

The Municipal World

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

Vol. 4. No. 12.

ST. THOMAS, ONTARIO, DECEMBER, 1894.

Whole No. 48

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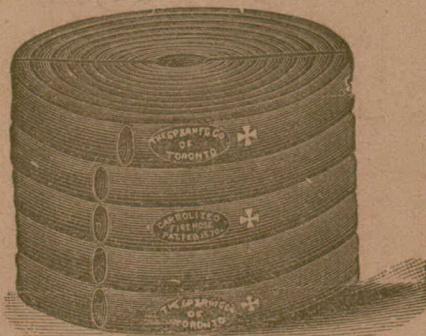
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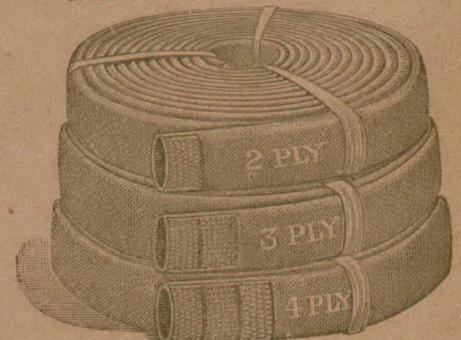
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CALENDAR FOR DECEMBER, 1894 AND JANUARY, 1895.

Legal, Educational, Municipal and Other Appointments.

DECEMBER.

1. Chairman of Board of Health to report to the Council on or before this date.—Public Health Act, schedule A, section 3.
- Last day for appointment of School Auditors by Public and Separate School Trustees.—Public School Act, section 37 (1); Separate School Act, section 28 (5).
- Municipal Clerk to transmit to County Inspector statement showing whether or not any county rate for Public School purposes has been placed upon Collector's Roll against any Separate School supporter. Public School Act, section 113; Separate School Act, section 50.
- Last day for Councils to hear and determine appeals where persons added to Collector's Roll by Clerk of Municipality.—Assessment Act, section 154.
11. Last day for Public and Separate School Trustees to fix places for nomination of Trustees.—Public School Act, section 102 (2); Separate School Act, section 31 (5).
14. Last day for payment of taxes by Voters in local municipalities passing by-laws for that purpose.—Municipal Act, section 489.
- Last day for Collectors to return their rolls and pay over proceeds, unless later time appointed by Council.—Assessment Act, section 132.
- County Treasurer to pay Township Treasurer rates collected in Township.—Public School Act, section 122 (3).
- Local Assessment to be paid Separate School Trustees.—Separate School Act, section 55.
15. Municipal Council to pay Secretary-Treasurer Public School Boards all sums levied and collected in Township.—Public School Act, section 118.
- County Councils to pay Treasurer High School.—High School Act, section 30.
- High School Treasurer to receive all moneys due and raised under High Schools Act.—High Schools Act, section 36 (1).
- Councils of Towns, Villages and Townships hold meeting.—Municipal Act, section 254.
- Subscriptions and accounts to THE MUNICIPAL WORLD due.
20. Last day for a Treasurer to send clerk list of all who have not paid their taxes.—Municipal Act, section 151.
- Last day for notice of formation of new school sections to be posted up by the Township Clerk. P. S. Act, section 29.
22. High Schools close, first term.—H. S. Act, section 42.
- Public and Separate Schools close.—P. S. Act, section 173 (1); S. S. Act, section 79 (1).
24. Last day for posting up Annual Statement of assets and liabilities in Townships, Towns and Villages.—Municipal Act, section 263.
- Last day for publishing notice of nomination.
25. CHRISTMAS DAY (Tuesday).
- New schools go into operation.—P. S. Act, section 81 (3); section 82 (3); section 87 (10); S. S. Act, section 4.
- Alteration of school boundaries in unorganized townships take effect.—P. S. Act, section 41 (2).
26. Annual Public and Separate School meeting.—P. S. Act, section 17; section 102 (1); S. S. Act, section 27 (1); section 31 (1).
- Last day for submitting by-law for establishing Township Boards.—P. S. Act, section 54.
31. Nomination day.
- Auditors to examine and report upon accounts, etc., for year ending on the 30th December, preceding their appointment.—Municipal Act, section 261.
- Roll to be finally revised by Judge when assessment taken between 1st July and 31st September.—Assessment Act, section 52.
- Road Commissioners cease to hold office.—Assessment Act, section 111.
- License Commissioners cease to hold office.—Liquor License Act, section 3.
- Protestant Separate School Trustees to transmit to County Inspector names and attendance during the last preceding six months.—S. S. Act, section 12.
- Rural Trustees to report average attendance of pupils to Inspector.—P. S. Act, section 206.
- Semi-Annual Reports of Separate School Trustees to Inspector, due.—P. S. Act, section 40 (13).
- Semi-Annual Reports of Separate Schools to Department, due.—S. S. Act, section 28 (18); section 62.
- Trustees' Report to Truant Officers, due.—Truancy Act, section 12.
- Auditors' Report of Cities, Towns and Incorporated Villages to be published by Trustees.—P. S. Act, section 107 (12).
- Order Election Blanks and Assessment Rolls from THE MUNICIPAL WORLD.

