut they are plowed by sewer operations that are begun at a time when the work should have been finished, and have afforded time to put the streets in useable shape. Now the sewer trenches will be roughly covered over and the streets alongside left littered with stone. The frost will come and we will have streets as impassable for sleigh with safety and convenience, as an unopened sideline in Burleigh. The money has been expended on make-shift, slop work, with very little other permanent results than bad road-beds and rickety sidewalks. Nothing in the way of permanent work has been accomplished except the pavement laid down this summer.

It is difficult to see what value we have had for nearly \$40,000,—it will probably amount to that sum before the year is out—spent during the last three years. If we go back for the past ten years we shall have a total of something like \$150,000 spent on our streets, with nothing except some bridges which are not at all above suspicion, to show for it. We have, it is true, given employment to labor, but so far as permanent results are concerned, it would have been as well to have paid the money outright to working men without putting them to the toil of earning it in work for which there is so little to show. Would any firm or individual with haziest possession of business common sense, have expended such an amount with such results? The strongest business in Peterborough carried on on the same slipshod principles as has obtained in the administration of our streets, would have the sheriff putting up its shutters in six months.

What we want is some systematic attempt at making permanent streets, some plan by which we shall get something like value for our money. What we do we should do well. If we only build a mile of streets in a year we should do it well and it will stay done. There are roads in England in use to-day that were built at the time of Julius Cæsar. They are

there because they were made right. Road-making has been reduced to a science, and to have good roads that will last they must be made right. We can't expect good results from the statute labor methods of half a century ago. If we spend money liberally on our streets we should insist on getting good value for it. If we are to give it away let the taxpayer know it, but don't let us throw it away any longer on expensive street work that has to be done over the next year at great additional expense.

We must have an end to the waste of money on our streets. We must have an end to the perpetual ripping up of our streets, that makes even passable thoroughfares a constant source of annoyance and obstruction to traffic. With half a dozen corporations digging holes in our streets at intervals, we have, with one and another, heaps of loose earth and yawning cavities in all the year round. The council must meet the emergency. It must adopt some system of operation that will lead to work being done when it is finished. Paying for a street improvement once is enough. We don't want work done on streets that will cost nearly as much next year for doing over, as a good permanent job would cost.

The Council will find that the present system has the universal condemnation of our citizens who are tired of paying taxes to be sunk in eternally muddy and unsatisfactory streets, and who demand that there be placed a limit to the random and reckless use of our streets by every corporation or individual who chooses to fill them with holes at their own sweet will. A council that is strong enough to take a bold stand on the street improvement question, and a mayor who is big enough to institute a big, broad policy, having first regard to the interest of the people, and secondly and incidentally, to the interests of the corporations, or private individuals, will both have the people at their backs and good, honest enduring streets under their feet.—*Peterborough Examiner.*

Street Sweepings.

There is, fortunately, a growing sentiment in favor of turning to commercial account all the garbage and refuse of towns and cities. Street sweepings and scrapings are in some cases applied to the land as a fertilizer; in others they are used for filling in low-lying sections; in still others no particular use is attached to them, and they are disposed of in the most convenient manner possible.

As a land fertilizer, street sweepings vary in value from nothing to something approaching good stable manure. That of least worth is taken from macadam roads, while the richest is obtained from the asphalted or stone-paved streets of crowded cities. Outside of its value as a manure, street cleanings of any description frequently have a good mechanical effect on certain soils; furnishing for ex-

ample, the necessary material to render clay more workable, and more suitable to the growth of vegetation.

What the value of street sweepings is, therefore, varies according to its quality, (dependent largely upon the class of pavement from which it is obtained) and the condition of the land to which it is applied. The price most commonly received by cities is merely enough to cover the cost of haulage and ten or fifteen cents per ton additional.

A Good Roads Parliament.

Among the numerous conventions which every autumn brings about, was the Good Roads Parliament of last month, held in Omaha, Neb. The parliament was largely attended by representative public men from all over the States, being presided over by the Hon. Martin Dodge, United States Director of Road Inquiry, Washington, D. C. The resolutions adopted by the Parliament approved of the good work of the United States Department of Agriculture in furnishing information relative to good roads. It was further recommended:

That each state agricultural college furnish a course on road construction.

That state legislation be asked to appropriate funds to aid counties in building samples of good roads.

That directors of farmers' institutes take up the subject of good roads as part of their work, and that the United States Department of Agriculture furnish lectures on good road building.

That able-bodied men in prisons be kept at work on road material, and not be allowed to come in contact with honest laborers.

That construction of good roads by country districts be encouraged.

That all states create a non-partisan highway commission, to be separate from all other boards, which shall have supervision of all public road affairs.

It may be observed that, in respect to educational measures, this province is following closely upon the lines indicated by the United States Good Roads Parliament.

The Ontario Department of Agriculture has appointed an Instructor in Roadmaking, who lectures largely, in addition to collecting and distributing information respecting good roads and their construction. Farmers' institutes, too, have taken up the matter, and the subject is thus one which is being widely discussed, the aim being to encourage the construction of better roads by country districts. All this is in harmony with the recommendations of the Omaha Good Roads Parliament.

On the other hand this province has believed it wise to abstain from "state aid" or other provincial interference; nor has the employment of convicts in the crushing of road metal been undertaken here, as recommended by the Parliament.

LEGAL DEPARTMENT.

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

Nominations and Elections.

Reeves—Deputy-Reeves—Councillors—School Trustees—Wards.

In the October number of THE WORLD, we discussed the question, whether Deputy-Reeves were to be elected in townships and villages at the ensuing elections or not and we expressed the opinion that they were not. The more we examine the Municipal Act, the more patent it becomes, that the Legislature did not make the necessary amendments of other parts of the Municipal Act to make it harmonize with the Municipal Amendment Act, of 1898. Section 101, for example has been allowed to remain as it was and provides that in townships divided into wards, the councillors shall at their first meeting elect from among themselves such deputy-reeve or deputy-reeves. For the reasons stated by us in the October number, no deputy reeves are to be elected in villages or townships. By sections three and four of the Municipal Amendment Act, of 1898, sections 72 and 73 are so amended that the basis of representation for deputy-reeves has been taken away. By section 71 of the Municipal Act, there was provision for the election of deputy-reeves if there were sufficient names of persons entitled to vote. By the Act of 1898, section 71 a (1), was added, which is as follows: "The council of every town having a population of not more than 5,000 by the last Canadian census, shall consist of a mayor, who shall be head thereof, and of six councillors to be elected by a general vote."

DEPUTY-REEVES IN TOWNS OVER 5,000
POPULATION NOT SEPERATED FROM
COUNTY.

