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Calendar for June and July, 1901.

Legal, Educational, Municipal and Other Appointments.

JUNE 1. Public and Separate School Boards to appoint representatives on the High School Entrance Examination Board of Examiners. High Schools Act, Section 41 (2).

By-law to alter School Boundaries, last day for passing.—Public Schools Act, Section 41 (3).

5. Make returns of deaths by contagious diseases registered during May.

20. Earliest date upon which Statute Labor is to be performed in unincorporated Townships.—Assessment Act, Section 122.

26. High School Entrance Examinations begin.
Public School Leaving Examinations begin.

29. High, Public and Separate Schools close.—P. S. Act, Section No. 96 (1); H. S. Act, Section 45; S. S. Act, Session 81 (1.)

30. Protestant Separate Schools to transmit to County Inspector names and attendance during last preceding six months.—S. S. Act, Section 12.

Trustees' Report to Truant Officer due.—Truancy Act, Section 12.
Last day for completion of duties of Court of Revision, except where Assessment taken between 1st of July and the 30th of September.—Assessment Act, Section 71, (19.)

Balance of License Fund to be paid to Treasurer of Municipality.—Liquor License Act, Section 45.

JULY 1. Dominion Day (Monday.)
All wells to be cleaned out on or before this date.—Section 112, Public Health Act, and Section 13 of By-Law, Schedule B.

Last day for Council to pass By-law that nominations of members of Township Councils shall be on Third Monday preceding the day for polling.—Municipal Act, Section 125.

Before or after this date Court of Revision may, in certain cases, remit or reduce taxes.—Assessment Act, Section 74.
Last day for revision of rolls by County Council with a view to equalization.—Assessment Act, Section 87.

Last day for establishing new High Schools by County Councils.—High School Act, Section 9.

NOTICE.

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The Municipal World

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K. W. McKAY, EDITOR,

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

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ST. THOMAS JUNE 1, 1901.

Kingston council proposes to tax Chinese laundrymen $50 each.

* * *

Ottawa has $400,000 back taxes standing on its books. There is an opening for a good live collector.

* * *

The rate of taxation for the town of Welland for the current year, has been fixed at 23½ mills on the dollar.

* * *

A plebiscite will be taken of the people of Renfrew County, on the question of building a House of Industry of their own, at the next municipal elections.

* * *

Corporations in the habit of allowing roads and sidewalks to remain out of repair will do well to note the fact that the township of Caledon has had to pay Mrs. McEnany $760 damages and about $900 costs, for injuries sustained by a defective highway.—Cardwell *Sentenil.*

* * *

Auditor F. H. Macpherson, as a result of an official audit of the books of the town of Amherstburg, recently found the collector short in his accounts in the sum of $1,800. At a meeting of the town council held in April, a settlement was effected with the collector and his bondsmen, the council accepting $901 in full payment of the shortage.

* * *

A riot has occurred at Bienne, in the Valley of Chamonix, owing to the municipal council selling land on which the people had enjoyed grazing rights. The inhabitants tried to set fire to the town hall, and a fierce conflict ensued between the rioters and the gendarmes. Ten persons were killed and fifteen injured.

Important Official.

At a meeting of the council of Smith's Falls, recently, C. Williscraft was appointed water rates collector, inspector of sewer and water works connections, general overseer of the water system, bookkeeper, tax collector, canvasser for water subscribers, etc. His office is in the council chamber, town hall, and adjoining the residence of Chief McGowan. His hours are from 9 a. m. till 11 p. m. and at the call of the public between times.

The town of Barrie has a council of seven members, selected, like Peterborough's, from the whole town. The people are dissatified with the plan and are about to petition the legislature for permission to return to the ward system and larger council.

* * *

In a township in Western Ontario, according to the report of the auditors for the current year, the collector of taxes for 1896 and 1897 still owes the township $296.27 ; the collector for 1898, $495.90 and the collector for 1899, $1,249.79. At a recent meeting of the council, a resolution was passed with a view to obtaining payment of these arrearages. A proper system of book-keeping, checking and auditing would have led to an earlier discovery of the defaulting, and rendered its occurrence practically impossible.

* * *

The Eastern Ontario Good Roads Association is making preparations to start their "good roads" train in about two weeks. This will consist of several carloads of road machinery, which will be taken to different points, and in the hands of experts be used to construct samples of proper highways. The Grand Trunk, Canadian Pacific, Canada Atlantic and Ottawa & New York Railways have agreed to assist the movement by giving transportation. The campaign, which is purely for educational purposes, will embrace the seven counties, and will last fourteen weeks.—Hawkesbury *Standard.*

* * *

Some of the municipal corporations of Leeds and Grenville are this year, going to do their road work without statute labor. Most of the farmers in the townships where the road work is to be done under the supervision of commissioners, without recourse to the unsatisfactory method of statute labor, are confident that the work, when performed, will be better done and at no greater cost than ever before. There are a few farmers, however, who cling to the idea that the roads could be kept in repair more cheaply by resorting to the system of statute labor. We believe that one year's experience will convert this latter class of farmers to believers in the efficacy of the abolition of statute labor.

In two instances of late our attention has been called to the fact that on the return of his roll, and apparent completion of his duties, the council has cancelled and delivered up his bond to the collector and his sureties and released them from all further obligation thereunder. This course is wholly at variance with the legal duty of the council in the matter. As soon as the collector delivers up his bond to the council and it is accepted, it becomes a record of the municipality and should be retained by the clerk as such, for all time to come. If the collector has collected and paid over all moneys on his roll, and otherwise faithfully performed the duties of his office, the retention of the bond by the municipality can prejudice no one, on the other hand, frequently it is discovered, long after the return of his roll, that the collector is a defaulter—wilfully or otherwise—and if the bond has been delivered up and cancelled, the strong probability is that the corporation will be the ultimate loser.

* * *

In a letter published in a recent issue of the Ottawa *Journal*, Mr. D. O'Connor, K. C., comments on the palpable unfairness of the present method of assessing and collecting from the ratepayers of municipalities, the cost of making and maintaining streets and sidewalks. Amongst other things, he says :

"The unfortunate pedestrian class which pay for nearly the whole of the cost of the sidewalk, will also have to pay in the same proportion for the roadbed which they very seldom use, and what use they make of it does no injury. This is not just or equitable. If the pedestrian ratepayer pays for the sidewalk which he uses, why should not the owners of horses and vehicles be made to pay in the same, or nearly the same, proportion for the roadbed which they exclusively use and wear out?

I think they should, and the question is how best to reach them. My idea is that a special tax should be imposed on every horse and vehicle used in the city, to create a fund for the maintenance of our roads. The amount so collected to form a separate fund, the corporation to have no power to divert it to other uses."

He cites the city of Montreal as an instance, where the system he suggests has been introduced and tested, with a considerable degree of success and satisfaction.

* * *

Glasgow, Scotland, the mother of municipal control, is among the few municipalities that have made a success of running city industries. The city provides its own gas, electricity and street car service, and it is now talking of taking control of the dispensing of the intoxicating liquors drunk by its people, and the municipal saloon is freely advocated. A committee appointed to consider the question has reported in favor of the experiment.

The Dark Side of Municipal Ownership.

In respect to the question of municipal ownership, there are some drawbacks and it has been proven that the system has not always turned out satisfactory. Those who advocate it generally point to Great Britain's experience as an argument in its favor, but judging from a recent report of the Royal Statistical Society, the socialistic experiments have not been as successful as desired. The local indebtedness has increased the last twenty five years from about $460,000,000 to $1,300,000,000. In return for the tremendous increase in their debts the English towns have gas works, street car lines and other "public utilities" under their control. But the political economists and the business interests of England are asking, "Does the investment pay?" In answer to this we have the report of the society referred to above, which says that the income is sufficient to meet working expenses, interest on borrowed capital and to return about one-half of one per cent. profit on the ac umulated debt.

But this is not the whole story. In English towns where municipal ownership has taken root, private enterprise is crippled, there is no competition, no incentive to individual effort, and the gas works, street-car lines, etc., are from ten to twenty-five years behind the times. The trams of many of the leading English towns to-day are operated by horse power. Glasgow, the first of British cities to fall in with the municipal ownership idea, has not a single street railway line that will compare favorably with those of towns of the fourth class in the United States.

In England, Canada and the United States the railroads go after business, but on the continent, when the governments own the railroads the officials hold "the basket for the ripe apple to drop in when ready." They do not care whether business is brisk or dull. They do not have to exhibit a spirit of enterprise.

As far as can be learned the English towns would be glad to unload upon private capitalists their debts and their municipal franchises.—Kingston *News*.

Conduct of Council Meetings.

The Cardwell *Sentinel* in a recent issue makes the following timely and appropriate remarks on this subject:

We often think it would be better if municipal councils would conduct their meetings in a more formal manner than is usually done. Nearly all of these bodies have a set of rules and regulations for the proper carrying on of their meetings, yet, so far as we can learn, hardly one of them carry them out.

We think this is a mistake. There are several reasons why some form of procedure should obtain. One rule, at least, should be obeyed and that is the one requiring a member, when speaking to a motion, to stand up and address the chair. This is usually disobeyed, and instead, a free-and-easy, desultory conversation is indulged in, by which much valuable time is frittered away, and all ideas of decorum ignored.

If a member were compelled to stand up and direct his discourse to the chair, he would not speak unless he had something to say; but few irrevelant remarks would be heard and business would be transacted in much less time. Order is heaven's first law, and in no place is it more needed than in the council chamber.

A member having a motion to bring before the meeting should write it out, stand up and read it, making such remarks upon it as he desired, and sit down. Such members as wished to speak to it should do so in the same form and the vote taken. This question disposed of, the others should follow in rotation and be disposed of in the same manner. If this routine were strictly carried out a great deal of business would be put through in a wonderfully short space of time.

It is not the real business done that takes up the time at council meetings, but the great amount of useless conversation indulged in.

Carrying on council meetings according to regular form would not only facilitate the business in hand but it would school the members f r taking part in other meetings where form would have to be observed, and where persons not having a little training must feel like fish out of water.

We know some corporations who have a set of rules along this line that would make Sir John Bourinot tremble for supremacy, but they are not carried out just in their entirety.

Council Sues Contractor.

A case was tried in Pembroke recently, before Judge Thos. Deacon, which is of interest to all, and especially to township councils. Two years ago the township council of Petewawa decided to open a new road on a concession line, and they gave the job to Mr. Wm. Meilke, who performed the work well. Part of the new road ran through a cedar swamp, and Mr. Meilke, in cutting out the roadway, saved some of these cedars, which he had his men draw to his farm for fence posts. He informed the council at the time, but the price of the cedars was not agreed upon, some thinking that they should be valued at a certain rate per foot, others that the rate should be less. Last fall Mr. Meilke paid the council ten dollars, claiming that that amount should cover the price of the cedars. But the council placed the price at fifteen dollars. This Mr. Meilke would not consent to give, hence the action. Councillors Biesenthal and Priebe appeared against Mr. Meilke on behalf of the township. The judge dismissed the case, the costs to be paid by the municipality.

Publish the Assessments.

The best guarantee of fair assessment of real estate is the publication of the assessment roll. Not only is it a check upon unfair discrimination in the valuation of real estate, but it is also the best remedy for general dissatisfaction and suspicion. Those property owners who appeal against their assessments are only a small proportion of those who are dissatisfied. Most people who are dissatisfied will not take the trouble to appeal. They do not know that they have been unfairly treated, although they may suspect that their neighbors have been let off more lightly than they. If the assessments were made public so that every property owner could readily find out the valuation of every lot in the city, it would be a good thing both for the assessment department and for ratepayers generally.—Hamilton *Herald*.

Three years have elapsed since the assessment roll of this municipality was published in pamphlet form. The departure was a popular one, as it gave the taxpayer an opportunity to make comparisons between his own and those of his neighbors. In matters of this kind publicity is always desirable and beneficial, as any citizen will admit. Should another year be allowed to pass without a similar pamphlet finding its way into the hands of the property owners?—Galt *Reporter*.