JANUARY.

1. A Happy New Year to all.
2. Renew subscription to MUNICIPAL WORLD for 1895.

Municipal Special Audits

Have been a feature of my work. There are many municipalities whose financial affairs are in a muddled condition. I straighten them out and start them off anew. The longer they are neglected the worse they are to untangle.

A. C. NEFF, CHARTERED ACCOUNTANT,
AUDITOR, TRUSTEE, ETC
Canada Life Building, Toronto.

The Municipal World.

PUBLISHED MONTHLY

In the interests of every department of our Municipal System—the best in the world.

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

COMMUNICATIONS. Contributions of value to the persons in whose interests this journal is published, are cordially invited. Those for next issue should reach the office of publication not later than the 30th of the month. Address all communications to

K. W. McKAY, EDITOR,
Box 1252, - - - St. Thomas, Ont.

ST. THOMAS, DECEMBER 1, 1894

Underneath all remedies that may be suggested for the better government of any municipality, is the inculcation of the doctrine that they must be ruled on sound business principles, and that the questions of policy that divide the best men in politics have no place in the choice of municipal officers.

* * *

We have decided to send the January issue for 1895 to all whose subscriptions end with the December number. This is as requested by many old subscribers who expect to continue in the council for 1895, and who desire to receive the January number before the first meetings of the local and county councils, when the papers are usually ordered.

Sample copies will be sent to the clerks to be laid before councils at the first meetings.

We solicit the co-operation of all, so that our subscription list will increase rapidly during 1895.

* * *

All accounts due us have been rendered and we would request that they be passed at the 15th December session of the council, or paid when account is received.

We do not send out papers except as sample copies unless ordered, and papers are continued until paid for. Subscribers are always notified when the subscription expires, and of account, if any due at that time.

The prompt payment of all accounts for club subscriptions is a necessity, owing to the change of members that usually takes place in councils every year.

* * *

The question of good roads will receive a prominent place among the subjects to be discussed at farmers' institutes next month. Capable speakers have been appointed and every effort will be made to present the subject to the people in the most practical manner. The low prices now received for the many staple products of the farm, demands that agricultural energy should be directed along other lines. New fields for development await the improvement of our rural highways, and we commend the question to all as one worthy of the most progressive consideration.

The wrong notions entertained by many citizens of their duties towards councillors are only equalled by the ideas of many of the latter of their duties toward the citizens. On the part of the former, the notion is that in voting for a candidate a personal favor is conferred. The elected take the same view as the electors, and look upon the selection as a mark of personal favor, and generally, when one of those friends has an individual interest to urge, he has no difficulty in inducing his representative to take charge of the matter. This is said to be the weakness of all municipal government.

* * *

The most important resolution passed at the National Conference for Good City Government, held in Philadelphia, declared that "It is vital to the attainment of good municipal government that national politics should be divorced from city elections."

We in Ontario point with pride to our efficient systems of municipal government, as compared with those of the United States.

If this habit of appealing to municipal pride is not to be rodomontade, we must keep politics out of municipal elections and elect representatives who realize that a municipality is merely a business corporation, to be conducted on business principles.

* * *

In the report of the convention of the Ontario Good Roads Association we find in the address of President Patullo an interesting estimate of the effect of road improvement on an important Canadian industry. There are, he says, "about 2,000 cheese factories in Canada. The cost of drawing the milk, whey and cheese at each factory is probably \$1,000 a year—perhaps a good deal more—or two millions a year for the whole country. It is evident that with roads anyway approaching those of England this cost could be reduced a fourth. In other words, the profits of the cheese trade in Canada could be increased by half a million dollars each year—a very good interest on thirteen million of an output."

