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MISSING

THE MUNICIPAL WORLD

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Calendar for July and August, 1899.

Legal, Educational, Municipal and Other Appointments.

JULY 1. Dominion Day (Saturday).

- All wells to be cleaned out on or before this date.—Section 112, Public Health Act, and section 13 of By-Law, Schedule "B."
- Last day for Council to pass by-law that nominations of members of Township Councils shall be on third Monday preceding the day for polling.—Municipal Act, section 125.
- Before or after this date Court of Revision may, in certain cases, remit or reduce taxes.—Assessment Act, section 74.
- Last day for revision of rolls by County Council with a view to equalization.—Assessment Act, section 87.
- Last day for establishing new high schools by County Councils.—High School Act, section 9.
- Treasurer to prepare half yearly statement for council.—Section 292, Municipal Act.
- Treasurer to prepare statement of amount required to be raised for sinking fund to be laid before council previous to striking annual rate.—Municipal Act, section 418, (4).
5. Last day for service of notice of appeal from Court of Revision to County Judge.—Assessment Act, section 75.
- Make returns of deaths by contagious diseases registered during June.
14. Last day for completion of duties as Court of Revision.—Assessment Act, section 71, sub-section 19.
15. Last day for making returns of births, deaths and marriages registered for half-year ending 1st July.—R. S. O., chapter 44, section 11.
20. Last day for performances of statute labor in unincorporated townships.—Assessment Act, section 122.
31. Last day to which judgment on appeals, Court of Revision, may be deferred, except as provided in the Act respecting the establishment of Municipal Institutions in territorial districts.—Assessment Act, section 75, sub-sec. 7.

AUGUST.

1. Last day for decisions by court in complaints of municipalities respecting equalization.—Assessment Act, section 88.
- Notice by Trustees to Municipal Councils respecting indigent children due.—Public School Act, section 62, (8); Separate School Act, section 28, (13).
- Estimates from School Boards to Municipal Councils for assessment for school purposes due.—High School Act section 15 (5); Public School Act, section 62, (9); Separate School Act, section 28, (9); section 33, (5).
- High School Trustees to certify to County Treasurer the amount collected from county pupils.—High School Act, section 14, (9).

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PUBLISHED MONTHLY

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

K. W. McKAY, Editor,

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

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ST. THOMAS, JULY 1, 1899.

The London board of education has decided to impose a fee upon pupils attending the collegiate Institute. The fee was fixed at \$10 for all departments of the Institute, including the commercial form. The new regulation, it is expected, will be put into force after the midsummer holidays. Principal Merchant predicts that the fee will not materially affect the attendance, and the revenue therefrom, it is believed, will approach \$5,000.

* * *
The council of the township of Euphemia, Lambton county, of which Mr. G. A. Annett is reeve, has introduced a new and somewhat novel method for keeping up and improving the roads. At the beginning of the year the pathmasters were consulted as to the advisability of commuting at the rate of 25 cents per day, the money collected to be used in operating a road grader in the divisions favorable. About half agreed to try the change, and so a grader was purchased and put to work. It costs one dollar per hour to run the machine. Some pathmasters say they have had four times the usual amount of work done while all seem to think that 25 cents expended in this way is worth more to the roads than 75 cents worked out under the statute labor system. The council passed by-laws that parties in those divisions shall commute at 25 cents, while in the others parties may commute and the result is nearly all say that they intend to commute rather than work at 25 cents per day. The council are very willing for all to do so, but, of course, money so collected must be expended as the council may direct. The council think they have hit upon a splendid scheme for introducing a grader, and it may go a long way towards the abolition of statute labor when a better scheme still can be initiated.

The Preparation of Collectors' Rolls.

The most important work required of any municipal clerk is the preparation of the collectors' roll. It is necessary that all ordinary and special rates be entered therein as accurately as possible. Before commencing to enter up the roll the clerk should check the work of the assessor as far as possible, and also the addition of the roll in order that he may have the accurate total on which to strike the rate. In townships where there are a number of school sections, it will be found advantageous to classify the valuation of the lots in each school section by transferring them to a separate book and in doing this the clerk should also ascertain the number of children between the ages of five and twenty-one, resident in the school section. The total valuation of all of the sections should equal the total assessed value of the township. When this is done annually a comparison of the assessed value of a section with that of a previous year will enable the clerk to detect errors or omissions that the assessor may have made in entering the numbers of school sections in his roll. Another system adopted by many clerks is to check the assessor's entries with the school section map. Having balanced the assessment roll the clerk should forward to the secretary-treasurer of each section, a statement of the valuation of the section together with the number of children between the ages of five and twenty-one and enclose therewith a blank form of requisition to the Council for monies required for the purposes of the school for the ensuing year. When requisitions have been received from all the sections the council should pass a by-law levying the amounts. The rates should then be entered in the book above referred to, opposite the valuation of each lot in the different school sections. This will enable the clerk to prove his work before entering it in the collector's roll, and save time by calculating all the rates for a particular section at the same time. In addition to the book, a statement should be prepared to show at a glance the various school section rates levied as follows:

No. of Section	Total Assessed Value.	Gen'l. S. Rat.	Total Trustees' Requisition	Trustees' Rate	Rate Levied.	Amount Entered in Collector's Roll.	Remarks as to Number of Teachers Employed and Assessor's Equalization.
Totals
County Rate.
Town Rate.
Debenture Rate, etc.

This should be continued and show all of the various rates required to be entered on the roll, that is county rate, township rate, drainage and other special rates, ditches and watercourses and fence-viewers' award costs, and also amounts entered for statute labor not performed. Similar statements are useful in every municipality and they may be as elaborate as the business requires. Clerks will find

them most convenient for reference and for answering enquiries in regard to the rates levied. When all the rates are entered in the collector's roll, each column should be added up and balanced with the columns in which the total taxes are entered. The totals for each page should be added together and the roll balanced. In calculating the rates it is not desirable to use fractions smaller than one-tenth, and in fixing the general rate for a municipality the estimates can be made accordingly. In levying school section rates it is desirable to use similar fractions and there is no objection to exceeding the amount required but in all cases the actual amount levied must be paid to the trustees. No rates should be entered in the collector's roll unless there is a by-law or statutory authority for so doing. In urban municipalities where the taxes are paid in two or three installments, special collectors' rolls are used. These contain columns for the general and special rates for the municipality and the amount of each instalment together with the columns for percentage added for non-payment. It is the practice in some municipalities to enter the frontage rates in a separate book but the Assessment Act requires that all rates should be entered in the collector's roll. The use of rate tables will facilitate the work. Those copyrighted by Mr. H. J. Lytle, a former municipal clerk, are the best. Their use will facilitate correctness and enable a clerk to save time. We occasionally find that a newly appointed clerk calculates the rates as levied to a fraction of a cent. This enables the collector to make a little for himself. The practical way is to add a cent for all fractions. On this account the entries in the roll generally exceed the amount levied.

After the roll is finally balanced the clerk should place his certificate therein, under seal, so that the collector will have proper authority for enforcing the collection of the rates.

Not too Drunk to tell the Truth.

It happened on a crowded car. A seedy-looking man, very much the worse for liquor, rose to give his seat to a lady, when a robust man slipped into the vacant seat, leaving the lady still standing. "Sa-a-y, you—you fellow you," said the boozey but chivlrous individual, as he swayed to and fro hanging to a strap, "I—I'm drunk, I know, but I—I'll get 'over it, I will; but you—you're a hog, and you'll never get over it in—in this world—no, sir, never!" And the other passengers agreed with him.

A number of county councils have passed by-laws requiring clerks of local municipalities to send copies of the assessment roll to the county clerk every three years.

It is nonsense to say a man is inclined to be bald. When a man is becoming bald it is usually quite against his inclination.

Municipal Officers of Ontario.

Clerk Denbigh, Abinger and Ashby.

Mr. Stein was born near the town of Steinan in the province of Silesia, Germany, in 1842, and was educated in a



MR. PAUL STEIN.

German public school. Having learned the miller's trade and followed that until 1863 when he came to Canada and got employment with the Rathbun Co. at Mill Point (now Deseronto), remaining with them until 1867, in which year he bought a saw-mill in the township of Denbigh, and in the following year built



MR. F. B. PRIOR.

the first grist mill in the rear of Addington County. He was first elected as a member of the municipal council in 1872 and served continuously till 1885. He was appointed municipal clerk in

1886 and held this office ever since. In addition to his municipal office, Mr. Stein is a commissioner for taking affidavits, and a J. P. and issuer of marriage licenses in 1889. In politics he is a Liberal.

Clerk, Township of Sydney.

Mr. Prior was born in the city of Kingston in 1832, eldest son of the late James M. Prior, Ordnance Department, and was educated in the grammar school of that city. He was appointed clerk of the township of Sydney in 1870 and during his twenty-nine years in office he has not missed a meeting.

Clerk, Township of Goulburne.

Mr. Abbott was born in the township of Nepean, Carleton county, Ont., in 1839,



MR. ADAM ABBOTT.

and at an early age left the farm engaging in clerking from 1867 until 1894. He has for the past twenty-four years held the office of postmaster and secretary-treasurer of the public school board. Was secretary-treasurer of the county agricultural society from 1876 till its removal to Richmond village in 1895. Has also been secretary-treasurer of the Ottawa Valley cheese factory since 1886, and financial secretary of Court Hazledean, I. O. Foresters, since 1890. Had been several years township auditor. Was appointed township clerk in 1883.

Clerk of the Town of Simcoe.

Mr. McColl was born near Simcoe in 1853. He is of Scotch descent and his forefathers were U. E. Loyalists. He was educated for a civil engineer, but

abandoned the idea of a profession and went into the lumber business. He was a Canadian *Voyageur* in Egypt to the relief of General Gordon at Khartoum in 1884 and 1885. He was appointed clerk of the town of Simcoe in 1897.

Clerk, Township of Houghton.

Mr. Boyd was born in 1843 in the township of Bayham, county of Elgin, of



MR. W. C. MCCOLL.

Irish parentage. He moved to the township of Houghton, county of Norfolk, in 1851. He received his primary education at the public school, and finished his education at the Simcoe high school. He then engaged in teaching for some time. Was engaged in mercantile business but is now a farmer. He has always taken an



MR. JAS. BOYD.

active part in municipal affairs. He was first appointed assessor, then councillor and deputy-reeve and was appointed clerk in 1892.

ENGINEERING DEPARTMENT.

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

Should the Towns Assist?

A difficulty in the way of attaining better roads in Ontario, is that, under the present system of township management, the entire cost of road building falls upon the farmers. The people of the villages, towns and cities, to whom country roads are as necessary as to the farmers, and who compose nearly one-half of the population, pay nothing towards their construction or maintenance.

While it is necessary that the farmer should have good roads to haul his produce to the centres of population, he also uses the roads to draw back to the farm the supplies purchased in the towns. It merely happens, as a matter of convenience easily understood, that the farmer draws his produce to the town and his purchases back to the farm instead of the merchant hauling his merchandise to the farmer, and the produce of the farm back to the town.

It is only a century or so ago since the active settlement of Ontario commenced. It was at that time the statute labor system was established. In addition to this, the Provincial Government spent the greater part of its revenue on the construction of roads and bridges. Since that time the distribution of the population has materially changed; the statute labor system remains for the construction of country roads, applying only to the rural districts, while the Provincial aid has been withdrawn, thus wholly relieving the people of the towns and cities, from their share in the cost of country road building.

The change of conditions has taken place so gradually that the evident disparity resulting has remained unnoticed. The system of road control and taxation has not grown and developed with the growth and development of the country. The result, as far as road control is concerned, is similar to a full grown man still wearing the clothes in which he went to school.

There does not appear to be any reason why the farmer and rural population should pay the entire cost of road building any more than they should meet the entire cost of railway and canal construction. A system of good country roads is an expensive public work, in every way necessary for the development of a country, and so long as the farmer bears the entire burden, it is manifest that the desired end, good roads, will be difficult if not impossible to reach. In any event, the attempt to do so, comprises an injustice.