Assessors Should be Exact.

The assessors of the province are now going their rounds securing and recording the valuation of all property within their respective municipalities. Their statutory instructions, with a few exceptions, are to assess at actual cash value, but yet we find that county councils find it necessary to equalize such assessments, which means that some assessments are proportionately much higher than others, and to fix county rate equitably, equalization is necessary. The affidavit required to be taken in verification of the assessment roll when delivered over to the council is very definite, especially the first section, which reads as follows: "I have, according to the best of my information and belief, set down in the above assessment roll, all the real property liable to taxation situate in the municipality, and I have justly and truly assessed each of the parcels of real property so set down at its actual cash value as it would be appraised in payment of a just debt from a solvent debtor and as prescribed by law." The law evidently contemplates the work to be done as nearly exact as possible.—Stouffville *Tribune*.

Trying Work.

Thin Haired Man—What! A shilling for cutting my hair? That's outrageous!

Barber—But, my dear sir, the hairs on your head are so far apart that I had to cut each one by itself.

The Consolidated Public Schools Act.

An important and much needed part of the legislation enacted at the last sittings of the Ontario legislature was the consolidation of the Public Schools Act. Nuerous amendments to the statute, as contained in chapter 292, R. S. O., 1897, had been introduced by various enactments passed since the last statutory revision, and these are all now embodied in the Public Schools Act of 1901. Below we give in rotation and in detail the changes effected from time to time:

Sub-section 10 of section 2 is amended by striking out all the words after the word "Act" in the second line and substituting the following: "as amended from time to time by the legislature of this province."

CONTINUATION CLASSES.

Section 8 of the revised statute was repealed by section 1 of chapter 36, Ont. Statutes, 1899, and the following (which is section 8 of the Consolidated Act) substituted therefor:

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

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

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

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

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

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

APPOINTMENT OF INSTRUCTORS IN AGRICULTURE.

Section 9 of the Consolidated Act, is a new section and was introduced by sec. 13 of chapter 36, Ontario Statutes, 1899, and is as follows:

(9) The council of every municipality may, subject to the regulations of the Education Department, employ one or more persons holding the degree of Bachelor of the Science of Agriculture or a certificate of qualification from the Ontario Agricultural College, to give instruction in agriculture in the public schools of the municipality, and the council shall have power to raise such sums of money as may be necessary to pay the salaries of such instructors, and all other expenses connected therewith Such course of instruction shall include a knowledge of the chemistry of the soil, plant life, drainage, the cultivation of fruit, the beautifying of the farm and generally all matters which would tend to enhance the value of the products of the farm, the dairy and the garden.

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

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

1901.

Sub-section 2 of section 10, differs from section 9 of the corresponding section of the Revised Statutes, in that the words, "being residents" are inserted after the word "sons" in the sixth line thereof.

Sub section 9 of section 15, is a new provision enacted by section 2 of chapter 36, Ontario Statutes, 1899, and is as follows:

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

Sections 32 and 33 are new sections introduced by sections 14 and 15 of chapter 36, Ontario Statutes, 1899, and are as follows:

READJUSTMENT OF SCHOOL SECTIONS IN SPARSELY SETTLED DISTRICTS.

32. On the report of any public school inspector that the attendance at the schools in the outlying and sparsely settled portions of his inspectorate is so small as to justify the consolidation of two or more of such sections with a view to the transportion of the pupils to some central school, thereafter to be determined upon, the lieutenant-governor in council may appoint a commission of not more than three persons, of whom the public school inspector shall be one, whose duty it shall be to re-arrange such school sections, having regard to the settlements and the facilities for transportation in order that the number of sections may be reduced and the pupils conveyed from their homes to school in the most convenient manner.

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

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

(4) The ratepayers of the sections so formed shall, on the date fixed by this Act for the annual meeting of rural sections, meet and elect three trustees for the sections so formed as in the case of the organization of new sections under this Act.

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

ISSUE OF DEBENTURES IN UNORGANIZED DISTRICTS.

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

Sub-section 3 of section 37 is also new, and was enacted by section 3 of chapter 36, Ontario Statutes, 1899, and is as follows:

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

Sub-section 1 of section 42 (section 39 of the Revised Statute) is amended by inserting between the first and second words in the tenth line the words "form, unite, divide, or" and sub-section 3 is amended by striking out the words "revise and determine" in the fifth and sixth lines and by substituting therefor the words "form, divide, unite" (see section 4 of chapter 36, Ont. Stats., 1899).

1901.

Sub-section 3 is further amended by inserting the words "if it thinks fit" after the word "may" in the first line thereof.

RECONSIDERATION OF AWARD FOR THE FORMATION OF UNION SCHOOL SECTION.

Sub-section 11 of section 46 (section 43 of the Revised Statute) is amended by section 5 of chapter 36, Ontario Statutes, 1899, by adding the following after the word "expedient" in the seventh line: "provided always that two-thirds of the ratepayers of any union school section may, at the expiration of three years from the date of the formation of such union section, petition the municipal council or councils concerned for a reconsideration of any award for the formation

of any union school section made under this Act, and such petition shall be taken in lieu of the petition or petitions, for the formation, alteration or dissolution of the union school section concerned, referred to in sub-section 1 of this section."

Sub-section 1 of section 54 (section 51 of the revised statute) is amended by section 17 of chap. 36, Ontario Statutes, 1899, by the addition of the following after the word "concerned" in the tenth line thereof: "and to the clerks of the respective municipalities. In any municipality where more than one assessor is appointed and employed, the reeve or mayor of the municipality shall name the assessor who shall act for and on behalf of such municipality."

Sub-section 2 of section 17 of chapter 36, Ontario Statutes, 1899, amends sub-section 2 of section 54, by striking out the words "shall name an arbitrator who" in the third line thereof, and sub-section 3 of said section 17 amends sub-section 3 of section 54 by striking out the words "name an" in the fourth line and inserting the words "act as" in lieu thereof.

Sub-section 3 of section 55 (section 52 in the Revised Statute) was added by section 6 of chapter 36 of the Ontario Statutes, 1899, and is as follows :

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

1901.

Sub-section 2 of section 56 (section 53 in the Revised Statute) is amended by the addition of the words "not disqualified" after the word "ratepayer" in the first line thereof.

Sub-section 3 of section 61 (section 58 in the Revised Statute) is amended by section 7 of chapter 36 of the Ontario Statutes, 1899, by the addition of the words "the mode of receiving the resignation of persons nominated for the office of school trustee before a poll is taken" after the words "closing the poll" in the eighth line.

LIMITATION OF NUMBER OF TRUSTEES IN TOWNS AND INCORPORATED VILLAGES.

Sub-section 6 is added to this section by section 8 of chapter 36 of the Ontario Statutes, 1899, and is as follows :

In towns and incorporated villages the trustees may, by resolution, limit the number of trustees constituting the public school board to six, provided that at least one month's notice was given of the intention to consider a resolution to that effect. When such resolution has been adopted, the election for school trustees shall thereafter be by vote of the electors of the whole municipality. Any reduction so approved shall not come into operation until the close of the school year. The board shall, by lot, determine what trustee or trustees shall retire in addition to the number retiring by annual rotation in order to admit of the election of three new trustees at the next annual meeting, and thereafter three trustees shall be elected by the ratepayers of the whole municipality each year to fill the place of the same number retiring by rotation annually.

1901.

Sub-section 9 of section 65 (section 62 in the Revised Statute) is amended by striking out the words "twelve months following the date of application" in the fourth line and substituting therefor the words "current year," sub-section 10 by substituting the word "six" for "eight in the fourth line, and sub-sec. 11 by striking out the words "at the end of every year" in the fourth line and by substituting therefor the words "as soon as the audit is made."

Section 69 is a new section enacted by section 1 of chapter 53, Ontario Statutes, 1900, and is as follows :

69. Every urban school board shall have power to expend such sums as they may deem expedient, not exceeding $200, in any one year, in promoting and encouraging gymnastics and other athletic exercises.

APPORTIONMENT OF INVESTMENTS AMONGST PUBLIC SCHOOL TRUSTEES.

Sub-section 4 was added to section 71 (section 67 in the Revised Statute) by section 29 of chapter 11 of the Ontario Statutes, 1899, and is as follows :

71. (4) The municipal corporation of every township shall have power to apportion by by-law, among the public school sections in the township, the principal or interest of any investments held by the corporation for public school purposes according to the salaries paid the teachers engaged by the respective school sections during the past year, or according to the average attendance of pupils at each school section during the same period, as may be deemed expedient.

This sub-section (or section 29 of chapter 11, Ontario Statutes, 1899) was repealed by sub-section 2 of section 16, chapter 33 of the Ontario Statutes, 1900, and apparently re-enacted as above by the consolidated Act.

1901.

Sub-section 1 of section 76 (72 in the Revised Statute) is amended by inserting the word "two" before the word "preceding" in the third line, and sub-section 2 by inserting the letter "A" after the word "form" in the second line.

Sub-section 9 of section 80 (formerly section 76) is amended by striking out the word "or" after the word "remove" in the eighth line, and adding after the word "confirm" the words "or modify."

Sub-section 3 of section 82 (formerly section 78) is amended by the substitution of the word "three" for the word "one" in the fourth line.

Sub-section 1 of section 83 (formerly section 79) is amended by section 10 of chapter 36, Ontario Statutes, 1899, by inserting after the word "county" in the third line, the words "including the inspector or inspectors of the county town or of any town separated from the county."

1901.

Sub-section 1 of section 84 (formerly section 80) is amended by the substitution of the word "may" for "shall" in the first line thereof.

WHEN ASSISTANT INSPECTOR MAY BE APPOINTED.

Sub-section 13 is added to section 86 (formerly section 82) by section 11 of chapter 36, Ontario Statutes, 1899, and is as follows :

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

1901.

Clause (c) of sub-section 3 of section 87 (formerly section 83) is amended by substituting the word "this" for the words "the school" in the first line thereof.

Sub-section 2 of section 92 (formerly section 88) is amended by section 3 of chapter 53, Ontario Statutes, 1900, by substituting the word "thirty" for "thirty-five" in the fifth line.

TEACHERS' RETIRING ALLOWANCE.

Section 94 is a new section introduced by section 2 of chapter 53, Ontario Statutes, 1900, and is as follows :

94. Where any teacher retires after serving twenty years or longer, the board of trustees may grant him an annual allowance not exceeding the salary which he was receiving at the time of retirement, or may in lieu of such allowance make a grant to such teacher by way of gratuity of such sum as will represent the present value of an allowance aforesaid for his life computed on the basis of interest at the rate of four per cent. per annum.

Section 105 (formerly section 100) is amended by section 16 of chapter 36, Ontario Statutes, 1899, by the addition of the following after the word "minutes" in the sixteenth line :

Provided further that any journalist or the publisher of any periodial, who may be elected public school trustee, shall not, by reason of the publication of any advertisement in the regular course of business in any newspaper or periodical of which such trustee is proprietor, or in which he is the holder of any shares or stock, be deemed to be disqualified to serve as school trustee.

NEWSPAPER PROPRIETORS INSERTING OFFICIAL ADVERTISEMENTS NOT DISQUALIFIED.

Section 106 is a new section introduced by section 22 of chapter 11, Ontario Statutes, 1899, and is as follows :

No person shall be disqualified from being elected a member of any public school board, or from sitting and voting in such board by reason only of his being proprietor of or otherwise interested in a newspaper or other periodical publication in which from time to time official advertisements are inserted by the board which appear in other newspapers or publications in the school district, or which is subscribed for by the board or by any of the departments or offices of the school district, although such advertisements or subscriptions are paid for at the usual rate out of the moneys of the school board, but this shall not apply to any person who has entered into an agreement or contract with a school board, to do at a specified rate all or the greater part of the printing required by such board during the term of such agreement or contract, but such member of school board shall not be entitled to vote where his own account is in question.

1901.

Section 109 (formerly section 103) is amended by substituting the word "whomsoever" for "whatsoever" in the fifth line.

