The Municipal World

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

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Calendar for November and December, 1904

Legal, Educational, Municipal and Other Appointments.

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   Last day for transmission of Tree Inspector's report to Provincial Treasurer.—Tree Planting Act, section 5.
5. Make return of contagious diseases to Registrar-General.—R.S.O., chapter 44, section 11.
9. King's birthday.
10. Last day for collector to demand taxes on lands omitted from the roll.—Assessment Act, section 166.
15. Report of Medical Health Officer due to Local Board of Health.—Public Health Act, schedule B, section 1.
    Day for closing Court of Revision in cities, towns and incorporated villages when assessment taken between 1st July and 30th September.—Assessment Act, section 58.
    On and after this date councils of townships, cities, towns or villages may enter on lands and erect snow fences.—Snow Fences Act, section 3.
17. Thanksgiving Day.
30. Last day for municipality to pass by-laws withdrawing from Union Health District.—Public Health Act, section 50.
    Chairman of Board of Health to report to the council on or before this date.—Public Health Act, schedule B, section 3.

December:

1. Last day for appointment of school auditors by Public and Separate School Trustees.—Public Schools Act, section 22 (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 separate school supporter.—Public Schools Act, section 72 (1); Separate Schools Act, section 52.
   Last day for councils to hear and determine appeal where persons added to Collector's Roll by clerk of municipality.—Assessment Act, section 166.
12. County Model School examinations begin.
13. Last day for Public and Separate School Trustees to fix places for nomination of Trustees.—Public Schools Act, section 60 (2); Separate Schools Act, section 31 (5.)
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14. Last day for payment of taxes by voters in local municipalities passing by-laws for that purpose.—Consolidated Municipal Act, 1903, section 535.
    Last day for Collectors to return their rolls and pay over proceeds, unless later time appointed by council.—Assessment Act, s. 144.

The Municipal World

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

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ST. THOMAS, ONTARIO, NOVEMBER 1, 1904.

CANADA'S OLDEST POSTMASTER.

For nearly fifty-four years Mr. M. Teefy has been in charge of the royal mails at Richmond Hill, thereby earning the distinction of being the oldest postmaster in Canada. He is now 82 years old and was appointed to office in December, 1850, having first come to this country from Ireland in 1824. At the time of the rebellion in 1837 he was a printer in the old *Patriot* office in Toronto. When Mr. Teefy was first appointed postmaster there was no Postmaster-General in Canada, the work of the department being then under the control of the Imperial authorities, with a deputy officer residing in Canada. Those were the days of high postage rates. To send a letter from Richmond Hill to Toronto or fifty miles beyond, cost 4½ pence, or 7½ cents; to Montreal, 23 cents; to Halifax, 64 cents. Mr. Teefy has lived to see wonderful changes in the postal system, not least of which is the immense increase in the volume of mail matter transmitted.

Mr. Teefy is still in vigor of mind and body, despite his fourscore years and two, and besides his duties as postmaster he is clerk and treasurer of the Village of Richmond Hill. Rev. Father Teefy, of St. Michael's College, Toronto, is a son.

Municipal ownership has scored strongly in Glasgow over the construction of the intercepting sewer in connection with the Clyde purification scheme. As a result of the corporation having carried through the work with its own engineers and workmen, there has been a saving to the ratepayers of £42,000, that being the difference between the actual cost of construction and the lowest tender from outside contractors. The lowest tender was put at £120,000, and the highest at £169,000. The labor members of the Glasgow town council and municipalisers generally are to be congratulated on this vindication of their policy and principles.

LIABILITY FOR EXPENSES OF PERSONS AFFLICTED WITH CONTAGIOUS DISEASE.

The latter part of section 93 of The Public Health Act (R. S. O., 1897, chapter 248,) evidently intended that the cost of providing nurses and other assistance and necessaries while under quarantine, should be paid by the person afflicted with the contagious disease, or by his parents or other person or persons liable for his support. if they are financially in a position to pay them, and that, under such circumstances, the municipal corporation and the local board of health should be free from any liability, The tendency of a number of recent judicial decisions is to hold municipal corporations and local boards of health responsible for the payment of the costs and expenses in question, although in the case of Sellars v. Village of Dutton et al (7 O. L. R. 646) it was decided that local boards of health are not corporations and cannot be sued by any corporate name. In the case of re Derby and The Local Board of Health of South Plantagenet (19 O. R. 51) the local board of health was required to pay an account to a physician for attendance on one Reid, while he was afflicted with the small-pox, although it appeared from the evidence that Reid was quite able to pay the amount.

Mr. J. G. Reesor, clerk of the Township of Jocelyn, has favored us with a copy of the judgment in the case of Rounthwaite v. Young, decided on the authority of the South Plantagenet case. It is as follows :

In this case the members of the board of health were present in court and consented to have question decided as to whether they or the defendants were liable for the plaintiff's claim.

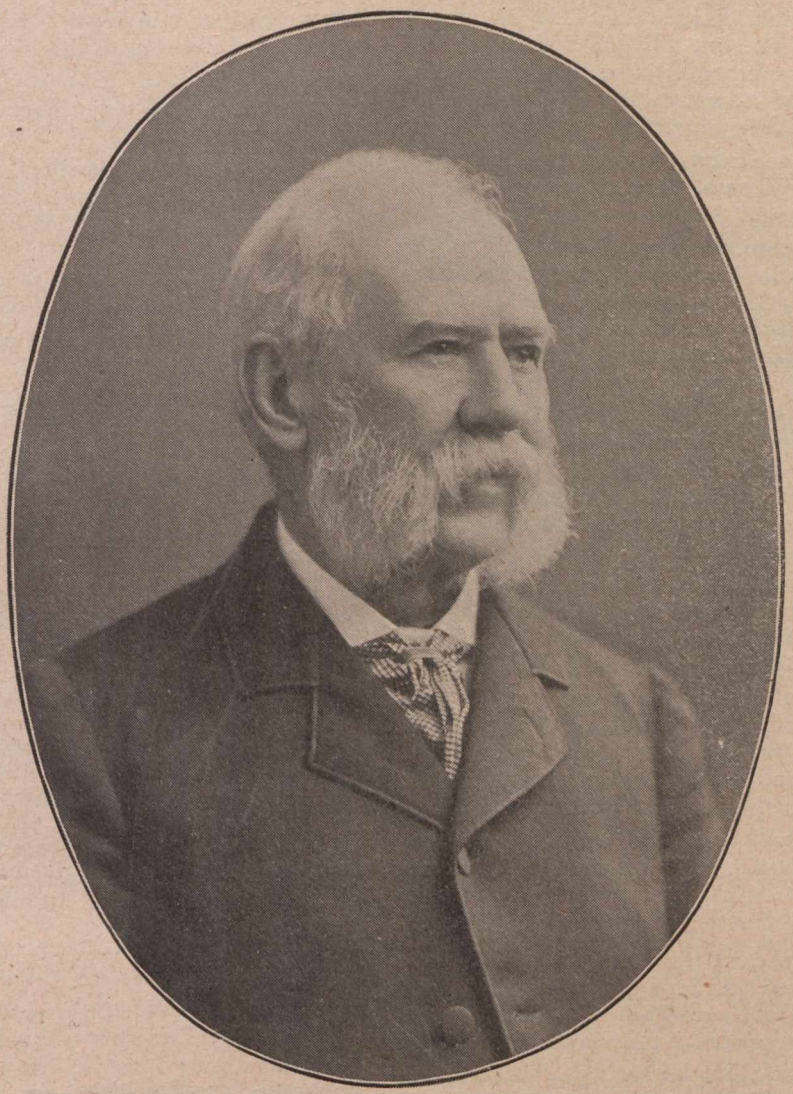
The case of Derby v. Local Board of Health of South Plantagenet, 19 O. R. 51, cited by counsel for defendant is a similar one to this. In that case suit was brought against one Reid and the board of health. At the trial the suit was dismissed as against Reid, who was well able to pay, and judgment given against the board of health. This decision of the trial Judge was upheld by the Divisional Court, and although it does seem to be at variance with section 93 of chapter 248, R. S. O., 1897, yet it has not been overruled, and I am bound to accept it as an authority. The summons will therefore be amended by adding the board of health of the Township of Jocelyn as defendants, and judgment will be entered against them for the amount of the plaintiff's claim, and the suit dismissed as against the defendant Young. The suit not having been brought against the board of health, and having failed as against Young. I make no order as to costs, except court costs which the plaintiff will have added to his judgment.

We also refer our readers to the case of Bissonette v. Municipality of Stirling et al, reported on page 175 of THE MUNICIPAL WORLD for 1903 (September issue). It seems to us that some legislation should be enacted removing the apparent antagonism between the decided cases and the provisions of the statute, and to settle and remove all possible doubts in the matter.

Mr. J. G. Brown has been appointed clerk of the Village of Arkona to succeed Mr. T. W. Trimble.

* * *

Mr. Thomas G. Allen, of Dungannon, has been appointed clerk of the Township of Ashfield to succeed the late William Stothers.



THOMAS BEASLEY, CITY CLERK, HAMILTON.

COLONEL RICHARD BEASLEY, a Hudson's Bay Company trader, was the first white man to locate in what is now the City of Hamilton. His grandson, Thos. Beasley, the present city clerk, was born within the city limits seventy-six years ago. His first school days were in a log cabin on the Dundas road, after which he entered Tassie's grammar school and finally completed his education in Cobourg. He studied law, and shortly after being admitted to the bar was appointed city clerk. This was over fifty years ago, and his record shows that he has been faithful to the trust then placed in him.

Mr. Beasley has lived in Hamilton and been a public officer during the days of the city's adversity and of its prosperity, and at critical periods he always knew just what to do. There was a time in the city's history when it was not able to meet its obligations and the sheriff was ordered by its creditors to levy upon the tax collector's books to satisfy their claim. One night the books were missing from the city clerk's office and the genial clerk was off on a short vacation to the city of Rochester. It was thought that he had taken the books with him to put them beyond the reach of the sheriff, but when matters had been straightened out to the satisfaction of the creditors the truth then came out that the books had never left the city, but had been locked up in the safe in the wholesale house of Buchanan, Harris & Co.

Probably in all Canada there is not a municipal officer in any department who is equally posted with him in matters pertaining to municipal laws. Very few of the city by-laws passed in the last 50 years but have been carefully examined by him, and his judgment is always taken as good authority. His mind is as bright and clear to-day as it has been at any time since he first occupied the office of city clerk over the old market house, on the site of the present handsome city building. Thomas Beasley has been a man among many men, and during his long and eventful life his enemies have been few and his friends numbered countless thousands.

The Ontario Municipal Association.

The Ontario Municipal Association held its annual meeting in Toronto on the 6th and 7th September. A report of its proceedings recently received shows that there was a good attendance, and that many questions of the greatest interest to municipalities were considered.

The provisions of the new Assessment Act were thoroughly explained by Messrs. Hutton and Forman of the Assessment Departments, Hamilton and Toronto.

The following recommendations contained in the report of Committee on General Resolutions were adopted :

"1. That the councils of municipalities be given power to regulate the salaries of police magistrates, unless the body that appoints the magistrate pays the salary.

"2. That section 481, sub-section 1, be amended so as to provide for the annual appointment by the municipal council, at their first meeting, of two persons (resident ratepayers) on the Board of Commissioners of Police in addition to the Mayor, the Judge of the County Court and the Police Magistrate.

"3. That the proviso to sub-section 1 of section 569 of The Municipal Act, respecting the operation of street railways by municipalities, should be repealed and the following substituted therefor :

"Provided that the powers conferred by this sub-section shall only be exercised by a municipality when the exercise of such powers would not be a violation of the provisions of any agreement or contract between the municipality and any existing Street Railway Company.

"4. That municipal councils should be given power to construct underground conduits and to erect poles and compel all electrical companies to use such conduits or poles and pay a reasonable rental therefor.

"5. That all expenses of registration and elections for the Ontario Legislature be borne by the Province, and that this Association present a petition to the Lieutenant-Governor in Council in accordance therewith.

"6. That the Ontario Legislature be petitioned to provide that where an indigent person is committed to a County House of Refuge who has not resided continuously for one year in the municipality from which he is committed, and who has been residing in the county previous to his commitment, or whose place of previous residence is unknown, the cost of maintaining such indigent person be provided entirely by the county, and not be charged to the municipality committing.

"7. In view of the fact that the statutes, including The Municipal Act, will be consolidated in 1907, the Association urges upon the Government the appointing of municipal officers who are familiar with the working of The Municipal Act, to act as revisers with the other revisers in respect to that part of the consolidation relating to municipal matters ; and that a committee of this Association attend before the Government during the next session to urge the adoption of the above.

"8. That power be given to municipalities to buy or if necessary to expropriate on equitable terms, any existing gas lighting or water plant.

"9. That the constitution of this Association be amended so as to extend the right of representatives therein to villages, towns, cities and counties as well as to cities and towns.