The towns are asking for good country roads. They are beginning to realize how important for them it is to have free and uninterrupted communication with the country districts around, at all seasons of the year, and would no doubt be willing

to pay a fair proportion of the cost in order that road improvement would progress more rapidly. This very interest which is being displayed is the strongest evidence as to the mutual right of townsman and farmer to pay for the construction of our country road system.

The principle, since the inauguration of the good roads movement on this continent, has been recognized in a number of American states, such as Massachusetts, Connecticut, New Jersey, Rhode Island, Vermont and New York, by the establishment of systems of State aid, whereby the State funds, derived from the entire population, urban as well as rural, contribute to the cost of country road building. In all European countries national aid in one form or another is given, thus taxing the town population.

ROADS OF OTHER LANDS.

In England the county council has entire jurisdiction over the roads, and is aided by a grant from the national treasury. A county engineer is appointed, a salaried officer, whose sole duty is the supervision of road work. The county is divided into districts, and the detail of the road work is attended to by assistant engineers acting under the parishes. The money required for the maintenance of highways is obtained by a precept issued by the county council to the various parish councils, demanding the amount expended on the roads of the parish. This amount is collected in the general parishes (or township) taxes, levied on the assessment values of property. A system of county management has been extended to all parts of Scotland. Roads of Ireland are under a county engineer and several assistants, each of the latter having his own district; improvements being regulated by a grand jury presentment system.

French roads are national, departmental and communal, corresponding largely to state, county and township roads. The national roads radiate from Paris, extending to all the important cities and departments, and are under a special engineering department (department of bridges and roads) attached to the national government. The second and third classes, departmental and provincial roads, are in a general way under local authorities, but departmental roads are usually entrusted to the care of the national corps of engineers.

Germany has a magnificent system of turnpikes built and maintained by the national government. They are under the general management of a state road commissioner, while he is assisted by an extensive staff of road directors and inspectors. Other roads are known as "county roads," and are built and maintained by the several parishes through which they pass.

The highways of Austria are classified as state or Imperial roads, provincial roads, district roads and community roads, according to the authority constructing and managing them. The cost

of building and maintaining the Imperial roads is derived from the national funds, the cost of provincial roads from the provincial funds, district roads from district funds. A little of the cost of community roads is borne by the several communities interested, aided in certain cases from the district funds. For the Imperial and provincial roads the best of engineering skill is employed; while for work of immediate repair road keepers are employed constantly.

Italian roads are under the supervision of the Minister of Public Works, and are national, provincial, commercial or vicerial, according to the source from which taxes for the construction and maintenance are derived.

The more important roads of Denmark are controlled by the county councils, but are subject to the annual inspection of a state engineer; the roads of lesser importance are governed by the parish or township councils.

The main roads of Belgium, those routes running from one part of the kingdom to another are controlled and managed by the state; another class, provincial roads, are controlled by the province; a third class, communal roads, are controlled by the communal authorities. The construction of these roads is entrusted to corps of engineers.

In the Netherlands, a network of roads, providing convenient travel from one part of the country to another, is maintained by the General Government; other roads are at the expense of the various provinces and communities benefitted.

The federal government of Switzerland controls a few of the important roads, but in the main they are built and maintained by the cantonal government through whose territory they pass. The construction and repair of roads of lesser importance pertains to the several townships through which they pass.

Spain, decayed and tottering, the vestiges of an ancient magnificence falling from her, has not joined the good roads movement; nor has Turkey, the home of barbarism. Russia, too, has been exceedingly backward in road-building, and as a result her extensive and rich dominions are still practically undeveloped.

The immense benefit conferred by good roads has practical illustration in most European countries, where it is of unusual occurrence to see a load drawn by more than one horse. In these countries so excellent are the roads, that anyone owning a team of horses does not consider himself dependent upon the railroads for transportation, as wagon loads of from three to six tons are frequently drawn several hundred miles in competition to railway rates. In these cases the roads are, of course, of the best possible construction, built and maintained under experienced engineering supervision, and are a skilful compromise between ease of grade and directness of route.

What They are Saying.

The report of the Provincial Instructor in roadmaking, recently issued, has received a good share of attention from the press of the Province. One encouraging feature is that these comments come from no particular locality or district, and are alike appreciative of the main features which the writer has endeavored to impress.

The Brockville *Times* says:

"The third annual report of the Provincial Instructor in roadmaking for Ontario is out, and is interesting reading. It shows that the gospel of good roads is making substantial advance in Ontario, and that modern methods are being adopted.

"We draw the attention of the voters to the statements of Mr. Campbell, a bright and energetic man, full of the latest ideas. Our town councillors should paste his comments on the ward system in their hats. Brockville cannot abolish the ward system too soon, not only in the interests of good roads but in the interests of good municipal government."

In the course of a lengthy review, the Brantford *Expositor* says:

"The third annual report of Mr. A. W. Campbell, the Provincial Instructor in roadmaking, has been issued, and both by letter-press and by engraving, it emphasizes in the most positive language the necessity for the application of new methods to roadmaking in Ontario. Thanks largely to Mr. Campbell's urgent appeals and valuable directions, much has been done in the past three years toward the bringing about of a better state of affairs, but our Provincial Instructor is still but a Mrs. Partington seeking with a mop to keep back an ocean of mud. The most encouraging sign, perhaps, is the general interest that has been aroused.

"No more meritorious appointment has ever been made to the Provincial service of Ontario than that of Mr. Campbell as road instructor, and no official is in a better position to make a reputation for himself and at the same time confer a lasting benefit on the people. It is fortunate that he possesses tireless enthusiasm, and is not easily discouraged. He has years of accumulated prejudice and ignorance to clear away, but the energy he has already displayed leaves no room to doubt that he will ultimately achieve complete success."

The *Times*, of Dresden, among other comments, has this to say:

"All reports of the different departments of governments, both Federal and Provincial, reach this office as soon as ready for distribution, each having its interesting character, but if we were asked to single out one as pre-eminently superior to all others in interest and its direct bearing on the wealth and prosperity of the country we would unhesitatingly answer 'The Report of Provincial Road Inspector Campbell.'"

"But the whole report is so full of interest, so pregnant with ideas for the advancement of the prosperity of the country

that one is at a loss which is the most important portion to quote, and as our limited space will not permit us publishing the report in its entirety, we earnestly urge all our readers who are interested to write to the Department of Agriculture, Toronto, for a copy of the report."

From Fort William. The *Journal*, of that place, opens its remarks as follows:

"We have just received the annual report of the Provincial Instructor in roadmaking, Mr. A. W. Campbell. It contains many valuable hints on the subject, the result of long experience and careful study. In view of the fact that Fort William is about to spend five thousand dollars on the improvement of the streets, and Port Arthur is in throes over its sidewalks, a few remarks from the book may not be out of place. His sayings are very pointed."

Drain the Roads.

A knowledge of how to drain the roads most perfectly is the secret of successful roadmaking.

In looking for objections to a large tax bill for road purposes, it should not be forgotten that the money paid in this way by the taxpayer can in a great many instances be brought back again by work on the roads, or sale of roadmaking material.

The greater part of the money collected by the council for road purposes is spent wholly within the municipality.

Hastings county has about 370 miles of county roads.

A county road system does not imply a greater tax bill. It merely means that the county spends more on the roads, and the townships spend less.

A county road system means good management applied to the most important roads.

The leading roads should be under the care of the county engineer or other capable superintendent.

There is no part of the machinery of agriculture more important than good roads.

Good roads are much too important to be left to the tender mercies of the statute labor system.

It is a long step from the old-time sickle to the modern self-binder, and as great a difference between the bad and good road. When the farmers of this country learn by experience how great that difference is, good roads will have come to stay.

It is estimated that first class country roads can be drained, graded and macadamized to a width of 12 feet at an average cost of \$2,000 a mile. For five million dollars, or only twice the cost of Toronto's new City Hall, fifty miles of road could be built in each county of the Province, forming in every case a valuable and substantial improvement and an excellent nucleus for a county road system.

A man is never so on trial as in moments of excessive good fortune.—Lew Wallace.

Hastings Roads.

Hastings is the only county in Ontario that maintains a complete system of county roads construction and maintenance. The system has been in operation about twenty years and comprises about 370 miles, approximately all the leading roads in the county. These roads are among the finest in the Province of Ontario, many miles being the best. Notwithstanding the fact that excellent results have been produced with the expenditure in the past, the people have become so educated to the benefits of good roads, that nothing but the very best will now suit them, and so sensitive is the public feeling on this point that the County Council is aiming at the ideal. With a view to this, in the month of May, they availed themselves of the services of Provincial Road Commissioner Campbell who, with the Warden, the Road Superintendent, the County Clerk, who is a skilled road engineer, and the members of the Road Committee, drove over the greater portion of the system and made a careful inspection of the present condition, material which has been used, how it has withstood the traffic, the condition of the culverts and bridges, the drainage of the road, etc.

At the session of the County Council last week, Mr. Campbell reported to the Council, recommending that the major part of this year's expenditure be devoted to the more perfect draining of the roadbed, crowning of the roads throughout, the use of concrete pipes and arches for the construction of sluices and culverts, the purchasing of a rock crusher and a twelve and a-half ton steam roller. This report was concurred in by the committee, and will be carried out as far as possible by the council. Field stone is to be found convenient to the work as a general thing, and will be broken and largely used in construction.

About \$18,000 will this season be expended upon these roads. The roads are divided into four sections, and a gang of men under a competent foreman is placed over each, these all working under the direction of the County Road Supervisor. The system works admirably, the roads are constructed on a uniform plan, and this very large mileage is easily looked after by the very efficient supervisor.

In bridge construction the policy of the Council is to use stone and concrete in the foundation, and steel and iron in the superstructure. This policy has been continued for some years, and some of the bridges over the Trent and Moira rivers are the finest in the Province.

The County Council is alive to the importance of this subject, and having had a long training in county road building are bending every effort to most thoroughly systematize the work so as to produce the best possible results with the least outlay.

Good-humor and generosity carry the day the world over.—Alex. Smith.

Sewage Filtration.

By W. F. VanBuskirk, C. E.

The purification of sewage to an extent sufficient to prevent the pollution of streams and bodies of water situated in thickly populated districts is one of the most important sanitary measures that cities and towns are forced to consider and pay for. The problem is by no means new and the literature on the subject is voluminous, many plants are in operation and many failures have been made. It is somewhat surprising therefore, to find the public so ignorant of the subject that old and incomplete methods of disposal are frequently adopted with no better recommendation than that they have been in operation in other places.

The disposal of sewage on farming land is generally attractive, as few people are without the idea that refuse of all kinds may be disposed of and purified on land. This idea is, however, not based on any real knowledge of the chemical and biological action going on in the soil, but has generally been obtained from the unsanitary practices obtained in all communities and from articles describing the excellent results of successful sewage farming.

Of the newer methods of sewage treatment, much has been written lately, and it is likely that many cities will construct purification plants without taking into consideration the different conditions, and without understanding that there are many difficulties to be overcome before any plant can be operated to the best advantage.

The determination of the degree of purification required in any case and the best means of effecting it, are exceedingly difficult problems, and require special knowledge and skill in solving them; and the results obtained by any process will depend to a large extent upon the skill bestowed upon the design, and the care exercised in construction and operation.

It is perhaps fortunate that broad irrigation is the method of disposal most familiar to the public, as there can be no doubt that it is the method to be recommended before all others. Unfortunately, however, the primary requirement for successful sewage farming, a sufficient area of suitable and conveniently situated land, is seldom available, and in consequence other methods of disposal must be resorted to.

The best known and most extensively used of such other methods, chemical precipitation is now looked upon as being merely a sludge removing process, as it has been found that in nearly all cases further means of purification must be provided in order to remove the organic matter in solution.

The necessity of purifying the effluents from chemical precipitation works has hastened the development of artificially constructed filters, and the great cost of tanks and precipitants has made it neces-

sary to devise other methods of sludge removal.

The process of purifying sewage has thus become separated into two distinct operations:—First, the removal of sludge or suspended matter. Second, the removal of dissolved impurities.