Section 124 is a new section and is as follows :

The following Acts and parts of Acts of the Legislature of Ontario are hereby repealed. Revised Statutes of Ontario, 1897, chapter 292, 62 Victoria (second session) chapter 11, sections 22 and 29 and chapter 36, so far as the same relate to public schools, 63 Victoria, chapter 53.

Engineering Department

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

Underdrainage.

Many, if not most, country highways could be considerably improved by thorough subdrainage. Most roads need underdraining, even though water does not stand in the side ditches. Most people appear to think that the sole object of tile-drainage is to remove the surface water, but this is only a small part of the object of the underdrainage of roads.

The most important object of underdrainage is to lower the water level in the soil. The action of the sun and the breeze will finally dry the surface of the road, but if the foundation is soft and spongy, the wheels wear ruts and horses' feet make depressions between the ruts. The first shower fills these depressions with water and the road is soon a mass of mud. A good road cannot be maintained without a good foundation, and an undrained soil is a poor foundation. A dry subsoil can support any load. A friend of the writer, an intelligent man and a close observer, claims that even in a dry time the easiest digging on or around a farm is just under surface of a road having no underdrainage. His theory is, that except in the road, vegetation is continually pumping the water up from the subsoil and giving it out into the air, while in the road the compact surface prevents evaporation of the water in the subsoil. Therefore, the road needs underdrainage more than the field.

A second object of underdrainage is to dry the ground quickly after being frozen. When the frost comes out of the ground in the spring, it thaws quite as much from the bottom as from the top. If the land is underdrained, the water when released by thawing from below will be immediately carried away. This is particularly important in road drainage, since the foundation of the road will then remain solid and the road itself will not be cut up like untiled roads.

A third, and sometimes a very important object of subdrainage, is to remove what may be called the underflow. In some places where the ground is comparatively dry when it freezes in the fall, it will be very wet in the spring when the frost comes out, surprisingly so considering the dryness before freezing. The explanation is that after the ground freezes, water rises slowly in the soil by hydrostatic pressure of the water in higher places; and, if is not drawn off by underdrainage, it saturates the subsoil and rises as the frost goes out, so that ground, which was comparatively dry when it froze, is practically saturated when it thaws.

The underdrainage of a road not only removes the water, but prevents, or greatly reduces, the destructive effect of frost. Frost is destructive only where there is moisture. The upheaving action of frost is due to presence of water. Water expands on freezing and loosens the soil; when thawing takes place, the ground is left spongy and wet, and the roads "break up." If the roads are kept dry they will not break up. Underdrainage helps to keep them dry.

It is the universal observation that roads in low places which are tiled, dry out sooner than the untiled roads on the high land. The tiled roads never get so bad as those not tiled. There is no way in which road taxes can be spent to better advantage than in tiling the roads.

All roads, except those on pure sand, can be materially improved by tile drainage. In each community this is universally the opinion of the farmers who have had the best success in draining their own farms. The cost of tile drainage is not great, the improvement is permanent with no expense for maintenance, and the benefit is immediate and certain. Further, tile drainage is the very best preparation for a gravel or a stone road. Gravel or broken stone placed upon an undrained foundation is almost sure to sink gradually, whatever its thickness; whereas a thinner layer upon an underdrained roadbed will give much better service. Roads tiled without gravel are frequently better than roads graveled without tile.

Crowning.

A very notable defect of most country roads is the flat or even concave surface; others present the opposite extreme, and are so rounded up as to be dangerously high in the centre, making it difficult for vehicles to turn out in passing. Roads must be crowned sufficiently to shed the water from the centre to the open drains at the side, otherwise water will stand in the road, soak into it, soften and cause rapid wear and decay; but a crown higher than is necessary to properly drain the surface is also objectionable.

The amount of crown must be sufficient in the newly constructed road to provide for wear and settlement. It should be greater in the softer and rougher varieties of pavement than in those which are hard and smooth; a gravel road, or a broken stone road, must have a greater crown than a brick pavement. The amount of crown needed on a gravel road or one of broken stone varies with each of these classes according to the quality of gravel or stone, the nature of the subsoil and the care taken by rolling to provide against settlement. The amount of crown for newly built gravel roads should be one inch of rise to the foot of width from the edge of the ditch to the centre of the road, and this should be increased in the construction of roads on hills according to the steepness of the grade.

The amount of crown should not be more than sufficient to provide for surface drainage. A steeper crown than is necessary tends to confine traffic to the centre of the road, and in turning out, the weight of the load is thrown on one pair of wheels in such a way as to rut the side of the road. The shape of the crown is a matter on which expert road-makers differ, but with the class of material available for roads in Ontario, and the method and plans of construction, a form as nearly circular as possible will be found most serviceable, and most easily obtained.

Suggestions on Making and Repairing Roads.

The following instruction to pathmasters accompanied the statute labor lists last year in the township of Ops.

GRADING.

A properly graded road is uniform throughout, being slightly rounded and elevated in the centre, with sides sloping gently to shed the water. As straight roads look better than crooked ones, and are always shorter, care should be taken to stake the road the desired width before grading; about 16 feet between the ditches being preferred, that is, 8 feet from the centre on each side. Fresh graded roads should be harrowed and rolled to make them smooth and solid.

DITCHES.

The depth of the side ditches depends on the height of the grading, the quantity of water to be carried off, etc., but in all cases the outer sides should be sloped as well as the inner ones, to prevent caving in.

STONING.

When a road-bed of stone is required, it is always best to put the large stone in the bottom, filling up the cavities with the small stone as a base for gravel or earth. Stone should be spread and covered as soon as possible to guard against accidents.

SPRINGY ROADS.

When a roadway is very soft and springy, tile-draining is necessary before a dry road can be secured.

GRAVEL PITS.

When taking gravel from any pit, pathmasters and others should not pass the limits of the pit, otherwise they become personally liable for any damage to the adjoining lands.

GRAVELING.

A road should be graveled as soon as possible after stoning or grading to prevent displacing stone, or making deep ruts.

Every load should be spread about six feet wide as it is delivered, and any large pebbles in the gravel should be raked forward and put under the next load.

CULVERT.

Ordinary culverts should be at least eighteen feet long, and somewhat longer at road junctions. They should be close-fitting at top and sides, and the cross-timber placed so as not to impede the flow of water.

Combined Power Stations.

The two leading public service products are light and water. Both of these are essential. Both of them are supplied from central stations. The night consumption of water is materially less than the day consumption. The total light output is in the night. These facts afford the means for the combination of central stations by utilization of a common boiler plant for the operation of pumping machinery and lighting apparatus. It will be readily seen that local conditions and the size of the town will limit the extent of such combinations, but with the development of large units, both in electrical apparatus and pumping machinery, and in high voltage transmission, it is probable that combined central stations will eventually replace the numerous smaller stations in larger cities with economical result. However, as all the larger cities have already their established municipal waterworks system, the present field for combined plants is limited to smaller municipalities.

The principal advantage of a combined station is the reduction of cost of the public service to the taxpayer, brought about by,

1. A reduction in the first cost of the building and the steam plant.

2. Utilization of the surplus boiler capacity and surplus time of employees during the minimum water pumpage, for the light output.

3. The existence of but one management, which can better utilize the employees to an advantage at all times.

Taking up the first of these, it is evident that it is an item of considerable importance. One of the essentials of a steam plant is the duplication of the boilers to facilitate cleaning and repairing. Hence, where the construction in a single plant is twice the actual needed capacity, in the existence of separate central stations for these two public service institutions, the first cost would be practically four times the cost of the actually needed boiler plant. Furthermore, a building for a municipal central station should be substantial, hence expensive, thus another saving where one will answer for two.

In the second item the utilizing of the surplus time of the employees is of considerable import. The attendants of pumping machinery and electrical apparatus, owing to the development of self-oiling journals and automatic regulators, have nothing much to do but watch the wheels turn and see that the oil-ways are clear. Yet they are essentially and must be men of intelligence, hence, demand considerable compensation. In a combined central station one force of men can practically accomplish the same results that two similar forces can in separate plants. This is not so true in the boiler-room, for with the additional coal consumption additional stokers are required.

The greatest saving, however, can be effected in the third instance. Having a man of ability at the head of a department is essential to its success. Such a man demands a salary that forms a considerable portion of cost of maintenance of a public service institution in a smaller city, likewise so with his assistants. Therefore a reduction in the number of heads, by the combination of departments, will reduce the cost. The principal objection to the small municipal industrial plant is the fact that the volume of business does not permit the paying of sufficient salaries to engage the services of competent superintendent and engineers.

Embankments and Cuttings.

The protection of the sides of cuttings and embankments should be skilfully attended to. It is very common to see these washed away in places after heavy rain or after the spring thaw; the side of the cuttings settle into and fill the open drains, and the water is forced into the road; the sides of embankments wash away leaving dangerous holes in the road. The tendency is to make cuttings and embankments too steep, with a desire to do the least possible amount of work.

The stability of earth slopes is endangered by the action of air and moisture, especially by alternate frost and thaw, and depends on the ease with which water is drained away. A certain amount of moisture increases the strength of the slopes, but too much acts like a lubricant, and reduces the earth to a semi-fluid condition. Clay retains water and becomes pasty. Sand, if in a basin of water-holding earth, becomes a quicksand and is completely unstable. A mixture of sand and clay, the former favoring the access of water, and the latter preventing its escape, is one of the most difficult cases to deal with. There is a certain "angle of repose" at which the tendency of earth to slip is overcome. This angle varies with different kinds of earth, under various conditions of moisture. Wet clay is troublesome, and an angle of about sixteen degrees is sometimes needed to secure it. Well drained clay, however, will rest at an angle of forty-five degrees, or a slope of one to one. With average gravel and compact earth, a slope of one to one is a safe angle, although first-class gravel will retain an almost vertical face for a considerable time. Sand varies greatly, "water sand" being no better than wet clay. Dry sand usually needs a slope of one and one-half to one. Vegetable earth also is apt to be unstable and needs a slope of one and one half to one. Rules of this description cannot be laid down with sufficient accuracy to be of use, except as they serve to indicate what is to be expected with different soils. The qualities of soils are so variable that it is necessary to learn by observation what slope is needed for a particular piece of earthwork.

The natural form of an earth slope when in permanent repose is a concave curve, with the flattest portion near the bottom. There is a careless tendency to leave the slope rather in the opposite form with an outward curve. Convex or straight slopes will invariably slip until the natural form is obtained, and in cuttings or embankments approaching ten feet in height, care given to a proper construction in this regard is always profitable.

A dry stone wall at the foot of an embankment or cutting will protect the drain from slipping earth. A coating of sod is one of the best protectors of the slope; and a few inches of vegetable mould over the surface with a liberal sowing of grass seed is a measure sometimes adopted.

The Purification of Sewage.

The Connecticut sewerage commissioners in their second annual report, recently issued, condemn "chemical precipitation" as unsatisfactory, and comment favorably on bacterial treatment by means of sand filters and bacterial beds, combined with the septic tanks to remove the solids. The following recommendations are made to the Governor of the State:

"First.—The disposal of sewage without nuisance is a duty which each community owes to the public. It is a problem to be settled by each community for itself, with such state supervision and control as is necessary in the public interest.

"Second.—No city, borough or town which has not now a sewerage system should be allowed hereafter to build one which will discharge sewage or polluted water into any stream, whether such stream at the time is used by others for sewage disposal or not; nor should private corporations or individuals be allowed to discharge house sewage or excreta into streams or rivers.

"Third.—To insure sewerage construction and methods of sewage disposal which will be permanently satisfactory, the general assembly should not grant to any corporation, not now operating a municipal sewerage system, authority to issue bonds for building, or to condemn land for building, or to build any sewers or system of sewers, until an accurate topographical survey of the region to be sewered has been made, and, together with plans for effective sewage purification before discharging the effluent into any stream, has been submitted to and approved by some competent State authority.

"Fourth.—Provision should also be made by which cities and boroughs now having sewage disposal works, or which may hereafter build them, may be compelled by the State to so manage them that the sewage shall at all times be effectively purified, so as not to create a nuisance by its discharge into rivers."