* * *

The streets of a municipality belong to the public and they should not be taken possession of by a company or individual without just compensation. The franchise for a street railway is practically a monopoly; the greatest care should be exercised to arrange the terms of a franchise in the interests of the municipality. The rights of property owners should be considered. In New York state a majority of the property owners along a proposed street railway may refuse permission to lay the tracks, and the Supreme Court may then appoint three disinterested persons to determine whether the railway ought to be built or not. In Ontario the municipal representatives control the whole question and it is very often to be regretted that

the property owners have not the same rights as in New York state. Street railways should give the best service to the greatest number, and when location has been decided on, complete estimates should be prepared showing cost, revenue, etc. With these particulars before them, a municipal council should have no difficulty in determining whether they should give a bonus or require the company to pay a proportion of the revenue into the public treasury. In estimating the revenue from franchises, the gross earnings should be the basis of municipal income, the use of the term "net profits or net earnings" opens the door for legal juggling. A system for arriving at the gross earnings at stated intervals should be decided on and heavy penalties or forfeiture of the franchise should be provided in case of evasion of municipal dues of any kind.

Five Don'ts for Municipal Candidates.

Don't sacrifice principle for the sake of election to a municipal office.

Don't make promises. Reserve your final decision on all questions made prominent for election purposes until you are elected and have consulted with your brother councillors.

Don't descend to personalities during the nomination meeting or election campaign. Preserve your self respect. The electors probably know your opponent.

Don't make politics the basis of your candidature. Ascertain the reforms necessary to conduct the affairs of your municipality with economy and on business principles. Present the facts to the people plainly and often. The electors may disagree with you, but your time will come.

Don't force a contest for the office of mayor or reeve when you are sure of election to a seat at the council. Results are effects which proceed from particular efforts, and electors sometimes deprecate ambition.

A young lawyer talked four hours to an Indiana jury, who felt like lynching him. His opponent, a grizzled old professional, arose, looked sweetly at the judge, and said: "Your honor, I will follow the example of my young friend who has just finished, and submit the case without argument." Then he sat down, and the silence was large and oppressive.

* * *

"What's the judge going to do now?" asked the green juror, in a whisper. "He's going to charge the jury," said the foreman. "Charge the jury?" Charge us? What for? We don't have to pay nothin' for the privilege of sittin' on jury, do we?"
—*Harper's Bazaar.*

Was Qualified.

Tom (during the political debate)—What do you know about municipal government, I'd like to know? Billy—What do I know? Hang it all, wasn't I lookout in a Chicago gambling house for two years?—*Chicago Record.*

Blank Form Department.

The use of blank forms properly prepared simplifies the work of municipal officers, and directs their attention to important matters of detail that are often overlooked.

With this issue we announce that we have placed in stock the most complete assortment of municipal blank forms ever offered to municipal officers in Ontario. The forms have been prepared under our personal supervision, and will be found to be more practical than those usually supplied.

We have a new feature in poll books for use at municipal elections and for voters' lists required when voting on by-laws, by the introduction of a special form to take the place of fourteen other forms necessary to be supplied to deputy-returning officers. This is bound with the poll books, and not only reduces the cost, but makes them more convenient and practical than any we have ever used.

Our assessment and collectors' rolls are good. The preservation of these important records require that they should be substantially bound to stand the usage to which they are subjected during the year. We have made special arrangements for binding these when ordered, and believe it is in the interests of all to use them only in that form.

St. Thomas is a most convenient distributing centre, having connection with all the great railway lines, so that no delay will be experienced in forwarding parcels of forms by mail or express on shortest notice.

Clerks should send in their orders for municipal election blanks at as early a date as possible. All order by mail, telegraph or telephone will receive our prompt attention.

Our *Souvenir* Catalogues have been mailed to every clerk together with order forms. If any clerk has not received *his* catalogue, he will confer a favor by notifying us at once.

Municipal Elections.

The municipal nominations, will be held this year on Monday the 31st day of December, and the council should, not later than its meeting on the 15th December, pass a by-law appointing a returning officer and deputy returning officers, and fix the places where the nomination and polls will be held. The clerk or other returning officer should advertise day of nomination not later than the 24th of the month.