"11. That a committee composed of the Mayors of Ottawa, Windsor, Toronto, St. Thomas, Aylmer and Guelph, be appointed to examine into the question of the interest rate of municipal debentures, and report at the next annual meeting of this Association.

"12. That the Executive Committee consider and submit to the next annual meeting a constitution for this Association.

"13. That sub-section 4 of section 5 of The New Assessment Act be amended by adding the words following, 'but not when occupied by any person as tenant or lessee.'

"14. That sub-section 9 of section 5 of The New Assessment Act be amended by adding the words following, 'but not when such real property is occupied by any person as tenant or lessee.'

"15. That the Dominion Government be urged by petition or otherwise to pass such legislation as will enable them to take over the long distance telephone business of Canada and to operate the same."

The Committee on Municipal Fire Insurance reported in favor of a scheme to organize a Dominion Municipal Insurance Corporation, to be incorporated and conducted in the same way as a joint stock company with the municipalities, which become members as its stockholders. They also recommended the adoption of the following resolution :

"That in cities and towns Fire Insurance Companies be required to file annually, on the first day of June, with the clerk of the municipality, a sworn statement showing their gross receipts and losses in such municipality for the preceding year, to enable the municipality to determine whether the rates are equitable or otherwise."

This will be strongly urged at the ensuing session of the Ontario Legislature, particularly as it is already the law in several States forming the United States of America.

The following are the officers of the Association for the ensuing year :

President—W. A. Boys, Mayor, Barrie.

1st Vice-President—W. A. Grier, Mayor, Owen Sound.

2nd Vice-President—W. P. Hubbard, Controller, Toronto.

3rd Vice-President—W. W. Chown, Mayor, Belleville.

Secretary—S. H. Kent, Assistant City Clerk, Hamilton.

Executive Committee—The Mayor of Toronto, Mayor of Ottawa, Mayor of Guelph, Mayor of London, Mayor of Brantford, Mayor of Kingston, Mayor of Brockville. F. Mackelcan, City Solicitor, Hamilton ; D. M. McIntyre, City Solicitor, Kingston ; R. P. Slater, ex-Mayor, Niagara Falls ; W. C. Mikel, City Solicitor, Belleville ; Thos. Caswell, City Solicitor, Toronto.

THE TRUST COMPANY IDEA.

If our readers have any doubt about the advisability of appointing a Trust Company as executor or trustee, they should procure a copy of "The Trust Company Idea," by Ernest Heaton, B.A., barrister, of Toronto, price $1.00, in which the writer traces the development of these financial institutions throughout the world, and points to the necessity for their organization. The Trust Company, he states, offers insurance against losses which sometimes occur owing to the failure of the individual trustee, and that it is as necessary as insurance against fire. The book is timely, and will be recognized as a standard work, which ought to be read by every owner of property.

House of Industry Management.

At the Canadian Conference of Charities and Correction held in London last month, an interesting paper on House of Industry Management was read by L. Luton, M. D., who has been a physician to the Elgin House of Industry since 1876. The paper read as follows :

Mr. President, and Officers of the Canadian Conference of Charities and Correction.

1. I am much pleased to be with you to-day to discuss briefly a few phases of the management of county houses of industry.

2. The secretary of the Prisoners' Aid Association of Canada some years ago compiled and printed for free distribution a lot of valuable information concerning jails and county houses of industry, and I wish this pamphlet was more widely circulated among the people of the Province of Ontario ; this leaflet has been of great assistance to the county councils when considering the establishment of these necessary Institutions, which will be found in every county within two years.

3. The House of Industry question in a county does not end when it is opened. The administration of these Institutions will be an important subject for consideration at your annual Conference in the future.

4. I propose to confine my remarks to a few points in the management of these Institutions, suggested by my long experience, which may be helpful to others.

5. I deem it very important to the welfare of inmates of Houses of Industry that each and every one, not bed-ridden, should have assigned to him, or her, some special, definite, daily duty to perform. By this means you not only lessen the cost of maintenance, but actually add very much to the contentment and happiness of each person.

In a community, such as are found in every House of Industry, a little tact only on the part of keeper and matron will be required to furnish appropriate employment for everyone. Some can sew, mend, knit, wash and clean ; others can attend to the wants of those confined to their beds ; some, if properly directed, will take kindly to repairing shoes, broken articles of furniture, or farm implements ; others to caring for horses, cows, pigs, and hens ; and still others to whitewashing the fences and and painting outbuildings and farm implements, which will add greatly to their appearance and durability at a very small cost. To have someone to cut hair and shave is a necessity. The principle is this : Full employment of time is the best means to render their lives, under the circumstances, the most happy.

To sit down, fold the hands, eat, drink, and sleep, and say the county has "got" to keep me, is the part of a contemptible pauper, and should be entirely frowned down and discountenanced. When a man or woman acts his or her part well, he or she is not a pauper, nor should we speak of them as paupers or designate their homes pauper houses or poor houses, but Houses of Industry.

The keeper and matron, physician, and all other officials should, upon all occasions, make enquiry of as many as possible as to what each one does, and give each one a word of praise and encouragement, and then make each one feel that he or she is not a pauper, but that they are performing their part and are entitled to some attention and respect.

For some one to acknowledge a window cleaned, a floor mopped, a flower raised, a bed well made, a cup of cold water timely given, cannot but make the doers of these things feel that they are not paupers, that their lives are not altogether valueless.

Houses of Industry, properly managed, are not pauperizing in their influence ; but if improperly managed they will certainly have that effect.

6. In 1889 the legislature of this province enacted that all persons dying in Houses of Industry, without relatives or friends willing to be at the expense of burying them, should be handed over to the Inspector of Anatomy ; this meant that their bodies were sent to the various medical colleges for dissecting purposes. This had the effect of deterring some poor unfortunates from willingly accepting the offer of admission to Houses of Industry, and also had a very unpleasant effect upon those already inmates.

During the last session of the Provincial Legislature an Act was passed modifying the former Act, so that each county councillor, by by-law passed, might become a friend and provide for the burial in some other way than at the expense of the county tax-payers.

Counties taking advantage of this provision will have reduced this unpleasant matter to such a position that the humane will have but little objection. Arrangements may be made with funeral directors, whereby relatives or friends may secure their services at a low cost.

I would recommend that the form of certificate granting admission to Houses of Industry have a blank to be filled in, as to whom notification shall be given in case of death.

7. I think that every farm in connection with Houses of Industry should be conducted in accordance with the most approved methods of the day. It should be a model farm, one not excelled in the county ; the buildings should not be make-shift ones, to be torn down and replaced in a few years by others, but permanence should hold sway in every outlay. The breeding of horses, cattle, hogs, hens and turkeys should receive the same attention as foremost farmers give it. One plot of land at least should be set apart for experimental purposes in producing some one or more products for which the locality and soil are best adapted. It would be a wise move in some respects to have the farms made branches of the Model Farm at Guelph for experimental purposes and for the distribution of live stock.

8. I think it is important that two or more cottages separated from the main building should be maintained for the purpose of keeping those afflicted with consumption and cancer isolated from the rest. For persons suffering from offensive diseases should not be kept in the main building.

These cottages would become very useful and appropriate places in which to keep those suffering from senile insanity and defectives.

9. The insane and weak-minded form a large percentage of House of Industry inmates, they require special attention at all times and when violent and noisy are most troublesome. My attention has recently been directed to a letter from the Provincial Inspector of Insane Asylums, which defines to some extent the policy of his department in reference to House of Industry inmates. This in effect is "That counties will have to care for more of the destitute insane in the future."

It would be interesting to know under what circumstances and to what extent insane inmates may be forcibly confined in Houses of Industry without changing the character of these institutions.

Christian Duty and Public Affairs—National and Municipal

Civil authority is a Divine institution. Parliaments, town councils, judges, magistrates, have their place in the divine order. The Christian man is not released from the obligations of citizenship; to him these obligations are strengthened by new sanctions, and for the manner in which he discharges them he will have to give account at the judgment seat of God.

In many countries the state requires all men of adult age to serve for a definite number of years in the army; in addition to contributing money to pay for the defence of the country, they have to defend it themselves. We have no military conscription in England, but our constitution requires that very large numbers of men should give a considerable portion of their time to certain national and municipal duties; if they refuse to do it the whole system of government breaks down. As long as justice is administered by an unpaid magistracy, men must consent to spend dismal hours on the bench. As long as our local affairs are under the control of local authorities elected by the ratepayers, men must consent to serve on town councils, to be members of watch committees, markets and fairs committees, finance committees, gas committees, water committees, and the rest; and they must consent to accept mayoralty. Other men must be willing to serve on school boards, and others to act as overseers and guardians of the poor. Men who discharge these duties pay a voluntary tax levied on personal service. It is a tax which must be paid by someone, and every man has to determine his own share.

It is plain that the state has claims on the services of those who are able to serve it most efficiently. Where there is political knowledge, political sagacity, the power of demanding public confidence, leisure to discharge Parliamentary duties, there is some reason to think that a man is in possession of "the things that are Cæsar's;" and it is possible that in refusing to stand for the House of Commons, he is defrauding his country—defrauding it as really as if he had returned his income at two thousand a year, when he ought to have returned it at ten. This is a question for a man's judgment and conscience, not for his personal tastes and preferences.

The man who holds municipal or political office is "a minister of God." One man may have just as real a Divine vocation to become a town councillor or a member of Parliament, as another to become a missionary to the heathen. In either case it is at a man's peril that he is "disobedient to the heavenly vision." We shall never approach the Christian ideal of civil society until all who hold municipal, judicial, and political offices recognize the social and political order of the nation as a Divine institution, and discharge their official duties as ministers of God.

In this country the responsibilities of Government are shared by the people. The great outlines of national legislation and policy are laid down, not in Parliament, not in the Cabinet, but at the polling booths. It is the electors who make war or maintain peace, who repeal old laws and pass new ones, who interfere, justly or unjustly, between landlords and tenants, masters and servants, parents and children. Those who abstain from voting determine the national policy as truly as those who vote. The responsibility of the franchise cannot be evaded.

In some countries the local authorities corresponding to our mayor and town council are appointed by the Crown. The duty of appointment is a difficult one; the central government can never have all the knowledge necessary to appoint wisely. With us, the duty of appointment is thrown upon the ratepayers, and the duty carries with it grave responsibilities.

The municipal, as well as the political, franchise is a trust; both are to be used, not for private, but for public purposes. The same moral laws that govern the exercise of political patronage govern the exercise of the franchise. If, in a municipal or or political contest, you vote for a man for no other reason than that he is a friend or neighbor, and it would not be pleasant to disoblige him; or because the rival candidate passed you in the street without speaking to you, or omitted to invite you to a dinner party, or forgot to tell his wife that your daughters were to be asked to a dance—this is a clear violation of public duty. If you vote for a man for no other reason than that he has subscribed to a hospital, or a school, or a church, in which you happen to be interested, or because he sustained your application for some public office; if you refuse to vote for him because he told the manager of the bank, of which he happens to be a director, to decline to increase your "overdraw," or because he gives you no orders for coal or meat—this is positive corruption.

According to the Divine order, civil authority is necessary to the existence of civil society. Civil rulers are "ministers of God." But they are not designated to their office by a voice from heaven. In this country the sovereign and the peers inherit their position by birth; the rest have to be selected, directly or indirectly, by those who possess the franchise. It is surely a part of God's service to determine who shall be God's "ministers;" and for the manner in which we discharge this service, we are responsible to God. Not to vote is to act the part of the unfaithful servant, who hid his talent in the earth. To vote corruptly is felony; it is to appropriate to our own purposes what we have received as trustees for the town or the nation.

I sometimes think that municipalities can do more for the people than Parliament. Their powers will probably be enlarged; but under the powers which they possess already, they can greatly diminish the amount of sickness in a community, and can prolong human life. They can do very much to improve those miserable homes which are fatal, not only to health, but to decency and morality. They can redress, in many ways, the inequalities of human conditions. The gracious words of Christ, "Inasmuch as ye did it unto one of these, My brethren, even these least, ye did it unto Me," will be addressed not only to those who, with their own hands, fed the hungry, and clothed the naked, and cared for the sick, but to those who supported a municipal policy which lessened the miseries of the wretched, and added brightness to the lives of the desolate. And the terrible rebuke, "Inasmuch as ye did it not unto one of these least, ye did it not unto Me," will condemn the selfishness of those who refused to make municipal government the instrument of a policy of justice and humanity.

The true duty of the Christian man is not to forsake municipal and political life because it is corrupt, but to carry into municipal and political activity the law and the spirit of Christ; to resolve to do his part to secure for his fellow-townsmen and fellow-countrymen all those blessings which a municipality and a nation, justly, wisely, and efficiently governed, can secure for them; so that the "powers" which are "ordained of God" may fulfill the purpose for which He ordained them, and the Divine will be done by civil rulers on earth, as it is done by angels and the spirits of the just in heaven.

From "*Laws of Christ for Common Life*," by R. W. Dale, LL. D. Extracted and reprinted by permission.

Engineering Department

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

INSPECTION.