Sewerage.

In starting the work of draining a town, whether it is intended to finish the work at once or not, a plan showing the complete system should be drawn so that when it is ended the arrangement will be in accordance with the original design. It is almost needless to say that a system of sewers should be perfectly tight from end to end. If they allow foul liquids and gases to permeate the ground they are little better than the vault or cess-pool.

The commonest of all defects in sewers is that expensive one, being too large. It is much better to have occasional repairs, due to excessive rainfalls, than to allow for extraordinary cases. The invariable result of making sewers too large is that a sediment forms in the bottom and before long they are clogged with filth, only a small orifice large enough for the ordinary flow remaining, whereas, had they been of the proper size they would have, by their own flow, been kept clean and would have received a much greater rainfall than the larger, but choked sewer.

The round sewer is, as a general rule, the best. With it we can always secure a good joint by fitting parts to the bottom. Besides, they have the greatest area for the amount of wall. The pipe should always be hard and smooth. If at all porous they contaminate the adjacent ground, and render the pipe more subject to frost and to the destroying action of sewer gases. If there is any danger from roots of trees, etc., it will be advisable to lay the pipe in cement. Where the supply of sewerage is very intermittent an egg-shaped sewer is sometimes preferred. Where the stream becomes very shallow it is also narrow so that sediment is not likely to collect. This latter kind is usually made of brick and is more expensive.

One author describes the danger of unventilated sewers as being greater than that of a steam engine without a safety valve, and indeed it is so, for while in the latter case the lives of but few are exposed, in the former the health and life of the whole community is at stake. As temperatu e changes, tides rise or fall, the force of wind at the mouth of sewers varies, the pressure of the confined gases is changed, and as the amount of water in an ordinary trap is but small the probabilities are that they will be forced or syphoned. If syphoned, a district communication between the public sewer and our houses will be established for the entrance of poisonous gases. Besides, if means be provide i for a free passage of air through the sewer,the same amount of gas will not be generated, for much of the foul matter in a short time becomes oxydized.

Ventilation by means of water pipes to the eaves of houses has been advocated, but this method is faulty in that, when most needed, during heavy rains, the pipes are choked with a flow of water. Most sanitary authorities have decided that the best sewer ventilators yet used are manholes covered with iron gratings and emerging in the centre of the street.

When a system of sewers is faulty in grade or size, special appliances for flushing should be provided. One good arrangement consists of an iron tank fastened on trunions, having the back end heavier when empty. On being filled with water and waste the front end becomes the heavier and it is canted forward It is faulty in one respect; that when in fallen position all matter issuing from the sewer above it will form a pile of filth beneath the back of the box. Other arrangements, such as dams, etc., have been used, but they are insufficient, since they are not self-acting, but require constant attention. Another useful flushing tank for sewers has a disc held in place by the force of the water covering the mouth of the sewer running from the man-hole. The sewage is periodically released by means of a chain fastened to a circular block, but as a precaution a float is attached to the chain so that should the other rise to that height it will liberate itself.

If, however, the sewer be properly arranged in other respects it will require but little flushing. During hot summer months, or if fever be prevalent in the town, an occasional cleansing will be necessary. The work should always be begun at its lower end, so that there will be no danger of deposits already at the lower end, and stopping dirt coming down the sewer.

Roads in the Sunny South.

The Southern Good Roads Convention of the U. S. National Good Roads Association, which was held in New Orleans, April 29th and 30th, is a landmark in the history of road reform on this continent. Two Canadians, Mr. Andrew Pattullo, M. P. P. and Mr. A. W. Campbell, Deputy Commissioner of Public Works, were present as guests of the Association; and having returned are enthusiastic as to the comprehensive and energetic way in which Americans are arousing interest in behalf of better roads. Thanks to the splendid abilities of the president of the U. S. National Association, Col. W. H. Moore, the convention was attended by a large audience of representative Southerners.

This convention was on the route of the good roads train which left Chicago on the 20th of April, carrying road machinery and expert road builders. This train will be run for three months over the lines of the Illinois Central Railway, and sample stretches of road will be constructed at prominent points. At New Orleans the building of a sample mile of road was watched by thousands of interested spectators.

The speeches delivered by Messrs. Campbell and Pattullo were received with most flattering interest by the audience.

The address of Mr. Pattullo, as all who have heard him speak in behalf of good roads will understand, was masterly and eloquent. To quote the report of the New Orleans *Picayune*, "The morning convention had been in session two and a half hours, when the Hon. Andrew Pattullo, member of the Canadian Parliament at Toronto and president of the Ontario Good Roads Association, of Woodstock, was introduced. The delegates were a bit tired and restless, but the bright-faced orator from the Dominion caught them. His clear-cut, Anglo-American logic put new life into everything, and before he had been speaking five minutes, the Good Roads Convention was a mass of life, applauding and laughing."

To President Moore, of the U. S. National Association, we extend our earnest congratulations, and would express a hope that in the near future Canada may have a Dominion Association, which will perform a work as useful and encouraging.

The Watering-Cart.

A "superintendent of street sprinkling" is an officer of the Public Works Department in Hamilton, and his first annual report, for 1900, will be found of interest, for the subduing of dust is a matter of much satisfaction and dissatisfaction wherever the watering-cart is used. Streets in Hamilton are sprinkled by wagons and by electric car on streets where there is an electric railway. Instructions to drivers, printed on the first page of each "route-book," are as follows:

A FEW THINGS TO REMEMBER.

Drivers must exercise care and judgment in the performance of their work.

The object of street sprinkling is to lay the dust and not to make mud.

Shaded streets do not require as much water as other streets.

If shaded places are wet, do not sprinkle these places when going over the street a second time.

Too much water destroys macadamized roads, and is the cause of ruts being cut by wagons. It is also wilful waste.

Protect as much as possible the bicycle path from unnecessary water, and do whatever you can towards keeping the path in good condition.

No person is allowed to drive on the seat with the driver.

Carts must be greased twice a week by the driver.

Drivers must not trot their horses under any consideration.

Nine hours is a day's work. No loafing will be tolerated.

Complaints made by citizens must be reported to the superintendent.

Drivers will be held strictly responsible for the proper sprinkling of their routes, and for the care of the wagon and hose.

The superintendent will, at any time, assist drivers to overcome any difficulty.

Drivers are requested to make any suggestions that may tend to the improvement of street sprinkling.

Dismissal will be promptly given for failure in the discharge of duty or disobedience of orders.

By order,

WM. MCANDREW,

Supt. of Street Sprinkling.

The driver appointed to each route is held responsible for the proper sprinkling, twice a day of his district, and when any complaint was received of lack of water, idleness, impudence, abuse of horses or wagon, the driver was called to account. Mr. McAndrew says :

The first wagons of the season, five in number, were out on Monday, April 16th ; these were gradually increased to twenty-three on Saturday, April 21st, twenty-six being out on Tuesday, April 24th. I started three additional wagons on May 14th and 15th, and June 1st, respectively. The last day the wagons were out was Monday, October 22nd. The greatest number of days any wagon worked was 130. A fair average of the number of days the wagons were in service is 120.

I keep in the office a complaint-book, in which is registered all complaints, together with the final disposition of the same. Personal inspection and investigation is given to every complaint, and in nine out of ten cases by doing so the department has been able to satisfy the citizen without any inconvenience, and much to his or her pleasure. Some of the complaints are important but a large percentage of them are trivial.

It is worthy of more than passing notice that few complaints are made about men who drive their own horses. They are generally made about young men who, for a small wage, drive a team they do not own, not caring much whether their work is satisfactory or not. The complaint-book shows that many of the drivers who own their own teams have not had a single complaint made against them during the entire season. The department would be greatly improved, and fewer complaints registered, if I were allowed to engage the teams and drivers. This is one of the weak spots and should be remedied at once.

One great source of complaint is that nearly every person would like to have the street sprinkled in front of his residence between eight and nine o'clock in the morning. It is impossible to concede this request, but the department's best efforts were made to satisfy those citizens whose requests were within reason, without causing other citizens any inconvenience.

Business streets and streets having a large amount of traffic should be sprinkled more frequently than twice a day. A few of these streets were sprinkled four times daily, and quite a number of them three times daily—morning, noon and evening. Wherever this was done the citizens expressed their appreciation of the work, but to carry it out to any great extent would increase the cost of the service.

The drivers and teams work nine hours a day, the work-day established by the council. For the teams the pay is $3 for full day or part of day, the wages of the driver being regulated and paid by the owner of the team. The small wage frequently paid is the reason why drivers become dissatisfied and are continually leaving the job, after they have a thorough knowledge of the work and are familiar with the routes. This impairs the efficiency of the department. I think the fire and water committee might regulate in some degree this matter of wages, if the present system of hiring teams is to continue, thereby getting better men as drivers, and as a natural consequence improving the street sprinkling. The number of half days that teams worked, for which they received a full day's pay is twenty-one.

The cement sidewalks that are being put down by the Board of Works, and the narrowing of the road-bed at the same time, will make in the near future the care of the streets, as far as the sprinkling is concerned, much easier to look after. But against this will have to be placed the tar macadam, as they will require extra sprinkling, owing to their hardness and being impervious to water, causing them to become dusty in a very short time. Wherever tar macadam roads are put down, extra street sweeping will have to be done to insure keeping down the dust. The sprinklers cannot do it without assistance in this respect.

Tires.

People tax themselves in time, labor and money for constructing roads, and then purchase narrow tire wagons to destroy them. If tires of from four to six inches were used on lumber wagons a very great change would be quickly noticed in the condition of the roads. The difference between a narrow tire and a wide tire on a road, is about the same as the difference between a pick and a pounder. The one tears up, the other consolidates. When wide tires come into general use, a great part of the question of good roads will be solved, as the wear of the road is nearly as important an item to consider as its construction. With wide tires, the cost of keeping roads graveled would be reduced one-half.

It is objected to broad tires that they are heavy to draw over rutted or stoney roads. It is, however, the narrow tires which are so largely responsible for the ruts and for working the stones loose; instead of which, wide tires would keep the roadbed smooth and would compress stones into it.

Clay and Sand in Gravel.

Dirt mixed with gravel is not only useless, but is hurtful to the road. Evidence of this is found on your roads where a few loads of clean, hard gravel have been placed on the road, followed by a load or two of dirty stuff, then clean metal, then dirty, and so on. The surface of such a road is a series of ups and downs, some smooth spots, then ruts.

It is contended that a certain amount of clay and sand is needed to act as a binder, and sections of roadway may be pointed out which have consolidated readily and make a nice smooth drive. This is undoubtedly the case during summer, but it will be found that a pleasant summer road is frequently a very poor fall and spring road. The bond made by sand and clay is weak, and there is not the mechanical hold which one stone takes upon another by pressure, as is the case when clean material is used and well rolled. The result is that an extended rain turns the road into slush, mud and ruts.

When clay or sand is mixed with gravel, it absorbs and retains moisture, the whole yielding readily under traffic. It has not the power to support wheels that good, clean material has. In a number of townships throughout the province the practice of screening the gravel is successfully followed.

Location of Roads.

As the sustaining power of a chain is no greater than the strength of its weakest link, so the utility of a road is measured largely by the steepest grade or poorest section. For this reason, hills, cuts and steep grades should be avoided, and the best ground for a road foundation should be chosen. Such pieces of road as are on hills should be judiciously altered to obtain easy grades, provision being made in the Municipal Act for such changes of location.

A mistake sometimes arises from the idea that the distance over a hill is necessarily shorter than the distance around it; and that the distance down the valley and up, is shorter than the detour necessary to avoid the hill whereas the reverse may be the case; and in any event, the steep grades, necessitating smaller loads, loss of time and expense for maintenance, form a very great consideration.

This is a very important matter which should be considered as far as possible at once. The longer the delay the more difficult it will be to rectify errors. Numerous instances will be found in which a slight change in the course of a road would result not only in a great saving in building and maintaining it, but would add to the convenience of traffic.