The returning officer appointed for each ward, or the clerk, as the case may be, is required to preside at the nomination meeting. When he is absent, the meeting may choose a chairman. Nominations may be received for one hour from the time fixed for holding the meeting. Where there has been a delay in opening the meeting, it is sometimes advisable to extend the time, and allow a full hour to expire before closing the meeting. A nomination is required to be moved and seconded. After the nominations have been received, and there is more than one candidate for the same office, the candidates themselves "or any elector" should demand a poll on behalf of the candidates. The returning officer or chairman should then adjourn the meeting until the first Monday in January, and state when and where the polls will be opened.

* * *

Any person proposed for one or more offices may resign at the nomination meeting or the following day, or elect for which office he is to remain nominated, and failing to do this, he is to be taken to be nominated for the office in respect of which he was first proposed and seconded. Any person who wishes to resign after the nomination meeting, is required to do so in writing, signed by him and attested by a witness. This is required to be delivered to the clerk not later than the day following the nomination. It is distinctly stated in section 117 of this act, that if a resignation is not received at latest, on the day following the nomination, the clerk or the returning officer has no alternative but to go on and hold the election.

* * *

After the nomination meeting, the clerk's duty is to see that the ballots are prepared, and that the ballot boxes and other supplies required are furnished to the deputy returning officers, the list of defaulters who have not paid their income tax, required under the provisions of section 119, must not be forgotten. Sections 120 to 141 states very fully the clerk's and returning officer's duties in regard to the preparation necessary for the election. In performing these duties the clerk is not to take instruction from members of the council, if they interfere in any way with these provisions, as he alone is liable if they are not carried out. The poll will be held on Monday the 1st January, from 9 a. m. to 5 p. m. Sections 142 to 160 refer to the duties of the deputy-returning officer and others, in regard to the taking of the votes, and casting up the number given for each candidate. The deputy returning officers should be furnished with a copy of the Municipal Ballot Act for their information and reference in the performance of their duties.

* * *

It is only now necessary to furnish deputy returning officers with a certified copy

of the printed voters' list for the ward or polling subdivision, a blank poll book must be supplied, to be used in accordance with subsection 2, of section 143. This subsection seems to direct the work to be done by the poll clerk. The members of the council must not forget that when fixing the amount to be paid deputy-returning officers, as it should also include the amount to paid the poll clerk.

Collectors' Returns.

In making settlements with the collector on the return of the roll, care should be taken to see that the provisions of sections 132 to 136 of the Consolidated Assessment Act are strictly observed. The treasurer has the authority to administer the oaths necessary to be made by the collector, in connection with the completion of the returns. The following may be used as form of oath under section 132 :

I, _____ of the _____ of _____, in the county of _____ collector for the municipality of the _____ of _____, in said county for the year 189 _____, make oath and say :

That the date of the demand of payment and transmission of statement and demand of taxes required by sections 123 and 125, of the Consolidated Assessment Act, 1892, in each case, has been truly stated by me in the collector's roll for the said municipality for the said year 1894.

Sworn before me, etc.

And the form of oath used, under section 136, may be as follows :

I, _____, of the _____ of _____, in the county of _____ collector for the municipality of the _____ of _____ in said county for the year 189 _____, make oath and say :

That the sums mentioned in the above account remain unpaid, and that I have not, upon diligent inquiry, been able to discover sufficient goods or chattels belonging to or in possession of the persons charged with, or liable to pay such sums, or on the premises belonging to, or in the possession of any occupant thereof, whereon I could levy the same or any part thereof.

Sworn before me, etc.

We would suggest that the collector's return for the county treasurer be made in triplicate instead of in duplicate, as required by section 135. That the collector make the affidavit required by section 136, in the form given above, to be entered on the return or on a separate paper attached to same. That one copy thereof be sent to the county treasurer, as required by section 145, of the Assessment Act ; one copy to the clerk of the municipality, and that the original be retained by the treasurer as his authority for crediting the collector.

CORRESPONDENCE.

This paper is not responsible for opinions expressed by correspondents.

All communications must be accompanied by the name of the writer, not necessarily for publication, but so that the publishers will know from whom they are received.

Damages by Animals Impounded.