The former may be accomplished in many different ways, but the latter can only be accomplished in practice by filtration or by broad irrigation.

Sludge is commonly removed by one of the following methods.

1. Mechanical straining.
2. Sedimentation.
3. Chemical precipitation.
4. Rapid filtration through coarse material having air drawn into or forced through the filter.
5. "Septic tank" treatment or purification.
6. Treatment in "digesters" or "bacterial filters" of coarse material.

It is interesting to note that the most recently devised methods of sludge removal, with the exception of the septic tank system, are similar to the methods in use for the removal of dissolved impurities, and that all of them are designed to effect the decomposition of the solid organic matter by the action of the organisms contained in the sewage.

The experiments made at Lawrence, Massachusetts, and described in the reports of the State Board of Health, show that better results in further purification are possible when the process of removing sludge is similar to that following. It is stated that the effluents from rapid filtration tanks or beds become changed by chemical and biological action to such an extent that they do not give off offensive odors for some considerable time and in consequence are in more favorable condition to be acted upon by the nitrifying bacteria in the second filter.

The removal of dissolved impurities contained in sewage can only be accomplished by the action of bacteria, that is nitrification, and such action cannot take place in the absence of air. The power of any filter to purify sewage is shown by the Lawrence experiments to depend upon its ability to hold the sewage in contact with the bacteria existing on the surface of the particles composing the filter, in the presence of air, for a sufficient time to secure nitrification. It has therefore been found necessary to use filters of fine material and of considerable depth in order that the liquid may not run through from the top to bottom too quickly. These conditions necessitate a moderate rate of filtration per acre, and great care in operation to prevent clogging of the surface layers.

Recent practice and experiments both at Lawrence, Mass., and in England have shown that the excellent results obtained with sand filters may also be obtained with filters of coarse materials operated in a rather novel manner. These filters have a large proportion of open space

and are provided with valves on the effluent pipes. The liquid is taken immediately into the body of the filter and kept there for a time sufficient to ensure the desired action; the valve on the drain pipe is then opened and the charge allowed to run off from below, air being thus drawn into the interstices. The filter is then allowed to stand empty for a short time previous to another filling and is also allowed a longer period of rest every seven or eight days.

These periods of rest and aeration are necessary for the establishment and cultivation of the organisms by the action of which purification is attained.

Mr. Dibden, chemist of the London county council, in a report to that body dated the first of November, 1896, thus describes the complex process going on within these filters: "The ordinary purification and other similar organisms, commence the work by breaking down the organic compounds and converting them into less complex forms, principally water, carbonic acid and ammonia, the nitrifying organism then acts upon the ammonia, the nitrogen being converted into nitric acid."

It is evident, therefore, that no new principle is involved in the design and operation of these so called "bacterial filters," but that the object of passing sewage through any filter, that is to bring the organic matter into contact with the bacteria located upon the particles composing the filter in such a manner that they will act upon it without being destroyed, is attained by an alteration in construction and operation from those with which we have become familiar.

The experimental filter of coke breeze, described by Mr. Dibdin in his report above referred to, and the filters in operation at Sutton, have proved that it is not only possible to purify sewage after the sludge has been removed, but that the sludge itself may be removed and destroyed by filtration. In order that this may be accomplished it would appear that the bacteria of purification, as well as the bacteria of nitrification, must exist in these filters. This, of course, Mr. Dibdin has mentioned, but it is nevertheless difficult to understand how it is possible in practice, to cultivate in one filter both anaerobic and aerobic bacteria, and at the same time to prevent disease germs from passing through the filter.

No doubt the experiments and tests, at present being made both in England and Lawrence, Mass., will clear up all uncertainties of this nature, and it is to be hoped that information will also be gained in regard to the action of these filters during very cold weather.

Mrs. Somer—What delicately constructed things these big steamships are!

Mr. Somer—Why do you say that?

Mrs. Somer—Just think of the breaking of a screw disabling the whole ship.
—Philadelphia North American.

Bridges.

There are three general types of design under which all bridges may be included: The girder or truss, the suspension bridge and the arch. Their distinctive features may be briefly stated. The principal stresses in a girder or truss are both tensile or compressive; in a suspension bridge they are all tensile; in an arch they are all compressive. The direction of the stress exerted by the superstructure on its supports in a girder or truss is vertical; in a suspension bridge it is a pull inclined inward and upward at the anchorage; and in an arch it is a thrust inclined outward and downward on the abutments.

* * *

The three classes of material exclusively used in bridge construction are wood, masonry, and iron or steel. On account of the character of the principal stresses, the construction of the main supporting cables of a suspension bridge is practically limited to iron or steel; for girders or trusses, wood or metal may be employed; but an arch may be built of wood, metal, masonry or any material or combination of materials that can resist compression. The arch alone leaves the designer free to choose the most durable material, and, when built of masonry, it stands for beauty and permanence. The girder or truss is temporary in character, and generally ugly.

* * *

The inherent tendency of iron and steel is to return to the condition of ore or oxide from which it was reduced. A piece of steel, unprotected and exposed to the weather, will lose by rust about one quarter of an inch from each surface in one hundred years; or a piece of steel an inch thick will be half eaten away in one century. The present method of protecting metals by paint is so imperfect that it is doubtful whether the best care will succeed in preserving a steel bridge for more than four or five hundred years, possibly not more than half so long. The average life of iron bridges has been stated to be only forty or fifty years.

* * *

Masonry arches may be built of ring stones (called voussoirs) fitted together, or of concrete forming a solid arch of a single stone, called monolithic. The spandrels are the spaces between the arch ring and the roadway, and the haunches are the part of the arch between the crown and the skewbacks. A skewback is the part of the pier or abutment on which the ring rests and from which it springs.

* * *

That many iron and steel bridges have been built where all the conditions, physical and economical, favored the masonry arch, is in part due to a lack of confidence in, and appreciation of its merits. But a potent agency for its adoption is the growing demand for better and more permanent construction of roads

and bridges, due to the increasing wealth of communities, with the concomitant improvement in taste.

* * *

Forty years ago wooden bridges were, with rare exceptions, the only kind built in Canada. With the development of the iron industries, bridges constructed of cast and wrought iron and, a little later, entirely of wrought iron, largely displaced wooden bridges on both railways and highways. During the last fifteen years steel has succeeded in entirely displacing wrought iron, nearly usurping control of the entire field of bridge construction. Until within the last decade the floors of all these bridges were of wood. The wooden railway floor is a constant expense to maintain, a source of some danger, and difficult to keep in good surface. The indications are that the next step will be in the direction of the masonry arch for it will be found to be the cheapest in the end, when the local conditions do not render it impractical. Steel, however, will retain the advantage whenever very long spans or maximum headroom are required.

* * *

With the improved street pavement in cities and macadam roads in the towns and counties, the plank floors of highway bridges, requiring constant repairs and renewals, presents a feature objectionable to the advocates of good roads and of greater expense to the communities, not only for maintenance but also for accidents caused by broken plank. A solid pavement, or macadam, to correspond with the other parts of the road, has succeeded the plank floor on first-class bridges. The pavement or macadam is laid on a concrete base, under which are either brick arches or steel buckled plates which are, in turn, supported by the steel beams or stringers of the bridge. This construction is nearly as expensive as masonry arches, and in some locations the latter are the cheaper even in first cost.

* * *

The masonry arch has another important advantage over the steel bridge, especially for railways, in the relative ratio of the moving loads to the weight of the structure itself. Except for very long spans, the weight of the steel bridge is small compared with its moving load; consequently any great increase in the loads, over those for which it was designed, overstrains the steel. Many bridges otherwise perfectly good, have had to be replaced by heavier structures to sustain the greater loads. With the masonry arch the weight of the structure is many times greater than its moving load, and therefore the latter may be doubled without materially increasing the stresses or seriously overloading the bridge. When these considerations and the small cost of maintenance are once fully comprehended by the public, the masonry arch will return to the place it once held, as the first of all among the types and classes of bridges.

One cause of the increased number of masonry arches built in the past few years is the use of concrete, and the perfection of the application to the arch of concrete steel construction, or concrete reinforced with steel. The favor with which concrete is now received is largely due to the great improvement in quality and reduction in cost of Portland cement. The Romans have bequeathed to us ample evidence of the durability of concrete, even when made of inferior cement. There is also sufficient proof of the absolute protection from corrosion afforded by concrete, to steel entirely embedded in it. All the advantages of the voussoir stone arch, and more, are obtained with the solid arch of concrete steel, at a cost nearly as low as that of the solid-floor steel bridge. A number of bridges of this class have been built in the United States, using the system developed by Prof. Joseph McLan, which is a direct outgrowth of the Austrian experiments, the system employs stiff steel ribs or beams, embedded in concrete, to form the arch ring.

Radically Wrong.

A most unfortunate lethargy has existed throughout Canada as to the need for better farm roads. The farmer has said:—"We have horses which are often in idleness, we ourselves have plenty of time, and we can therefore afford to drive slowly through mud, carry small loads, be entirely shut in at times by impassable roads, cut off even from the post-office, the market, the school, the church, the neighbor, rather than pay money, of which we have little, for better roads." The townsman has said:—"If the farmer wishes to travel in the mud, live in isolation, reach the town once a month, he can do so. It is none of my concern. If he comes but seldom, when he does come he must buy more of my merchandise, that's all."

This is radically wrong. It is mutually important to farmer and townsman that the country roads should be of the best, that traffic and intercommunication of all kinds should be brisk. Free and uninterrupted intercourse for the farmer in his commercial and social relations will advance the intelligence of the farming community, will create for the farmer more ways of money-making. The greater prosperity and refinement brings in their train greater needs, together with the means of obtaining them. Along the highways will flow wealth and culture to be participated in by the villages, towns and cities which directly or indirectly, through the retail or wholesale merchants, are mainly dependent for support upon the agriculture of the Province.

The value of agricultural land is shown to be in direct ratio to the condition of the roads by which it is reached. With no roads leading to it land has no value. When the first wagon track is made, land first obtains a real worth. In proportion to the improvements made to the wagon

track, the value of the land advances, and only when property possesses the best means of communication over first-class roads does it attain its greatest worth.

Distance is measured by time and ease of travel. Land situated one mile from the market town, but with a boggy road intervening, is frequently of less value than an equally fertile property ten miles from the market, but having good roads communicating with it. A ten mile drive over a good road is easily less disagreeable than a drive of one mile over an excessively bad road. A wagon load of produce can frequently be drawn to market over ten miles of good road, while one mile of swampy, bad road can render the moving of marketable produce an impossibility.

Concrete.

Concrete is simply a class of masonry in which the stones are small and of irregular shape. The strength of the concrete is largely dependent upon the strength of the mortar; in fact this dependence will be much closer than in other classes of masonry, since it may be stated, as a general rule, that the larger and more carefully cut are the stones, the less will the strength of the masonry depend on the strength of the mortar.

In deciding then, upon the proportions of ingredients to use in a given case, the quality of the mortar should first be considered. If the concrete is to be subjected to a moderate compressive stress, the mortar may be comparatively poor in cement, but if great transverse strength is required, the mortar must be of sufficient richness; while if the concrete is to be impervious to water, the mortar must possess this quality as well.

In making concrete the general rule should be that enough mortar be used to just fill the voids in the stone. If either less or more mortar than this amount be employed, the concrete will in general be weakened thereby. This last statement is subject to one exception. If the mortar becomes stronger than the stone, then an excess of mortar does no weaken the concrete. This should never be permitted to occur; the broken stone used should have a strength at least equal to that of the concrete.

A simple method of discovering the proportion of mortar required, is to fill a vessel of known capacity with the broken stone to be used, and to pour in a measured quantity of water until the vessel is entirely filled. The volume of water used indicates the necessary quantity of mortar. In using this method the stone should be moistened before placing in the vessel, to avoid an error from the absorption of the water used to moisten the voids.