The township of Bertie recently purchased a new style Western Reversible Road Machine from the Sawyer-Massey Company.

Question Drawer.

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

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

Communications requiring immediate atten ion will be answered free by post, on receipt of a stamp addressed envelope. All Questions answered will be published unless $1 is enclosed with request for private reply.

Liability for Rent of Private Hall for Holding Coroner's Inquest.

286—A. B.—A coroner's inquest was held on the body of a child that died in the township of ———. There being no hall adjacent to where death occurred, the coroner held the inquiry in a hall belonging to a hotelkeeper in an incorporated village, several miles from where death took place. Who pays hotelkeeper for use of hall, township, village or county? Give authority.

We are of the opinion that neither the township, village nor county is liable for the use of the hall in question. There is no statutory provision authorizing the coroner to hire a hall for the purpose of holding an inquest and render any municipality liable for the price agreed to be paid for the use of such hall. In the case of Dark vs. the Municipal Council of Huron and Bruce, 7 C. P. 378, the plaintiff, a hotel-keeper, sued the united counties of Huron and Bruce to recover the sum of $34 for accomodation for holding the courts of assize and quarter session in the British Exchange Hotel, from January to November, 1853. In this case the sheriff engaged the rooms and an order was issued, and signed by the chairman of the quarter sessions, upon the treasurer of the Huron district but the latter refused to pay it. The Court of Common Pleas held that the counties were not liable. Assuming in the case that neither the county nor municipaltiy had anything to do with the hiring of the room in which the inquest was held, it is a much weaker case than the case cited, and it is therefore clear that none of the municipalities mentioned are liable.

A Drainage By-Law — When can Debentures Issue? — Surplusage and Insufficiency of Funds Provided.

287—H. A.—Our town council has finally passed a by-law for drainage work, amounting to about $10,000, on Nov. 12th last. The by-law was properly published according to Drainage Act. Court of revision was held and the by-law registered, but so far only engineering work is done. Now what I would like to know is, whether we have a right to offer for sale the debentures along with other local improvement debentures before the said drainage work is fully completed, and further, in case the cost of construction exceeds the estimate of the engineer, or in case the cost of construction will be less than the engineer's estimate, how should the matter be treated after completion, that is, how should any surplus money be applied, and what is to be done in case the cost of construction exceeds the engineer's estimates? The contract for piping is let, and of course the work will be completed this summer.

Your council can issue debentures for the amount proposed to be raised for drainage purposes under the by-law at any time after the by-law has been finally passed, but, perhaps, it might be as well to wait until the expiration of six weeks from the final passing of the by-law within which any application to quash it may be made. As to the amount of each debenture see sub-section 2 of secti n 19 of the Drainage Act (R S. O., 1897, chap. 226.) As to their validity and sufficiency in the hands of a purchaser. See sections 55 and 56 of the Act.

In case the amount mentioned in the by-law proves insufficient to complete the work, an amending by-law to raise the additional sum required may be passed under the authority of sub-section 1 of section 66 of the Act. If the sum provided for in the original by-law turns out to be more than sufficient to complete the drainage works, the surplus shall, until wholly paid, be applied by the council of the municipality *pro rata* according to the assessment in payment of the rates imposed by it for the work in each and every year after the completion of the work. (See sub-section 3 of section 66 of the Act.)

Assessment of Standing Timber—Liability for Defective Road.

288—W. D. R.—A lumberman has bought the timber on a certain area of swamp-land, bounded on one side by a concession of the township in which the lands are situated. In carrying on his business at this season of the year when frost is going out, he draws very heavy loads of green timber and has done a great deal of injury to road. Will take a large sum of money to repair. The road before he started to use it was sufficient for all ordinary travel. The part of the road bounding the premises occupied by him was built of stone and considered a good passable road. It is now nearly the opposite of all this.

1. Is he or is he not assessable and taxable for the timber which he owns though he may not own the land?

2. Can he hold the council of the municipality liable for any damages that may accrue to his horses, harness or wagons, while drawing such loads over a road, which by his own action, he has rendered impassible?

1. No.

2. The municipality is bound to keep this road in a reasonably good state of repair, having in view the amount of travel over it and the means of the municipality to maintain the road in a good state of repair. If the municipality neglects this duty imposed upon it and an accident happens it will be liable in damages.

A Taxpayer's Mistake.

289—J. C. C.—In the spring of 1900 our assessor left with a ratepayer a slip or notice assessing his property for $3,700. By some means the assessor entered it on his roll as $3,800. I may say that we always consider that the amount on the slip left by the assessor is the real assessment. Then in the succeeding fall I, as clerk, made up the ratepayer's taxes on the $3,800 appearing on the roll and the tax collector called on him, demanded and got the tax on $3,800, the farmer not noticing the discrepancy in assessment. This spring, however, when the assessor of 1901 is going his rounds, the farmer discovers the mistake of last year and at once comes to the council to have it rectified by a refund of the tax on the $100 excess. As he paid his tax last fall without protest, we thought perhaps he had forfeited his right to a refund. Is he entitled to this refund?

The assessment roll governs and, if the ratepayer in question has not paid more than the right amount of taxes according to the assessment roll it does not matter that there was a mistake of $100 in the notice and therefore he cannot obtain a refund of the taxes upon $100.

Sale of Recreation Grounds—Village Cannot Make Grant to fit up Private Recreation Grounds.

290—J. M.—Recreation grounds belonging to municipality being no longer suitable for its purposes, the municipality proposes to sell and grant proceeds to fit up much better grounds, which are leased by private persons, village to have use of grounds for ten years. Is such grant legal?

It appears from the facts of this case, which are more fully stated in the subsequent letter received by us, that the lands referred to were acquired in 1883, to be used as exhibition grounds, and that a ninety-nine year lease thereof was made to the horticultural society, but some years ago this lease was surrendered, so that this society has now no interest whatever in the lands. The deed of the lands is in the ordinary statutory form, and contains no clause that these lands were to be used for any particular purpose. In re Peck vs. Galt, 46 U. C. Q. B., 211, Mr. Justice Osler, at p. 219, says: "A square or park which they lay out upon lands acquired by them for that or other purposes untrammelled by any trust as to its disposal, may be dealt with under the ample powers conferred upon them by section 509, at least, where no one has acquired any right in consequence of their action; but that section does not, in my opinion, authorize them to deal with property dedicated by the owner for a special purpose, as was the case here.' Section 509 appears now as section 637 of the Municipal Act. If these lands are held free from any trust they may be sold by the council. We put it this way because it is possible that it can be shown that they were conveyed for a particular purpose, though the deed is on its face, free from any trust. The probability, however, from what you state, is that the municipality holds these lands free from any trust. It does not, however, follow that the council may do what it pleases with the proceeds of sale of the lands, and we are not aware of any legislative authority to the council to grant the proceeds to private individuals in the terms proposed.

Illegal Selling of Portion of Drain—Purchase of Road—Licensing Cheese and Butter Factories.

291—SUBSCRIBER.—1. A ratepayer of this township has had a portion of his watercourse sold by the inspector of the watercourse, and the notices were posted up that the said portion of the watercourse was going to be sold, we will say on the tenth of the month. And the inspector did not sell it on that day but on the next day without notices. Can the council force that ratepayer to pay for that portion of that watercourse the way it was sold?

2. About six years ago the council purchased a piece of land for a road twenty-five feet wide by about six acres long. Now the ratepayers passing on that road want to have the full width of the road, sixty-six feet. For the said piece of land purchased for that road has been paid $60, and the present councillors are of opinion that the said land was paid twice too much for. Can the council take the sixty-six feet wide now without paying any more money if they think the land was reasonably paid for or will the price of the additional land have to be fixed by arbitration?

3. Last year the council passed a by-law giving the sole right to A to erect a butter factory or cheese factory in or near the township of Rayside, provided that the said A would pay a license of $5 to the corporation. And furthermore the council engage themselves to not let any one else erect butter or cheese factory and manufacture the same unless to pay a license of $200 to the corporation. Can the council impose such a license on any one that would erect a butter or cheese factory and that would manufacture cheese or butter? The intending manufacturer has built his factory and did not say a word of anything to the council. And he is the one that has signed the by-law.

1. We assume that this was a case of the letting of the cleaning out or repair of a drain constructed under the Ditches and Watercourses' Act, after the party, liable under the award to do the work, had made default. (See section 35 of the Act.) This being the case, the engineer should let the contract at the time advertised, or, if for any reason he could not do so, he should have adjourned the sale, and posted up reasonable notice of the date to which the sale was adjourned. The party who would otherwise be liable to pay the cost of this work, might successfully resist payment now on the ground that the provisions of the Act had not been complied with, that he did not know when the work was to be let; or whether it was to be let at all or not.

2. The council cannot now take the balance of the 66 feet without paying a reasonable price by way of compensation for the quantity of land in excess of that formerly bought for the road and paid for. If the owner and council cannot agree as to the amount, the question must be settled by arbitration proceedings under the Municipal Act (see section 437 of the Act). As to the authority to the council to pass by-laws to open up a road see section 637 of the Act, and as to the preliminary proceedings necessary see section 632.

3. A township council has no authority, statutory or otherwise, to pass a by-law of the kind you mention. They have no power to exact a license fee from a person or company carrying on a cheese or butter factory in the township, or to directly or indirectly by imposing a license that would prove practically prohibitive, or otherwise, create a monopoly of this business in any individual or company.

Waterworks and Electric Light By-Law.

292—T. I. T.—1. Enclosed you will find copies of by-laws which will come before our electors at an early date, and I will deem it a very great favor if you will criticize them severely. There have been some hints thrown out that in some particulars these are not in accordance with the Municipal Act, and, therefore, liable to be quashed by some opponent to the passing of the by-laws. One of the points at issue in proposed by-laws is the legality of holding election with only one polling place.

2. At a regular meeting of our council held March 19th last, the following resolution was passed:

Moved and seconded, "That a by-law be introduced fixing the assessment on mill property of.....at $13,000 and on mill property of.....at $4,000 and that the assessors be instructed to return their assessment at above figures."

Kindly advise me if you consider such a resolution legal and if so, such hints from you as will enable me to prepare the by-law referred to.

1. In regard to the electric light by-law the only objection which can be made to it is that the recital of the amount of the debenture debt is not in accordance with subsection 9 (d) of section 384 of the Municipal Act which requires the amount of the existing debenture debt of the municipality, and how much (if any) of the principal or interest is in arrears, to be stated in the by-law. If no debentures have been issued to raise the bonus, the $50,000 cannot, strictly speaking, be said to be a debenture debt until the debentures are issued and, therefore, we think that the objection is not a fatal one. In regard to the waterworks by-law the same remarks are applicable but the period of forty years, over which it is proposed to make the debentures payable, is not authorized by the Municipal or Waterworks Act. We observe, however, that this by-law is not to take effect until ratified by the legislature and the reason for the intended ratification by the legislature is because the council understand that the period of forty years is beyond what is authorized by the law. We do not think that there is anything in the objection that there is only one polling place.

2. We are of the opinion that the resolution, passed by your council fixing the assessment on municipal property, is illegal. It is the duty of the assessor to assess all property at its actual cash value without regard to the wishes of the council, and, if any person feels aggrieved, his remedy is by appeal to the court of revision and, if dissatisfied with the decision of the court of revision, he has an appeal to the county judge whose decision is final.

A By-Law Cannot be Amended by a Motion.

293—R. C.—A motion was passed in council raising salary of keeper and matron of Industrial Home. No motion amending by-law fixing their salaries. How long does motion of council stand good without by law being amended?

We understand that no *by-law* has been passed by the council amending the by-law originally passed to fix the salaries of the keeper and matron of the Industrial Home. This being the case, no change in such salaries has been effected that is valid and binding. A by-law cannot be amended by a motion or resolution of council.

Granting of Licenses as Auctioneers Etc. to Residents and Non-Residents.

294—W.—Can a county council discriminate between residents of the county and others in a tariff of fees under a by-law re auctioneers', hawkers' and pedlars' licenses? For instance, can they issue a pedlar's license for $10 to a merchant who is a resident and bona fide doing business in the county, and charge say, $25 to non-residents for a similar license?