To the Editor of THE MUNICIPAL WORLD:

Dear Sir,—In THE WORLD of November I noticed in question drawer, replying to R. E. S., you say: "That when the dispute is in reference to damage done by animals, not allowed to run at large, on property not inclosed by a lawful fence, the fence-viewers have no authority," at least that seems to be the sum of the question. R. E. S. says: "The damage was done by animals not allowed to run at large." Section 2 of the act respecting pounds, chapter 215 R. S. O., 1887 says: "And the owner of any animal not allowed to run at large by the by-laws of the municipality shall be liable for any damage done by such animals, although the fence inclosing the premises was not of the height required by such by-laws," and section 19 of the same act says, "if the owner within forty-eight hours after the delivery of such statements as provided by section 5, disputes the amount of the damages so claimed, the amount shall be decided by the majority of three fence-viewers of the municipality. One to be named by the owner of the animals, one by the person distraining or claiming damages." Now in the case of animals not allowed to run at large by the by-laws of the municipality, section 19 and the latter part of section 2 would govern, and the fence-viewers would still be the parties to appraise damages, the question of the legality of the fence would not be under consideration; or rather, the fence-viewers must decide that any fence or even no fence is a lawful fence in such a case,

Yours truly,

SAM SUDDABY.

We adhere to the answer given to R. E. S. in our November issue, and we think a careful consideration of sections 20 and 21 of the act quoted should enable our correspondent to come to the same conclusion as we have, that when the dispute is in reference to damages on property not enclosed by a lawful fence the fence-viewers have no authority.—Ed.

So far as municipal officials are concerned, there are two great requisites that ought to go with them in the public service, and unless they possess them they ought not to receive the suffrages of their fellow citizens. These qualifications are conscience and courage. The man of conscience will always remain firm in his place, but he should have the courage of his convictions to carry out his purposes.

* * *

The duties of a councilman are onerous and sometimes demand more time than most men, engaged in earning a living for themselves and their

families, can afford to give gratuitously. There seems to be no good reason why a member of a city, town or village council should be asked to serve without compensation any more than any other public servant.

Financial Statements.

Under the provisions of section 263, subsection 3, the council of every town, township, or incorporated village is required to hold a meeting on the 15th day of December, and shall immediately thereafter publish a detailed statement of receipts and expenditures for the portion of the year ending on the day of said meeting, together with a statement of the assets and liabilities and uncollected taxes, and a similar statement in detail is required to be attached thereto respecting the last fifteen days of the preceding year. The statement should be signed by the mayor or reeve and by the treasurer, and published forthwith in such newspapers as the council may direct. Instead of publishing the statement in the newspaper the council may cause the same to be posted up not later than the 24th day of December in the offices of the clerk and treasurer, as well as the post offices in the municipality, and not less than twelve other conspicuous places therein. The clerk is required to procure not less than 100 additional copies of said statement and deliver or transmit by post to the electors who first request him to do so one of such copies not later than the 24th day of December, and shall also produce copies of the said statement at the nomination. This section does not apply to the township municipalities in East or West Algoma, North Renfrew, Muskoka, Parry Sound or Haliburton.

Poundkeepers' Statements.

The amendment to act respecting pounds requires every pound-keeper to file with the clerk on or before the 15th January, a statement for the year ending 31st December, prior to that in which the statement is filed, showing: 1st, The number of animals impounded. 2nd, The number of animals sold and amount received. 3rd, The sum received as poundage fees and cost of keep by pound-keeper. 4th, The amount of damages paid by any party. 5th, All disbursements and to whom paid. 6th, Any other receipts and expenditures in connection therewith. The penalty for neglect or refusing to file this statement is an amount not exceeding \$10. In order that this return may be made in a uniform manner, we suggest that clerks procure circulars setting forth the provisions of the act with blank form of return attached to be mailed to pound-keepers the first week in January, and that hereafter a copy of the circulars and return be mailed to them regularly either when notified of their appointment, or in January just before the return is required to be made each year.

Road Statistics.

Some time ago reply post cards were sent to townships clerks for statistics in reference to roads and roadmaking in townships. We have to acknowledge with thanks the very large number of replies received, and the many valuable suggestions contained therein. To a few clerks who evidently overlooked our card, we have sent a second request, and hope that this will receive prompt attention.