As to the degree of jarring or packing to which the stone should be subjected in filling, if the stone is put in loose, and it is proposed to ram the concrete in place,

the amount of mortar indicated will be somewhat more than the required quantity; if the concrete is to be deposited without ramming (as in submarine construction) the amount of mortar indicated will not be too great. On the other hand if the broken stone is shaken down in the vessel to refusal, the voids obtained will be less than the amount of water which should be used, because it is not possible to obtain a perfect distribution of mortar in a mass of concrete, such that the concrete will occupy only the same space as did the broken stone when thoroughly shaken, and again, for perfect concrete, pieces of stone should be separated from one another by a thin film of mortar, and hence the volume of the concrete will be greater than the volume of the aggregate measured in compact condition without the mortar. A deficiency of mortar is usually more detrimental than an excess. It is, therefore, safer to measure the voids in the stone when but slightly jarred and make the amount of mortar correspond to the voids so obtained.

We may say then, that the rational method of proportioning concrete is to let the duty required of the concrete fix the quality of the mortar, and let the quantity be sufficient to fill the voids in the broken stone.

The usual method of stating proportions in concrete is to give the volume of sand and stone to one volume of cement, thus, one of cement, three of sand and six of stone, would usually mean one volume of packed cement, three volumes of loose sand, and six volumes of loose broken stone.

Bridge Abutments.

The most substantial sub-structures of bridges are of either stone or concrete. In their construction sufficient excavation must at first be made to properly contain the abutment, and this earth may be re-filled again so as to form approaches to the bridge.

The excavation completed, when concrete is used in whole or in part, the portion thus constructed must be boxed and curbed in a substantial manner the exact size and shape required. After the concrete has set this boxing is removed and earth filled in solidly around the face of the abutments. Hammer dressed stone should crown the concrete to form a bridge seat.

Concrete should be composed of a first-class cement, a clean silicious sand, entirely free from earthy particles, and coarse enough to pass through a twenty mesh and be retained on a thirty mesh sieve; clean, screened gravel, the largest not to be more than two and one half inches in diameter, or in place of gravel, broken stone that will pass through a two-inch ring. These materials should be mixed in the proportion of one of concrete, two of sand, and three of gravel or broken stone, with just sufficient water to form a plastic mass.

Masonry abutments should be of rock-faced ashlar, first-class in every respect. The projection of the rock-face should not be more than three inches from the line of pitch. The stone used should be approved quarried stone, laid on their natural beds, and all beds of stone dressed parallel and true, the bed to be always as large as the stone will admit. Vertical joints should be dressed not less than twelve inches in from the face, and as much more as the stone will admit, and particular care must be taken to have them well-filled with mortar. Joints should in no cases exceed one-half of an inch in thickness. The courses ordinarily should not be less than eight inches in thickness. Each course should be dressed before laying, and not be moved after being laid, or if moved, should be taken up, cleaned and re-laid again in fresh mortar. The stones and work should be kept from all dirt that will interfere with the adhesion of the mortar. Stones ought to be sprinkled with water before being placed in the work. Every stone must be laid with a full bed of mortar, and beaten solid. Spaces in the vertical joints back from the face have to be built up, thoroughly grouted, and each course finished off so as to be perfectly solid. Stretchers should be two and one-half feet in length, with a depth of one and one-half times their height.

Headers should be built in each course at least every four feet apart, and so arranged with the adjoining courses as to leave them equally distributed over the face of the structure. They should have a length in the face of the work of at least two feet and a depth of at least twice their length, unless the wall will not admit of this proportion, in which case they will pass through from side to side of the wall. The backing or filling ought to be of good sized stones, and of such shape and so arranged that they will break joints and thoroughly bond the walls in all directions, and leave no space of more than six inches in diameter. All spaces must be filled in with small stones and spawls laid in mortar and thoroughly grouted.

The coping stones should be of the necessary sizes and shapes, well bedded and closely jointed. The upper surface should be bushhammered and the face and corners brought to a true line.

All mortar used in the masonry should be composed of clean sharp sand, and an approved brand of cement. It should be of the best quality and freshly ground. The cement and sand for the mortar should be mixed in the proportion of three parts of sand by measure and one part of cement, the mortar to be made in a water-tight box or on a floor, and in no case on the ground. The ingredients should be mixed thoroughly in a dry state, and the proper amount of water added afterwards and again thoroughly mixed. It must be used directly after mixing, or if not used within one hour after mixing should be discarded.

QUESTION DRAWER.

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

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

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

No Appeal Against the Whole Assessment Roll.

296.—D. J.—Can the whole assessment roll be appealed against to the judge, though such appeal did not come before our local court, but a number of individual appeals? A number of the citizens wish to appeal against the whole roll, but I cannot see that it can be done under the circumstances.

No. The Court of Revision has no jurisdiction to hear and determine complaints respecting the assessment roll, unless notice has been given as provided by sub-section 2 of section 71, of the Assessment Act. This is clear, from sub-section 4 of the same section, the latter of which provides "and no alteration shall be made in the roll unless under a complaint formally made according to the above provisions." Sub section 1 of section 75 of the same Act, provides "An appeal to the County Judge shall lie, not only against a decision of the Court of Revision, but also against the omission, neglect or refusal of said Court of Revision to hear or decide an appeal." From this provision it is clear that the County Judge has no jurisdiction to hear an appeal from the Court of Revision unless a complaint has been first brought before the latter Court, upon proper and sufficient notice. Nor has he a right to hear such an appeal unless notice of appeal has been given as provided by sub-section 2 of section 75. Some are of the opinion that sub section 18 of section 71, gives the Court of Revision power to extend the time for making complaints in order to afford an opportunity to make complaints, but the power conferred by this sub-section is confined to "palpable errors," by which we understand such errors as are palpable or apparent upon examination of the roll itself. But whether a person has been assessed too high or too low cannot be ascertained by an examination of the roll, and therefore cannot be regarded as a "palpable error."

County or Township Road.

297.—T. C. M.—The boundary line between the townships of Rawdon and Seymour is also the boundary line between the counties of Hastings and Northumberland. Is this a county or township road and who should maintain same, the townships mentioned or the counties jointly?

This boundary line must be maintained by the municipalities of Rawdon and Seymour jointly. See sub-sec. 621 of the Municipal Act. In order to render the counties mentioned liable for the maintenance of the said boundary, the councils of each of the said counties would require to pass by-laws assuming the same.

Clerk, Treasurer or Collector.

298.—J. B. N. P.—In your answer to "Rastus" in February number, page 28, answer 85, the clerk may be appointed to both offices of clerk and treasurer, and by section 295 of the Municipal Act, chapter 223, the clerk cannot be collector, but by the Assessment Amendment Act, 1899, section 4, amending or appealing section 60 by substituting said section 4, the council has power by by-law to require all taxes to be made to the office of the treasurer. Therefore my contention is that the clerk may be appointed to hold the three offices, clerk, collector and treasurer, and thereby save expense and many errors committed in a great number of small municipalities where one office is not worth studying the duties attached to it.

The law as to this matter is the same as it was when question number 85 referred to was answered. If our correspondent will compare section 4 of the Assessment Amendment, 1899, sub. sec. 1 with sub. sec. 1 of sec. 60 of the Assessment Act, he will notice that in both the original sub-section and the amended sub-section the payment is to be made to the "treasurer or collector." This language of itself leads to the inference that the legislature in passing the amended sub-section had in their minds the existence of the treasurer and collector as two separate officials. Section 295 of the Municipal Act has not been amended since the above question was answered.

Road Lines—Survey—Dispute.

299.—COUNCILLOR.—The dispute is over the line running between A and B townships. Some three years ago the reeves and 1st and 2nd deputy reeves of these townships agreed to have a survey made to settle the dispute, each to pay the half of the cost. A P. L. surveyor who was then the county and also both townships' surveyor, was notified to run the line. A starting point was procured which no person could dispute; the line was run and it corroborated with an old stake found at the terminus. B refused to pay its share of the cost of the survey. A sued and obtained judgment. Notice was served by A on B to move obstructions so the men on A's side of the road could move their fence to the proper road allowance. B has refused on the ground that the survey was not legal?

1. Should the men on A's side put their fence to the survey?
2. What steps should the municipal council of A take to establish the line so road masters can have statute labor performed on the proper road allowance?
3. In case we must apply to the Provincial Crown Land Department by a petition, must it be done through the county council or through A's and B's council jointly for a surveyor?
4. Will the township in fault have to bear the cost of such surveyor?

1. Yes.
2. Indict all persons on both "A's and B's" sides refusing to move fences after notice. As to this, we would refer our correspondent to question No. 259 and answer thereto.

3. Indictment is the proper remedy in a case of this kind.

Assessment of Village Lots.

300.—E. B.—Which is the proper way of making out of the assessment and collectors' rolls?

NO. 1.

8.	9.	10	11	12	13
King St., E.	\$40 each.	1, 2, 3, 4, 5	1/4 V	\$200	\$
" " W.	\$75 each.	10, 11	1/2 V	150	
" " "		3	1/4 B	2000	2350

NO. 2.

8	9	10	11	12	13
King St., E.	1	1/4	V	\$ 40	\$
" " "	2	1/4	V	40	
" " "	3	1/4	V	40	
" " "	4	1/4	V	40	
" " W.	10	1/2	V	75	
" " "	11	1/2	V	75	
" " "	3	1/4	B	2000	2350

It is correct in assessing the lots in a village to group the lots according to the block or street in or on which they are located, carrying out the value of each such group to column No. 12 of the assessment roll. See section 29, sub-section 3 of the Assessment Act. In preparing the collector's roll the clerk would, of course, copy the entries as above and calculate the taxes on the valuation placed on each of such groups of lots. Each lot is then liable as stated in the above sub-section, for its proportionate part of the taxes.

Both assessments submitted comply with the provisions of the Assessment Act.

Assessment of Village Lots.

301.—X.—1. Is it sufficient to give a tenant a right to vote, that the property be assessed for \$200.00, in town? In that case a tenant would be in a better position than an owner, that is assessed at \$199.00, who is deprived of his right to vote,

2. Or has the property to be assessed at \$400.00 to give the tenant a right to vote as tenant when \$200.00 is required for owner?

3. In case two joint tenants are assessed on a property assessed for \$390.00 who has a vote, if any has a vote at all.

1. Assuming that your town has not more than three thousand inhabitants it is sufficient to assess the property occupied by the tenant at \$200 to give him (the tenant) a vote as well as the owner, provided the tenant and owner are severally (not jointly) rated therefor. See section 92 of the Municipal Act.

2. No.

3. Neither of them. See section 93 of the Municipal Act.

Assessment of Farm Lands in Towns.

302.—T. J. C.—Can you explain section 8, Assessment Act, 1897, when compared with section 29 of the same Act. In the 1st case

5 acres in towns are to be assessed as "farm" lands. In section 29, 10 acres are to be assessed. Which governs or is there no conflict between the two sections as relating to the number of acres to be assessed as "farm" lands?

1. We cannot see that there is any conflict between section 8, sub-section 1, and section 29, sub-section 1 of the Assessment Act. The former sub-section provides that lands in any town or village held or used as farm lands only, and "in blocks of less than FIVE acres, by any one person," such lands shall be assessed as farm lands. Our correspondent will observe that this sub-section does not limit the quantity of land UPWARDS in any town or village that may be assessed as farm lands. Section 29, sub-section 1, makes provision for the PRINCIPLES upon which such assessment as is mentioned in section 8, sub-section 1 is to be made. When the quantity of such lands assessed in any town or village exceeds ten acres, the value of the vacant land so assessed is to be the value of such land as though it was held for farming or gardening purposes, with such percentage added thereto as the situation of the land reasonably calls for. When no sales can be reasonably expected during the current year, and the quantity of such land assessed in any town or village is ten acres or less, the value of such vacant or other ground shall be that at which sales of it can be freely made.

Assessors Omission—A Tax Question.

303.—B. S.—1. Assessor omitted placing some names and amounts on roll which was returned in April, and Court of Revision was held and closed in May. Can omitted names and amounts be now placed on the roll and a levy placed on collector's roll, if so by whom, and can council order same to be done?