Works carried out under contract should always be carefully supervised by a competent inspector. It is the office of an inspector to see that the work on which he is placed is performed in accordance with the specifications and such verbal instructions as he may receive from the engineer.

Work, as it ordinarily comes before the inspector, may be classified under (a) the materials used by the contractor, (b) the methods of preparing these materials, and (c) the methods of placing these in the structure. The inspector should qualify himself for his duties, in the first place, by making himself thoroughly familiar with the specifications, a copy of which he should always have with him. But more than this, he should have a practical knowledge of materials, and should make himself acquainted with the details of the special work under him.

He must be able to form a safe estimate of the quality of materials as they are delivered on the work, in order to reject any that are of an inferior quality, or are otherwise unsuitable. Material which he rejects should be plainly marked, in such a manner that it cannot be erased, and he should see that it is at once removed from the ground. If allowed to remain, there is serious possibility that all, or part, of the material so rejected will find its way into the work.

In watching the methods of preparing the materials, it is necessary to see that the proper quantities are used, that dimensions are as required by the plans and specifications, that machinery and implements used are in proper working order to do good work. It is usual and preferable to allow the contractor to follow his own methods, so long as these do not injure the material, and the desired results are produced. But where these methods produce defective material or improper workmanship, the contractor should be required to adopt methods that will produce results in conformity with the specifications.

In order to properly inspect the manner of construction or of putting the materials in place, the inspector should be conversant with proper methods of the various craftsmen engaged on the work. Men who persistently do careless or inferior work should be removed. The permanent removal of such men should be insisted upon. Especial attention should be paid to parts of the work where careless or defective work can be covered up.

The inspector should be constantly on the work, so that he may be consulted in regard to any doubtful points that may arise. He should be guided, as far as possible, by the plans and specifications, but in case of uncertainty, should at once consult the engineer.

The inspector should arrange his work in such a way that he will cause the least inconvenience to the contractor. Arguments and disputes should be avoided and to this end the inspector, before raising any objection, should satisfy himself fully as to his case. When he has done so, his objections and directions in regard to the matter should be given in as few words as possible, and in a spirit of firmness that will leave no room for doubt as to his intentions. At the same time, any complaint should be made with as little delay as possible, as the longer it is put off, the greater the difficulty of rectifying the inferior work.

The position of the inspector is often one of considerable difficulty, and the man who can combine firmness with common sense and tact, who thoroughly understands his position and can maintain it with confidence, is less likely to have inferior work performed under him than is one who is known to be irresolute, or who is liable to error.

A COUNTY ROADS INSPECTION.

The results of modern roadmaking and modern methods of travelling were combined in a remarkable manner last month, when the county roads of Wentworth were inspected by a party of municipal officials travelling in automobiles belonging to members of the Toronto and Hamilton associations. There were twenty machines in line, representing a cash investment of $50,000. Each had a carrying capacity of four, and all were filled. Automobilists from Toronto were: Dr. Doolittle, W. A. Kemp, William Hyslop junior, J. W. Corcoran, J. C. Eaton, George H. Gooderham. W. R. Parker, V. Robin, A. F. Webster, H. B. Jackson, W. A. Copeland, A. E. Chatterson, J. J. Main, and the Toronto and Niagara Power Company's machine. Representing the Hamilton club were Messrs. S. O. Greening, James Moodie, S. H. Malloch, H. E. Sherk, and D. Marshall. Among the municipal representatives and officers who participated in the trip were: Warden Kenrick; R. A. Thompson, M.P.P.; John Dickenson, M.P.P.; A. Bruce, K.C.; Dr. Gregory, Waterdown; A. W. Campbell, Assistant Commissioner of Public Works; A. Cochrane, county treasurer; J. W. Jardine, county clerk; School Inspector J. H. Smith, Hamilton; Sheriff Middleton, Mayor Lawson, and Ald. Fisher, Dundas; Reeve Vansickle, and Councillors A. J. Binkley, Blain, and Harrington, of Ancaster; County Councillor Bayle, Beverly; ex-Warden Ironsides, Reeve Grey, and Councillors John Ofield, and Robertson, West Flamboro; Reeve Salmon, Binbrook; County Councillor P. Ray, East Flamboro; Reeve Roberts and Councillor Davis, Waterdown; County Councillor Patterson, Dundas; Reeve Betzner, Beverly; Councillor Russel, Ancaster; ex-Warden J. Binkley, West Flamboro'; Reeve Hill, East Flamboro'; Reeve Carscallen, Saltfleet; Road Superintendent Schwendeman, Warden Dalrymple, of Lincoln; Warden Howell, of Brant; Warden Peacock, of Halton; ex-Warden McGregor and ex-Warden Cook, of Halton.

About fifty-nine miles were covered in the trip, and the visitors received hearty receptions from residents along the route, more especially in Ancaster, Waterdown, and the other villages passed through. At Mountain View the party was entertained at tea by Warden Kenrick, and a number of speeches were made, appropriate to the occasion.

The main roads of Wentworth are being rapidly improved in a splendid manner, and the visitors from outside the county were much impressed with the advantages to be derived from such a system of main roads in every county. These roads have been well graded to a width proportionate to the traffic. Substantial culverts and bridges have been erected of stone and concrete. The central portion of the roads has been metalled principally with broken stone, evenly spread, and rolled to a finished

surface. Drainage is being perfected and extended. An adequate system of making repairs, when needed, is being provided. The initial outlay, although considerable, is expended upon permanent work, the cost of maintenance will be decreased, and the service vastly improved. Warden Kenrick and the county council were warmly congratulated upon the result of their efforts by those who, by means of the rapid automobile, were able, in a brief time, to inspect so great a proportion of the county road system.

COUNTY ROADS FOR VICTORIA.

An important convention of municipal officers of Victoria County was last month held in Lindsay for the purpose of considering the advisability of establishing a county roads system. Warden Channon presided, and an address outlining the provisions of The Highway Improvement Act was made by A. W. Campbell, Commissioner of Highways. Other speakers were Commissioner Jas. Graham, Reeve Jackson of Eldon, Reeve Boate of Emily, Reeve Parkin of Fenelon, Councillor Allely of Laxton, Reeve McLean of Ops, Reeve Wilson of Somerville, Reeve Hunter of Verulam, and others.

Among other features of the plan, the following were pointed out :

The mileage of the roads to be assumed by the county is to be decided by the county and township councils.

No particular specification for building will be insisted upon by the government. As long as good durable road is made, that will do.

There will be no Government engineer appointed, nor any expensive overseers. Responsible local men will do for overseers, and their certificate that the work has been done properly, and that it cost a certain sum to do it, will be accepted by the Government.

When these reports are presented to the Government, it will issue cheques for one-third of the cost.

The sum to be raised for the work is to be fixed by the county after consultation with the township councils just as the mileage is. It need not provide for any heavier yearly expenditure than is already being made on roads.

Any township in which there are no roads belonging to the county system gets back to spend on its roads what it pays to the fund, together with its share of the Government grant and what is paid by the towns and villages.

Townships whose roads have specially heavy traffic from other townships may be given an extra amount of money.

Grants may be made by the county to the towns and villages that pay but have no part in the county roads. These grants are to be spent on such of their streets as the county council names.

Debentures may be issued for 30 years, instead of 20, the former limit.

The convention was so favorably impressed with the proposal that steps were at once taken to frame a system of roads for the county, and to consider the details of the scheme in their application to local conditions. The report of the standing committee on " Roads and Bridges " was as follows :

To the Municipal Council of the County of Victoria :

GENTLEMEN,—Your committee have considered with great care the report of the conference of the township councils and the county council held yesterday, and especially the resolution of the conference expressing approval of the establishment of a county roads system, and requesting the council to proceed to designate the roads to be assumed and improved. Your committee beg to recommend that the request be acceded to.

In considering this important question, your committee have had in view the fact that the share of the Government appropriation available for the County of Victoria is $30,000. To earn that amount an expenditure of $90,000 would be required, leaving the amount to be provided by the county $60,000. In the opinion of your committee provision should be made for expending in the Town of Lindsay and the incorporated villages the amounts which would be levied upon them in raising the part of the capital sum, $60,000, which would primarily be provided by the county by issuing debentures payable in 20 or 30 years as may be deemed desirable. There would be expended in improving the highways in the respective township municipalities to be assumed by the county the share of the principal sum of $60,000, according to the equalized value of each for county purposes, and besides this, there would be expended in the townships their share of the $30,000 to be received from the Government, the town and incorporated villages not participating in the appropriation of the Government grant.

The amounts available for expenditure in all the municipalities would be approximately as follows :

Townships.	Share of $60,000, amount to be contributed by the County.	Share of $30,000, amount to be contributed by the Government.	Total.
Bexley	$ 745 00	$ 455 00	$ 1,200 00
Carden	769 00	470 00	1,239 00
Dalton	321 00	196 00	517 00
Eldon	4,756 00	2,908 00	7,664 00
Emily	7,617 00	4,657 00	12,274 00
Fenelon	5,054 00	3,089 00	8,143 00
Laxton, etc	564 00	345 00	909 00
Mariposa	14,328 00	8,759 00	23,087 00
Ops	9,031 00	5,521 00	14,552 00
Somerville	1,453 00	889 00	2,342 00
Verulam	4,435 00	2,711 00	7,146 00
Total for Townships	$49,073 00	$30,000 00	$79,073 00

Municipality.	Share of $60,000, amount to be contributed by the County.
Lindsay, town	$ 7,881 00
Bobcaygeon, village	767 00
Fenelon Falls, village	1,104 00
Omemee, village	585 00
Sturgeon Point, village	73 00
Woodville, village	517 00
Total for town and villages	$10,927 00

Total for the whole county, $90,000.

The roads assumed in the townships will be maintained hereafter by the county as county roads. There is provision in the Act permitting the remoter townships to take their shares and expend the amount themselves. In such cases the roads would not be assumed by the county or form part of the county roads system.

Owing to the fact that the standard of the roads to be assumed and improved may vary, and in order to arrive at the number of miles that can be assumed in the various townships, your committee have decided that the councils should be asked to name the roads which in their opinion it is desirable to have assumed. On receiving such information a member of the county council will then examine the roads, accompanied by some person competent to estimate how much per mile it would cost to improve the roads, and in this way it can be reasonably ascertained how many miles of the roads indicated by the township councils can be improved by the expenditure of the money available.

For the purpose of obtaining the information and conferring with the councils, your committee recommend that the duty be assigned as follows :

For the Township of Mariposa : The Warden and Mr. Shaver.
" " " " Ops : Messrs. Graham and Scully.
" " " " Emily : Mr. McQuade.
" " " " Verulam : Mr. Fairbairn.
" " " " Somerville : Mr. Austin.
" " " " Bexley, Laxton, Digby, etc. : Mr. Bailey.
" " " " Fenelon : Mr. McGee.
" " " " Eldon, Carden and Dalton : Mr. Staback and Dr. Wood.

The members will report at the November session with a view to a by-law being passed establishing the system.

All of which is respectfully submitted.

(Signed) J. AUSTIN, Chairman.

In pursuance of the report of the committee, the Commissioner of Highways with the committees appointed, later in the month drove over the roads for the purpose of designating those to form part of the county system, and estimating the cost of the improvement desired. A by-law will be considered at the November session.

COUNTY ROADWORK IN SIMCOE.

Substantial work is being done on the new County Road System of Simcoe. In general this work consists of straightening the roads, properly grading and draining them, gravelling or metalling with broken stone, and the construction of durable culverts and bridges. As an instance, reference may be made to the road leading from Minesing to Barrie, which receives a large amount of traffic of all kinds from the farming district to the west of the town. A good road was required here for light driving as well as for market teaming. A considerable section of the road passed through a district of almost barren sandy land, from which little statute labor had been received. In consequence the road was in a very unsatisfactory condition, and communication with Barrie was much impeded, as there were long stretches of sand road of a most disagreeable kind between the richer farming districts and the local market centre.

This condition is not an uncommon one throughout the Province. In many localities may be found a rich farming section with good roads, but cut off from desirable markets by sections of bad roads through poor farming districts. This arises from the narrow view of road-building taken by many who desire all road-work in front of their own farms irrespective of the roads on each side, and can be overcome only by the broader system of road-building under county management by which main roads are improved for the general public good. The improvement of the road under consideration was commenced at Barrie, and has been extended as circumstances permit, so that the greatest benefit has been received by all.

In planning the improvement of this road, it was considered that the old grade was too wide. The road-grader was therefore so operated as to make the driveway twenty-four feet between the centres of the water-tables. The grade was brought to the centre of the road allowance, and many unnecessary twists and turns taken out of the road.

The open drains are well-defined, and lead to free outlets. They were formed, as a rule, by the careful use of the road-grader, and very little hand labor was required on this portion of the work.

The sandy sections of this road were so light that it was evident that gravel alone would not form a compact bed. After grading, a layer of clay was therefore placed over the sand, and on this the gravel was spread. This has been entirely successful, and, after consolidation, has resulted in a strong and durable roadway which has stood, without any apparent settlement, the test of winter and spring traffic. Where, in a few spots the clay was omitted, the gravel has yielded and does not bind as on other parts of the road.