In the case of towns having a population of over 5,000 which has not withdrawn from the jurisdiction of the council of the county, a reeve is to be added and also deputy-reeves for every 500 persons entitled to vote. What reason the Legislature had for preserving to such towns alone the right to elect deputy-reeves, we do not know. Section 74 of the Municipal Act is amended by section 5 of the act of 1898, so as to read "in counting the names of voters referred to in section 71 the name of the same person shall not be counted more than *once in any municipality*, whether the name appears upon the voters' list only once or more than once." This section, though very general in its terms, must be construed as applying to the election of mayor, reeves and deputy-reeves, if any, and not to the election of councillors. The same person may be entitled to vote for councillor in every ward. Owing to the fact that the provisions relating to the time and place of holding the elections have not been amended so as to fit the changes made by the act of 1898,

there is some doubt as to the manner of conducting elections in those townships which have been divided into wards and in which ward representatives were formerly elected. Some persons are under the impression that nominations should be held in each ward as in the past, though the candidates nominated must be voted for by the whole electorate of the municipality. We do not, however, think that the Legislature intended this, but that the procedure should be the same as the manner of conducting elections formerly in those townships which were not divided into wards. See section 119 of the Municipal Act, which provides for the holding of nominations in townships not divided into wards at the town hall or at such place therein as may from time to time be fixed by by-law. The Act of 1898 does not as some persons think abolish wards. It simply provides that in certain municipalities the election shall be by general vote thereby ignoring the division of certain municipalities into wards, so far as the election of mayor, reeves and councillors in those municipalities is concerned. Another difficulty which the Act of 1898, has raised in the minds of some people is in regard to the elections of school trustees. It is thought by many that the election of trustees must in some cases, at all events, be by general vote, and this view is based upon the provisions of section 58 of the Public Schools Act, sub-section 2, of which empowers any board of trustees to require elections to be held by ballot, and sub section 3 of which provides that in every case in which notice is given as directed by the act, requiring the election of public school trustees to be held by ballot, such election shall thereafter be held at the same time and place and by the same returning-officer and conducted in the same manner as the municipal nominations and elections of aldermen or councillors are conducted. We are of the opinion, however, that the Legislature did not intend to make this supposed change in the law in the case of trustees. It was dealing with the election of certain municipal officers and not with the election of school trustees, and, therefore, the provisions of the act of 1898, ought not to be read into the School Act so as to make the elections of school trustees by general vote of the whole municipality.

The County Council of Leeds and Grenville will petition the Legislature praying that more express provision be made for regulating in rural districts the use by wheelmen of pathways or sidepaths used or set apart for pedestriains, such provision as will permit persons using bicycles to travel thereon without let or hinderance (say outside of a half a mile from the limits of any incorporated municipality) provided that on meeting or passing a pedestrain on any such pathway or sidepath the wheelman be in every case obliged to dismount and allow such pedestrain undisturbed right of way.

The Public School.

By W. Atkin, Esq., Inspector of Public Schools,
County of Elgin.

VII.

REVENUES OF SCHOOL SECTIONS.

Since 1841 it has been an accepted principle in the Province of Ontario, that all its property is taxable for the public school education of its people.

The unit of taxation for school purposes is the school section, although there are other sources of revenue for public school moneys than the direct tax on the section property, asked for by the section trustees.

The township council is required to raise, by uniform rate on the whole township, a sum sufficient to pay to each school section the sum of \$150, and an additional sum of \$100 for each assistant teacher in the school.

The Legislature annually votes a grant, out of the provincial revenues, for public schools. This grant is apportioned among the municipalities according to their population. Each municipal grant is then apportioned to the schools of the township in proportion to their average attendance for the preceding year.

The Government also makes grants to public schools doing advanced work. Continuation class schools in class A receive \$100, in class B \$50, and in class C \$25, and schools doing public school leaving work receive the sum of \$5 for each successful candidate at the examination.

All sums, in excess of the sums already mentioned, necessary for the maintenance of a public school must be obtained by the trustees, through the township council, by direct tax on the rateable property of the school section.

The Simcoe County Council devoted considerable attention to the House of Industry at their closing session. The building farm, etc. has cost about \$37,000. It is situated at Beeton. The officials will consist of an Inspector, Keeper, Ma'ron and Physician and a Committee of three members of the Council to supervise the management; to examine into the state of all matters pertaining to the support and employment of the inmates; audit all accounts quarterly and prepare for the June session each year an estimate of the amount required for the ensuing year; the committee shall have power to discharge any inmate considered an improper person to be kept at the county's expense; and may also admit any person if they deem it expedient, (b) they shall keep a general supervision over the institution, (c) keep a full account of all expenditure, (d) purchase supplies by tender or otherwise, (e) investigate all charges against any official of the House and have the power to suspend on sufficient evidence. The committee must meet quarterly for the passing of accounts between the 1st and 5th days of January, April, July and October.

QUESTION DRAWER.

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

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

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

Government Road Trespass.

424.—B.—1. The government officials opened a road through our township 20 years ago. This road trespassed on private lands, in one place crossing a gore lot of 40 or 50 acres where the proper road-bed was lost on account of the lake, and the lake shore being so rough. The road was taken in a distance from the shore on a bluff, it being bluff and rough land between shore and road-bed. The owner of this land on which the road trespassed sued our council for damages this year and received \$100 and costs, his plea being that the road was not reserved in his deed, that he owned the road and deserved payment. Our defence being that the road was a benefit to him instead of a loss and we produced witnesses who swore the farm was of as much value with the road where it was as it would be if built on lake shore. The proprietor swore that the road was \$200 damage to his farm, and one witness swore the damage to be \$175. The judge's decision was \$100 for damage and not for price of road-bed. Do we now own the road-bed or does the proprietor of the farm still own it?

2. And can we demand a road four rods in width or only the width of a wagon road as it now exists? I also wish to state that statute labor has been performed on this road and the proprietor of farm has performed his statute labor there.

3. There are other trespass roads on gore lots in this township and owners are asking for payment. If we offer what we consider right or offer to settle by arbitration and they refuse our offer and also refuse to settle by arbitration, what course should we follow next, supposing the council consider their price unreasonable, those roads also having been built with government monies?

4. Supposing a witness is subpoenaed on a case by both plaintiff and defendant does he receive payment in full from both parties or does the side losing the case pay him the same fee according as other witnesses subpoenaed by only defendant?

1. Without the pleadings and a copy of the judge's decision, we cannot express an opinion upon this. We do not, however, see how the judge in an ordinary action, could make any order by which the road itself would be vested in the municipality. You do not show how the damages were made up. We think you'd be wrong cause, unless you were advised that it could be shown that the road was a highway originally or had become so by use of dedication. You should have paid a by-law expropriating the land for a road, and the owner would then have to submit to an arbitration to determine the value of the land and that would have been the end of it.

2. We cannot understand this question under the circumstances. If there had been sufficient usage to make the road a highway, how was it the judge found damage against the municipality? The rule is that where a road is claimed and shown to be a highway by user and the performance of statute labor upon it, only so much as has been actually used as such can be held by the municipality.

3. Unless you are satisfied that you can prove that these roads have become highways by use or dedication, your course is to pass a by-law under the provisions of section 632, cap. 233, R.S.O., 1897.

4. The witness is only entitled to payment once and if both parties have paid any particular witness he should return all but his proper conduct money for the distance travelled by him and for his time.

Distress for Taxes.

425.—G. M. B.—A having a rented farm, B hires the use of a barn of A. B stores in said barn feed from his own place and implements.

1. Can collector seize said articles for taxes?

2. Could he seize stock that was pasturing on A's place (hired)?

Before answering the above questions we would like to know who ought to pay the taxes? There is nothing to show whether the taxes are taxes which A or B or somebody else ought to pay. Are the taxes payable in respect of the rented farm, or are the taxes upon personal property, or partly upon the farm and partly upon personal property? and, if so, how much in each? If A is the person who ought to pay, was he actually assessed for the premises—that is, the farm—and does his name appear upon the assessment roll for the year as liable therefor? Who is the owner, and is he assessed also? Who has possession of the property mentioned?

Subsection 1, of section 135 of the Assessment Act, provides that a levy may be made, "1, upon the goods and chattels wherever found, within the county in which the local municipality lies, belonging to or in the possession of the person who is actually assessed for the premises, and whose name appears upon the collector's roll for the year as liable therefor, (and who is hereinafter called the "person assessed"), and as is further provided by the same section, "and subject to the provisions of the preceding clause, numbered 4, where the owner or person assessed is not in possession, the goods and chattels on the premises not belonging to the owner or person assessed shall not be subject to seizure."

Exemption from Distress for Taxes.

426.—W. T.—What household effects are exempt from seizure for taxes by collector?