2. A rented personal property from B which B was assessed for and amount placed on collector's roll against B. Collector seized some of the personal property, also some personal property of A although there was abundance of B's property on the premises. A paid the taxes to the collector rather than have his own property sold; afterwards, B mailed the amount of the taxes to the collector. Thus the collector has received double the amount. Should A's payment be refunded? Can he demand it? or what course should be pursued? B owed some back taxes on another property. Can council hold B's payment for another property?

1. Section 166 of the Assessment Act provides that under the circumstances you mention, "the clerk shall, under the direction of the council, enter such land on the collectors roll next prepared by him thereafter, or on the roll of non-residents, as the case may be, etc."

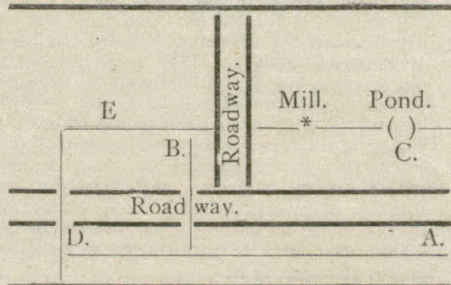
2. The collector had no right to levy upon any of the goods and chattels belonging to "A," because "A" was not assessed either severally or jointly with "B" for the personal property he rented from "B." "A's" payment should be refunded to him by the council, and he should make a demand on them for the amount. The council cannot hold "B's" payment for another property unless they were specifically instructed by him so to do.

A Drainage Case.

304.—J. H.—Kindly let me know if the council has a right to run a drain of surface water into the tail-race of a mill where the original watercourse was into the mill pond?

EXPLANATION OF DIAGRAM.

The proposal is to run the drain in sewers from A to B. The natural watercourse is from A to C but has been closed thirty years, and been run from A to D over the surface. The only reason for running the sewers into tail-race at B is, it would cause an additional expense of about \$100 if the water was run down to D. The tail-race ceases at E.



We cannot say from your statement of the case whether the council has the right to drain the water in question into the tail-race at the point indicated, but to avoid disputes and possible future trouble, we would advise the council to construct the drainage work required under the provisions of the Ditches and Watercourses Act. (Chap. 285, R. S. O., 1897.)

Irregular Special Meeting.

305.—P. C.—Can the reeve call for a special meeting for creating a debt, and the meeting was not held at the ordinary place—it was at farmer's in the concession? It is to buy a road machine, and all the ratepayers are against it. They did not pass any by-laws.

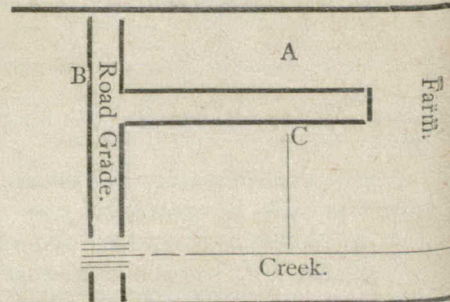
The reeve "may at any time summon a special meeting" of the council for the transaction of any business that lies within its legal authority. (See section 270, sub-section 1, of the Municipal Act.) Section 271 of the Municipal Act provides that, "In case there is no by-law of a Council fixing the place of meeting, any SPECIAL meeting of the council SHALL be held at the place where the then last meeting of the council was held, and a special meeting may be either open or closed, as in the opinion of the council (expressed by resolution in writing,) the public interest requires."

Your question is not framed so as to show what information you want. Do you want to know whether it was unlawful for the council to meet where it did meet, or whether the council could create a debt at such a meeting; or whether it could buy a road machine, the ratepayers being opposed to such a purchase; or whether such a purchase would be lawful in the absence of a by-law? For all that appears in your question it may be assumed that the council did nothing, and if it did nothing we do not see how the members can be punished in any way because a meeting was held at an unauthorized place where nothing was done.

Bridge on Farm Approach—Changing Creek—Damaging Road—Herding Stock—Cattle Tags—Lawful Grade—Liability for Damages.

306.—N. C. N.—

ILLUSTRATION NO. 1.

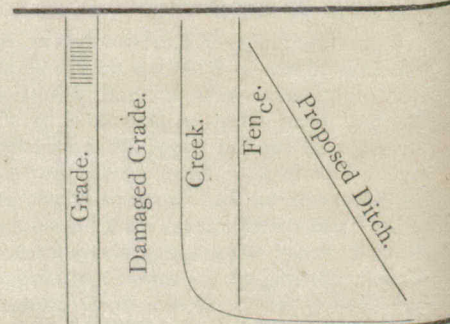


At A is quite a low place and wet and originally was drained across the road at B the natural outlet.

Along the line to the creek the earth has been removed so that if it were not for the farmer's approach a small expense would lead it to the creek. The farmer demands an outlet.

1. What can the council do?
2. If farmers will not keep outlets through their approaches can the council remove them?

ILLUSTRATION NO. 2.



Where the grade is damaged if the course of the creek is not changed it will need considerable expense to pile, etc.

- 3.—Would it be legal to lead the creek close to the fence and remove the earth to the line limit?
4. If the case could be remedied by changing the creek to the proposed course, what steps should be taken, the farmer objecting?
5. I have heard it argued that ratepayers herding stock on highways could not be hindered by council. Is that right?
6. Many farmers have no road fences. (a) Can council issue tags and allow cattle to run on highway and compel ratepayers to build fences?
7. If a road grade is, say 16 feet wide, is that a lawful highway; or does the whole four rods demand guarding?
8. A load of gravel is placed in a hole in the road and a travelling horse stumbles and falls. Is the council responsible for damages, it was not properly levelled?

1. Since the farmer's natural outlet is across the road at "B," his remedy is to take proceedings for the construction of a ditch or drain under the provisions of the "Ditches and Watercourses' Act," Chap. 285, R. S. O., 1897—if this has not already been done—and if this has been done his remedy is to proceed under the same Act to have the drain cleaned out. The council is not bound to act in the matter.

2. The right of landowners to build approaches is subject to the right of the council to cut through them if necessary to maintain the road in a proper state of repair. If a council finds it necessary for

that purpose to cut through an approach,* and it does so, the landowner must, at his own expense, bridge over the cut or provide some other approach.

3. The general law is that a natural watercourse—that is, a watercourse which has a channel with defined banks—cannot be diverted, but the councils of counties, cities, towns and villages, under section 554, of the Municipal Act, may pass by-laws for, among other things, diverting watercourses. In this case we do not think there would be any violation of the above principle of law if creek is moved to side of road allowance; if the adjoining owners are subjected to any injury or damages by the councils so changing the course of the creek, such owners would have to be compensated by the municipality.

4. The council would have to purchase the proposed new course for the creek from the person or persons owning the lands through which it is to run. If such owner or owners refuses or refuse to sell, the council would have to expropriate the land required for the purpose, and if the parties could not agree as to the price to be paid for such land the matter would have to be decided by arbitration under the provisions of the Municipal Act (see section 437 and following sections.)

5. Section 546 (2) empowers councils to pass by-laws restraining and regulating the running at large of animals. Where animals are in charge of the owner a by-law under the foregoing section does not apply to them. It therefore follows that a person may herd his cattle on the highway.

6. The council can pass by-laws allowing cattle to run on the highway, and in the by-law may provide for the issue of tags, but we do not think it can compel ratepayers to build fences.

7. By "road grade" we assume that you mean what is usually termed the "turnpike." It is difficult to give an opinion as to whether sixteen feet would constitute a turnpike of sufficient width to meet the requirements of the law in the locality intended, without having further information as to the nature of the road, as to whether it has ditches on either side, how deep they are, and as to the amount of travel on this road. We should also have same information as to the locality, so that we could form some idea as to what it would require in the way of roads. It has been judicially held that a road having a turnpike twenty-one feet in width with a ditch four feet deep extending along one side of it for over a mile is a lawful road, and that the municipality was not compellable to build a guard along the turnpike edge of the ditch, (the unreported case of Gibson vs. Aldborough.)

8. Proof of all that is stated to have happened in this case would be sufficient to make the municipality liable. Negligence on the part of the council would have to be shown. If the load of gravel was placed on the road and left in a condition to make it dangerous, or if it was placed there by some other person and

was dangerous, and the council had knowledge of its existence and did not, within a reasonable time, take steps to prevent accident, the municipality would be liable.

Amendment to Voters' Lists Act.

307.—H. McF.—Will you kindly inform me if sections 8 and 9 of chapter 7, Revised Statutes, 1897, with regard to the posting of voters' list, have been amended in the year 1899, and if so what the amendments are?

Section 2 of chap. 3, Ontario statutes, 1899, is as follows: "Section 8, of the said Act, (that is, the Ontario Voters' Lists Act,") is hereby amended by adding thereto the following:

(h) "To each member of the county council for the division in which the municipality is situate." Section 9 of the "Ontario Voters' Lists Act" was not amended in 1899.

Nomination Notices—Return of Ballot-Box—Yeas and Nays—Tie Vote by Mayor—Chairman Court of Revision.

308.—SUBSCRIBER.—1. Can the owners of property refuse to let a municipal nomination notice be posted on the premises?

2. In the Provincial election should the deputy-returning officer take his ballot-box to the returning-officer, and if so is he paid for the trip, or should the returning-officer send a man for it?

3. In a town council where the yeas and nays are called and the mayor votes, can he vote again if it is a tie?

4. What is the best way to appoint a striking committee for the year?

5. When the court of revision meets is the mayor chairman or must one be appointed?

1. The municipal act makes no provision for the posting up of notices of the kind mentioned.

2. Section 117, of chap. 9, of the revised statutes of Ontario, 1897, (the Ontario election act,) provides amongst other things, that "the deputy-returning officer shall forthwith deliver the PACKETS PERSONALLY to the returning-officer." The deputy-returning officer is not required to take the BALLOT-BOX to the returning-officer. Section 122, of the said act, provides that "within one week after the close of the election every deputy-returning officer shall deliver the ballot box used in his polling sub-division to the CLERK of the municipality, etc." The deputy-returning officer is not entitled to be paid extra for these services. Section 15, schedule B, of the Ontario election act, provides, "Taking the polls, including the services connected therewith, and making returns, \$4."

3. No. See section 274, of the municipal act, (R. S. O., chap. 223,) as amended by section 19, of the Municipal Amendment Act, 1899.

4. Unless otherwise provided for by by-law or rules regulating the proceedings of the council, the committee to strike standing committees should be chosen or appointed by vote of the council after said council has been duly organized.

5. See section 63 to 69, of chap. 224, R. S. O., 1897, ("the assessment act.") The mayor is not chairman of the court of revision by virtue of his office as such mayor; in fact, if the council consist of

more than five (5) members, he need not of necessity be a member of the court of revision at all. The court may appoint one of their number its chairman, but the statute does not require this to be done.

Removal of Fences on Road Allowance.

309.—J. McK.—If a municipal council desires to have the fences removed from the road allowance of their sideroads and concession lines;

1. What proceeding will the council require to take to make parties remove their fences?

2. Who will have to pay the expense of surveying, the parties adjoining the road or the municipality?

The council of this township, Garafraxa, last year, 1898, passed a special by-law giving themselves power to have all obstructions removed from the road allowance. The by-law has been challenged as not being sufficient to make some parties remove their fences on the second clause where it reads, the person or persons placing any obstructions, as these parties had bought their farms after the fences had been so placed;

3. Is this by-law sufficient, or why is it not?

TOWNSHIP OF WEST GARAFRAXA.

BY-LAW NO. 10.

A by-law to Provide for the Removal of Obstructions upon the Highways in the Township of West Garafraxa, and for Other Purposes.

Whereas, the council of the municipal corporation of the township of West Garafraxa deem it expedient that fences, timber, stone firewood, and any other obstructions placed upon the highways in the said township, under the control of the council of the said Corporation, should be removed, and that certain persons be designated to enforce the provisions of this by-law:

Therefore the municipal corporation of the Township of West Garafraxa enacts as follows:

1st. The removal is hereby directed of all fences, timber stone, firewood or any other obstructions placed upon any highway under the control of the said council, excepting material that is to be used for roads and bridges purposes.