Gravel is placed on the road to a width of eight feet, and a depth of eight inches in the centre. After being dropped on the road, it is carefully spread, and, as soon as possible, is rolled with a horse roller. Rolling is always done after a rain, when the gravel will compact readily. This is found necessary, as rolling is not effective with a light road roller, when the gravel is not wet. Rolling is found to at once place the roads in a condition for travel, so that vehicles will use the centre of the road. If the gravel is left loose for traffic to consolidate, vehicles are inclined to cut up and rut the sides of the road, destroying the grade and injuring the surface drainage.

The hauling of gravel for these roads is distinctive from the usual township methods. A certain number of loads is specified for a day's work, according to the length of haul ; each wagon is required to carry a yard and a quarter at each load, and care is exercised to reject any unsuitable material in the pit. In nothing is the difference from ordinary statute labor methods more marked than in the quantity and quality of material drawn.

Gravel pits were found close to the road, so that the cost of road metal has been reduced to a minimum. The gravel is of an average quality, although inclined to be a little fine. This is counterbalanced by the fact that it is clean, binds well, and is therefore compact and sheds the water.

A feature of the improvement of this road is the straightening of a portion whereby a deviation of about a mile is removed and an entirely new section opened along the original allowance. The new road crosses a ravine, and involved an extensive cut to reduce the grade to a slope of one in twelve. This is a permanent improvement for the general good that will benefit a large farming community.

The bridge in this ravine, with 16-foot roadway and span of 32 feet 6 inches, is of a model design. The abutments are of concrete and were built by contract for $262, the county supplying the gravel at the work. The abutments are twenty inches thick at the top, four feet thick at the base, 12 feet high and 18 feet wide, with wing walls to suit the situation. The proportions were five of gravel to one of cement.

The superstructure consists of four 12-inch steel-eye beams, weighing 50 pounds per foot ; a railing three feet six inches high, of 1¼ inch gas pipe, and a concrete floor laid on expanded metal.

The floor is from four to five inches thick, made of five of gravel to one of cement, with a one-inch surface of one of sand to one of cement. This is reinforced with expanded metal.

The steel and expanded metal in the bridge cost $469. The floor was laid by day labor for 13 cents a square foot, or $81 in all, including $12 worth of lumber used as a temporary form in construction. The total cost of the bridge, which is a good sample of durable workmanship, was $825, including all contract work, extras and inspection.

SPECIFICATION FOR CONCRETE ABUTMENT.

The town of Brampton, in connection with the proposed macadamizing of the main street, has this year re-constructed a bridge on the street in a substantial manner with concrete walls and steel superstructure. Concrete and stone masonry in the town is somewhat expensive, as there is not a local supply of gravel or stone. For the abutments constructed this year, broken stone was brought by rail from St. Marys. The contract price for the finished work was $6.85 per cubic yard of concrete.

The specifications under which the work was performed were the following :

Plan and Location.

(1) The abutment or wall to be built under these specifications shall be on Main Street North, in the Town of Brampton, and will be along the bed of the creek and roadway, northerly from the intersection of the said creek with the east side of the street to the bridge over creek, to be more particularly defined on the ground by the Engineer. The wall or abutment shall be built in accordance with the plans or drawings hereto attached, and forming part of these specifications.

Footings.

(2) An excavation of at least two feet in depth shall be made below the present bed of the creek, and to the full width of the footings, the bottom to be made perfectly level before beginning to lay the masonry. Should a greater depth be necessary to provide a secure foundation, it shall be made as directed by the engineer in charge of the work.

Fine and Rubble Concrete.

(3) Concrete referred to in this specification shall be known as "fine concrete" and "rubble concrete." Unless rubble concrete is definitely specified, fine concrete shall be used.

Framework.

(4) The abutments are to be erected within a substantial and well-constructed framework of well-fitted lumber, closely boarded up against the work as it proceeds. Care shall be taken to make a smooth, regular surface, such that moisture will not find lodgement. The concrete shall be perfectly rammed into place, so that all surfaces shall be smooth, without cavities, when the casing is removed.

Fine Concrete.

(5) Fine concrete shall be composed of one part, by measure, of Portland cement, three parts by measure, of sand, and six parts, by measure, of broken stone. The concrete shall be mixed in a water-tight box or platform, placed close to the work, by first spreading evenly a layer of sand ; upon this shall be evenly spread the proportionate quantity of cement, and the two thoroughly mixed in a dry state. To this water shall be added, and the whole thoroughly mixed and brought to the consistency of a stiff mortar. The proportionate amount of stone shall then be spred evenly over the mortar, and thoroughly intermixed therewith. The concrete, when mixed as described, shall be immediately put into place and thoroughly pounded and rammed until it is perfectly and uniformly solid, moisture appearing on the surface.

Rubble Concrete.

(6) Within the body of the abutments, but not nearer than six inches to the surface in any direction, large stones may be placed, by hand, in layers. These stones shall be in "rack and pinion" order, and not less than two inches apart. Concrete shall be carefully inserted between the stones thus placed, and thoroughly packed and rammed so as to fill all voids. Concrete shall cover each layer of stones to a thickness of half the depth of the stones, when another layer of stones may be placed. A facing of concrete is, at all times, to be kept at least six inches higher than the rubble concrete, and shall be united with the rubble concrete, so as to form a continuous and solid mass. This outer rim of concrete shall precede the placing of the rubble work within, and shall be placed around the interior of the casing to a height of nine inches and a thickness of six inches. It is to be thoroughly pounded, so that no cavities shall remain when the outside casing is removed. In no instance is the rubble concrete to extend higher than one foot below the top of the abutment, or bridge seat, which top of the abutment, or bridge seat, shall be finished with fine concrete.

Cement.

(7) All cement employed in the work must be of a favorably known brand of Portland cement, and approved by the superintendent in charge of the work. It shall be delivered in barrels, or equally tight receptacles, and after delivery must be protected from the weather by storing in a tight building, or by suitable covering. The packages shall not be laid directly on the ground, but shall be placed on boards raised a few inches from it.

Stone, Sand, and Water.

(8) The stone used shall be granite, quartzite, fine-grained limestone, or other equally strong and durable stone, care being taken to exclude soft limestone, friable sandstone, and stone affected by the atmosphere. It shall be broken into varying sizes, the largest to pass, any way, through a two-inch ring. The sand used shall be clean, sharp, silicious, and of varying sized grain. The water used shall be clean, and care shall be taken not to use an excessive amount, the concrete, when mixed and ready for the work, to have the consistency of freshly dug earth.

Manner of Doing Work.

(9) While the work is in progress it shall be so arranged that a steady supply of mixed concrete shall pass from the mixing box to the point where it is to be placed. At any time when the work is interrupted before its completion, or at the end of the day, a wet covering shall be placed over the last layer of concrete. Before the work of depositing the concrete is resumed, this surface shall be thoroughly flushed with water to remove any foreign material which may have gathered thereon. No concrete shall be laid in wet or freezing weather.

A municipal telephone system is under consideration in Brantford, a by-law to be voted on in January next, the estimated cost of installation being $40,000. The only existing municipal telephone systens in the Province are those of Rat Portage, Fort William and Rat Portage. Municipal telephony has not yet been undertaken by any municipality in the United States. At the present time, systems are in operation or in course of construction in several places in Great Britain—Glasgow, Portsmouth, Brighton, Swansea, and Hull. One of the principal objections to municipal operation in Canada is that the long distance system is controlled by a private company. Government ownership of long distance lines, discussed at the recent municipal convention in Toronto, would over come this difficulty, and would open the field for either municipal ownership or local independent companies.

An important decision regarding Separate School Boards was recently given by County Judge Barron in an appeal from a decision of the Court of Revision in reference to assessments for school purposes in school section No. 1 of the Township of Ellice, the decision sustaining the Court of Revision. Not long since a separate school was erected in the section, and the public school supporters endeavored to divert a part of the separate school taxes to themselves, on the ground that proper written notice was not given to the assessor by the separate school supporters before the assessment was made. The matter was appealed to the Court of Revision, which decided that no written notice was required, providing the assessor took means to assure himself of the separate school supporters, and place them on the roll as such supporters.

QUESTION DRAWER

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

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

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

Responsibility of Officer and His Sureties After Settlement with Municipality.

612—C. W.—If an officer has received his discharge and acquittal by the council, can he and his securities be held responsible for any shortcomings which might afterwards be discovered?

The fact that a municipal officer has been relieved of his office and given a receipt purporting to be in full for all moneys in his hands belonging to and paid over to the corporation does not preclude the municipality from showing afterwards that the receipt was given by mistake, and that the official had not paid over to the municipality the full amount he owed at the time of relinquishing his office. The corporation can look to and collect this additional sum from the ex-official, and also from his sureties, unless this official's bond has been delivered up by the council to him to be cancelled.

Addresses of Guarantee Companies.

613—A. M.—Kindly let me know whether there is a Guarantee or Insurance Company that the collector appointed by the municipal council can get to come good to the municipality that he will perform the duties pertaining to the office as provided by Statute. Give address and cost per $1,000.

Any of the following companies will answer your purpose:

The London Guarantee and Accident Co., D. W. Alexander, Toronto, general manager for Canada.

Employers' Liability Company, F. Stanliffe, manager, 1722 Notre Dame St., Montreal, or W. J. Woodland, 23 Toronto St., Toronto, Ont.

Guarantee Company of North America, Y. M. C. A. Building, Dominion Square. Toronto.

American Surety Company, 56½ King St. E., Toronto, Ont.

A letter to any of the above will result in obtaining all the information required.

Mode of Issuing Debentures.

614—A. C. W.—We are about to issue some debentures for some sidewalks we built (local improvement) and the total amount of the cost was $775.59. They want it extended over 20 years, and the amount of each debenture, interest and principal, would be $57.07. How will this be overcome when the Act says no debenture shall be for less than $100? Can you advise me how to overcome the difficulty, as the note given the bank will be due shortly?

Instead of issuing twenty debentures, each for the amount of the equal annual instalment of principal and interest, namely, $57.07, the council had better issue debentures up to the amount of $775.59 in sums of not less than $100 payable in twenty years. Interest on these debentures should be paid annually, and a sinking fund created to meet the payment of the principal money when it matures. If the latter course is pursued the burden on the property owners liable for the cost of the construction of these sidewalks will not be any heavier, as the equal annual payment to be collected from them will be the same as above ($57.07).

Payment of Separate School Debentures.

615—J. E. H.—Referring to Question No. 611 in your last issue, I have seen the by-law for the formation of their new section and it calls upon all who desire to quash it within the three months so advertised, to do so, so those within the the three-mile limit who may be assessd, and if they have majority, then they can quash by-law, but there was no such attempt made by anyone. Then they say they are compelled to help pay for school, but not for the support of it, that is, the expenses of running it, as they are assessed to public school, but if they did not want school, the majority should have quashed by-law, similar to a drainage petition. If they get majority all have to help, not only those who are willing, but those also not willing, since they did not quash by-law. The by-law was passed in November and their (A, B, C) notices were received in January, withdrawing from H. to public school. They also claim that H. could not claim them, as their section was formed. Their (D, E, F) lawyer says they must help pay debentures, but not running expenses, etc., since they did not quash by-law. Does this give you more light, or change your opinion?

The rate for the payment of these debentures was evidently imposed prior to the filing by A, B, and C of notices under sub-section 1 of section 47 of The Separate Schools Act (R. S. O., 1897, chapter 294,) of their withdrawal from their support of this separate school. If this is so, if the by-law imposing it was properly framed and passed by legal authority (and as to this we cannot say, not having seen the by-law or been advised as to the facts surrounding its passage) A, B and C will be liable for their share of the cost of the construction of the new school building erected for the purposes of the separate school in the township.

Payment of Expenses of Equalizing Union School Sections.

616—C. O. D.—Equalizing School Sections Amended Act, chapter 32, section 4, 1903. I would like to hear your interpretation of the Act.

Should the assessors or arbitrators be paid by the municipality in which the union school is situated, then bill the other municipalities for their share of the cost before the rates are struck in the same year, so as to have the same amount added to the assessment?

The language of the section referred to is not very clear. It provides that the fees of the assessors for equalizing the assessment of union school sections shall be borne and paid by the municipality in which the union school section is situate, etc. A union school SECTION cannot be located entirely in one municipality. It is always composed of parts of two or more municipalities. According to the latter part of the section each municipality interested is required to pay to the assessors their charges for doing this work, in the proportion which the assessment of the portion of the union section therein bears to the assessment of the portion or portions of the union section in the other municipality or municipalities out of portions of which the union section is formed.

Services of Notices Under Voters' List Act—Returns to Bureau of Industries.

617—T.—1. Why are notices to parties complaining and complained against under Voters' List Act made in duplicate, and what should they (the duplicates) show?