1. The bed, bedding and bedsteads (including a cradle) in ordinary use by the debtor and his family.

2. The necessary and ordinary wearing apparel of the debtor and his family.

3. One cooking stove with pipes and furnishings, one other heating stove with pipes, one crane and its appendages, one

pair of andirons, one set of cooking utensils, one pair of tongs and shovel, one coal scuttle, one lamp, one table, six chairs, one washstand with furnishings, six towels, one looking-glass, one hair brush, one comb, one bureau, one clothes press, one clock, one carpet, one cupboard, one broom, twelve knives, twelve forks, twelve plates, twelve tea cups, twelve saucers, one sugar basin, one milk jug, one teapot, twelve spoons, two pails, one wash tub, one scrubbing brush, one blacking brush, one wash-board, three smoothing irons, all spinning wheels and weaving looms in domestic use, one sewing machine and attachments in domestic use, thirty volumes of books, one axe, one saw, one gun, six traps, and such fishing nets and seines as are in common use, the articles in this sub-division enumerated not exceeding in value the sum of \$150.

4. All necessary fuel, meat, fish, flour vegetables actually provided for family use, not more than sufficient for the ordinary consumption of the debtor and his family for thirty days, and not exceeding in value the sum of \$40.

5. One cow, six sheep, four hogs and twelve hens, in all not exceeding the value of \$75 and food therefor for thirty days, and one dog.

6. Tools and implements or chattels ordinarily used in the debtors occupation, to the value of \$100.

7. Bees reared and kept in hives, to the extent of fifteen hives. R.S.O., 1897, chap. 64, section 2.

Section 135, sub-section 4 (2) chap. 224, R. S. O., 1897, provides: "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 who is actually assessed for the premises, and whose name also appears upon the collector's roll for the year as liable therefor."

You will observe that by reason of the above provision of the Assessment Act, the person who is actually assessed for the premises and whose name also appears upon the collector's roll for the year as liable therefor, is not entitled to claim any exemption.

Cemetery Company and Burial of Paupers.

427.—P. H. B.—There is a misunderstanding here as to a certain clause of the Cemetery Act referring to the burial of paupers and the right of the cemetery to furnish free lot and grave on the certificate of mayor or clergyman. The municipal council objected to a demand made by the cemetery company and now the company refuse to accept the burial of an indigent unless a fee of \$3.50 is paid in advance. Our cemetery company is not composed of men likely to be over liberal, and it becomes a question, must the municipality administer to their greed, or are they bound by the Municipal Act to bury without charge. Be kind enough to acquaint me with the custom and law in the case.

You do not state what clause of the act you refer to, nor do you give any particulars in regard to the subject in question. In cases within section 13 of chapter 213, R. S. O., 1897, the cemetery company must furnish graves

free of charge. That section is as follows: "The company shall furnish graves for strangers, and for the poor of all denominations, free of charge on the certificate, in the latter case of a minister or clergyman of the denomination to which the deceased belonged, that the relatives of the deceased are poor and cannot afford to purchase a lot in the cemetery." This section provides for all classes, first, strangers; second, poor of all denominations. The mayor cannot give a certificate under this section, nor is there anything in this section giving any authority whatever to the council over the cemetery company. If you will furnish us with fuller information, we shall be glad to give you our opinion in the matter.

Qualification of County Councillor.

428.—TOWNSHIP CLERK.—Is the qualification of county councillor still \$600, or has it been reduced to \$400?

Section 77, R. S. O., 1897, provides, "Every member of a county council shall possess the same qualification as the reeve of a town is required to possess, and shall also be a resident of the county council division for which he is a county councillor." Section 76 (b), gives the qualification in towns, freehold to \$600, or leasehold to \$1,200.

Taxes on Warehouse on Government Land.

429.—H. M.—Some years ago a warehouse was erected on the government shore allowance on Lake Huron. A merchant in the village rented this building and paid the taxes. Three years ago, having no further use for the building he gave it up, and it was assessed to the owners who were non-residents. The owners have never paid the taxes and they are three years in arrears. Is there any way by which these taxes can be collected seeing that the building is on government property?

2. Can the collector or the treasurer sell the building for the taxes?

1. No.
2. No.

Election in Neebing.

430.—W. M. B.—Re amended Municipal Act.

1. Do the recent amendments affect Thunder Bay?

2. The municipal council of Neebing is composed of representatives from the townships of Neebing, Parpoonge, Blave, Crooks and Pardut, one councillor from each township elected by the vote of the particular township. How does the amended Municipal Act effect the manner of electing these councillors?

We do not think that the recent amendments of the Municipal Act affect the manner of electing councillors in the above township, and therefore that you ought to elect a councillor from each township as in the past.

Collection of Taxes.

431.—SUBSCRIBER.—We have a lot of land which was sold some years ago for taxes. The next year after sale it was assessed to the company that originally owned the land, and the land was redeemed within the year, and a part of that year's taxes paid by the company and a balance due. The company has sold the land to another party. As the party who bought the lot from the company, and now occupies it, refuses to pay the balance of taxes

mentioned, what steps must be taken to recover the same?

The party who occupies and owns the lot paid the taxes the first year he held the lot (that was last year) but refused last year to pay the balance mentioned, and also refuses to pay the said balance this year, as he claims that the company should make it good to him. We would like to know how we are to collect such tax.

When taxes cannot be made by the collector, they should then be returned to the county treasurer and collected by him, by sale of a sufficient part of the land. We refer you to section 152 and following sections of the Assessment Act, chapter 224, R. S. O., 1897. If these provisions have been observed, you will have no difficulty, because if the taxes be not paid the land or a sufficient part of it may be sold to satisfy them. You do not give us any information whatever, as to how the taxes have been dealt with, all you say is that part of the taxes for a certain year have not been paid. If the officers of the township have neglected their duties and if no returns of these taxes were made, we do not think you can collect them.

Farm Drain Outlet on Street.

432.—W. W.—A has drained his farm and made the outlet on the public street which is likely to cause damage by the washing away of the road. Can A be compelled to continue said drain to a natural outlet? Or is the municipality obliged to do so?

A has no right to collect surface water by means of artificial drains and discharge it on the highway. The council may direct the pathmaster, or some other person to dam up the mouth of the drain where it discharges on the highway, where there is a natural watercourse, that is a watercourse where the water flows within defined banks, the owners of land along such watercourse have the right to have the water flow along the watercourse, but we do not understand this to be a case of that kind. A cannot be compelled to continue the drain to a proper outlet, nor is the council obliged to do so. It is bound to keep the road in a reasonably good state of repair, and if the water causes the road to get out of repair the council would have to put the road in repair, as it would be no answer to say that it was A's wrongful act which was the cause of the road being out of repair. The Ditches and Water Courses Act was intended to enable parties to obtain the right of drainage of surface water over neighboring lands.

Statute Labor; Who to Perform.

433.—W. F.—A and B are assessed for \$900, (real estate). A a tenant and B as owner. A pays statute labor or poll-tax.

1. B having no other property and a resident of the municipality, is he liable for one day's statute labor?

2. If so, and he refuses to pay or work same, what are the proper steps for pathmaster to take to collect it?

Section 100 of the Assessment Act, R.S.O., 1897, cap. 224, imposes personal statute labor upon every male inhabitant of a township who is not otherwise assess-

ed, and who is not exempt by law from performing statute labor. B is assessed and, therefore, he is not liable to perform personal statute labor.

Cemetery Company Burying Paupers.

434.—P. B.—1. It appears that the Cemetery Company here objects to digging the grave and burying the body of an indigent without payment from the municipality in advance. In this case what is the meaning of the clause you mention? Does it cover digging and filling in the grave?

2. What, under the meaning of the act, is a grave?

3. And must company or municipality dig it?

4. Is the cemetery company justified in denying burial permit until the price is paid down?

5. In case they do so or have done so, what would be the proceedings to force burial or get the money back, if, as in this case, it were paid under protest?