2nd. The person or persons placing any such obstructions or materials upon such highway as aforesaid shall, after notice to remove the same, as hereinafter provided, and upon default for five days after such notice, be liable for the expense of the removal of the same.

3rd. The road commissioners of the said municipality from year to year are hereby appointed and constituted officers in their several respective divisions for the purpose of enforcing the provisions of this by-law in addition to all other duties cast upon them by law; and they are hereby directed to give notice to any such party or parties placing any such obstruction or material as aforesaid upon any such highway to remove the same, and in default of such removal for five days after such notice has been given, the said officer shall forthwith cause the same to be removed and shall by suit or otherwise, in the name of the municipality, collect the expense thereof from the party or parties aforesaid.

4th. An account of such cost shall be rendered to the reeve by the road commissioner so effecting such removal, and after being certified by the reeve shall be paid by the township treasurer.

(Form of Notice in the following words.)

MUNICIPALITY OF THE TOWNSHIP OF WEST GARAFRAXA.

Take notice that you are hereby required forthwith to remove the obstructions consisting of.....

.....

placed by you on the highway known as.....

 and in default of your so doing within five days
 after the service of this notice upon you, the
 said municipality will cause the same to be
 removed at your expense and will collect the
 expense of so doing from you.

To.....
 Dated.....

Signed.....

FORBES MOIR, Reeve. JAMES KENNEDY, Clerk.

Passed this Thirteenth day of August, 1898.

1. If the council is satisfied that the fences in question are on the road allowance; let the parties be notified to remove their fences within a reasonable time and if they do not comply indict them.

2. The municipality must pay the expenses of the survey.

3. The second clause of your by-law seems to be framed in the words of sub-section 4 of section 557 of the Municipal Act, R. S. O., 1897, chap. 223. This sub-section does not seem to apply in specific terms to persons who purchased their premises after the fences had been placed on the highway, and that being so we would not advise you to attempt to enforce the penalties imposed by that section. Your by-law is in proper form. It is as wide in its terms as the statute.

Municipal Officer and Pathmaster—Declaration of Office.

310.—G. S.—1. Is it legal for councilmen and treasurers of townships to act as pathmasters?

2. Is it legal for councilmen appointed as pathmasters, to expend money granted by the council for certain portions of roads?

3. Is it necessary that pathmasters should be sworn before commencing road work and at time of returning road list?

My opinion of the above questions is in the affirmative.

1. Yes.

2. Yes. A councillor (unless it be a grant for some special purpose) has a discretionary authority to expend the money wherever he deems it is most needed.

3. Yes. Before undertaking his duties a pathmaster should make the declaration of office required by statute, and another statutory declaration when returning his statute labor list to the clerk.

Separation of United Townships—Share of Liquor License Fee.

311.—RATEPAYER.—1. This is a sparsely settled municipality composed of three townships. For certain reasons the two junior townships wish to be separated from the senior one. Neither of them have the requisite number of ratepayers to entitle it to legally withdraw from the union, so they both joined together about a year ago and petitioned the county council to be separated from the senior township and erected into a separate municipality, and the petition was approved of by the committee on contingencies, but the warden stated that the county solicitor's opinion was that two townships had not the right to withdraw from a union, so the council threw out the petition. Was the county solicitor's ruling correct?

2. There are three tavern licenses in a municipality; ninety dollars are paid for each. What is the proportion the municipality should receive from the license inspector?

1. Yes. We agree with the county solicitor's opinion. See section 31, of the

municipal act, sub-sections 1 and 2. You will observe that sub-section 2 enacts that "in case two-thirds of the resident freeholders and tenants of one or more junior townships petition the council of the county to be separated from the union to which they belong, AND to be attached to some other adjoining municipality, etc." The junior townships must petition, not only to be separated from the union to which they belong, but also to be attached to some other municipality. There seems to be no provisions enabling the junior townships to become separated from the union, and to be formed into a separate municipality.

2. By sub-section 1, of section 45, of the liquor license act, (R. S. O., 1897, chap. 245,) the sums paid in for liquor licenses are made part of the license fund of the license district in which your municipality is situated. Sub-section 2 of the said section 14 enacts that the municipality will be entitled to receive from the inspector two-thirds of the residue of the license fund remaining after payment of so much thereof as may be specially appropriated otherwise, and of the salary and expenses of the inspector, and expenses of the office of the board and of officers, and otherwise in carrying the provisions of the law into effect. The payment by the inspector is to be made on the 30th of June in each year, and at such other times as may be prescribed by the regulations of the Lieutenant-Governor in Council.

Closing Roads for School Repairs.

312.—J. C.—A school section in this municipality (having scarcely any recreation ground) has applied to the council for a portion of an old road which is never travelled, the township having bought years ago a deviation in place of the original road, it being found impossible to make a road at the place asked for without a very great outlay. Supposing the council grants the request of the trustees of said section, what would be the legal steps to take in the matter?

The procedure to be followed in the case you mention is fully set forth in section 660, sub-section 2, and section 632 of the Municipal Act. The road must be closed first before it can be expropriated for the purpose of enlarging the school grounds.

Vote on Debenture By-Laws—Poll-Books Required.

313.—J. W. A.—On the 28th inst. the electors of this municipality will vote on three separate debenture by-laws, namely, to raise \$7,000 for granolithic sidewalks, \$4,000 for filter, and \$5,000 for existing indebtedness.

1. Is it necessary for the clerk to fill in the names of all the qualified electors in the poll book, or would the certified voters' list be the guide of the D. R. O. or the poll clerk to fill in the names?

2. And it is necessary that three separate poll books be filed up (one for each by-law), or would it fill the requirements of the Act, if the object of the by-law was entered in three separate columns of the poll-book for each polling sub-division?

1. Section 348 of the Municipal Act provides, "in the case of municipalities which are divided into wards or polling sub-divisions the clerk of the municipality shall, before the poll is opened,

prepare and deliver to the deputy-returning officer for every ward or polling sub-division, a voter's list in the form of schedule C to the Act.

2. One poll-book for each polling sub-division with separate columns may be used.

Assessment Appeals—Return of Roll.

314.—T. D. N.—1. A who is assessed for \$1,400, appeals to have B, a tenant, of his placed on the roll. No amount was named in appeal. Court reduced A to \$1,000, and placed B. on roll at \$400. Was change legal?

2. Assessor was present. Could he have legally aided in the change?

3. Assessor returned his roll March 23. Question 1, arose because roll was returned too early for A to get an appeal in. Is there any date before April 30, in which Assessor's roll should be held?

1. Unless A gave notice of appeal within the time limited by the assessment act, to have his assessment reduced, the court of revision had no power to alter the assessment. If A simply appealed to have B placed upon the roll, we do not see how jurisdiction in the court of revision could be founded upon that notice to deal with another assessment.

2. An assessor may give evidence under oath at request of court of revision.

3. No.

Farm Crossings—Notices Road By-Laws—Declarations of Office.

315.—R. B. W.—1. Is a council liable to build and keep in repair a culvert or bridge leading from a ratepayer's private property across the ditch to the travelled road?

2. How long should notice be given to open a road after a by-law has been passed to that effect?

3. Is once sufficient for township officer to take the declaration as long as they continue in office?

No. See question 306.

2. No definite time is laid down by the statutes. A notice that is reasonable, under the circumstances of the case, is all that is required.

3. Yes.

Assessor's Attendance Court of Revision.

316.—M. M.—Is the assessor of any municipality compelled by law to attend at revision court free? I have been the assessor for the township of Normanby, Grey county, for past three years. Last year, 1898, the township council made a small raise in my salary but stated that in return for same I should attend court of revision free. I did so. This year, 1899, they again raised salary but it is as yet only \$75, but they never mentioned court of revision at all, and on that day I asked them to allow me \$2 for attending, as I am a farmer and had to leave my work and travel three miles to attend, but they refused and would not give me anything. The reeve said that I was compelled to attend free of charge.

If it was part of his contract to attend the court of revision he would not be entitled to anything for attendance. On the other hand, if he was not bound to attend having attended voluntarily, he cannot collect anything for his attendance.

Consolidation of Floating Debt.

317.—SUBSCRIBER.—1. We want to ask the legislature for a bill to consolidate a floating

debt. Kindly give all the preliminaries necessary and your advice in the matter. Will the Government Act provide for issue of debentures, say thirty years? Is there any voting or municipal by-law wanted?

To accomplish the object mentioned, the municipal corporation will have to make application to the Ontario Legislature for the passing of a special act providing for the consolidation of the corporation debt. As a sample act of the kind we would refer you to chap. 79, of the Ontario statutes, 1898-99. The corporation had better instruct their solicitor to see them through with the matter. No municipal by-law is required, and the act to be passed by the legislature will make provision for the time within which the debentures are to be paid.

Chairman Public Meeting—Instructor in Road Making.

318.—SUBSCRIBER.—1. If the mayor of a town calls a public meeting has he a right to preside at it without appointment?

2. We are thinking of raising money to improve and gravel our main streets or roads. What steps are necessary to get Mr. Campbell, Government Roads Inspector, and who pays for it? Is the new road machine a success, etc?

Sir J. G. Bourinot, the eminent Canadian authority on such matters, says on page 67 of his work on "Procedure of Public Meetings," as follows: "But in the numerous cases of ordinary or primary public assemblages for the discussion of municipal, political or other matters, it is incumbent on someone responsible for calling the meeting, or otherwise directly interested in its purpose, to call it to order, and to move, himself, "that Mr. A or B do take the chair." The motion should be seconded and formally put to the meeting like all other motions. If another candidate be proposed—a rare occurrence in such primary or ordinary meetings—then the names are proposed in the order of nomination, the same person continuing to act as temporary chairman until the permanent chairman is elected."

2. Write to A. W. Campbell, C. E., Provincial Road Instructor, Parliament Buildings, Toronto, and ask him to appoint a date when he will attend in your locality for the purpose for which you desire his presence. His visit will be attended with no expense to the municipality or the person or persons requesting him to make it.

There are several kinds of road machines all of which seem to do good work.

Clerk and Court of Revision—Appellants Rights—The Municipal World—Assessment Notice.

319.—F. S. T.—1. Has the clerk a right to address the councillors under oath, as a court of revision, to enlighten them on their duties, in case they would not quite understand the matter placed before them, but not to influence them in any way towards one thing more than another?

2. Havenot the appellants the right to discuss their grievances and give their reasons therefor in the court of revision, provided they are orderly without being compelled to stop or be turned out by the reeve or any of the councillors?

3. Should an acre of land which has been cleared of stumps, roots and stones and under good cultivation be assessed at the same rate as the neighboring land of the same quality full of stumps, roots and stones and under poor cultivation, the means of the owner not allowing better improvement?

4. Should an animal two or three times heavier, younger and of better breed than another, be assessed at the same rate?

5. Who should receive THE MUNICIPAL WORLD first, the clerk the reeve, or the councillors, the paper being sent in the name of the clerk, who never refuses to pass it over to any member asking for it? Is not the paper intended to enlighten the clerk first of all?

6. A man is not an actual resident for the present on his property which is a free-grant homestead, but, to the full knowledge of the assessor and whole community lives a few miles off. The assessor did not deliver any assessment slip or notice to him. The clerk was notified of it, but nothing was done and the court of revision passed without the knowledge of the party assessed, in fact only a few in the township knew of the court of revision. Has that man the right to refuse to pay his taxes?

1. The general duties of a municipal clerk are set forth in section 282, of the municipal act. In addition to these general duties the clerk has special duties to perform in conformity with the provisions of various statutes, such as the "voters' lists' act," the "jurors' act," etc. The extent to which the clerk can go in taking part in the deliberations of the council, either sitting as a councillor court of revision, rests entirely with the members of the council or court of revision. If, in the instance you mention, the clerk was giving evidence before the court of revision, his position is the same as that of any ordinary witness giving evidence before the court, and his remarks should not go beyond testimony relevant to the matter at issue.

2. Yes, assuming that their notices of appeal have been filed in accordance with the provisions of the assessment act.

3. No.

4. If the animal you refer to is a farmer's animal, (as we presume it is,) it is exempt from assessment. See section 7, sub-section 16, of the assessment act.