2 In our township there are some 400 acres whose owners are unknown to our assessor, and which are assessed at a merely nominal value. This area is styled "non-resident lands" in

assessor's roll. They are partly sold and resold at yearly tax sales in county town. There are also many persons living in the adjoining township owning land in our township, for which they are fully and properly assessed. They are also styled non-residents.

The Bureau of Statistics calls for certain information re non-resident taxes, area, etc., etc. A non-resident collector's roll has to be sent to our county treasurer each year.

Should the roll of non-resident lands whose owners are unknown ever be used at all in making up statistics, or are the non-residents fully and properly assessed in assessor's roll the only ones to be taken into account?

1. A duplicate notice to be retained by the bailiff, who effects service of the notices, should be filled in, in exactly the same way as the notices served on the parties complaining and complained against. On this duplicate the bailiff should endorse the date and place of service on the party named therein, and return it to the clerk.

2. We gather that the persons living in an adjoining municipality, who own lands in the municipality, had, prior to their assessment, given to the clerk the notice mentioned in section 3 of The Assssment Act, requiring their names to be entered on the assessment roll. If this is so, their lands, although unoccupied, are not "lands of non-residents" within the meaning of The Assessment Act, and in making returns to the Bureau of Industries, should be classed and counted with the resident lands on the assessment roll. Non-resident lands, the names of the owners of which are unknown, should be taken into consideration in making these returns, and be separately set out therein, whether they are valued at only a nominal figure or not. We may add, however, that all lands in the municipality, whether resident or non-resident, should be assessed at their actual cash value in accordance with section 28 of the Act.

Proceedings to Drain Highway.

618—C. C.—We are having trouble with a bridge over South River here at our village in N. Water running down street to bridge is not permitted in on S's lot, so is run onto the bridge and soon washes the end of the bridge away, thus causing considerable expense from time to time. S. threatens trouble if they run the water in on him. Council claim S. has no right to run his fence on to end of bridge, that they should have space enough of land belonging to road to run water to side of bridge. This bridge was built on private property of J. B. over twenty years ago, and property given gratis. B. owned S's. property at the time.

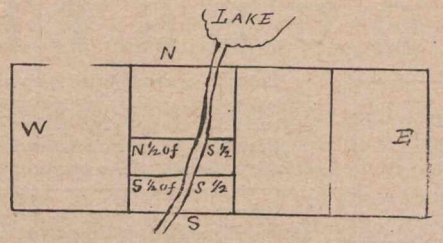
1. Can we claim sufficient road for ditch to run off water?
2. Can S. claim out to line with N. road?
3. What steps can the council take?

1, 2 and 3. The municipality can claim for the purposes of a public highway only such land as was granted to it for this purpose by J. B. The council should be able to ascertain the limits of this land from the deed from J. B. or from the by-law assuming the land granted as a public highway. From the statement of the facts we can form no opinion as to where the line between the highway and S's land is located. If the council cannot obtain an outlet for the water on this highway without the construction of a drain through S.'s land, it should take proceedings under The Ditches and Watercourses Act to have the necessary drainage work constructed, and by this means the rights of all parties interested could be equitably adjusted.

Grant for Improvement of Road.

619—REEVE.—In 1892 a rough trail was cut through lot 3, con. 6, of our township in an irregular north and south direction. The land through which the trail was cut was unimproved Government land until about seven years ago, when a settler moved in and made improvements on the south half of lot 3. About three years ago he sold the north half of his claim to A. and the south half to B. No deeds have yet been received for either claim. A now asks our municipal council for a grant to improve the road across B's claim, and B objects to having it used as a public road, although no objection is made to A's using it. The municipality is willing to improve the road if B cannot claim damages for crossing his lot.

Kindly let us know if we will be liable for damages if we give a grant to improve the road.



If this road was neither designated as an allowance for road on the plan of the original survey of the municipality, nor laid out and constructed by the Government as a colonization road or otherwise, nor opened and established by the council of the municipality by by-law passed under the authority of section 637 of The Consolidated Municipal Act, 1903, after the preliminary proceedings prescribed by section 632 have been strictly observed, it can be closed up at any time by the owner or owners of the lands through which it runs, and the council has no authority to make any grant towards its improvement.

Method of Calling Special Meeting of Council — Conduct of Business.

620—SUBSCRIBER.—1. What are the various ways in which a municipal council can be called together for a special meeting for important business?

2. If they meet with a bare quorum, but not being legally called together, would the business done hold in law?

1. The latter part of sub-section 1 of section 270 of The Consolidated Municipal Act, 1903, provides that it shall be the duty of the head of the council to summon a special meeting whenever requested in writing by a majority of the members of the council so to do. Sub-section 2 of this section provides that in the absence of the head of the council, a special meeting may be summoned at any time by the clerk upon a special requisition to him signed by a majority of the members of the council. All members entitled to be present at a special meeting of the council should be notified to attend, and the object of the meeting should be specified in the notice calling it. As to the place where the special meeting is to be held and the conduct of its business, see section 271 of the Act.

2. No.

Proceedings Should be Instituted Under The Ditches and Watercourses Act.

621—T. P. N.—A owns a farm and wishes to drain a meadow and to do so he is obliged to make a drain about 150 yards long by blasting rock in the bed of the creek. He wants to lower this creek two and one half feet. B owns the lot on which this drain or creek is situated, and positively forbids A to lower the creek bed. This land belonging to B is in woodland, and the water, when running, will not touch any part of improved property.

1. Can A force this drain, or will he have to call arbitrators? If so, will the municipal council appoint them?

2. If the engineer will be necessary to settle, as to damages or possible damages, will the municipal surveyor be the right man?

3. Will the municipal council be at any expense in connection with this affair? B has the patent of said land.

4. Who will bear the expense of engineer or arbitrators, if any?

1. A. can obtain what drainage he requires by instituting proceedings and having a drain constructed under the provisions of The Ditches and Watercourses Act. (R. S. O., 1897, chapter 285).

2. The engineer appointed by the council under the authority of section 4 of the Act, is the proper person to make an award thereunder.

3. The municipality has no further interest in this matter than any private owner of lands. If the lands or

roads of the municipality will be benefited by the construction of the drain the engineer should allot the construction of a proportionate part of the work to, and order the payment of a proportionate part of the costs by, the municipality.

4. The engineer, in his award, should apportion the costs of and leading up to the making of his award amongst the owners benefited by the construction of the drain in such proportions as he considers reasonable.

Where rock cutting is necessary, see the provisions of section 31 of the Act.

Compelling Location of Stations by Railroad Companies.

622—G. H. P.—Is there anything in the Canadian Statutes compelling railroad companies to locate stations in response to a petition from the people of any district? If there is such a clause, what are the conditions upon which the railroad companies would be compelled to grant the petition?

If the railroad is under the jurisdiction of the Dominion Parliament, sub-section 3 of section 204 of The Dominion Railway Act, 1903, provides that "the board may by order direct the company to erect, operate and maintain a station, with such accommodations and facilities as the board may deem expedient, at such point or points on the railway as are designated in such order." This sub-section also is made by section 205 to apply to a railway not subject to the legislative authority of the Parliament of Canada, but which has been subsidized either in money or land after the 18th July, 1900, under the authority of an Act of the Dominion Parliament. Parties desiring the location of a station should forward their petition to the Board of Railway Commissioners for Canada, Ottawa.

Damage Resulting From Water Standing on Highway—Drainage of.

623—G. L. McL.—Some twenty years or more ago a gravel pit was opened on a concession line in our township opposite a farm owned by Mr. M. The gravel has been taken out of the roadbed and ditches ever since, lowering the roadbed and ditches for several rods, but not making it dangerous for public travel. The water, in the spring, lies in the ditches until it soaks away, as there is no outlet. Now, this Mr. M. claims that he has a grievance against the council. He claims that the water soaks through into his cellar, damaging it; his house stands back from the road about 100 feet. He has never complained to the council since the pit was opened till now.

1. Has he any case against the council?
2. Can he compel the council to drain the pit or fill it up?
3. In case the council are obliged to drain it, can they enter on his land and dig a ditch, as that is the way the water would have to go?

1 and 2. If by excavating the highway water is collected and it escapes into the cellar of the owner of adjoining lands and causes damages, the municipality is liable. See Rylands v. Fletcher, L. R. 1, Exchequer 280.

3. Not unless the council takes proceedings under The Ditches and Watercourses Act (R. S. O., 1897, chapter 285,) and the engineer employed awards the construction of the drain through his land. It is possible in this case that the private land owner may be able to show that the necessity for a drain, if any, arose by the wrongful act of the council, and that the municipality is not entitled to avail itself of the above act. If, on the other hand, that cannot be shown, and a drain is necessary to drain the highway, proceedings must be taken under the above Act in order to get an outlet over private lands.

Proceedings at Special Meeting of Council.

624—J. C.—1. Regular meetings of a council or other body are held on a certain day in each month, say the first Monday. Would it be right and legal to read and adopt the minutes of a regular meeting at a special meeting that might be called between the regular meetings?

No.

Payment of Damages When no Dog Tax Collected—County Councillor Cannot be Assessor—Selection of Jurors.

625—J. P. McN.—1. When dogs are not taxed in a municipality, and a person has sheep killed by dogs, can the person collect pay for sheep killed from the municipality, and what amount?

2. Can the same person act as county councillor and assessor for a municipality at the same time?

3. The law provides that the clerk, assessor, and reeve are to select jurors on the 10th of October. In the absence of the reeve, would it be lawful for the clerk and assessor to select them, or could they be selected any other day except the 10th of October?

1. No,—but if there was any balance to the credit of the dog fund in the municipality at the time the collection of dog tax was abolished, such balance should be applied by the council of the municipality towards the payment of damages for sheep killed by dogs, until it is all paid out in this way.

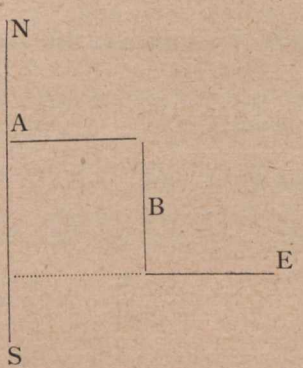
2. Sub-section 1 of section 80 of The Consolidated Municipal Act, 1903, provides that no assessor of any municipality shall be qualified to be a member of the council of any municipal corporation.

3. The statute provides that this duty shall be performed on the 10th day of October in each year, and if the reeve is absent the clerk and assessor may do the work. Sub-section 1 of section 28 of chapter 61, R. S. O., 1897, provides that after the selection of jurors has been made, the said selectors of jurors respectively shall thereupon make out in duplicate under their hands and seals or under the hands and seals of SUCH OF THEM AS PERFORM THE DUTY, a report, etc.

Expropriation of Land for Road Purposes.

626—M. N. C.—The desire is to open a new road across the dotted line and close A and B. The owner of the land for the new road asks an excessive price, it is thought.

1. Can we expropriate it, and how to proceed?
2. If an arbitration is held, who should pay the cost?



1. The council should pass a by-law closing the old road, and another opening and establishing the new one, pursuant to the authority of section 637 of The Consolidated Municipal Act, 1903, after having strictly observed all the formalities prescribed by section 632 of the Act. If the road to be closed is an ORIGINAL road allowance the assent of the council of the county to the by-law closing it should be obtained as provided in clause (b) of sub-section 2 of section 660 of the Act. The by-law opening the new road should be registered in accordance with the provisions of section 633 of the Act. If the council and the owner of the land required for the purposes of the new road cannot agree as to the amount of the compensation he is to be paid, the matter will have to be settled by arbitration, as provided in section 437 of the Act. As to the appointment of arbitrators and the procedure before them, see section 448 and following sections of the Act.

2. This is a matter within the discretion of the

arbitrators, and their award should show by whom the costs are to be paid. (See section 460 of the Act.)

Raising Money to Build Granolithic Walks in Unincorporated Village.

627—L. L.—Is there any authority given to a township municipality to issue debentures for term of years to build granolithic walks in an unincorporated village in township, and charge half of cost to lots benefited or fronting on sidewalk. If so, please state what section, and where.

No. Section 678 of The Consolidated Municipal Act, 1903 applies only to cities, towns and incorporated villages. A township council may pass by-laws for constructing granolithic sidewalks in an unincorporated village located therein, and levy a frontage tax to pay the cost thereof, under the authority of section 664 and following sections of the Act, but the whole cost must be levied against properties benefited.

Procedure at Council Meeting.

628—J. O. R.—A. B. C. No. 586, In October issue to hand; "claim" should read "clause" in three different places, which would render it a different question.

1. The contention is: Can a council amend or add to a resolution passed at a former meeting without giving notice of doing so?

2. The mayor was to sign first agreement, but did so by adding a five-year clause. Had he power to do it?

3. By his adding to resolution, was he not coming under re-consideration order of business of governing bodies?

1. In framing our answers to this question, we did so with the idea that the word "claim" was intended to be "clause." As to whether, at a subsequent meeting, a council can add to or amend a resolution passed at a prior meeting without giving notice, depends on the rules of order, if any, adopted by the council, regulating the conduct of its meetings.