1. The act does not define the word but we do not think it includes digging and filling in.

2. The land necessary for burial—nothing more.

3. The company is not bound to dig the grave.

4. In all cases where the company is not bound to furnish graves free of charge it is entitled to be paid in advance.

5. If the company refused to furnish a grave free of charge, in any case, upon the certificate required by the Act, and money was paid under protest we think it can be recovered back by action.

Liability for Town Dogs Killing Sheep.

435.—J. B.—When dogs from a town worry and kill sheep in an adjoining township, whether is the town or township responsible for the damages?

The town is certainly not liable. Section 7 of cap. 271, R.S.O., 1897, declares: "The money collected and paid to the clerk or treasurer of any municipality under the preceding sections, shall constitute a fund for satisfying such damages as arise in any year from dogs killing or injuring sheep or lambs in such municipality, etc." From this it will be seen that any money collected in a municipality cannot be used to satisfy damages done by dogs in another municipality. The township in which the damage was done may or may not be liable according to the circumstances. If you will send us a copy of the by-law, if any, whether the owner of the dogs is known or unknown, date when damage done, date when complaint was made by the owner of the sheep and such other information as may be necessary, we shall be glad to let you have our opinion.

Returns of Arrears of Taxes.

436.—SUBSCRIBER.—How are the provisions of Sec. 149, Assessment Act to be carried out?

2. What form of entry should be made, or do the taxes remain on the collector's roll as unpaid taxes against the property, or must it be sent to the county treasurer?

1. Nothing is required to be done under this section. It is simply a declaration that the taxes accrued on any land shall be a special lien on such land, etc., and shall not require registration to preserve it.

2. It is necessary that proper returns of arrears of taxes be made to the county treasurer. See section 152, and following sections of the Assessment Act, under the head, "Arrears of Taxes." We have frequently pointed out the necessity for strict observance of the duties of treasurers, clerks, and assessors under the above sections. Section 149 was never intended to enable these officers to ignore their statutory duties in regard to arrears of taxes.

Forms for collectors returns may be obtained at this office.

Farmer's Sons Vote.

437.—**SUBSCRIBER.**—The questions may not have been plain enough in No. 421 in the November issue of the WORLD. The assessor understood the parties were away from the farm more than six months, part of the time teaching and part of the time student, and put them on the roll as M. F., and the clerk put them on part 3 of the voters' list, which I think was his duty to do. There was an appeal made to get them on part 1 as M. F. and they were put on. I think by the Municipal Act, Sec. 86, they must be working on the farm with their father or mother for six months out of the twelve before the return of the roll, and the oath of a farmer's son in Sec. 115 appears to be the same. I think that being a student, etc., has no reference to a farmer's son's vote for municipal purposes. I think by Sec. 15 of the Assessment Act and Schedule B of the same act, and form 16 of the Election Act, that students have a right to be put on part 3 of the voters' list, to vote at a legislative election.

What I wanted to know was, if a boy was not working on a farm with his father or mother for at least six months out of twelve, before the return of the assessment roll by the assessor,

1. Could he legally be placed on part one to vote at a municipal election?

2. If so, could he legally take the oath of a farmer's son?

3. If he does would it be perjury?

My son was teaching some years ago and the assessor put him on as F. S. He boarded at home and worked on the farm every Saturday and during vacations and the judge put him off the list.

1. The act does not require that the son shall have worked on the farm for the time mentioned. It only requires residence. We agree with you that for the purposes of the Municipal Act occasional or temporary absence is not confined to the clauses named in the Election Act, but is general in its application. If the boy did not reside on the farm for the period required the assessor ought not to have put him on the assessment roll, but having done so, it is not the business of the clerk to sit in appeal from the assessor, and take evidence, but to make out a voters' list from the evidence which the roll furnishes.

2. Being on the list does not help the voter so far as the oath is concerned. If he was not a resident on the farm for the time required how can he take the oath?

3. Yes, if wilfully and corruptly done.

Collection of Income Tax.

438.—**J. D. S.**—How had the municipality best proceed to collect taxes levied on income that have been in arrears since 1894 and following years inclusive of 1897? If those for 1894 were sued for (alone) would it be held that those of the following years had been aban-

oned? I presume lands and houses occupied by delinquents as tenants cannot be offered for sale for arrears of taxes, provided the tax on real estate has been paid by the owners. To sue for all the years would involve bringing a Superior Court action, whereas a single year's tax could be sued for in Division Court.

Section 142 of chapter 224, R. S. O., 1897, provides, "If taxes payable by any person cannot be recovered in any special manner provided by this act, they may be recovered with interest and costs as a debt due to the local municipality, etc." Section 79, of the Division Court Act, chapter 60, R. S. O., 1897, provides, "A cause of action shall not be divided into two or more actions for the purpose of bringing the same within the jurisdiction of a division court etc." We do not think that the several years taxes are so connected as to form one cause of action within the meaning of the above section. They appear to be distinct debts which may be sued separately in the division court. If you sue for the taxes for the first year in which there were arrears and you obtain judgment, the judgment will be no bar to your right to sue for each of the other years in the same way.

A Drainage Case.

439.—**R. H.**—I fail to find a case parallel to mine in Ditches and Drainage Act, or in the many questions asked and answered through your valuable paper.

I own a piece of land, through which there is a watercourse which drains a large tract of land surrounding. After it leaves my property it crossed a roadway 66 feet with drain-box or culvert. It then runs through adjoining property which has been used for pasturage but is now being ploughed up. Can the owner or tenant plow across that ditch, thus backing up the water into my cellar and upon my property? So far for 4 years I have kept the ditch open.

2. What recourse have I as I do not see anything directly bearing on the case in the Statutes? The waterway is an established one and has drained the surrounding property since water ran and snows melted.

Many persons have erroneous ideas as to what constitutes a watercourse. In the case of *Queer vs. Stroud*, 19 O. R. 10, Mr. Justice Street defined a watercourse as follows: "A watercourse entitled to the protection of the law is constituted if there is a sufficient natural and accustomed flow of water to form and maintain a distinct and defined channel. It is not essential that the supply of water should be continuous on from perennial living source. It is enough if the flow arises periodically from natural causes and reaches a plainly defined channel of a permanent character." Now though you use the word, "Watercourse," it does not appear to be such a watercourse which gives you any right of flowage over your neighbors land, within the definition of a watercourse, according to the foregoing authority, nor does it appear that you have acquired a right of drainage by prescription across your neighbors land. The law requires a user for twenty years at least before a man can acquire an easement over another man's property. If an owner of land cannot show a watercourse or a right by prescription, that is a twenty years user, his only remedy is

under the Ditches and Watercourse Act. This act was passed to enable adjoining land owners to drain low lands, each one bearing his share of the cost of the drain required according to benefit.

Councillor and Contractor.

440.—**G. R. B.**—What position does a councillor place himself in who, when commissioned to have certain work done, performs the same himself, and has the order drawn on the treasurer in favor of himself?

A member of a council may act as a commissioner and receive payment for his services as such. See section 537, cap. 224, R.S.O., 1897. The councillor in this case has done more than this. He cannot receive anything from the municipality for the work. See section 83 of the same act which provides: "In case a member of a council of any municipality, either in his own name or in the name of another, enters into a contract of any kind, or makes a purchase or sale in which the municipality is a party interested, the contract, purchase or sale shall be held void in any action against the municipality." Section 80 of the same act disqualifies a person from being a candidate for councillor who is interested in a contract with the corporation.

Where to Perform Statute Labor

441.—**L. N. P.**—1. Has a ratepayer who owns property in several road divisions the right to perform his statute labor in these divisions?

2. Can he be compelled to perform all the labor in the division in which he lives, there being no tenants on the outlying properties. The property is all in one municipality?