5. This is a somewhat embarrassing question to answer. We know of no law, either moral or statutory, that regulates the matter, unless, perhaps, a resolution of your council provides some way out of the difficulty. THE MUNICIPAL WORLD is intended to enlighten the clerk, all members of the council, and all others who take an interest in municipal matters. In view of the free and full information given to all inquirers, we think the easiest and most profitable way of settling the question would be the ordering, by the council, of six copies of THE MUNICIPAL WORLD, one for the clerk, one for the reeve, and one for each councillor.

6. No.

Barbed Wire Fences—Gravel Pit on Highway and Damage to Fences.

320.—H. S. M.—1. Are barbed wire fences legal?

2. Who will be responsible for any accident that may occur through having a barbed wire fence along the public highway?

3.—Have the council any power to prohibit the building of such a fence?

4. How close to a fence along the highway can the council go to get gravel? The gravel pit is in the cut through a hill and if we go too close will let fence down?

1. Yes. Sub-section 4, of section 543, of the municipal act, gives the council of a township power to pass a by-law for providing sufficient and proper protection against injury to persons or animals by fences constructed, wholly or in part, of barbed wire, or any other material.

2. If the council has not passed such a by-law as is above-mentioned, or if such a by-law is in force, and the barb wire fences are protected as required by the by-law, there will be no responsibility in damages for injuries caused to persons or animals by the existence of such fences.

3. No. The council of a township has not such power; the above sub-section gives this power to councils of towns and cities only.

4. In removing gravel from a highway the council and its servants, and employees must exercise care, and not approach so close to the line fences on either side of the highway as to cause injury to, or the destruction of fences. Otherwise, the municipality will be responsible in damages to the owners of the fences injured or destroyed.

No Initials on Ballot—New Ballot—Chairman Court of Revision—Assessments Omitted.

321.—M. H. S.—1. At the last Municipal Elections I omitted initialing a ballot paper but detected same when returned to me, and treated it as a ballot inadvertently spoiled, (thus giving a coloring that I wished to know how the voter marked it) and issued a new ballot. My only other option was to have the voter go back and mark all the names off, but would it have been a ballot inadvertently spoiled then, and could I have issued another? How should I have acted?

2. Can the reeve of a council in a rural municipality, act as chairman of the court of revision on the assessment roll?

3. After our assessment roll had been passed by the court of revision and adopted by the council I began making up the voters' list by revising an old one as you suggested in your columns and which I think an excellent method. As by so doing I detected some important property omitted from assessment roll. Can this be legally added now or must we lose the taxes on it?

1. You acted quite correctly.

2. Yes.

3. Section 166 of the Assessment Act provides under the circumstances you mention that "the clerk shall, under the direction of the council, enter such land on the collector's roll, next prepared by him thereafter, or on the roll of non-residents as the case may be, as well for the arrears omitted of the year preceding only, if any, as for the tax of the current year, etc."

Swing Bridge—Toll—Assessment of Boats.

322.—T. McC.—This (a village municipality) pays \$109 to have a bridge swung for the benefit of one individual as there is only one man who owns boats large enough to require the bridge to be swung. What the council wants to know is—

1. Can the municipality charge said boat owner toll legally?

2. Is all or any boats in the district of Muskoka exempt from taxation?

3. If so where is the legislation granting them or making them exempt?

1. No.

2. The following boats are exempt by statute from assessment and taxation, namely: steamboats, sailing vessels, tow barges and tugs; but the income earned by or derived through or from any such purchase "shall be liable to be assessed."

3 Section 7, sub-section 29 of chapter 224 of the Revised Statutes of Ontario, 1897.

A Collectors' Seizure—School Debentures.

323.—A. McD.—A owned some timber lots in this municipality; he is a non-resident. He sold some of his lots to another timber man, B. A was assessed for the lots when B bought them. The government valuers were valuating through the township and there was no money paid until they knew the price set on each lot. The land is Indian land, sold in 100 acre lots. In the meantime B had built a shanty on one of these lots and had men working on said lot. A ordered them off the place saying the lots belonged to his wife and she did not want to sell them. The collector came to B for the taxes on those lots. B told the collector that he was willing to pay the taxes on them if they were his, but at present he did not know whether they were his lots or not. B came to the council and offered to pay the taxes if they would refund the money if he could not get the lots. He offered to pay the taxes for the lot he was operating on?

1. Could collector seize B's timber for the taxes of all the lots, B only taking timber off one; should he have legally bought them?

2. Should A's wife be able to take the lots from B. Would the collector's seizure be legal?

3. If B lost the lots what would be the consequence between him and the collector?

4. The majority of council told collector to seize and they would back him up. I told them if they were put in for any cost they would have to pay it out of their own pockets; if he could legally do it he did not need any one to back him. Was I right or wrong?

5. What defines a premise as in section 124, Statute of 1892?

6. Would you call those lots of B's the one premise, being situated on two or three concessions?

7. Section 124 of Statute of 1892 was amended in 1896 striking out the words or any other occupant. I notice that the collector reads that out of his guide the same as in 1892. Has it been changed again? I did not get the amendments since 1896.

There was a school section formed in 1896 or 1897. They had the annual meeting to select a site and the majority carried the school so near the one end that they disagreed and did nothing until this winter when they had a meeting and appointed trustees; also had another meeting to select school site and order a new building. They came to the council to get debentures. Others in the section came stating they knew nothing of the meetings, but secretary stated that he was able to prove that legal notices were put up. I think the majority is against the present site. We did not do anything until we found out it was safe.

8. Are we safe in issuing the debentures or should they call another meeting to select a site with due notice?

1, 2, 3, 4, 5 and 6. We must have some further information from you before we can answer these questions. Was "B" actually ASSESSED for the premises he supposes he has purchased from "A" in the year for which the taxes in question are claimed, and was his name on the collector's roll in such year, as a person liable to

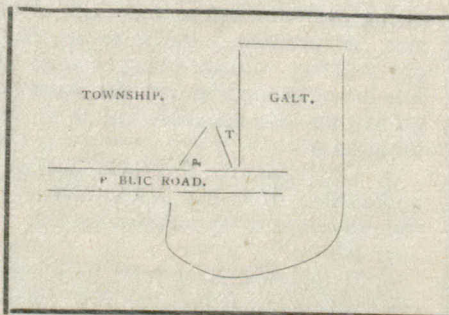
pay said taxes? What was the nature of the agreement between "A" and "B" at the time of the purchase of the premises by "B" from "A"? Did any written document pass from one to the other, a deed of conveyance, agreement for sale, or otherwise, and if a written document was prepared, by whom was it signed? We would also like to know if any patents were issued, and if so, to whom and for what lots?

7. We presume the section you refer to is section 124, of the consolidated assessment act, 1892. This section has been materially changed by section 135, of chap. 224, of the revised statutes of Ontario, (the assessment act,) as amended by section 11, of the assessment amendment act, 1899.

8. Since there appears to be some doubt as to the regularity of the proceedings in the matter you refer to, it would be wise to have the trustees call another meeting of the ratepayers, observing all preliminary and subsequent formalities required by "the public schools act" strictly. See section 31, of chap. 292, R. S. O., 1897.

A Township Road.

324.—J. W.—(I am sending you a chart of the township of North Dumfries within whose boundaries is the Municipality of the town of Galt.) Is the township liable to keep up the public road at that part of which the town of Galt owns property on either side of the highway?



You will notice that that part of the town marked P is a public park belonging to the town. The township property runs along the road at that part marked T. Now are we in the township responsible to keep up that part of the road between the corporation and the park?

In the absence of a by-law of the Town of Galt, assuming the portion of the road you refer to, and a by-law of the township assenting to such assumption, we are of opinion that the township is liable for the maintenance and repair of the said road to the same extent as before the park was acquired and established by the town.

Formation of New Municipality From Part of Union School Section—Equalization of School Assessment.

325.—G. W. T.—At the present session of the Ontario Legislature, a bill was brought forward to incorporate the village of Sturgeon Point. They were asking in the bill (enclosed) that they become a separate school section and not be required to keep any school. Now that part of Fenelon and Verulam townships proposed to be incorporated into the new municipality is part of one union school section and you can see by looking into the bill that it

would affect Verulam portion of the section as well as Fenelon. The bill had not in any way come to our notice, but the solicitor, being also solicitor for Fenelon Township, along with reeve of Fenelon went up and had the objection clause (reforming new school section and not being required to keep any school except at the option of ratepayers of new municipality) with the result that it still remains part of the union school section. The bill also provides that the officers shall not be elected till on or after June 20. In this case would it have been legal to have bill passed to incorporate the new municipality without forming a school section according to statutes? In case of equalizing the union school section, which will be done this year and should be done before June 1, what is the best way to overcome the difficulty of equalizing with the new municipality which, as was said before, will not have its officers elected before June 20th, or will it be equalized by the assessors of Verulam and Fenelon as formerly, and the new municipality bear with the equalization during the next three years?

We have read over the Act to incorporate the village of Sturgeon Point, being chap. 83, Ontario Statutes, 1898-99. Sec. 16 of the Act provides that "the said village shall remain a part of the existing school section, and shall not be separated therefrom, and this seems to be a legal and reasonable provision.

We see no reason why the assessors of the townships of Fenelon and Verulam for 1899 should not equalize assessments as provided in section 51 of the Public Schools Act as on former occasions, before the Act was passed for the incorporation of the village of Sturgeon Point. See also section 49 (1) of the same Act.

Vote of Mayor.

326.—SUBSCRIBER.—When yeas and nays are called, can mayor vote, and also vote if the yeas and nays are a tie?

Yes. Sec. 274 of the Municipal Act enacts as follows: The head of the council, or the presiding officer, or chairman of any meeting of any council, may vote with the other members on all questions, and any questions on which there is an equality of votes shall be deemed to be negatived. Sec. 19 of the Municipal Amendment Act, 1899, adds to said section 274, sub-section 274 a, providing that the vote shall be open and recorded by the clerk.

Special Meeting of Council—Sale of Road Machine to Municipality by Reeve.

327.—P. C.—1. Can the reeve summon a special meeting to create a debt without by-law, and the meeting was not held in the ordinary place?

2. Can he sell a road machine himself to a municipality without the consent of the ratepayers of the township?

What I ask you in this has been done. The reeve summons a special meeting two miles from the ordinary place and he sold a road machine to his council. The ratepayers are against it because we don't want any road machine before three or four years.

1. Section 271, of the municipal act, provides that, "In case there is no by-law of a council fixing the place of meeting, any special meeting of the council shall be held at the place where the then last meeting of the council was held, and a special meeting may be either open or closed, as in the opinion of the council.

(expressed by resolution in writing,) the public interest requires."

If the above section was not complied with in the case you mention, in so far as the place of holding the meeting was concerned, we know of no authority that would lead us to the opinion that the business done at such meeting was transacted illegally.

2. Section 83, of the said act, provides that, "In case a member of the council of any municipality, either in his own name or in the name of another, and either alone or jointly with another, enters into a contract of any kind, or makes a purchase or sale in which the municipality is a party interested, the contract, purchase or sale shall be held void in any action against the municipality."

Creek—Course Changed by Tenant in Township Municipality—Causing Damage to Village Municipality—Remedy.

328.—SUBSCRIBER, Boston.—There is a small creek crossing the concession line just outside the limits of the village. Its natural and usual course has been across the corner of a field on the next concession line, but some seven or eight years ago the tenant occupying the farm turned the water down the side of the road which belongs to the township, where it enters into the village limits and runs down the village street, turns the corner and follows the street for about three-quarters of a mile. The water damages the road considerably, keeping it wet. The bed of the ditch fills up and floods the water over the side and it proves to be a considerable nuisance to the village.

1. Could the township be compelled to have the water run in its natural course—they claiming that they did not divert the stream, but that the tenant on the farm did so? To whom would the village corporation look for redress? To the township council, or the owners of the land who refused to allow the water to go over their premises, the land now being held by the county council for house of industry purposes?