2. It makes no difference whether the mayor had power to sign the agreement in the way he did or not, as the council afterwards confirmed his action and adopted it as its own, changing the time limit from five to three years, and the resolution of the council in this regard has not been rescinded or altered.

3. This is also a matter that depends upon the rules of order adopted by the council.

Collector Cannot Enter Dogs on his Roll.

629—O. E. P.—In case an assessor omits entering a dog on the assessment slip, can the collector enter same and collect?

No.

Ratio of Statute Labor.

630—F. L.—In our township it has always been the custom to assign 2 days' statute labor for every lot of 100 acres. The richest who rule the township refuse to accept the assessed values of properties as the standard basis on which the statute labor should be calculated, because they want to avoid performing statute labor as much as they can.

1. Have they the right, by by-law or otherwise, to keep on with that state of afiairs? Also when there is no by-law to that effect?

2. How can they be brought to utilize statute labor according to assessment, as directed by the Revised Statutes of Ontario?

1 and 2. The ratio of statute labor to be charged against, and to be annually performed by every person assessed upon the assessment roll of a township is that mentioned in sub-section 1 of section 102 of The Assessment Act, unless the council of the municipality has, by by-law, passed under the authority of section 101 of the Act, reduced the amount of such statute labor, when the ratio fixed by the by-law will govern. No council or official of a municipality or ratepayer has any authority to disregard the provisions of the statute or by-law (as the case may be) in this regard.

Contents of December Statement.

631—NEW CLERK.—1. In preparing my financial statement, do I start at 1st of January, this year, or 15th of December last. Quote me where to look for guidance in the Statutes, 1897, and where to look for amendments, if any.

2. In back of printed minutes for year, our late clerk always gave, say statement the full year of 1903, and also of this year up to the 15th of December. Now, in adjoining township, their minutes only give statement of expenditures up to December 15th, 1903, and auditors' report. What is the law on this, or is it left to by-law of the council?

We assume that reference is made to the statement of assets and liabilities to be prepared for publication prior to the meeting of council to be held on the 15th December annually as provided by sub-section 6 of section 304 of The Consolidated Municipal Act, 1903. If so, this subsection provides that it shall be "a detailed statement of receipts and expenditure for the portion of the year ending on the day of such meeting, together with a statement of assets and liabilities and uncollected taxes. A similar statement in detail respecting the last 15 days of the preceding year shall be attached thereto."

Use by Pathmaster of Gravel on Highway.

632—H. E. R.—In our township we have a gravel bed which is on the public road. A ratepayer in the road beat which the gravel is in and the neighboring road beats have, when doing statute labor, drawn the gravel away, until they have dug a hole in the road allowance about 100 feet long and, in the deepest place, about nine feet deep, the deepest place being about in the centre of the road allowance. This year, when the neighboring road beat commenced statute labor, the pathmaster in the road beat where the gravel pit is, tried to stop them from digging the hole any deeper. He forbade them taking any more gravel away. The reeve then interfered by sending the pathmaster a letter, telling him to let them alone, that the gravel belonged to the township. Then the pathmaster notified the reeve in writing that the road was in a dangerous condition on account of this hole. The reeve then caused a post and board fence to be erected along one side of the hole, a private fence being on the other side. This leaves the public road, a much travelled road, about eighteen feet wide between the posts and board fence along side of the hole and a barbed wire fence.

1. Had the reeve any right to interfere with the pathmaster?

2. Can the reeve or anyone else obstruct the highway with such a fence?

3. Can the neighboring road beat lawfully take gravel from this pit?

4. Would the pathmaster be justified in removing the fence and filling the hole up and so make it passable?

1. A reeve, in his personal capacity, has no authority to interfere with a pathmaster in the performance of his duties. The council, however, as a whole, has such authority.

2. Neither the reeve nor any other person or persons has any authority to erect a fence or place any other obstruction on a public highway. If it is an obstruction, the municipality is liable to indictment for maintaining it there, and to pay damages to any person injured by reason of its existence.

3. The right to take gravel from a highway is one for the council to deal with. Without the authority of the council we do not think that any person has the right to take gravel out of a highway.

4. Not unless he has been so authorized and instructed by the council.

Payment of Cost of Equalizing Union School Sections.

633—E. B.—In the equalizing of union school sections between two municipalities by the assessors of the percentage to be borne by each municipality, has not the secretary-treasurer of said U. S. section to pay cost for this equalization?

We are of opinion that the secretary-treasurer of the union school section has nothing to do with this matter. By section 4 of chapter 32 of The Ontario Statutes, 1903, it is provided that the cost of equalizing the assessment of union school sections is to be borne and paid by the

municipalities (that is the several municipalities out of which the union school section is formed) in the same proportion as the equalized assessment of the municipalities bear to each other.

Raising Money for Fire Protection in Police Village.

634—P. K.—Police trustees of village in our township have written our council asking to pass a by-law to raise $500 for fire protection and street lighting, the same to be voted on at the coming annual election.

1. Will a copy of such by-law need to be published in a newspaper?

2. Who can vote on such by-law in said village?

3. If approved of by ratepayers, will by-law need to be registered?

1. Sub-section 1 of section 744 of The Consolidated Municipal Act, 1903, provides that a by-law of this kind shall be submitted to the ratepayers of the police village in the manner provided by the Act in respect of by-laws for creating debts. For the procedure in submitting such by-laws see section 338 and following sections of the Act. Sub-section 2 of section 338 requires the council before the final passing of the proposed by-law, to publish a copy of it as directed in this sub-section.

2. The ratepayers mentioned in sections 353 and 354 of the act.

3. Yes. See section 396 of the Act.

Power to Close Road.

635—D. Y.—A bought fifty acres of land from B, 30 acres on lot 25 and 20 acres on lot 24 adjoining. A township road crosses these lots diagonally on the part that A bought. This road is included in the description of A's purchase and was measured into his land. A paid for the roadbed at the same rate as the other land. The acting reeve of the township council drew the deed of A's land; he made no reserve of the road. B refuses to relieve A of the roadbed, the township council assesses A on the road, along with his other land. A now requests the council to give him the price he paid for the roadbed, and offers to give the council a deed of it.

This was a forced road, which B opposed at the time; he got no compensation for the land taken, and has never made a dedication of the roadbed.

What is A's position regarding it?

If this road is a regularly established public highway (and as to this we cannot say, not having sufficient particulars before us), and if no claim for compensation was or can be made within one year from the time the land was taken for the purpose of making this road, we do not see that A has now any remedy so far as the municipality is concerned. When he purchased the land from B he should have seen that he did not pay for any more land than was deeded to him.

Council May Remove Sidewalk,

636—SUBSCRIBER.—There was a plank sidewalk built in an incorporated village in this township by gratis work and statute labor. Said sidewalk has become rotten and out of repair, and accidents have occurred thereon, said sidewalk having been kept in repair by statute labor.

1. Has the township council power to remove sidewalk against the wishes of residents of the village?

2. Has the township council a right to remove sidewalk and put down a gravel or cinder path instead?

1. Yes.

2. Yes.

Status of Highway—Assessment of Club House.

637—J. R.—Over fifty years ago a by-law was passed opening a road through private property, the then owner dedicating 40 feet (no compensation). An O. L. Surveyor, retracing the boundary as described in said by-law, finds part of the road in the wrong place.

1. Can the council hold the road, notwithstanding the re-survey?

2. Can it pass a by-law empowering the pathmaster to remove obstructions therefrom, as per section 557 (3), R. S. O.?

3. In case the council cannot hold the old road, what is the proper mode of procedure to place the road on the line as per re-survey?

4. A large club house has been built on Government land on bank of R. Lake. Is this house assessable?

1. This highway has been opened and established and used by the general public for such a length of time that its alignment cannot now be interfered with, and the council can retain it in its present location.

2. Yes.

3. Our replies to questions numbers one and two render it unnecessary to reply to this.

4. Yes, if the club owns the club house.

Payment of Clerk's Fees for Services Re Drainage Works.

638—W. McI.—Our municipality has been served with a copy of reports, plans, specifications, assessments and estimates of a drain by a neighboring (initiating) municipality, and section 62 of The Drainage Act provides that after taking the necessary steps, passing of by-law, etc., that we shall pay over within four months to the initiating municipality the sum named in the reports as our proportion of the cost of the drainage work. Now, in taking necessary preliminaries before the final passing of the by-law in this case, serving the by-law in lieu of publication, preparing copies of by-laws for registration and purchaser of debentures, advertising for tenders, etc., the clerk's fees amount to considerable.

1. Should his account be passed and paid by our municipality and deducted from the amount named in the report as our proportion before paying over same to the initiating municipality?

2. If not, what is the proper way?

1 and 2. The engineer's estimate served with the other documents upon the servient municipality, should show in detail the amount of the clerk's fee, the sum allowed for publishing or serving the by-law and other preliminary expenses, as well as the sum to be paid by the servient to the initiating municipality on account of the cost of the construction of the drainage works. The latter is the only sum to be paid by the servient to the initiating municipality. The other sums mentioned may be paid by the servient municipality to the several parties entitled to receive them when they have done their work.

Responsibility for Cleaning Out Portion of Ditches and Watercourses Drain.

639—J. K.—The township engineer constructed a drain in 1902, it being so wet that no person interested dug his portion. The time was extended until Oct. 31, 1903. When all had completed their respective portions of the ditch, with the exception of two parties, A and B. The engineer tried to sell A and B's portion of the ditch, but was unable to get a bid. Before he could have another sale it was frozen up, and he could not sell the work until May of 1904. Through the winter of 1903-04 C's portion became filled on account of B and A's portions not being dug. C wants B to clean out his portion.

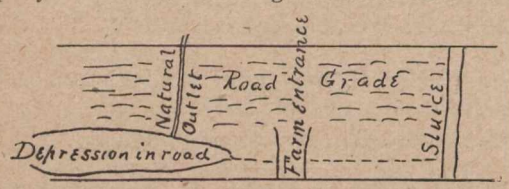
Is B wholly responsible for the filling up of C's ditch? Or are A and B both responsible for C's ditch, or is the engineer to blame or responsible in any way for not forcing his award before the freezing up? A's portion of the drain is nearest the outlet, B's above A's and C's above them both, and nearer to the point of commencement of the drain than either of them.

We are of opinion that neither A nor B is responsible for the filling in of C's portion of this drain, nor can they or either of them be compelled to clean it out. C should not have dug his portion of the drain until the parties below him, in its course, had constructed their respective portions of the drain. If the owners liable under the award for the construction of the portions of the drain below C's portion did not construct their respective portions within the time limited by the award, C should have notified the engineer and had him let the doing of the work under the provisions of section 28 of The Ditches and Watercourses Act (R. S. O., 1897, chapter 285). If the delay was caused by wet weather or other unavoidable circumstances, the engineer should take this into consideration as a reason for extending the time for the completion of the work. (See sub-section 2 of the above section).

Cost of Building Private Entrance to Farm.

640—A. B. C.—By a little cutting along dotted line the water has for some years been led to the sluice from the depression. The passage through the private roadway is now stopped up and owner demands outlet at natural outlet, which would make two sluices so near together in the public road and not necessary otherwise.

Can the council open up through private roadway, and must private party make his own crossing if he needs one ?



The council may construct a drain and conduct the water through the private roadway, but, if in doing so, the private roadway is injured or destroyed, the owner of the farm is entitled to compensation for the injury done. The best course for the township to pursue is to restore the roadway to the condition in which it was prior to the construction of the drain.

Councillor's Qualification.

641—H. M.—A takes a contract for digging a municipal ditch. B, who is a councillor, hires with A. Does it disqualify B ?

We are of opinion that B's action in accepting employment under A, the contractor, disqualifies him from occupying a seat in the council. Sub-section 1 of section 80 of The Consolidated Municipal Act, 1903, provides that "no person having by himself or his partner an interest in any contract with or on behalf of the corporation shall be qualified to be a member of the council of any municipal corporation."

Issue and Sale of School Debentures.

642—D. M.—1. We built a new school house in this section and have asked the council to issue debentures, which they have done. Who has the selling of those debentures, the council or the trustees ?

2. Have they to be advertised for a certain length of time before they can be sold ?

3. The township clerk has a bill of $9.00 for legal advice re issuing debentures. Will the section have to pay this, as they applied for the debentures in the regular way ? The clerk wishes to place them in a certain lawyer's hands for sale Can he do so without the consent of the trustees ? If so, will the section have to pay a commission or a certain percentage to the lawyer for selling them ?

4. How do trustees wishing to raise money by debentures proceed, and what will be the cost of having them issued ?

1. The council issues these debentures, and should sell them to the best advantage and pay the proceeds over to the school trustees.

2. This is discretionary with the council, but we consider advertising in some widely-circulated newspaper money well spent, and the best way to ensure an advantageous sale of the debentures.