The latter part of sub-section (2) of section 109, of the Assessment Act, provides, "but every resident shall have the right to perform his whole statute labor in the statute labor division in which his residence is situate, unless otherwise ordered by the municipal council." The council has power to determine where a ratepayer shall perform his statute labor, and may pass a by-law for that purpose. See section 561 of the Municipal Act. If the council do not pass any by-law then we think that the ratepayer may do the work rated against each lot or piece of property in the division in which it is situated, but he has the privilege of doing the whole in the division in which he resides.

2. Yes, the council may so order. It should be by by-law and the by-law should be made so as to operate alike upon all ratepayers having property in different divisions.

Nominations in Writing.—Nominating Officer or Township Clerk.

442.—**D.**—1. Is it compulsory that all nominations be made in writing signed by the mover and seconder?

2. If so, are there any legal forms for that purpose, and at about what price per hundred?

3. Can a nominating officer for county councillor be a candidate for any office in the township council?

1. Section 128 (1) chap. 223, R.S.O., 1897, provides: "At such meetings the person or persons to fill such office shall

be proposed and seconded seriatim, and every such nomination shall be in writing, shall state the full name, place of residence and occupation of the candidate, and shall be signed by his proposer and seconder." Section 8 (2) of the Interpretation Act, cap 1, R.S.O., 1897, declares: "The word 'shall' shall be construed as imperative, and the word 'may' as permissive." Looking at these provisions and the English case of *Cox vs Dairs*, cited in the November number of THE WORLD, we think that all nominations must be in writing, and signed by the mover and seconder and must set forth the full name, place of residence and occupation of the candidate.

2. Yes, price \$1 per hundred at this office.

3. The mere fact that a person is appointed "Nominating officer" will not disqualify him, because he is not mentioned in the list of officers who are disqualified under section 802, the Municipal Act.

Nomination Day 26th December.

443.—S. C. W.—This year Christmas comes on Sunday, and in case Monday, December 26th, should be held as Christmas holiday will it be legal to hold nominations on that day?

Monday will not be Christmas day this year. It is the 26th day of December, not the 25th. In some places Saturday may be observed, and in others Monday owing to the fact that Christmas falls on Sunday this year. The nominations are to be held on the last Monday of December unless that day happens to be Christmas day, not the day observed as Christmas day, but Christmas day. The nominations this year to be legal must therefore be held on Monday the 26th December.

Fort William Election—Tax Sale Deeds.

444.—E. S. R.—1. Some doubts are expressed here that the provisions of 61 Vict. chap. 23 sec. 2, does not apply to our town in the municipal elections of 1899; that 55 Vict. chap. 70, secs. 3, 4 and 8 conflict with the aforesaid provisions so as to nullify. To aid you, the point of difficulty with us is, how is it possible to elect six councillors by a general vote so that two will reside in each of the four wards? We cannot understand how 61 Vict. chap. 23 can be made to apply. Please note sub-sec. 4 of chap. 23, 61 Vict. Our population is less than 5,000.

2. Where a municipality buys in lands at a tax sale as provided by sec. 184 of the Assessment Act, and such lands are not redeemed, and the municipality sells said lands at public auction to the highest bidder, what form of conveyance is to be used—an ordinary deed or a tax sale deed? In such cases is it necessary to convey by tax sale deed to the trustee who bought in the lands for the municipality.

The town of Fort William is subject to 71 a (1) and (4) chap. 25, 61 Vict. The population is under 5,000, and sec. 71a (1) expressly provides that the council of every town having a population of not more than 5,000 by the last Canadian census shall consist of a mayor, who shall be the head thereof, and of six councillors to be elected by a general vote. Sec. 3, of cap. 70, 55 Vic. being the Act incorporating the town of Fort William divides the town into four wards, and sec. 8 pro-

vides that the Council shall consist of a mayor and eight councillors, two councillors for each ward, who shall be residents of the ward, etc. Sub-sec. (4) of sec. 71a states expressly that this section, that is the whole of section 2, 61 Vic. cap. 23, shall apply to towns and cities above mentioned (that is the cities and towns mentioned in sub-sec. (1), (2) and (3.) Notwithstanding anything contained in any Act of incorporation or other Act sec. 4 of the Act of incorporation says, "except as otherwise provided by this Act, the provisions of the Municipal Act and of any Act amending the same with regard to matters consequent upon the formation of new corporations shall apply to the said town of Fort William, etc." Notwithstanding the exception made by this sec. (4) sub-sec. (4) of 71a, brings the town of Fort William within the provision made by 71a (1) and therefore that for the next year the council of the town must be cut down to a mayor and six councillors, to be elected by general vote, without any regard whatever to the division of the town into wards.

As to question 2, the Council of the local municipality under sec. 184 (3) may under the circumstances therein mentioned be a purchaser, and in that case the treasurer should make a deed in form proved by schedule L, and when the municipality subsequently sells the lands it should make a deed in the ordinary form without covenants.

School Trustees—Qualification.

445.—ENQUIRER.—Sec. 80 of the Municipal Act, R. S. O., 1897, among others, disqualified to become a member of a municipal council, viz., no High School Trustee.

Please give your opinion if a member of a union board of education, elected at an annual meeting of the public school electors of the union between an incorporated village and a portion of the adjoining township (the same boundaries constituting the High School District for the County) and being a union of the high and public schools, would be a disqualification of the person who was elected a public school trustee forming a union with a high school. He has all the powers and responsibilities as if appointed by the county and local municipal council a high school trustee, yet he is elected as public school trustee, whilst the disqualification reads "no High school trustee" shall be elected, etc.

We do not think that he is disqualified. Section 80 does not mention a public school trustee. It says that *no high school trustee* shall be qualified to be a member of the council of any municipal corporation. It may be said that a member of a union board is within the spirit of the act and that there is the same objection to his sitting in the council as there is in the case of a high school trustee, but he is not literally within the act and, therefore, is not disqualified.

Township Sidewalk in Town Limits Removed.

446.—J. A. M.—1. Piece of sidewalk built by township council extending from town corporation out on leading highway. Now town corporation has extended as far west as said road. Walk got out of repair. Town council lifted walk and took it away without the knowledge of the township council. The walk be-

ing in town corporation side, were they justified in doing so?

2. Where is the line between the two corporations? Or are both corporations responsible for the piece of road, or does it belong to the township?

3. A has a large pond close to roadway. Some twelve years ago, A being pathmaster, cut ditch along highway to let portion of top water off the pond. Now A has deepened this ditch and carried the outlet back on his own place, where it flows on B. Is council responsible in any way to B for damage done by A letting his water on to B?

1. No.

2. The road itself forms the boundary line between the town and the township. The two municipalities have joint jurisdiction over it. See section 622, of the Municipal Act.

3. Assuming that no damage would have been occasioned to B by reason of what the pathmaster did, we do not think that the township is responsible to B for A's act.

Damages—Trespass Roads—Arbitration.

447.—B.—1. There are a number of trespass roads in our township opened principally by government grants. Those roads in some cases were forced to cross private lands from the fact that they were gore lots, and the roadbeds were under the water of a lake. Suppose owners of those gore lots sue for damage, how had we better settle, the road not being reserved in their deed?

2. If we offer what we think the proper price and they refuse said offer, and we offer to settle by arbitration, and they refuse to settle by either way, what course should we follow?

3. Can we sue for an arbitrary settlement?

4. Is there any road allowance reserved on the lake shore of small inland lakes and rivers, or is said allowance only reserved on the shore of navigable waters?

5. If a case was carried through, and the judge gave the owner of land \$100 and costs as damage, would the township then own the trespass road? The judge in this case did not state whether the \$100 was in payment of road allowance or not.