* * *

As things stand to-day it is usually wiser for a man to belong to some party, and of course he will belong to that one which on the whole best represents the principles in which he believes. Acting always as an independent, his power for good is greatly lessened. A man is released from all obligations to his party if it selects a candidate unfit for the position. We have no right to be blindly led in any such way. If such are nominated, every effort should be made to defeat them. There is no other way so effective to prevent the nomination of incompetent men for municipal office.

Wide Tires and Dirt Roads.

This is a good time to say that in the spring, when the roads are bottomless, the farmer can't do much on the farm, while with good, hard stone roads he could haul his stuff to market at a time when the prices are high, and thus be a gainer in two ways at a season of the year when at present he can do little else than play checkers.

In those parts of the country where stone does not abound and the most available road material is prairie mud, the first, best and cheapest relief is to use wide tires. Next put in underdrains and keep the road well shaped up. Such a road properly looked after comes very near being right for sparsely settled prairie country, and during a large part of the year is good enough for anybody, but it is absolutely necessary to use wide tires, and, what is more, it is profitable to the user in that he can haul double the corn out of the field that he could have hauled with narrow tires, and he can get to town with a very much larger load, even when he is the only user of wide tires over that road, and as soon as the flat footed wagons become general it is not necessary to spend one half the amount in keeping up even a common dirt road.—Good Roads.

We are told that the proper study of mankind is man—the proper study of the citizen is municipal government. Everyone interested at all in public affairs recognizes this fact, that wherever there is apathy and indifference on the part of the people then it is that municipal affairs go wrong.

ENGINEERING DEPARTMENT.

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

Roads and Roadmaking.

The continuous and serious consideration which has been given to the good roads question demonstrates in a very forcible manner the urgent necessity felt throughout the country for material improvement in our lines of highway communication. Even in portions of the country sparsely settled and possessing comparatively little wealth, the movement has met with distinct encouragement, and an interest in it has been developed which increases with a continued examination of the question. It is true that there are portions of the country that may never be in a condition to invest in the highest quality of highway construction and maintenance, but there is probably no portion which will not at least indirectly feel the beneficial effects of the movement, and be encouraged to improve the roads to the highest degree possible. The great advantage, however, which is to result, will accrue to the numberless suburban and rural communities which possess ample wealth for the construction of the very best highways, and whose members have sufficient business capacity to realize the sound judgment involved in the investment.

Whatever enthusiasts may say about the necessity to any country of improved roads, the principles governing the expenditure are precisely the same as those which govern any business enterprise, and the money cannot be wisely applied unless the future benefits will justify the action. There is no doubt but that many sections of the country are already in a condition to be largely benefited by improved means of highway communication involving very considerable expenditures. This is not only true of populous suburban districts, some of which have spent large sums of money on their roads, but also of a great many rural centres of population, and of other sections of the country in which only improved main lines of highway between centres of business or between these centres and railway points, would be justified. A rational system of education of popular sentiment and dissemination of reliable information regarding the various roads, the construction and comparative cost of each is more needed than anything else at the present time. There seems to be a general feeling that with a certain appropriation in hand, the only thing to be done is to spend it. It is a mistaken idea that good work must necessarily be beyond the reach of the average city or town. An ordinarily poor gravel may be used to advantage for light carriage traffic, and require but few repairs, while it would go to pieces in a week under heavy teaming. Mention is made of a road where gravel stood in good shape for six years under the ord-

inary travel as a cross street, and failed entirely in a few days with the traffic of a main road diverting into it. This street was repaired easily after the extra travel was removed, and has since been in good condition with a smooth hard surface. It is folly to cover a road with broken stone under such conditions, at an expenditure of fifty cents a square yard, or with granite blocks at \$2 a square yard when gravel costs but ten cents. If the gravel road was subjected to traffic sufficiently heavy to wear it out in one year, then the comparative value between it and a macadam road would be different. Assuming that the gravel road would cost ten cents a square yard to build, that a macadam road lasting five years could be built for fifty cents, and will require twenty-five cents a yard for rebuilding at that time, the cost of the gravel road at the end of ten years will be one dollar a yard, while the macadam will be seventy-five cents. Where sand and gravel underlie a road which is moderately elevated, no special precaution need be taken to carry off the water, as it will pass downward quickly to a depth where it can do no harm. If a road is constructed over a clay or loam foundation, then the only safe method will be to put in suitable drains. If the ground is level or rises on both sides, one drain should be placed on each side, while if the road traverses the side of a hill, one drain constructed on the up hill side will cut off all ground water and prevent its passing under the road. Whatever method be used, it should connect with a main drain or watercourse.