The tenant had no right to turn the water out of its natural course, and cause it to flow upon the street in your village, thereby damaging it, and an action might have been brought against him to restrain him. We understand that the county council now owns the land which the tenant occupied at that time, and if the diversion of the water is from the land itself, the county corporation must take steps to prevent the continuance of the discharge of water upon the village street. If, on the other hand, the diversion was made upon the concession line itself by the tenant, the township council must remedy the matter. We are of the opinion that, if a private land owner wrongfully diverts water upon the public highway within one municipality, and causes water to flow upon the road in another municipality, to the damage of such other road, such other municipality cannot escape liability upon the ground that it did not divert the water, but the council of that municipality in such case should, in the first place, be notified and asked to remedy the wrong and if it refuses to do so within a reasonable time, we think that such municipality would be held by the court to have adopted the act of the origi-

nal wrong-doer. This principle was laid down in the case of *Stalker vs. Dunwich*.

Special Assessment Boulevarding and Tree Planting.

329.—J. W. N.—Can the town tax me for boulevarding and tree planting on the street in front of my lot? Also can they charge me for watering same if I can show that I am over-taxed on the whole. Can the council single out any one property that may be under assessed and raise me on this, which would increase the amount over-taxed still more. The time for appeal is past so that I would in such a case have no recourse until next year.

Your property can be charged with its boulevarding. See sub-section 2, of section 664, of the municipal act, which provides among other things, for curbing, sodding or planking any street, etc., but there is no authority to assess your property for the cost of planting trees. The council has power, under chap. 243, of R. S. O., 1897, to pass by-laws granting tree bonuses. The council has power, under section 686, of the municipal act, to pass by-laws as therein provided for watering streets, and imposing a special rate upon the assessed real property within the area provided by by-law.

The council has nothing to do with the assessment of your property, except through the court of revision. It is the duty of the assessor, under section 28, of the assessment act, to assess all property at its actual cash value. Though street improvements have increased the value of your property, the assessor cannot make any reduction in the assessment, because your property has been specially assessed for such improvements. It is his duty to assess all property at its actual cash value, without any regard whatever to any causes which have increased its value. If the time for appealing against the special rate imposed upon your property for street improvements has elapsed you are without remedy, and as the time for appealing against your assessment for this year has gone by you can do nothing, you will have to wait until next year, and if you find you are again assessed for too much, appeal to the court of revision under section 71, of the assessment act.

Fence Viewers Award—Appeal—Irregular Decision.

330.—F. D. Mc. — During the year 1898 Mr. S— of the township of Finch notified three fence-viewers of the municipality (all of whom were duly qualified) to arbitrate on a disputed line fence between himself and his neighbor, Mr. H—. Said fence-viewers did view said disputed line fence and made and filed their award in the office of the township clerk according to law. Mr. S— appealed against said award to the division court on account of its being not in conformity with the line fence by-law of the township of Finch, the award having acknowledged a stump or root fence as a lawful fence which is contrary to the by-law. The appeal was heard at the division court sitting in January and adjourned until the next sitting of the court on the 30th of March in order to give the fence-viewers an opportunity to amend their award which they agreed to do. When the case came up at court on the 30th March the fence-viewers, although present, had neglected to file an amended award as ordered by the January trial, con-

sequently the judge dismissed the case with costs against the fence-viewers.

1. Who is responsible for these costs. Is it Mr. S— who ordered the fence-viewers to view the fence or the municipality which appointed them or are the fence-viewers personally responsible on account of their not making their award in accordance with the township by-law? They claim that they were not supplied with a copy of said by-law.

2. Under the circumstances are the fence-viewers entitled to the fees allowed them per by-law? If they are whose duty is it to pay them? Is it the party who ordered them to do the work or is the municipality liable for their wages?

1. We do not understand why the judge made the order which you say was made by him in this case. Sub-section 4 of section 11 of the Line Fences Act, empowers the judge to set aside, alter or affirm the award correcting any error therein, etc. And it provides that he may order payment of the costs by either party and fix the amount of such costs. We cannot understand why he adjourned the case to enable the fence-viewers to correct or amend the award. After the fence-viewers made the award they had no further power or authority in regard to it; they were *functus officio*. We do not think the judge had any power to order the fence-viewers to pay the costs. His authority is to order the payment of the costs by either party and we do not think that the word "party" includes the fence-viewers at all. So far as Mr. S— is concerned, he is not liable to pay any fees unless the award requires him to pay them. He is not liable to pay any fees simply because he initiated proceeding.

2. Sub-section 1 of section 12 provides: "The fence-viewers shall be entitled to the sum of \$2 each for every days work under this act, etc.," and sub-section 2 provides: "The municipality shall, at the expiration of the time for appeal or after the time for appeal, as the case may be, pay to the fence-viewers their fees, and shall, unless the same be forthwith paid by the persons awarded or adjudged to pay the same, place the amount upon the collector's roll, etc." As we have not the award or a copy of it, we cannot express an opinion as to whether the fence-viewers can enforce payment of their fees or not. You say that the appeal was dismissed. If that is so, the fence-viewers' award stands, and if it provides for the payment of the fence-viewers' fees, we think they are entitled to them. If, however, the judge set aside the award, or struck out of the award the provision for the fence-viewers' fees, we do not think the fence-viewers can recover their fees, because the municipality would have no power to place them upon the collector's roll, and have them collected in the manner provided by sub-section 2.

Good Boy—Mother says I can't go out on my bicycle this afternoon; I've got to stay in the house.

Bad Boy—Aw shucks! Dat's de way wid some women. Dey'd sooner have deir kids grow up to be reconcentrados dan rough riders.

Appeals from Court of Revision.

Sub-section 19, of section 71, of the assessment act (subject to the provisions in the said sub-section enumerated,) makes it incumbent on all courts of revision to complete their duties, and finally revise the assessment rolls before the 1st day of July in every year.

Sub-section 1, of section 75, of the assessment act providing for an appeal to the county judge from a court of revision, has been repealed by section 6 of the assessment amendment act, 1899, and the following sub-section substituted therefor: (1) An appeal to the county judge shall be at the instance of the municipal corporation, or at the instance of the assessor, or assessment commissioner, or at the instance of any ratepayer of the municipality, not only against a decision of the court of revision on an appeal to the said court, but also against the omission, neglect or refusal of the said court to hear or decide an appeal. Their right of appeal can only exist by statute, and in initiating and prosecuting such appeal the provisions of the statute in regard thereto should be strictly followed. Sub-section 2, of said section 75, (subject to the provisions therein mentioned,) enacts that "the person appealing shall, in person or by his solicitor or agent, serve upon the clerk of the municipality, (or assessment commissioner, if any there be,) a *written* notice of his intention to appeal to the county judge, within *five days* from the day in the said act limited for the closing of the court of revision, that is, the 1st day of July in every year. Sub-section 3, of said section 75, requires the clerk, immediately after the time limited for filing such appeals, to forward a list of same to the judge. The latter shall then notify the clerk of the day he appoints for the hearing, and fix a place for the purpose. The clerk is to give notice to all persons appealed against in the same manner as notice is given on a complaint to a court of revision. In case he fails to do so, the judge may direct service to be made for some subsequent day. The clerk shall cause a conspicuous notice to be posted up, either in his office, or in the place where the municipal council sits, containing the names of all appellants and persons appealed against, a brief statement of the ground of appeal, and the date on which the judge will hear the appeals. The clerk of the municipality shall be clerk of the court. The judge may adjourn the hearing of the appeals, or suspend his judgment thereon from time to time; but all the appeals must be decided before the 1st day of August.

Subpoenas to compel the attendance of necessary witnesses shall be issued out of the county court of the county in which the municipality is situated. The person having the custody of the assessment roll shall produce the same, and all papers and documents relating to the matter of the appeal before the judge. If a decision is given at the hearing, the roll is altered and amended in accordance therewith and

initialled by the judge. In case judgment is reserved, when it is handed down, the clerk of the court is required to alter and amend the roll accordingly, and write his name opposite each alteration or amendment. The powers of the judge sitting on an appeal from a court of revision are the same as he might exercise in the division or county court. The evidence to be given in such an appeal as is under discussion is not to be confined to that adduced before the court of revision, but any new or original matter relating to the subject may be introduced. The presiding judge has power to apportion costs amongst parties interested or concerned in the appeal, but such costs shall only be those of witnesses, and of procuring their attendance, taxed on the division court scale. Section 82 provides that the decision of the judge shall be final and conclusive. Section 84 gives the right to a person, partnership or corporation, assessed on one or more properties, to an amount aggregating \$20,000, to appeal from the court of revision to a board of judges, composed of the judges of the counties which constitute the county court district, if the property assessed be in a county forming part of such a district. In other cases the board is to consist of the judge of the county in which the assessed property lies, the judge of the county whose county town is nearest to the court house where the appeal is to be heard, and the judge of the county whose county town is next nearest to such court house. As a preliminary to such an appeal, the appellant is required to deposit \$75.00 with the clerk of the court, to pay the travelling expenses of the board or judge to be called. When three judges hear the appeal the decision of a majority of them shall prevail, subject to appeal to the court of appeal. Three or more judges of the court of appeal shall hear the matter brought before said court, and the decision of such judges or a majority of them, shall be final. Sub-section 2 of the last quoted section makes provision for similar appeals in any district or provisional county. By sub-section 1 of section 85, a county judge may, after his judgment in the case or matter, prepare a statement of the facts in the nature of a case on any question of general application, which has arisen under the act, or on any question which has arisen upon an appeal of a person, partnership or corporation assessed in one or more properties to an amount aggregating \$10,000, transmit the same to the Lieutenant-Governor-in-Council, who may state a case and refer it to a judge of the court of appeal. By sub-section 2 the Lieutenant-Governor-in-Council may, without the statement of the county judge, refer a case on any such question to a judge of the court of appeal, for a like opinion. The judge may, at any stage of the proceedings, refer the case to the full court of appeal. Section 58 enables the councils of cities, towns and villages, to pass by-laws for taking the assessment

between the 1st day of July and the 30th day of September in each year. In such case the time for closing the court of revision is the 15th day of November, and for final return by the judge of the county court, the 15th day of December. In cities having a population of 30,000 or more the assessment may be made between the 1st day of May and the 30th day of September.

Section 59 applies only to cities having a population of 100,000 or more. In case the council of such a city passes the by-law under said section mentioned, the time for appeals to the court of revision shall be within five days after the return of the roll, and the time for appeals to the county judge from the decision of the court of revision shall be within three days after the decision of the court of revision is given. The judge is required to complete his revision of the rolls for the city by the 20th day of October in each year.

LEGAL DECISIONS.

Regina vs. Levy.

Municipal Corporations—Police Commissioners—Second Hand Stores and Junk Shops—By-Law Prohibiting Dealing With Minors—R. S. O., Chap. 223., Section 484.

R. S. O. (1897), ch. 184, section 436, (R. S. O. ch. 223, section 484), which provides that, "The board of commissioners of police shall in cities license and regulate second-hand stores and junk stores," does not authorize a by-law to the effect that, "no keeper of a second-hand store and junk store shall receive, purchase or exchange any goods, articles or things from any person who appears to be under the age of eighteen years."

Such a by-law is bad, as partial and unequal in its operation as between different classes, and involving oppressive or gratuitous interference with the rights of those subject to it without reasonable justification.

Buchanan vs. Ingersoll Waterworks Co.

Water and Watercourses—Prescription—Riparian Rights—Artificial Channel.

About the end of the last century an artificial channel or water-race was built across a lot now owned by the plaintiffs, for the purpose of carrying water from a stream above the plaintiffs' land to a mill below, the water being diverted into the channel by means of a dam. The channel and the banks on either side of it formed part of the plaintiffs' land, having been excepted therefrom so that their land was not contiguous to the water. The defendants diverted the water and the plaintiffs were thereby deprived of the use of the same for watering their cattle.

Held, that the plaintiffs were not riparian proprietors and could not claim any right by prescription to the use of the water.

Decision by Rose, J., reversed.

PAGES

MISSING