6. Can the owner of land trespassed on sue for and collect damage without selling the road?

7. Would you advise the council to offer payment to owners of each road to avoid being sued for damage?

1. You should pursue the course provided by section 632 of the Municipal Act.

2. The council cannot insist upon arbitration because these are not cases within section 437 of the Municipal Act. The lands are not taken by the corporation in the exercise of its powers. If it is necessary in the public interest that these roads should be established, the council must pass a by-law under the formalities required by section 632, and then owners of the land must submit to arbitration if they and the council cannot agree as to the compensation to be made.

3. No.

4. You must search in the crown lands office to find out what roads have been reserved and where.

5. Without the pleadings in the action and the judgment, we cannot say what effect or result the litigation has had, but it is difficult to see how the judge could direct that the corporation should pay a certain sum and upon payment of sum be declared the owners of the road. The

owner of the land would be entitled to such damages as he had actually sustained and an injunction restraining the corporation from interfering with the road.

6. Yes.

7. We advise the council to take the course provided by section 632.

No Compensation for Government Road.

448.—I. A.—Our council wished me to write asking your opinion regarding compensation for a road which is as follows: The road in question is a government road made about forty years ago or so, running through a certain lot 18 con. 8, and the owner of this lot 18 con. 8, asks our council to give him all the concession line between the lot 18 con. 8 and lot 18 con. 7, in lieu of said government road, and the owner of lot 18 con. 7 sold some years ago to the council a road bed across his lot, the council agreeing to fence same, and now he, the owner of lot 18 con. 7 offers to take half of the said concession line and build fence on road. Would the council be justified in giving the owner of lot 18 con. 8 the concession line in question? Is he entitled to any compensation or not for said government road. Our council think not but at the same time want to deal fairly with all parties concerned, and would like your advice in the matter. Any light you can throw on the subject will be thankfully received.

We do not think the council would be justified in giving the owner of lot 18, con. 8, the concession line in question. Nor do we think him entitled to compensation for the government road.

Assessors' Equalization Union School Section Disagreement.

449.—ANOTHER CLERK.—In the November number of THE MUNICIPAL WORLD, 418, Clerk, When Assessors Meet, etc. In looking up the matter in the statutes I read: R. S. O. 1897, chap. 292, sec. 51, states the duties of the assessors sub.-sec. 2 and following sub.-secs. make provisions in a case of a disagreement. In reading the sections, it would seem that in every clause they are called assessors or assessors and arbitrators, the assessors are not styled arbitrators *ex officio*. Are two men disagreeing in a matter qualified to arbitrate on their own cause,

R. S. O. 1897, chap. 223 sec. 320, salaries, etc. In case the remuneration of any of the officers of the municipality has not been settled by Act of the Legislature, the council shall settle the same; and the Council shall provide for the payment of all municipal officers, whether the remuneration is settled by statute or by by-law of the Council. Sec. 321. All officers appointed by the Council shall hold office until removed by the Council, and shall in addition to the duties assigned to them in this Act, perform all other duties required of them by any other statute, or by the by laws of the Council.

In view of the foregoing assessors being municipal officers, also the source from whence comes their remuneration, does it not appear that the Council should pay the cost of the equalization? That is, each council pay its own appointee.

Councils appoint assessors and fix their salaries in compliance with section 320 and section 321, which provides that in addition to the duties assigned to them in the municipal act they shall perform all other duties required of them by any other statute or by the by-laws of the Council. One of their duties as assessors is to equalize union school assessment once in every three years, and unless it can be found somewhere that the legislature has provided some extra remuneration for them, over and above the salary fixed by the Council, they are not entitled to anything extra for their services under section

51 of the Public Schools Act. As we have already stated we understand that the Minister of Education regards assessors as arbitrators in discharging the duty of equalizing union school sections and assuming this to be the meaning of the act, we are of the opinion that the assessors and the persons appointed by the inspector in case of disagreement are to be paid by the school-trustees of the section under the authority of sections 84 and 85 of the Public School's Act. The three arbitrators are to be paid by the same body and whatever force there is in your argument it does not apply to the third arbitrator.

Assess Telephone Poles.—Not on Town Line.

450.—SUBSCRIBER.—Kindly let me know if telephone poles can be assessed where line runs through a township along the concession line, also there is electric light placed through the township for the purpose of conveying street and shop light from one village to another. Can township assess poles and wire, there being two electric light wires, two telephone wires and one lighting wire? Poles were placed on concession line by consent of township council without any remuneration whatever, and none being asked for, and light being used by township or townships. The whole affair is owned by one private individual. Line running on town line between two municipalities. Which has a right to assess, if any?

As to the poles, etc., within the municipality, these can be assessed, but there appears to be this difficulty, that the whole road between two municipalities forms the boundary lines and, therefore, the poles along that line cannot be said to be property within either municipality. We do not see how you can assess these.

Non-Resident Lands—Effect of Neglect to Make Proper Returns of Taxes in Arrears.

451.—L. P.—If the terms of sections 152, 153, 154, 155, 156 and 157 of the Assessment Act are not complied with for several years by the county treasurer and the officers of the several municipalities in the county, whose duty is it to carry out the terms of the above mentioned sections, and after the lapse of several years the township treasurers make returns of the arrears of taxes for their respective municipalities for the current year as directed by section 157 of the Assessment Act, and also for the preceeding years during which no returns had been made? The county treasurer at the beginning of the next year, figures up the arrears on the different lots with 10 per cent. compound interest added thereto, and furnishes the clerks of the different municipalities with the list of lands liable to be sold for taxes in compliance with the terms of section 152 of the Assessment Act. The township officials also for the same year fulfil the requirements of section 153, 154, 155, 156, 157 and 158, and the county treasurer then proceeds to advertise and sell the unoccupied lands in arrears for more than three years, as directed by section 173 of the Assessment Act. Now in view of the fact that the requirements of the Assessment Act have been wholly neglected for a period of more than three years, that the county treasurer's books have not been balanced up each year, as directed by section 169 of the Assessment Act, can the treasurer legally sell the lands, and would a tax deed given by him be of any value?

2. Is it the duty of the treasurer of the county when lands are in arrears for three years and the township collector has been unable to collect the arrears, as directed in sub-section 3, section 155 of the Assessment Act, unless otherwise directed by by-law of the county, to

proceed to advertise and sell the lands without being so instructed by the township Council in which the lands are situated?

3. When the owner of non resident land is known, is it the duty of the township clerk or collector to send him a statement of the amount of taxes against his lands each year and if such statement be not sent, what effect would it have upon the sale of the said lands?

4. If impossible to sell these lands under the conditions described in the foregoing questions will the municipalities have to loose the arrears of taxes, or can you suggest any way of recovering them?

1. A substantial compliance with these sections is imperative in order that a valid sale of the land may be had under the act. We think that, if by the returns made to the treasurer of the county under section 157, he finds that the lands are in arrear, so as to be liable for sale, he should transmit the statement to the treasurer of the municipality, under section 152, and if, upon compliance with the provisions of that act and the subsequent sections, the taxes shall again be returned to him in arrear, a valid sale could be made provided that no interests have intervened by which any person would suffer or be put to loss by reason of the neglect of the officers of the municipality.

We do not think that the treasurer can, at this date, add ten per cent. upon the old arrears of taxes; if the ten per cent. has not been added from year to year in the books of the treasurer it is lost. We would also call your attention to the fact that the provisions of section 132, respecting non-resident lands, have been held to be imperative, and that unless the roll has been made out in the manner provided by that section a valid sale cannot be made under it.

2. The treasurer cannot proceed without the warrant required by section 173. Upon receiving that warrant, it then becomes his duty to proceed.

3. No, except as required by section 153. If the notice, required by section 153, is not given the sale could be set aside.