No. As a rule, the powers vested in municipal corporations should be exercised by by-laws, general in their nature and impartial in their operation, and we see no reason why this rule should be departed from, in the case of auctioneers' licenses.

By-Law Guaranteeing Repayment of a Loan Should be Submitted to Electors.

295—J. S. T.—May a council give the guarantee of the municipality for the payment of a loan (given to roller mill) to the mortgagee, without submitting a by-law to the electors and tax the mill property as a local assessment so much per annum until paid?

Councils of townships, cities, towns or villages in the case of by-laws for work payable by local assessment may guarantee the debentures issued to raise money to pay for such work (see section 385, sub section 2 of the Municipal Act) and councils of counties may guarantee debentures of any municipality within the county as they may deem expedient (see section 439, 4, of the Municipal Act.) These are the only provisions to be found in the Municipal Act giving councils power to guarantee debentures. Section 9 of the Municipal Amendment Act of 1900 empowers the councils of townships, cities, towns and incorporated villages to pass by-laws for granting aid by way of *bonus* for the promotion of manufactures within the limits of the municipality, but by sub-section (a) of the same section no such by-law shall be passed until the assent of the electors has been obtained in conformity with the provisions of that Act for granting bonuses to manufacturing industries, and section 10 (b) of this Act declares that the word "bonus" shall mean and include "the guaranteeing of the repayment of money loaned and interest." It is, therefore, clear that in this case any by-law of the council passed for the purpose of guaranteeing a loan by way of aiding the manufactures in question must receive the assent of the electors.

Reeve Has the Right to Move or Second a Motion.

296—CLERK.—A question arose at our last council meeting whether the reeve had the right to move or second a motion. I hold that he has. Holding that, as he had a right by section 274 to vote on all questions with the other members, he also had the right with them to introduce or second a motion. I know this question has been answered in the affirmative different times in the WORLD.

Would you kindly answer again in next issue of the WORLD, giving your reasons?

Yes. Section 274 of the Municipal Act gives the reeve the right to vote on all questions, and, being entitled, there is nothing in the Municipal Act to prevent him from proposing any resolution and having a vote of the council taken upon it. See question No, 48, 1901, and questions Nos. 239, 348 and 409, 1900.

A Fire Limit By-law.

297—W. C. M. – The case in point was a one story building, that is, 12 foot concrete, twelve inch walls, the roof being of iron. When objection was made they did not claim it to be more than one story but held that the council could not pass a by-law regulating the height, as one story served the purpose and they could not put him to the expense of putting on another story, simply to make it look better, as long as the walls were twelve inches thick, and roof of incombustible material, they could not be stopped.

1. Have the council the right to regulate height?

2. Have the council the right to regulate thickness of walls, particularly the second story, what would be understood by main walls?

3. If a building, say 30 x 60, was built two stories and twelve inch wall, could an addition in the rear be built with nine inch wall?

The following is an extract from our Fire Limit By-law:

From and after the passing of this by-law it shall not be lawful to erect or place any building or part of a building within those parts of the town of Simcoe hereinafter particularly mentioned and described, and fronting upon any main street therein, other than with main walls not less than one foot thick of brick or stone and with roofing of an incombustible material, and such building to be not less than two stories in height.

1. No.

2. Yes. By main walls we would understand the exterior walls of a building; or those dividing or separating it from adjoining buildings.

3. If the building is located within the fire limits and the wall of the addition is an exterior wall, it should be built in conformity with the provisions of the by-law and be twelve inches wide.

Tenant's Right as School Trustee and to Vote on School Questions.—Assessment of Wires and Poles of Telephone Company.

298—F.—1. Can a tenant act as trustee and sign a requisition asking council to raise, by way of debentures, certain sums of money to erect a new school house, said tenant's lease expiring in two or three years, the debentures having ten years to run?

2. Can tenants vote at school meeting on questions such as raising money by debenture to erect new school house, their lease expiring in three years and the debentures to run ten years?

3. What value per mile is generally placed on wire and poles of a telephone company?

1. The persons qualified to be elected and act as school trustees are "such persons as are British subjects and resident ratepayers, or farmers' sons within the meaning of the Municipal Act, of the full age of twenty one years and not disqualified under the Act (see sub-section 2 of section 9, Public Schools Act.) A tenant is a ratepayer no matter what time his tenancy has to run, if he is assesssd, and, if he can otherwise qualify, he is eligible for election as a school trustee. If elected he can and must perform all the duties imposed on a public school trustee, by the Public Schools Act, and one of these duties is to apply to the township council for the issue of debentures under section 70, sub-section 1 of the Act.

2. Section 12 of the Act provides that "every ratepayer, of the full age of twenty-one years, who is a public school supporter of the section for which such person is a ratepayer, etc., shall be entitled to vote at any election for school trustee, and *on any school question* whatever," such a tenant as you mention is a "ratepayer" within the meaning of the section and has the right to vote on a question of this kind.

3. Section 2 of the Assessment Amendment Act, 1901, provides that "real property belonging to or in the possession of any person or incorporated company and extending over more than one ward in any city or town, or situate in any township, may be assessed together in any one of such wards, at the option of the assessor, or the assessment of the property may be apportioned amongst two or more of such wards in such manner as he may deem convenient, and in either case the property shall be valued as a whole or as an integral part of the whole." We cannot place any value on property of this kind as it varies in different localities. The assessor should, keeping in view the provisions of the above section, place such a value on the property as his impartial judgment and ability and peculiar knowledge of the subject-matter would lead him to conclude to be correct.

A Road Obstructed by Snow.

299—J. R.—In case of roads being blocked with snow, and parties break through fences into a man's property and by so doing cut wire fences and tear out rails and destroy them, work being done by order of pathmaster, who would be liable for damage done to said property? Would it be right for the council to pay? Or could they be compelled to pay?

Chapter 240, R. S. O., 1897, empowers municipal councils to pass by-laws requiring owners or occupants of lands bordering upon any public highway to take down, alter or remove any fence found to cause an accumulation of snow or drift so as to impede or obstruct the travel on the public highway, and the council when it acts under this Act, is required to make compensation to such persons, and, therefore, in the absence of any by-law authorizing the taking down, fences under the provisions of this Act, we cannot see what authority the pathmaster has to take down fences or cause them to be taken down and render the municipality liable in damages to the owner without any authority from the council.

Unauthorized Board of Health Resolutions.

300—J. C.—1. The following resolution was adopted by the Board of Health of the township of.....on the 29th ult.:

"That all children of fifteen years and younger in the township of.....be vaccinated at the township's expense."

Is this a legal charge against the township?

2. This same Board of Health also passed a resolution that the township furnish the vaccine points as a township charge. Is that according to law?

1. A local board of health has no authority to pass a resolution of this kind. By sub-section 1 of section 4 of chapter 249, R. S. O., 1897, the *council* of a city, town, township and incorporated village is empowered and required to contract with some legally qualified and competent medical practitioner for the period of one year, and so from year to year, as such contract expires, for the vaccination, at the expense of the municipality, of all POOR persons, and *at their own expense*, of all other persons resident in such municipality, etc. In case the council of a municipality neglects to enter into such contract for one month after their attention has been called in writing by the local board of health to such neglect, the local board of health may enter into such contract. Section 14 of the Act makes provision for the introduction of compulsory vaccination by the *council* of a municipality, which evidenced by the issuing of a proclamation by the head of the municipality, published as mentioned in the section.

2. No. The physicians who do the vaccinating must furnish the vaccine points used.

Disposition of Collector's Bond.

301.—J. C. C.—1. Does the return of the collector's roll with the duly sworn to *account* required by sections 147-8 of Assessment Act, relieve the collector and his sureties?

2. Our collector, having complied with these sections, now asks council to relieve him and his sureties and surrender the bond. What should the council do in the premises?

They feel a hesitancy about cancelling the bond because of possible errors of collector that might come to light in the future. On the other hand it does not seem right to longer hold the collector and especially the sureties, and compel them, as it were, to remain under contract with the corporation and thus perhaps be ineligible to run for or hold office, etc.

What is usual in such matters?

1. No. Only to the extent to which the collector has made his returns and performed his duties as the law requires.

2. The council has no right to cancel or surrender the collector's bond. As soon as it is signed by the collector and his surieties and delivered to the council, it becomes one of the municipal records, and should be retained in the custody of the clerk for the time being as such, for all time to come. If the collector has collected, duly accounted for and paid over all monies of the municipality coming into his hands by virtue of his office; returned his roll, and otherwise performed his duties as the law requires, the retention of the bond by the municipality will not work the disqualification of any of the parties to it, from being elected to or holding any of the offices you mention.

Opening Road For Private Individual—Removal of Fences on Road Allowances.

302—C. W.—1. A ratepayer in this township owns a lot in the adjoining township just near the town-line which is not well accessible in its own township but easily in this one being a proven line. Is this township obliged to open the said proven line or the other one in which the land is situate? The road will be of no other use but just for access to the said lot.

2. If a ratepayer has a fence on an original road allowance too far crowded out, and is compelled to remove his fence to the proper distance, can he, in retaliation, compel the council to widen all other roads in the township to the lawful width? Few of our roads are on original allowances and most of them are narrowed by fences.

1. The council of neither township is bound to open up this road for the accomodation of this one person only and should not do so, unless general public necessity, in their opinion, requires it.

2. No.

Ratio of Statute Labor.

303—J. R.—A is assessed as follows: (*a*) Lot 21, 200 acres, $5,000; (*b*) east half 22, 100 acres, $1,800; (*c*) part 21, 5 acres, $300; all in the same road division.

(*a*) would call for six days' statute labor and (*b*) plus (*c*) for three days' labor, while the three together would call for only seven days', which is all the assessed party expects he should perform. Should the clerk apply section 109 (2) R. S. O., chapter 224, in this case and charge A nine days' or take the total and charge only seven?

Sub-section 2 of section 109 of the Assessment Act applies to this case. The statute labor should be calculated, according to the by-law in force in your municipality, on the $5,000 and $2 100 separately. Without the by-law we cannot say how many days statute labor should be charged against A but you can easily make the calculation upon the principle or basis above laid down.

Voter's List on Submission of a Money By Law—Filling Vacancy Caused by Death of Deputy-Returning Officer.

304—J. S.—1. Should all of parts 1 and 2 of Voters' Lists be put on poll-book when voting on money by-law?

2. Since our by-law was printed and posted up, as required by law, one of the deputy-returning officers mentioned in the by-law has died. What is the proper mode of filling the vacancy?

1. No. The municipal voters' list should not be taken as the basis for the voters' list to be used on a money by-law. The clerk should prepare a special list under the authority of section 348 of the Municipal Act, (since your municipality is a town divided into polling sub-divisions) for each polling sub-division, and each such list should contain the names of all persons "appearing by the then *last revised assessment roll*, to be entitled under the provisions of sections 353 and 354 of the Act to vote in that polling sub-division." See sections 348, 353 and 354, of the Municipal Act.

2. The Municipal Act does not appear to make any provision for filling such a vacancy as the one in question, but we think that the council may and should appoint another deputy to take the votes in the polling sub-division in which the deputy returning officer who died was to have acted. Section 108 makes provision for filling such a vacancy as this in the case of an election of councillors, and the legislature ought to make the like provision for a case of this kind.

License to Firm of Auctioneers.

305—A. B. C.—Can two parties, who have registered as partners for auctioneering in county, sell on the same license the same as one party with license? If so, can they hold sales on different days?

The holder of the license alone has the right to sell by public auction. If his partner desires to act as an auctioneer he must procure a license to himself.

A Drainage By-Law.