3. Sub-section 4, of section 74, of the Public Schools Act, 1901, provides that "the expenses of preparing and publishing any by-laws or debentures, and all other expenses incident thereto, shall be paid by the school section on whose behalf such debentures were issued, and the amount of such expenses may be deducted from any school rates collected by the municipal council for such school section. We cannot say whether it is necessary to employ a lawyer in order to effect a satisfactory sale of these debentures. The parties whose duty it is to sell the debentures must settle this.

4. Section 74, of the Public Schools Act, 1901, provides the procedure to be followed in cases of this kind. We cannot say what the expense will be in any particular case, without having full particulars as to all the circumstances.

Compulsory Opening of Road to its Proper Width.

643—W. D. McL.—A sideroad has been opened up in our township for a number of years, but the fences on each side have never been put back to the proper line of road allowance. A ratepayer makes a request to the council to have the fences removed to the proper line, and also requests the council to have the road line run at the township's expense.

Is the council bound to do this work, in case they do not consider it necessary for the requirements of the road, it being one on which there is very little travel ?

No.

Prevention of Accumulation of Sand on Highway.

644—Y. C.—Can we make a man who has a sand farm along one of our roads keep it from blowing over and filling the road and make him clean out what has blown over ?

No.

Repairing Drain Under Section 75 of The Drainage Act—Drainage Across Railway Lands.

645—G. I.—There is a Government drain that was constructed upwards of 30 years ago, and said drain is out of repair badly. It has been cleaned out twice since constructed and the original plans and specifications and profile of said drain never were in the township clerk's possession. About two years ago complaint was lodged with the council that said drain was out of repair and the council instructed an engineer to report under section 75 of The Drainage Act. He has been on said work at long intervals, and lately he reports that he interviewed a solicitor, who gives it as his opinion that a Government drain cannot be repaired to the extent necessary to do any good in the case. He says that it can only be repaired. In this case the drain will have to be widened and deepened, which he says cannot be done unless a petition is presented to the council signed by a majority of the parties interested in the drain. The questions are as follows :

1. Has the engineer power under The Drainage Act, section 75, to deepen and widen and otherwise improve a Government drain ?

2. To widen and deepen a Government drain, is it necessary to get a majority of the parties to sign a petition, as in section 3 of The Drainage Act ?

3. Said Government drain crosses the right of way of the G. T. Railway and the present culvert requires to be lowered 3½ feet. Can the said work of lowering the culvert be done without an agreement being entered into and signed by a majority of the parties interested in said drain ?

1 and 2. We are of opinion that an engineer has no authority to deepen and widen a drain constructed under The Municipal Drainage Act respecting drainage by local assessment, unless a petition for the doing of the work has been previously signed and filed with the clerk pursuant to the provisions of section 3 of The Municipal Drainage Act. Section 74 of the Act specially mentions the deepening and widening of a drain, but section 75 makes no reference to such methods of improving a drain.

3. If the council does not desire or is unable to enter into the agreement with the railway company for the doing of the work, mentioned in section 85 of The Municipal Drainage Act, it may apply to the Board of Railway Commissioners for Canada for the order mentioned in section 194 of The Dominion Railway Act, 1903.

Effect on By-law of Delay in Construction of Drain—Drainage Across Railway Lands.

646—W. D.—1. In our township we finally passed a drainage by-law 18 months ago and have not let the contract for construction yet. Is there a limited time to begin the construction of the work so as not to invalidate the by-law ?

2. Under the Municipal Drainage Act at the present time, can the council compel a railway company to construct a drain across their track, and what portion of the costs are they supposed to bear ?

1. Delay in the completion of drainage work does not operate to invalidate the by-law providing for its construction, but the work should be proceeded with as soon as possible after the final passing of the by-law, so as to prevent the possibility of future complications arising.

The only provision in The Municipal Drainage Act for the construction of drainage works on railway lands is that contained in section 85 of the Act and under this section unless the the railway company will voluntarily enter into the agreement, the council cannot compel it to do so. Section 194 of the Dominion Railway Act (1903) empowers councils of municipalities desiring to obtain means of drainage across railway lands, to make application for leave therefor to the Board of Railway Commissioners for Canada at Ottawa, and this Board is, by this section, authorized to grant such application on the terms and conditions mentioned in the section. We assume, of course, that the railway is one that is under the jurisdiction of the Federal Parliament.

Liability for Cost of Maintenance of Children at Industrial Schools.

647—E. M. Y.—The amendment made to the Industrial School Law by the Ontario Legislature in 1903, provided for a re-arrangement of the costs of maintenance of children committed to Industrial Schools. Municipalities were taxed at the rate of $1.25 per week, instead of $2.00, as formerly.

Section 12 of the Act, 1903, seems to inure to the benefit of all boys at the School at the time the Act was proclaimed, namely, April 1st, 1904, according to my interpretation. There seems to be a difference of opinion, saying that it only inures to the benefit of boys committed since the Act was proclaimed, namely 1st of April, 1904.

I would like to get your opioion whether it inures to the benefit of those at the School at the time of the proclamation, or does it only inure to the benefit of those who are committed since the proclamation?

We agree with your interpretation of section 12 of the Act to amend The Industrial Schools Act, being chapter 37 of 3 Ed. VII. This section was enacted expressly for the purpose of making the Act retroactive, in order that all municipalities should be placed upon a footing of equality.

DUSTLESS ROADS IN FRANCE.

An official report of the Department of Bridges and Roads in France shows the continuance of the good results obtained in rendering roads free from dust by coating the surface with tar.

The engineer for the Seine and Marne Departments report that after an unsuccessful trial of a mixture of oil and petroleum a coating of tar was in the summer of 1902 laid down on seven different lengths of road, After carefully observing these during a period of twelve months, he finds that dust and mud have wholly disappeared and the cost of maintenance of the roads has been considerably reduced. Further comparing the previous outlay on the roads with that of those with tarred surface, he says: "It appears that the tarring method requires no greater outlay, and at the same time very considerably improves the condition of the roadway. In La Cher two lengtns of the Chausee Nationale were coated with tar in June and August of 1902. Both these experiments have been entirely successful, the road now being covered with an elastic skin, while the sound of foot-passengers' tread is muffled and horses and draft oxen require only one-half the effort put forth before. The noise and vibration caused by vehicular traffic is much reduced, and neither dust nor mud is formed on the tarred surface.

At a recent sittings of Division Court in the town of Amherstburg, the action of Mrs. Brooker against the town, for damages sustained by a fall on a defective sidewalk, was tried. Considerable evidence was heard on both sides of the case but the presiding judge held that the town authorities had had notice of the bad shape that particular walk was in. And although a municipality is not obliged to build a sidewalk, having once built it they were in duty bound to keep it in good repair. He gave judgment for plaintiff for the full amount, $60, and costs.

MUNICIPAL OWNERSHIP IN BARRIE.

It is only a short time since Barrie launched into municipal ownership, but the ratepayers are already convinced that it is the proper thing, at least as far as their water and light systems are concerned. They have a commission composed of three members. As evidence that municipal ownership is paying Commissioner Bennett submitted statistics. Regarding the electric lighting system he gives the receipts as follows :—

Town for 51 arcs	$ 2,634.40
Private lighting	8,981.87
Total	$ 11,616.27

The expenditure amounted to 8,528.54, leaving a balance of $3,087,73. This been secured through reductions of 75c per 1,000 in private lighting, and from $65 to $51 in arc lights had been made. A fuel economizer combined with the instalation of meters had effected a saving of 30 per cent. in fuel.

The rate charged is $1.10 net per 10,000 watts, while larger consumers get discounts that bring the rate down to 80 cents.

Of the balance, $2,575.36 was devoted to paying debentures, reducing the balance of that account to $512.37. During five years $12,176.80 has been paid on purchase account.

Turning to the water system, the receipts amounted to $9,298.55, and the expenditure to $9,211.53, leaving a balance in favor of the town of $87.02.

In addition to this there is an item of interest in the savings bank account which will bring the net profit for the year to nearly $125.00. During the year fifty additional services were put in, but as most of these were on meter, receipts from these will not come in till 1904. Four additional hydrants were put in this year and no charge was made to the town for same for half year. The fuel bill increased $600 as compared with last year, owing to the increased price of fuel and the fact that ten million gallons more water than in 1902 were pumped.—Ex.

The habit of always doing one's best enters into the very marrow of one's heart and character ; it affects one's bearing, one's self-possesion. The man who does everything to a finish has a feeling of serenity ; he is not easily thrown off his balance ; he has nothing to fear, and he can look the whole world in the face because he feels conscious that he has not put shoddy into anything, that he has had nothing to do with shams, and that he has always done his level best. The sense of efficiency, of being master of one's craft, of being equal to any emergency, the consciousness of possessing the ability to do, with superiority, whatever one undertakes, will give soul satisfaction which a half-hearted, slipshod worker never knows.

When a man feels throbbing within him the power to do what he undertakes as well as it can possibly be done, and all of his faculties say "Amen" to what he is doing, and give their unqualified approval to his efforts—this is happiness, this is success. This buoyant sense of power spurs the faculties to their fullest development. It unfolds the mental, the moral, and the physical forces, and this very growth, the consciousness of an expanding mentality and of a broadening horizon, gives an added satisfaction beyond the power of words to describe. It is a realization of nobility, the divinity of the mind.—Orison Swett Marden, in *Success*.

* * *

A By-law to loan to the Metal Shingle and Siding Co. $15,000 to assist the Company to erect a new plant to replace the one destroyed by fire was carried recently by the electors of the Town of Preston. The vote polled was 308 for the by-law and only 7 against.

Legal Department

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GALLOWAY v. TOWN OF SARNIA.

Defective Sidewalk—Injury by Reason of—Knowledge of Plaintiff—Contributory Negligence.

Judgment in action tried without a jury at Sarnia. Action for damages for injuries sustained from a fall on a sidewalk on Campbell street, in the Town of Sarnia. That the sidewalk was at the time of the accident in a bad state of repair was not seriously contested by defendants, but the defence chiefly relied upon the contention that plaintiff, who was employed by defendants as a watchman on a sewer being constructed on Campbell street, had full knowledge of the non-repair, and that the injury was caused by his own negligence. Held, that the sidewalk was in a bad state of repair and dangerous to pedestrians, to the knowledge of the officer whose duty it was to repair, and it had been in that condition for several weeks. While plaintiff knew of the defective condition, he was not guilty of any negligence which contributed to the injury. The care he used was commensurate with his knowledge of the non-repair, and was such as should be required of him under all the circumstances, and the proximate cause of his injury was the negligence of defendants, and not any want of care on the part of plaintiff. See Copland v. Township of Blenheim, 9 O. R. 19; Gordon v. City of Belleville, 15 O. R. 26. Defendants sought to establish that on the night on which plaintiff was injured there was an open lateral sewer trench running from the street under the sidewalk a few feet from where plaintiff fell, and that in accordance with his course of duty as watchman he should himself have repaired the defect which caused his fall. Held, on the evidence, that there was no such trench in existence that night. Damages assessed at $650. Judgment for plaintiff for that sum, with costs.

Re CANADIAN OIL FIELDS AND TOWNSHIP OF ENNISKILLEN.

Oil Piping—Assessment of in Ground—Old Law Applicable.

Case stated under section 85 of The Assessment Act, chapter 224, R. S. O., 1897, by the Lieutenant-Governor in Council, upon the appeal to the Judge of the County Court of Lambton, by the above named appellants from the decision of the Court of Revision assessing them in respect of their pipe line extending through the Township of Enniskillen. The pipes connected certain receiving stations with the company's tanks in Petrolia and extended throughout the township 94,611 feet, or nearly eighteen miles in length. The pipe line was assessed originally at $11,900, and on the appeal by the appellants the assessment was reduced by the Court of Revision to $5,000, and on the further appeal by the appellants to the County Judge the assessment was increased to $9,721.24. The Judge in coming to that decision ascertained the original cost of the piping and from that amount deducted 10 per cent. for depreciation caused by the pipes lying in the ground from the time when placed there up to the date of his judgment, making the assessment $9,721.24. The question submitted was as to whether the pipe line has been properly assessed, its valuation having been arrived at as indicated above. Appeal allowed on ground that the old law relating to assessment should have been applied.

Re TOWN OF ORILLIA AND TOWNSHIP OF MATCHEDASH.

Assessment of Town Property Located in Township—Exemption.

Judgment upon case stated by the Lieutenant-Governor and upon appeal from the decision of the Judge of the County Court of Simcoe, holding the town corporation liable for taxes assessed by the township corporation upon certain property in the township acquired by the town corporation under statutory authority for the purpose of supplying the town with electricity. Counsel for the town corporation contended that municipal property is exempt from taxation even where situated in a different municipality. The court agreed with this contention and so answered the questions put in the case, and set aside the assessment. No costs.

STITT v. TOWN OF PORT ARTHUR.

Accident on Electric Railway—Negligence of Operators of Car—Damages.