4. If it should be found impossible to make the money out of the lands, or under section 142, which makes the taxes payable by any person, that cannot be recovered in any special manner provided by the Act, a debt, it could probably be made out of the officers, who had neglected their duties, if they are worth it.

Constables to Enforce By-Laws and Liquor License Act

452.—J. R.—Can a township council legally pass a by-law for the appointment of two men who are constables to see after and prosecute all persons who violate the by-laws of the township or the Liquor License Act, and pay them for so doing out of the township funds? If the answer is "yes," give reference.

Yes. See Sections 537 and 324 of the Municipal Act.

By General Vote.

453.—R. C.—1. Will you kindly let me know your rendering of the meaning of the Municipal Act as given on page 2410 R. S. O. sec. 158, and Municipal Amendment Act of 1898, page 54 s, sec. 71a (general vote)?

2. Suppose Mr. A. has property in each ward in a town, can he legally vote for six candidates in each ward?

3. Is it the intention of the Act of 1898 to abolish wards and polling sub-divisions, and have but one polling place in towns under 5,000 inhabitants?

4. We have here about 500 voters in all. Does the Act mean we are expected to have but one polling place for all the work, and each voter to vote for a candidate but once?

1. Sec. 158 does not apply to a town of not more than 5,000 inhabitants since the Municipal Amendment Act of 1898.

2. No. He can vote for mayor, and give six votes in all for councillors.

3. The Act does not profess to abolish wards, but that is the effect of it so far as the election of the members of the council are concerned.

4. The town should be divided into polling sub-divisions, if not already so divided. See sec. 535, sub-sec. (2) and sec. 536 of the Municipal Act. The division can only be made within the time limited by this section. To prevent a person from voting more than once you will have to swear him, using the same form of oath as in the case of municipalities not divided into wards.

Accident Drover's Horse.—Damages.

454.—J. R. W.—We have just received notice of a horse getting his leg broken and a claim for damages. A drover was driving a bunch of 16 cattle and was either riding in buggy or letting horse follow behind, and in going over a small culvert the horse either broke through at the side of the culvert or there was a hole there and he broke his front leg. Parties had crossed the culvert that day and saw no hole. Are we liable for price of horse, or should we have been notified of condition of culvert? The timbers are sound, but it must have been undermined at side. I think we are liable. Please give your opinion.

Unless it can be proved that the culvert was out of repair at the time of the accident and that the corporation had knowledge of the fact, or that it had been out of repair for such a length of time before the accident that the corporation was negligently ignorant of the defect or want of repair, we do not think that the corporation is liable. If the facts are as you state them there is no liability and we would advise the corporation to resist the claim.

No Bonus By-law.

455.—J. H. M.—As we have parties here who contemplate the building of a factory here, provided that we can submit a by-law to the ratepayers making them a grant of \$150 per annum for ten years, (and same is carried), I would like to know if we can legally submit this by-law to the electors to be voted upon at our municipal elections in January next, and if carried would the council be compelled to grant this by-law, making the company the annual grant of the \$150 for ten years?

I cannot find any authority for preparing this and would like if you would please give me any information you are able to in the matter. Please cite the clauses of the Act governing this.

We do not think that you have the right to pass such a by-law at all. Municipalities at one time had the right to grant bonuses to assist manufacturers, but that power has been taken away.

Clerk's Fees as D. R. O.

456.—COUNCILLOR.—Are municipal township clerks entitled to fees (similar to a provin-

cial election) in the case of having to act as D. R. O. at a municipal election?

Section 206, Cap. 223, R. S. O., 1897, provides: "Subject to the provisions of the last preceding section the reasonable expenses incurred by the county clerk, the clerk of the local municipality, and the other officers and clerks for printing, providing ballot-boxes, ballot-papers, material for marking ballot-papers, balloting compartments, transmission of the packets required by this act to be transmitted, and all reasonable fees and allowances, for services rendered under this act, shall be paid to the county clerk or the clerk of the local municipality by the treasurer of the county, or local municipality (as the case may be,) and shall be distributed by him to the several persons entitled thereto. The remuneration for the services of the clerk in holding elections unless fixed, or included in the yearly salary of the clerk, is a matter of account between the treasurer of the municipality and the clerk. The treasurer is required to pay to the clerk the reasonable expenses incurred and allowances for services rendered.

Townships Not Liable for Magistrates Fees.

457.—E. B. W.—If a magistrate in a corporation issues a warrant for a person in the township and commits them to jail, trial held in the corporation, is the township liable for his fees?

No.

Personal Property no Qualification.

458.—ENQUIRER.—Re qualification of a candidate for a municipal office who is elected by the ratepayers.

How does the assessment on personal property of a merchant, or any person having personal property liable to be assessed for same, count in the amount required to qualify a candidate for office? Does it count the same as the assessment on real property or how?

No. The property must be a legal or equitable freehold, which is an estate of inheritance or for life in real property, or an estate partly freehold and partly leasehold, or partly legal and partly equitable. See section 76 of the Municipal Act.

Correction and Ratification of Survey.

459.—J. S. A.—Complaint made to our township council that sideroad between concession 2 and 3 was only forty feet in width along centre of concession. Lost.

Council notified owners to remove their fences off road allowance. Parties brought on surveyor to run the line, who proceeded to take evidence. An old settler made affidavit to within one foot of the place where he saw a post planted in the centre of this concession, by the surveyor making a survey of the township forty-one years ago; also made the affidavit that he heard the surveyor say at the time the post was planted that there was no jog at the place, and that the surveyor did not plant stakes showing a jog.

Another old settler also made affidavit as to seeing post planted, but did not identify the spot. He also distinctly remembers the surveyor say there was no jog at this point, and that no stakes were planted showing a jog as there was in other parts of the township during the same survey.

Now if the party who made affidavit as to the place where the post was planted is correct, there is really a jog of some fifteen feet in centre of concession.

The surveyor whom the owners brought on to run the line this summer, expressed his doubts

as to whether this affidavit re the place where the post was planted (after the lapse of so many years) would hold, and he advised the owners to agree to a straight line across the concession, which they finally did; and also agreed to have their fences removed by the 15th of November, 1898.

This agreement is now repudiated by one of the parties on the ground that it is illegal. He contends that the surveyor should have planted a post at the place indicated in the affidavit, and should have run the line accordingly. In that case he would ignore the statement in both affidavits about there being no jog.

1. Is the agreement to have a straight line legal if the Council consents to the same?

2. Can any of the parties repudiate the agreement?

3. Under the circumstances would not the Council be justified in proceeding to find the line under Sec. 14, Ch. 181?

4. Can the Council legally pass a by-law ratifying the agreement?

1. If one of the parties repudiates the agreement the consent of the Council would not make it binding.

2. It does not appear to us to be a binding agreement, and therefore it can be repudiated.

3. The Council should not act under section 14 unless it is satisfied that the concession line and sideroad lines have become obliterated, and that the inhabitants are subjected to serious inconvenience, and if the council decide that it is such a case it should take care that every step taken is strictly in accordance with the Surveys Act, otherwise it may have difficulty in recouping itself for expenses which will be incurred.

4. If all the parties will sign an agreement in such form that it can be registered, and it is registered, and the agreement is in proper form, we think that it will be sufficient. The agreement should relate that the original boundaries cannot be found, and that all the parties have agreed to dedicate the lands between the two lines for the purpose of being used as a public highway.

Statute Labor.