306—S. T. A.—1. I enclose a drain by-law. This by-law, which is practically the same as the engineer's report, as you will see, was provisionally adopted the 16th day of April, 1901, and we are going to hold the court of revision on the 27th day of May, 1901. The referee's decision says that we are to take proper proceedings to put the said drainage work in a proper and efficient state of repair as required by law. Now, what is your opinion of this decision? A number of the assessed parties west or above A's property contend that if we clean the river from A's property to the proper outlet, it would be sufficient, and not go west or up the river further than A's property. Please remember, that while there is a number who don't want the river cleaned west of A, I want you to know there are as many the other way, or on the opposite side, who say if the scheme don't go west of A's property they will take proceedings immediately after the other part is opened up to get the part west of A's property opened up as well. As with most other rivers, there are a number of tributaries to go or drain in this river, and also award ditches that would make a bad job if this should take place, for if only opened from A down, the engineer would not make as large a channel, and then when they would come on with the upper part and some of the tributaries, also ditches, the channel east or below A would not be large enough to accomodate so much water, and this would necessitate going over the first part again. Are we not compelled to clean the river as a whole, from start to finish? Because, if nothing has been dug out of the river west of A's property by the first scheme in 1888, the referee would not likely have given A any damages against the township, because the stream would have been in its natural state. Kindly let me know if there is any doubt in your mind that we have made any mistake in making an effort to clean the river above A's property.

2. Before we had adopted the report, if we, as a council, thought there were some errors or some parties assessed too high in this report, would we have had power to change anything before adopting it? or is this all left to be done at the court of revision? or in other words, if we thought there were some things as regards assessment of some parties wrong, would it be quite right to leave it until the court of revision? Then again with an important thing like this before the board, if one of the councillors was sick and sent a letter to the reeve to this effect, saying the doctor forbade him to go out and the other three councillors and reeve went out and did business (the whole four agreeing to everything done) could the one that was sick set up any just plea that the meetings were illegal? or would the meeting (three in number while the councillor was sick) be perfectly legal? Understand that the report was adopted while he was sick.

3. The reason there are so many who are against the drainage going on west of A's property is because they have considerable "muck" land and claim they are assessed too high, more than it could be sold for if put up for sale (see by-law from lot 10, in the fourth concession, to lot 16, then again, in the fifth concession from lot 10 to 16.) These farms are composed of about one-half red "muck," which is generally considered to be poor land and I do think the engineer has put too much value on this "muck" land. I would like some advice to know what is best to do about this "muck" land assessment. I think the council will agree that the "muck" land assessment, as stated above, is too high and will go for lowering it, and, if they do, it will reduce the estimated cost, perhaps some three or four thousand dollars, and, if this should be done, where will we put this amount? I suppose on roads and bridges or on the township would be a good place but the township has a good dose now.

1. Your council has appointed an engineer to examine and report upon this drainage scheme with a view to putting the drainage work in a proper and efficient state of repair, as required by law. This engineer has examined the locality, and made his report to the council. The council has *adopted* his report, and provisionally passed a by-law providing for the carrying out of the drainage work as described in the report. The engineer is the best judge as to the quantity and nature of the work to be performed. He evidently considered that the river required cleaning *above* A's place, as the drainage work mentioned in his report begins on the south side of the road between concessions 7 and 8, and A's place is located a considerable distance below, namely, in the 4th concession of your township. The work will have to be carried out and completed in accordance with the report, plans and specifications of the engineer, whether they provide for the cleaning or doing of other work on the river above or below A's place.

2. It is optional with the council whether it adopts the engineer's report or not. (See section 19, of the Drainage Act, R. S. O., 1897, chap. 226,) but it has no power to make any change in any of the assessments before or after the passing of the drainage by-law only at a Court of Revision, held for the purpose under the provisions of the Drainage Act, after appeals have been made to such Court in the manner provided in the Act, (see section 24 and following sections of the Act.) Section 268, of the Municipal Act, provides that "a majority of the whole number of members required by law to constitute the council shall be necessary to form a quorum," and section 269 that "when a council of only five members (as in your case) the concurrent votes of at least three shall be necessary to carry any resolution or other measure." Therefore, it follows that, if a quorum of the council was present at each meeting at which any business in connection with this drainage scheme was transacted, and at least three of the members voted for each resolution that was carried, as appears to have been the case, no objection can be raised to any of the proceedings on this score. The absence of one councillor owing to illness

or otherwise, can in no way invalidate the proceedings, or any of them.

3. If on hearing and deciding appeals duly made to the council, sitting as a Court of Revision, under the Drainage Act, the members of the court consider the assessment of the "muck," or any other lands therein assessed too high, and no evidence is given of other lands assessed too low, or omitted, the court shall adjourn the hearing of such appeal or appeals for such a time sufficient to enable the clerk to notify, by postal card or letter, all persons affected, of the date to which such hearing is adjourned. The clerk shall so notify all persons interested, and unless they appear and show cause against the reduction of the assessment appealed against or the increase of their own, the court may dispose of the matter of appeal in such manner as may be just, and the sum by which the assessment appealed against is reduced (if any) may be distributed *pro rata* over the assessments of its own class or otherwise, so as to do justice to all parties. See section 39, of the Drainage Act. The municipality or its roads and bridges should not be saddled with any extra responsibility in the way of assessments unless it is justly chargeable with them.

Amount for Which School Debentures Can be Issued.

307—REEVE.—1. Can a municipal council issue debentures for a less amount than $100 for the erection of a new school-house?

2. If so, who gives the authority?

1. Yes. Sub-sec. 2, of sec. 76, of the Consolidated Public Schools Act, 1901, (formerly section 72, of chap. 292, R. S. O., 1897,) provides that "Debentures issued for school purposes may be in the form 'A' given by this Act, and for such term of years, and for *such amount as the council sees fit.*"

2. The authority is given by the sub-section we have quoted.

By-Law for Issue of License to Hawkers and Pedlars Should Not Discriminate Between Residents and Non-Residents.

308—SUBSCRIBER.—I have just been reading question 280 in your May number and your reply.

1. Would the decision quoted (Jones vs. Gilbert, 5, S. C. R., p. 356) apply with equal force to hawkers and pedlars? We have passed a by-law under sub-section 14, 15 and 16 of section 583 of R. S. O., 1897, chapter 223 (and subsequent amendments.) Some members of the council are of the opinion that we can and ought to discriminate against pedlars from outside the counties by charging a higher license fee than to residents. I have always been of the opinion that this could not be done. Is my view correct? I enclose you a copy of our by-law.

2. In the event of our being unable to charge non-residents a higher license fee than residents, can we refuse to issue licenses to parties from without? If they tender the license fee stipulated by the by-law, are we not bound to issue them licenses, so long as the by-law, in its present form, remains in force? Can we legally amend the by-law by inserting a clause barring outsiders from license privileges?

1. This decision applies also to the licensing of hawkers and pedlars. The Statutes of Ontario give councils of counties no authority to pass by-laws providing for the granting of licenses as hawkers or pedlars to residents of the county only, or to non-residents only, on the payment of a higher license fee.

2. Your council cannot impose, by by-law, a higher fee for a license on non-residents than on residents. If a non-resident tenders the fee prescribed by the by-law, a license should be issued to him thereunder. Your council cannot amend the by-law by inserting a clause preventing the obtaining of licenses by outsiders.

Voter's Qualification of Landlord and Tenant.

309—A. B. C.—In chapter 223, section 87, the right to vote is determined by $100, assessment.

1. If a piece of property so assessed, that is, ($100,) has both an owner and a tenant, who has the right to vote, or have they both the right?

2. Is it the intention of section 92, chapter 223, to entitle both the owner and tenant to full municipal vote on a $100 assessment?

1. If these premises are assessed to the owner and tenant, thus:

Jones, John F
Smith, Wm. T } $100

Both the owner and tenant are entitled to be placed on your municipal voters' list. Assuming, of course, that they possess all the other qualifications of a municipal voter.

2. Yes, if assessed as above.

Appeal Against Assessment of Farm Lands in Villages and Local Improvements.

310—WROX—The council of the village has received the following notice through the clerk.

MAY 1, 1901.

SIR, Take notice, that I claim exemption from taxes for electric light and sidewalks for 1901, for thirty acres of the west half of lot 25, concession A, and that I intend to appeal.

Your obedient servant,
W——— F———

To the Clerk of the Municipality of the Village of W———.

1. Has the party a right to the exemption claimed? The land is used for farming only and thirty acres are a part of the farm. The buildings are outside of the corporation.

2. If he has the right claimed, how are the exemptions to be made? We have considerable property within the corporation in the same position.

1 and 2. We assume that this notice of appeal was given pursuant to sub-section 3, of section 8, of the Assessment Act, and, strictly speaking, it should have been directed to the council of the municipality instead of the clerk. This notice must be given within one month after the time fixed by law for the return of the assessment roll. Sub-section 2 provides that where such lands are not benefited to a greater extent by the expenditure of moneys for or on account of waterworks, whether for domestic use or for fire protection, or both, the *making of sidewalks*, the construction of sewers, or the *lighting* and watering of the streets, the council shall annually, at least two months before striking the rate of taxation for the year, pass a by-law, declaring what part of the lands held and used as farm lands only, shall be exempt, or partly exempt, from taxation for the public improvements above-mentioned, or any of them, regard being had in determining such exemption to any advantage, direct or indirect, to such lands arising from such improvements, or any of them. If any person complains that the by-law does not exempt or sufficiently exempt him or his farm lands from such taxation, sub-section 4 gives him the right to appeal to the county judge, within the time and in the manner as in this sub-section set forth.

Collector Not Entitled to Costs.

311—W. H.—A collector travels twenty-three miles, intending to distrain for taxes, but when he gets there the party tenders the net amount of taxes and refuses to pay more. Can the collector charge mileage or should he seize in order to claim costs?

The collector, not having made a seizure, has no right to charge or receive mileage or any other costs for this attendance to collect taxes.

This By-Law, to Issue Debentures to Purchase Toll-Roads, Must be Submitted to Electors

312—H. R. Y.—In our county petitions have been presented for the purchase of three toll-roads under the Act passed at last session. The cost will be about $60,000. Can the county council issue debentures to raise the amount without submitting the by-law to the people?

Section 9 of chapter 33, Ontario Statutes, 1901, provides that, "After the award of the arbitrators has become absolute or settled, on appeal, the county council may *in the manner provided for in the Municipal Act*, pass a by-law for borrowing the amount required to purchase the said roads, etc." Section 388 of the Municipal Act, provides that, "A county council, etc., may, during *any one term for which it is elected*, raise, by a by-law or by-laws for contracting debts or loans, not more than $20,000 over and above the sums required for its ordinary expenditure without submitting such a by-law or by-laws for the assent of the electors." Any other by-law of a county council for raising money by way of a loan, by issuing debentures, must receive the assent of the electors as provided by section 389, of the Act. Since the county refered to proposes to raise $60,000, which will not be repayable, we presume, within two years, the by-law must first receive the assent of the duly qualified electors of the county.

Status of a Municipal By-Law Embodied in Act of Parliament, not Complied With.

313—J. C. R.—One municipality purposes to instal an electrical power transmission plant, the line of transmission running across another municipality. When the scheme was first proposed, the permission of the second municipality was asked and obtained, a by-law being passed giving the first municipality authority

to erect poles, string wires and operate the line through such second municipality, but upon stringent conditions as to indemnity, etc, in case of claims for damages arising against such second municipality in consequence of the erection or operation of such line. An Act of the legislature was obtained to authorize the first municipality to establish such power plant and the by-law of the second municipality was embodied in such Act, the powers of the first municipality being expressly subject to such by-law, provided that it should be "null and void" if the line was not in operation by a certain date. The line was not completed by the date specified.

1. Can the time for completion of the work be extended by agreement sanctioned by by-laws of both municipalities without express legislative sanction?

2. Can municipality No. 2 authorize No. 1 by such agreement to erect and operate such line as effectually as would have been the case had it been completed within the time fixed by original by-law and Act of legislature?

3. Can council of municipality No. 1 effectually make future councils liable to indemnify municipality No. 2 for all claims for damages arising out of such line by agreement that provisions and conditions of original by-law shall be as effectual and binding on it as if the line had been completed in time?