Judgment on appeal by defendants from judgment of Street, J., in favor of plaintiff for $1,750 damages upon the findings of a jury in an action for negligence in the operation by defendants of an electric car upon which plaintiff was a passenger. Plaintiff jumped off the car while it was going and was injured, but he alleged that he did so because the defendants' servants in charge of the car did not stop it when he directed them to do so. There was evidence also that plaintiff's coat-tail was shut in the door of the car as he was getting off, and it was alleged that it was by the negligence of the motorman. This was not presented to the jury. The court ordered a new trial. Costs of the last trial and of the appeal to be costs in the action.

EVANS v. TOWN OF HUNTSVILLE.

Action for Damages—Injury Caused by Icy Condition of Sidewalk.

Judgment on appeal by plaintiff from judgment of Britton, J., dismissing action by a physician practising in Huntsville to recover $1,000 damages for a broken arm caused by a fall on a sidewalk alleged to be out of repair and in a dangerous condition by reason of snow and ice. Appeal dismissed with costs, the court agreeing with the trial Judge that the icy condition of the sidewalk was disproved.

Re UNION SCHOOL SECTION No. 9, OSGOODE AND MOUNTAIN.

Alteration of Boundaries of Union Section—Petitions to Councils of All Townships Interested—Quashing Award.

Judgment on motion by the board of public school trustees for the union school section and by John McKendry and others, ratepayers in the section, for an order to set aside an award made by James Ballantyne and Samuel B. Sinclair, two of the arbitrators, altering the boundaries of the school section. Held, that as the ratepayers of the section in the Township of Mountain did not present a petition to the council of that township, and were not even notified of the proposed arbitration, the award must be quashed. Order made quashing the award with costs, to be paid by the petitioners who appeared to support it.

Re TOWN OF EAST TORONTO AND COUNTY OF YORK.

County By-Law Forming Union School Section—Motion to Quash—Disqualification of Arbitrator—Defective Petition.

The town corporation, moved to quash a by-law of the county corporation for the formation of a union school section from parts of previously existing school sections in the town and in the Township of York, on the ground that it was improperly passed by section 46 of the Public Schools Act, and that one of the arbitrators appointed was disqualified. The county corporation and the school boards interested, opposed the motion. Held, that the by-law was void because the foundation was lacking in that the petition to the Town Council was not signed by five duly qualified petitioners, one of the petitioners not being on the last revised assessment roll, though he was in fact a ratepayer. There was no authority for the passing of the by-law, a motion to quash it was in order, and could be made by the town corporation as applicants. Order made quashing by-law, but without costs, as it was passed in good faith.

VASSAR v. BROWN ; FINN v. BROWN.

Excavation in Highway—Resulting Damages—Liability as Between Contractors and Municipality.

Judgment in actions tried together without a jury at Lindsay. Actions to recover damages for injuries which plaintiffs sustained on 22nd January, 1903, owing, as alleged, to an excavation in the Township of Thorah, into which plaintiff Vassar and his companion plaintiff Finn, who were returning from Beaverton to Kirkfield, where they lived, in a cutter drawn by a pair of horses belonging to Vassar, who was driving, were thrown, causing injuries to both men and to one of the horses as well as the cutter and harness. The action was against Brown & Aylmer, contractors for the construction of a section of the Trent Valley Canal, for negligence in failing sufficiently to guard the excavation, and against the township corporation for breach of duty to keep the highway in repair. Judgment for plaintiff Vassar for $400 with costs, and for plaintiff Finn for $1,400, with costs, against defendants Brown & Aylmer. Action as against the municipality dismissed with costs. No costs as between the co-defendants.

CITY OF TORONTO v. TORONTO R. W. CO.

Agreement—Payment by Street Railway Co. to City—Ownership of Track.

Judgment on appeal by defendants from report of Master in Ordinary. The action was brought on 5th February, 1897, to recover a balance alleged to be due by defendants to plaintiffs under the 15th paragraph of the agreement set out in 55th Vict., chapter 99 (O), by which defendants are bound to pay to plaintiffs $800 per annum per mile for single track or $1,600 per mile of double track occupied by their railways, not including turn-outs. By the judgment of the Court of Appeal of 16th January, 1900, the judgment of the trial Judge was varied with regard to the track on Roncesvalle avenue, and it was referred to the Master in Ordinary to "inquire and report by whom that track was constructed and at what time, and what rights of running upon the said track the defendants possessed." This judgment was affirmed by the Judicial Committee of the Privy Council on 2nd August, 1901. The Master reported that defendants had, on 31st March, 1902, paid to plaintiffs the amount of principal due them (excepting that based on the track west of Roncevalles avenue), immediately after the amount had been arrived at and settled by the parties, but that he had allowed to plaintiffs interest on the arrears of principal from the time when they matured till 31st March, 1902, and that such interest amounted to $8,047.95. He further reported that the portion of the track on Queen street, west of Roncevalles avenue, was constructed by defendants on or about 30th June, 1893, as part of their own undertaking, and that their rights of running upon it were governed by the agreement in the pleadings mentioned and subject to the same obligations as are imposed upon defendants with reference to their other tracks; and he found that there was due by defendants to plaintiffs in respect of this portion of the track $501.60 for principal and $185.56 for interest to 5th March, 1903, the date of his report. The defendants appealed on both branches. Appeal dismissed on all grounds with costs.

Re SYDENHAM SCHOOL SECTION No. 5.

Formation of New School Section—Petition to Township Council—Refusal to Entertain—Appeal to County Council—Award and Jurisdiction of Arbitrators.

Petitioners appealed from order of Street, J., (2 O. W. R. 830), setting aside an award, upon an application by the board of trustees of school section No. 6 of the Township of Sydenham. By by-law No. 623 of the county council, a large tract of land was detached from the Town of Owen Sound and attached to the Township of Sydenham. A large number of ratepayers petitioned for the erection of a new school section, to consist of the added property and parts of other sections of the Township of Sydenham. The township council refused the petition and an appeal was made to the county council. The county council, by by-law No. 638, allowed the appeal and appointed arbitrators under The Public Schools Act to consider and determine the formation of a new section. The arbitrators made their award. Street, J., set aside the award on the grounds that the county council had no power to authorize the arbitrators to do more than sit in appeal from the refusal of the township council to grant the prayer of the petition. Appeal dismissed without costs.

MILLS v. TOWN OF ST. MARYS.

Runaway—Steam Roller, etc., on Highway—Accident Resulting—Telegraph Poles.

This was an action heard in the High Court of Justice at Stratford, to recover unstated damages for injuries sustained in a runaway. The presiding Judge awarded a verdict for the plaintiff and assessed the damages at $1,000, including medical attention. According to the evidence it appears that the horse took fright at a steam roller and some barrels which had been left standing near the middle of the road by a gang of men employed in street repairs, and dashed across the road, bringing the buggy in contact with a telegraph pole. The driver was thrown out, and the frightened animal dashed down the road to the next telegraph pole, where the buggy got caught fast. When found, the plaintiff was still lying in the rig, but had one of her thighs broken and a knee badly injured, and was suffering from other bruises. Drs. Stanley and Smith, of St. Marys, testified that it would be a matter of two or three years before she recovered, and that, in all probability, her knee would never be strong again.

The plea made by the defence was that the real cause of the accident was the proximity of the telegraph pole, for which the town could not be held responsible.

Re SMITH AND TOWNSHIP OF COLLINGWOOD.

By-law Opening Road—Application to Quash—Failure to Define Width of Road

Donald Smith, a ratepayer of the township affected by a certain by-law, moved for a summary order quashing the by-law, which is No. 12 for 1903, being a by-law providing for the opening of a deviating road through the lands of the applicant. It was contended that no notice was given to the applicant, that the width of the road was not defined in the by-law, and that the by-law was not passed in the interests of the public, but for a particular class. Order made quashing the by-law on the ground that the width of the road is not defined, without costs.

MAHONEY v. CITY OF OTTAWA.

Accumulation of Snow and Ice on Sidewalk—Injury Resulting—Negligence of Defendants.

Judgment in action tried without a jury at Ottawa. Action to recover damages for injuries suffered by plaintiff from a fall on Nepean street, in the city of Ottawa, on January 15th last. It was alleged that defendants were guilty of gross negligence as regards the condition of the sidewalk as to snow and ice and the method adopted of partly removing the snow and ice. Held, that there was no evidence of negligence on the part of defendants. Action dismissed with costs.

REX EX. REL. MOORE v. HAMILL.

Qualification of Mayor and Councillors of Town—Excessive Borrowing of Money to Meet Current Expenditure—Effect of.

Judgment on motion by relator to void the election of the mayor and four of the councillors of the Town of Meaford on the ground that they are disqualified by their violation of the provisions of section 435 of The Municipal Act, 1903. They are alleged to have voted for borrowing money to meet the current expenditure for 1903 in excess of the amount authorized by the statute. Order declaring the respondents not duly elected, and ordering a new election with costs.

REX EX REL. PILLAR v. BOURDEAU.

Motion to Unseat Councillors—Resignations—Disclaimer—Duties of Clerk.

Judgment on application (heard at Ottawa) by the relator to set aside the election of Ovila Bourdeau and Louis Menard as councillors for the township of Russell, and to have it declared that William Argue and Alva Bennett Cheney were duly elected as such councillors for 1904. P. Emile Guerin, township clerk and returning officer at the election, was added as a respondent. It was admitted (1) that William Argue and Alva Bennett Cheney were nominated as candidates for the office of township councillor at the election in question, on 28th December, 1903; (2) that the name of Argue and Cheney appeared upon the ballot papers used at the election; (3) that at the polling on the 4th January, 1904, more votes were given for Argue and Cheney, respectively, than for either Bourdeau or Menard; (4) that on 5th January, 1904, Bourdeau and Menard were declared elected; (5) that documents purporting to be disclaimers of the office Bourdeau and Menard were delivered to the township by clerk on the 23rd January, 1904, at about 420 in the afternoon; (6) that the relator was a duly qualified elector of the township. Eight persons were nominated for the council, namely, Albert Fielding, John Cochrane, William Argue, Alva Bennett Cheney, Louis Menard, Ovila Bourdeau, Cleopas Geoffrion, and Napoleon Lemieux. On 29th December, 1903, Argue and Cheney each signed and addressed to the clerk a notice stating that he would not be a candidate at the election. The notices were attested by witnesses. If these notices were in fact delivered to the clerk before nine o'clock on the evening of 29th December, they should have been acted upon by him pursuant to section 129, sub-sections 2 and 3, of The Con. Municipal Act, 1903. He did not, however, act upon these, but caused the ballot-papers to be printed with the names of Argue and Cheney thereon. This was evidence that Guerin did not, in fact, get these resignations until 30th December. The ballot-papers as printed and used had upon them the names of all the candidates nominated, but not arranged alphabetically, as required by section 139, sub-section 1 of the Act. The result of the polling was as follows: Fielding, 430 votes; Cochrane, 422; Argue, 311; Cheney, 301; Menard, 265; Bourdeau, 281; Geoffrion, 256; Lemieux, 238. The township clerk treated the resignations of Argue and Cheney as valid and declared Menard and Bourdeau elected. These two men accepted office, made a declaration of qualification, and attended a council meeting. On 22nd January the relator obtained a fiat to serve notice of this motion. On the same day, but before respondents were served, they each signed a disclaimer and sent it to the clerk of the council. Held, that Argue and Cheney, being duly qualified candidates, regularly nominated, their names on the ballots, and elected by votes, should be declared elected unless disentitled by reason of the resignations. The electors are entitled to the services of these men unless the resignations stand in the way. The onus of showing this is upon respondents. As a first step it must be clearly shown that the resignations were in the hands of the clerk before nine o'clock on the evening of the 29th December. Upon the evidence the resignations were not received in time. Upon the whole case, these signed resignations must be ignored, must be considered as nothing more than declarations of intention. The respondents disclaimed, but they did not do so under section 238, under which a disclaimer must be sent to the clerk in chambers or the judge. Nor are the disclaimers such as are provided for by section 240; they were not made before the election was complained of; they were before service of the notice, but the relator had then taken the first step in the complaint. The respondents, on the other hand, had accepted the office, had taken the necessary declarations, and had acted as members of the council. They were de facto members of the council and could only resign under section 210, or disclaim under section 238. See Regina ex rel Mitchell v. Davidson, 8 P.R. 434. Nevertheless, costs should not be imposed upon them; they are not shown to be wilful trespassers or wrong-doers, they had accepted the office to which the clerk had wrongfully declared them entitled. The case of the respondent, Guerin, should be regarded as one in which he became confused and uncertain about dates, but did not desire wrongfully to do what was wrong, and there shold be no costs against him. Order made, unseating Bourdeau and Menard and seating Argue and Cheney without costs.

Lieut.-Col. J. P. Macpherson of Ottawa recently brought action against the City of Kingston for $5,000 damages for injuries sustained by tripping over a loose board in the Simcoe street sidewalk on June 3 last, and it was heard at the non-jury sittings of the High Court by Justice Street, who found the city liable, and awarded the plaintiff $350 and costs. Previous to the trial the city offered Col. Macpherson exactly that amount in settlement, but he refused to take it.