460.—T. R.—A and B form road division No. 4 in the township of Rama. A is pathmaster and has three sons over 21 years of age. A has three days' statute labor; B has the same amount. The beat is a low flat that floods every spring, and floating timber comes on to the road. A, being pathmaster, goes every spring, as soon as the road is dry, himself and removes the timber, sometimes two men and a team, other times without team. It does not take more than an hour to do the work and that is all the statute labor A does. He comes after and warns B to do his statute labor, but never comes out, claiming that his own is done. Now this year he warned out B to do his labor, next day, after warning B, claimed three days, (it being the middle of harvest, Aug. 16th.) A did not tell B to take horses or anything. B went out on third day with horses and plough, knowing where work wanted to be done; stayed out eight hours, kept ploughing all the time. A did not come out at any time during the day. A only allowed B one day for what work was done and returned two days against B. A has taken no declaration of office in 15 years, as far as B can find out.

1. Can B be compelled to pay?

2. Is A a lawful pathmaster?

1. If B did three days work, the full amount of his statute labor, he cannot be compelled to do more, and any proceedings to compel him to pay would not be

lawful. But whether he did actually do three days work is a question of fact, and the duty is upon B to show that he did the full amount of work charged against him. We would suggest that B should bring the matter before the council.

2. The council neglected its duty in not requiring A to make the statutory declaration under the Municipal Act, and A ought to have made that declaration before entering upon the duties of his office, but his mission to do so does not appear to render his acts void. Section 267 of the Assessment Act requires every treasurer and collector, before entering in the duties of his office, to enter into a bond to the corporation of the municipality for the faithful performance of his duties, and these officers are also required to enter a statutory declaration before entering upon the duties of their respective offices, but the courts have held that the omission of either does not vacate the appointment unless conditionally made or render the person appointed incompetent to discharge the other duties appertaining to this office.

Taxes on Mill on Rented Ground.

461.—G. G.—I rented three acres of ground to B. Agreement was that I pay taxes for same. B used the same for erecting a saw mill there. B took as partner C. Taxes were paid by me every year till 1894, the last when C had himself assessed for ground and mill. Shortly after C left mill to B, who moved it away two miles in same township. I paid taxes for ground also that year, but I had nothing to do with mill tax which was not paid that year. Sheriff now is going to sell my property for taxes on the whole, the ground falling back to me as soon as mill was taken away.

1. Can the sheriff do this?
2. Who is responsible for mill tax?
3. Can council now seize the mill, C having left the country?

We have no doubt but that the mill was, after its erection upon the land, a part and parcel of the land. It appears to have been so regarded by the assessor because you state that it and the land were assessed together. The building could not have been sold for taxes, separately from the land. If the taxes were not paid and the collector could not find any chattle upon which he could seize for the taxes, his course would be to return them as uncollectable and the land would have to be returned to realize the amount in due course. We have therefore to answer the above questions as follows:

1. Yes, assuming of course, that the various steps required to be taken before lands can be sold for arrears of taxes, were regularly taken.
2. The lands.
3. We do not think so.

Driftwood in Rivers.

462.—SUBSCRIBER.—In the township of Toronto a river known as Boyne river flows across the township from west to east. Part of the owners of the land through which said river flows have removed all timber from the bed of the river preventing to a large extent, the overflow of water from the river banks during freshets, but others have allowed the bed of the stream to remain in its natural state with a lot of timber and driftwood to cause the water to flow from the river and injure the adjoining

lands. In the 3rd, 4th and 5th concessions the river crosses on lot No. 7. A owns west half in the third, which is in its natural state with a lot of driftwood in addition. B owns east half in the 3rd, and west half in the 4th, which he has cleaned of all timber, allowing the water to flow freely. C owns the east half in the 4th, also cleaned of all timber. D owns west half in the 5th, which is in its natural state, with a lot of driftwood in addition. B and C complain that they are injured by A not cleaning the river bed, and C complains he is injured also by D not cleaning his portion as it causes the water to back up on him. The public highway runs between C and D. It may be claimed that the public highway is in some way injured by the water being diverted from its natural course. C wants the council to take action in the matter and compel A and D to clean their portion of the river.

1. Has the Council any right to take action in the matter?
2. Could they compel A and D to clean the river bed?
3. If so, what steps should be taken?
4. If it is not the duty of the council can B or C compel A and D to do so, and what steps should be taken?

Section 619 (1) of The Municipal Act provides "where a river or stream forms a boundary line between two or more municipalities within a county, it shall be the duty of the Council of the county to keep such river or stream free from all accumulation of driftwood or fallen timber now or hereafter accumulated," and a like duty is imposed upon the Councils of counties, cities or separated towns to keep streams free from driftwood. This provision, however, is confined to so much of the stream as is on the by-law. Section 3 of the Drainage Act, which empower the council of a municipality, upon a proper and sufficient petition, to construct drainage works provides for the clearing of obstructions from a creek or watercourse, but without such a petition the council have no power to institute proceedings under the act of its own motion. The law is that no person has the right to obstruct the natural flow of water through a natural watercourse which has well defined banks. This case does not appear to be one of that kind. The driftwood here has no doubt been carried by flood water from different lands, and none of the landowners can be held responsible for the accumulation of driftwood from such a cause as that. We are therefore of the opinion

1. That the Council has no right to take action except in so far as it may be necessary to free streams from driftwood.
2. No.
3. None.
4. No.

Collector and Deputy-Returning Officer.

463.—W. P.—A was appointed collector for 1898. Can A act as Deputy-Returning Officer in January, 1899, still being township collector?

We cannot find any provision in the Municipal Act disqualifying him. Section 80 expressly disqualifies a collector from being a member of the council of any municipal corporation, but a deputy-returning officer is not a member of a municipal council. The declaration of office, which he is required to take, is to be found in section 313 of the Municipal

Act and there is nothing in it to prevent a collector from making such declaration.

No Ward Nominations in Townships.

464.—WARD.—According to amendment to Municipal Act, passed in January, township councils are to be elected by a general vote. Does this mean that, in townships divided into wards, candidates are to be nominated for the office of councillor for each ward as formerly, but that a majority vote of the whole township is necessary for their election?

If there is a by-law in existence, which provides for receiving nominations in each ward, it had better be repealed and a new one passed, fixing one place for receiving nominations for reeve and councillors! Candidates are not to be nominated for each ward as formerly.

No Deputy-Reeves in Townships.

465.—T. J. E.—Are there deputy-reeves to be elected in township councils for the year 1899 as formerly?

No. See our article on "Deputy-Reeves" on page 164 of October number of the WORLD.

Trustee's Order on Township Treasurer.

466.—J. M. M.—A Secretary-Treasurer of School Section No. 3 called on the township treasurer to cash an order, without corporate seal attached to it, for school rates, 1898, coming to his section. The township treasurer considered that corporate seal must be attached to all monies coming to school sections from the township before payment be made. The secretary-treasurer stated that all that was required was his own signature to the order.

1. Does order on the township treasurer for school moneys require the corporate seal attached thereto?
2. Has the secretary-treasurer of a school section power to attach the corporate seal on an order or other document without the special instructions or consent of the Trustee Board?
2. If order only requires secretary-treasurer's name attached thereto, what guarantee does township treasurer hold that said order is *bona fide*, when secretary-treasurer is unknown to him, and township has no proof that he is not a swindler or an impostor? Please state sections in statutes applying to above questions.

1. No.
2. No.
3. If the township treasurer has any doubts as to whether the person applying for school monies is really the treasurer of the school section entitled to the money, he must satisfy his own mind upon the point by proper enquiry. Section 97 of the Public Schools' Act provides, "In the case of rural schools, all monies collected shall be paid to the secretary-treasurer of the section on or before the 15th of December."

Nomination Proceedings—1898.

467.—F. J. C.—1. As nominations for mayor or councillors must be in writing hereafter, is it necessary that the mover and seconder should be present at the nominating meeting?

2. Can the returning-officer receive nomination papers sent in to him by persons (mover and seconder) not present at the nomination meeting?
3. Is it necessary that the person nominated should be present at the nomination meeting?

1. Yes.
2. No.
3. No.