4. On the poles erected in second municipality, first municipality have strung telephone wires, without the permission of the second municipality or legislature, claiming the telephone line to be part of such electric power line. In event of damages arising against second municipality from such telephone line, would the second municipality be fully indemnified from damages by a similar agreement as above mentioned, entered into by both municipalities without legislative sanction?

1. We have examined the statute you refer to. Under clause No. 9, of by-law No. 664, of the second municipality the poles and wires should be erected and the line in operation before the 1st of January, 1901, otherwise the by-law shall be null and void. This condition has not been complied with, therefore the by-law is simply a nonentity. Since it has now practically no existence, it cannot be altered or extended, and if it were an existing by-law, since it forms part of the statute, it could not now be altered, amended, or extended by by-laws of the municipalities passed without the sanction of the legislature.

2. No.

3. No. Unless the further sanction of the legislature is obtained.

4. No.

Compelling Removal of Fences from Road Allowances.

314—A. M. P. - I write to find out how to open sideroad in township. Two men have fenced it in three places; there has been statute labor performed on it more or less for thirty years but it fell out of repair and was not travelled much for twenty years. Last fall there was a petition got up of twenty-five names to open it for a winter road, and there was $25 spent on it and half day's road work last summer. One of the councillors told them they could put up the fence and he is not the one who is over this ward. The one for this ward says it is not right to fence it. I put up notices the last week in April not to put fences on road, but one was up on the first of May the last was put up on the 14th, but it has been knocked down a couple of times since.

1. How will I go about to get fences removed?

2. How to get councils to repair them?

3. Does there need to be a by-law passed to open a road that the council has expended money on last year and two other occasions and a lot of road work was done. When people drove through the last few years they went through the man's field for a piece and he won't let them now.

I served one with a notice to remove fence about the 13th of May. Can the case be tried before a justice of the peace if they have committed themselves by putting up fences?

1, 2 and 3. If the fences have been erected on the highway by the present owners of the adjoining lands, as appears to have been the case, the council of your township should pass a by-law pursuant to sub-section 3, of section 557, of the Municipal Act, directing and providing for the removal of these fences within five days from the receipt of notice by the parties placing them there to do so, and that unless the terms of the notice are complied with by such parties, they shall be liable for the expense of removal. See sub-section 4. The above provision does not apply to a worm fence, which is not more than one-half its width on the road allowance. If the fences were placed on the highway by parties other than the present owners of the adjoining lands, your council should pass a by-law pursuant to sub-section 4, of section 637, of the Municipal Act. A Justice of the Peace has no jurisdiction in a matter of this kind, but persons who persist in maintaining the fences on the road allowance can be indicted.

Court of Revision Should Organize in Any Event—When is Assessment Roll Finally Revised?

315—J. R.—1. There are no appeals against the assessment roll in this township. Is it, in such a case, necessary to administer the statutory oath to the members of the court of revision?

2. In the absence of any appeals to court of revision, there cannot be any appeals to the county judge, yet the assessment roll does not become finally revised and corrected until July 6th. Do I interpret sub-section 16 of section 6, chapter 7, R. S. O., aright?

1. Yes. The council, sitting as a Court of Revision, should know whether there are any appeals to come before the council or not. They must, therefore, organize as such court, whether there are any appeals filed to come before them or not, and to do this each member must subscribe and take the oath prescribed by the statute.

2. We do not agree with your interpretation of the sub-section. If there are no appeals to the Court of Revision, there can be none to the county judge, and the assessment roll is finally revised when the Court of Revision is closed. But when appeals have been made to the Court of Revision, and appeals therefrom subsequently taken to the county judge, the assessment roll will not be finally revised until the appeals have been disposed of by the judge. If no appeals are made to the county judge, the roll shall be understood to be finally revised when the time during which such appeals may be made has elapsed and not before. See also section 3, of the Municipal Act.

Municipal Bookkeeping.

The provincial municipal auditor, in his report for 1900, says: "The average township treasurer does not like a bank account. There are some notable exceptions, of course, but as a rule he is reluctant to deposit and cheque out. He would rather pay the cash. In some of the back townships no other course is open to him, but one would suppose when a county town with perhaps three or four chartered bank offices in it, is only ten or twelve miles away, that it would be more convenient for all parties, but not so, there is no point which is more contended against than this bank account question Some time ago I was at a township treasurer's place. His books were all right and a credit to him. In counting his cash, I found he had nearly $4,000 on hand. I urged him to deposit this in one of the chartered banks in his county town. Of course, I could not insist, I could only recommend, but it was of no use. He had no safe, and the money was kept in a closet in his house. Supposing the house was burned down or burglarized, it was a dead loss to him and he knew it. There is nothing against the farm, he said, and he could pay $5,000, if required, any day. Nothing has ever occurred and it is hoped never will, but the risk is too much for a man only getting $50 a year. Only last month I was at a treasurer's office in a Midland county township. No bank account, as usual. The treasurer said the people would not stand the inconvenience of cheques, no use to try them. I happened to notice a large cheese factory on the road as I passed. How do the factory people do? Oh, he replied, they always pay by cheque, but then you see they won't do their business any other way. Another class of treasurer likes to carry the money about with him. I knew a most worthy man who was seldom without some of the municipality's money in his possession. I often spoke about the risk, but he could never see it. He had done it all his life. One day, not long ago, he was short in his cash some $1,000 or $1,200. He paid it out of his own pocket, for he was a well-off man, but he never knew how it occurred. The only reasonable theory that I ever heard about its disappearance was that he was robbed. It appears that he used to take a short nap sometimes in the afternoon, and the theory given was that while he was asleep some one relieved him of some of his wealth. However, no one but he and his family were the losers. There is no doubt that municipal bookkeeping will be much simplified when the corporations interested insist on bank accounts being kept in nearly all cases.

At the first meeting of the Nottawasaga council for this year steps were taken to have the Provincial auditor go over the township treasurer's books, if it could be done at a moderate cost.

Legal Department.

J. M. GLENN, Q. C., LL. B.,
OF OSGOODE HALL, BARRISTER-AT-LAW.

Vanderlip vs. the Township of Grantham.

We are indebted to Mr. L. S. Bessey, clerk of the township of Grantham, for the following report of this case:

This case was tried at the Lincoln assizes on the 29th inst., by Chief Justice Falconbridge, without a jury. Mr. Brennan, County Crown Attorney, appeared for the plaintiff. J. C. Rykert, K. C., appeared for the defendants.

The plaintiff claimed damages to the amount of $2,000, and costs and compensation, for injury to his land (lot 5 in 4th concession of Grantham), and for the loss of his crops, owing to the defendants permitting a large body of water to find its way to his land from the southern side of the township, instead of having the greater portion taken in another direction. There is, and has been for the last forty years or more, a deep ditch on the east side of plaintiff's f rm, extending from the Niagara stone road, northerly to part of plaintiff's farm, through which it crosses by a channel, to the north end of his lot, and thence to the eight-mile creek. The water, prior to the purchase by the plaintiff of his farm, had worn away to a considerable extent the said ditch and it encroached upon the farm now owned by the plaintiff. When the plaintiff purchased the land ten years ago, he was aware that the ditch had been widened and insisted upon the owner allowing him an extra quantity of la d at the north end of his farm in lieu of that taken by the ditch, which was done. The plaintiff failed to show in his evidence that his farm was really damaged by the water coming from the south and the value of the crops destroyed did not exceed $20 during the twelve years.

The defendants' council contended :

1. That the original owner of the land from whom the plain iff purchased, consented to, and in part assisted in having the ditch made alongside of and through the farm.

2. That the plaintiff purchased with full knowledge of the fa t that the water naturally flowed in the direction of ditch.

3. That no greater quantity of water was brought down the ditch (or natural water course) than usual.

4. That there was no negligence on the part of the defendants or their officials shown.

5. That the damage to the plaintiff's farm or his crops was not appreciable, and quoted the case of Turner vs. the County of York lately tried before Mr. Justice MacMahon in Toronto.

6. That, as a matter of fact, the officials of the township had actually diverted a large quantity of water in other directions, both earth and water which originally found its way down the natural water course or channel through the plaintiff's land.

His lordship dismissed the action with costs.

Township of Warwick vs. Township of Brooke.

Judgment on appeal by defendants from judgment of the drainage referee, setting aside a report of defendant's engineer upon the construction of the McDonald or Flat Creek Drain. It was contended, inter alia, for appellants (1) that the referee in computing the number of persons who had signed the petition for the drain erred in refusing to count certa n persons whose names were on the petition, who appeared by the last revised assessment roll, to be owners of lands benefited in the drainage area, because upon the evidence, outside the roll, they were not actual owners, but farmers' sons, and that such evidence should not have been received ; (2) that the roll for the year 1898, and not 1897, should have been used ; (3) that even if the petition was not sufficiently signed the work was a drainage work which defendants were authorized to carry out, under the Municipal Act, section 75. The court were unanimous in not differing from the view taken by the referee on the merits, and in thinking that there is much in the recent judgment of the supreme court of Canada, in Sutherland-Innes vs. Township of Romney, which would make it difficult to sustain the report of the engineer on which the defendants proposed to found their drainage by-law. Held, per Armour, C. J. O., that evidence was admissible to show that farmers' sons, not actual owners, who were not shown on the roll to be farmers' sons, but were shown to be owners, were, in truth, farmers' sons and not actual owners ; that having regard to the provisions of the Municipal Drainage Act, no person can be held to be an owner within that Act, unless he is seized of an estate in fee simple in the land of which he claims to be the owner. See per Strong, C. J. S. C., in McKillop vs. Logan, 29 S. C. R , 702, as to meaning of owner in the Ditches and Watercourses Act. The referee has power to so determine under sub-section 3, section 89 of the Drainage Act, and rightly received the evidence, and also that the petition having been received and acted on by the council of Brooke on June 13, 1898, and the roll for that year finally passed by the court of revision on May 30, 1898, such roll could not be said to be the last revised assessment roll under sub-section 11, section 2 of the Assessment Act, until the expiration of the time within which an appeal might be made to the county judge, and that time is five days from the date (July 1st in each year) limited for the final revision by the court of revision, and therefore in this case, the proper roll was that of 1897, not that of 1898, and also that the council did not profess to act of their own motion under section 75, but only on petition under section 3, and it cannot be assumed that they ever would have acted otherwise than by petition. Held, per Osler, J. A. (Moss and Lister, JJ. A., concurring) that up to the year 1874 the authority of a council to entertain a petition depended upon the fact of ownership of the lands by the petitioners and that the assessment roll was not the final test or conclusive of that fact. Review of the changes made from time to time since 1866 in the clause in question. Since the consolidation in 1877, however, the language of the clause (section 3 (1), R. S. O., chapter 226) has remained practically as it now is, and though it is clear beyond peradventure that the assessor neglected his duty in preparing the roll relied on as supporting the petition and by-law, putting in as owners, persons whose only rights were as farmers' sons, etc., yet he must be assumed to have done his duty, and these persons must be regarded as qualified petitioners, that is, owners, and not excluded as farmers' sons, and the assessment roll on which a council is required to act, if they act at all, is conclusive upon the question of the status of petitioners, and the referee erred in admitting the evidence. The legislature must have meant to give some effect to the assessment ro l by referring thereto in successive Acts from R. S. O., 1877, hitherto in uniform phraseology different from that which had been used in earlier Acts on the same subject. It is not unreasonable to hold that the legislature meant what it said, for opportunities of dealing with the question of ownership are afforded on appeals to the court of revision and to the county judge. An inquiry is not open in the case of farmers' sons any more than in the case of other persons. The section takes the roll as finally revised, and gives effect to it, and it is conclusive for the purpose of conferring jurisdiction upon a council to entertain a petition. Appeal dismissed with costs.

The county court case of Wm. I. Olmsted against the city of Hamilton for $200 damages for injuries received by being thrown from his bicycle through an alleged hole in the pavement on King street east was tried by Judge Snider. The defence attempted to prove that the accident occurred through a collision. The Judge gave judgment for the plaintiff for $100, and the city will try to hold the Kraemer-Irwin Paving Company liable for the amount under its contract with the city.