When the ground is wet and there is considerable depth of loam or fibrous soil, it will probably be the safer plan to use large stones if they are near and plentiful for the double purpose of foundation and drainage. The sub-grade should be thoroughly compacted by rolling. If necessary gravel should be laid upon it before rolling, to prevent the soil from pressing up among the large stone. Blind drains should be built by excavating longitudinal trenches from two and a-half to three feet deep, and ten or twelve inches wide, to be filled with broken stone, coarse gravel screenings or pebbles. A small porous drain tile is usually placed in the bottom of the trench, and the stone tramped over it thoroughly to prevent any further settlement of the surface. In placing the large stones for the surface of a Telford road it should be borne in mind that they are to act as a foundation, and must transfer weight of the load from the soft sub-grade. They should be placed as close together as possible and have a good flat face to rest on. The smaller end should be upward, and the interstices should be filled with wedged shape pieces driven in solidly. Such points as may project above the proper line should be broken off with hammers. The foundation course must then be evened up by the use of smaller stones, and rolled until no settlement occurs. In case the road lies in a heavy

clay it may be well not only to put in a Telford bottom as already described, and also to build blind drains which will remove all water quickly from the sub-grade. The wearing surface may consist of broken stone or gravel, which will make a good road provided the traffic is mainly in light spring vehicles. Some grave's are made up of angular pebbles and material which bind the stones so firmly together that they must be picked from the bank with considerably difficulty and labor. This gravel taken from the bank and used directly on the road without rolling, will result very soon in a smooth hard road. Some light travelled roads made of this material have been in continuous use for twelve years with no repairs, and are yet in good condition. In few cases, however, can our gravels be used economically on main roads over which there is much travel. Nearly all gravel pits now in use contain more or less stone from the size of an egg upward, with quite a large percentage exceeding two and a half inches in diameter. No stone larger than two and a half inches should be used within four inches of the surface in the construction of a road. The general tendency is for these large stones to work to the surface and make a very rough uneven road after it has been in use a short time. A good road can be built of gravel by first screening out all that will pass through a one inch screen, and will not pass through a three inch screen. The foundation should be rolled until thoroughly consolidated. Screenings should be placed on this bottom and covered with one or two inches of gravel that has passed through the one inch screen; the gravel should contain a small portion of hard pan or soil of some kind as a binder. The whole roadway should then be rolled until it becomes hard and smooth. Fine gravel will then make a good road. If the travel is at all heavy, the small stones crush up quickly, and the surface becomes uneven and muddy. It is very doubtful if in a few years a gravel road will not cost as much as macadam road, and it can never be as enduring. It is not only the duty of the road master to build well, but it is as much his duty to build economically. As a general rule the main thoroughfares throughout the province can be built and maintained with broken stone for less money than with any other material. By far, the greater part will require no special provisions for under-drainage. In other places their surface has been covered with gravel, until the later has mingled with the original soil and formed a solid mass. In these instances a roadway of broken stone from nine to ten inches deep can be constructed easily and cheaply maintained. It may be necessary to remove the existing top in order to make the proposed roadway conform to a desired cross section, but under no other condition should a hard surface be broken up. If the surface is found to be hard the broken stone should be put directly on it; if loose and rutted it should

first be graded to the shape of the proposed roadway, and then firmly compacted with a roller. When the material which is to constitute the foundation is found to be too soft to roll, gravel should be put on until it is found that the roller works properly. If loose sand or gravel is found which will not compact under the roller, then hard pan loam or other suitable material is to be laid to the depth of about an inch to serve as a binder.

To make a macadam roadway, broken stone from one to two and a half inches in diameter should be placed on the compact bottom to a depth of three or four inches, and a roller passed over it four or five times. Then more broken stones of the same size should be laid to a depth of three or four inches in the centre of the roadway and two or three inches at the sides. This should be rolled with a roller until smooth. When the rolling of the top layer of stone is about half completed, it is the custom of some road makers to strew sand over the metal as the roller passes back and forth. This sand should be applied until all the interstices are filled. Others use an inch screening from the crusher, carrying in size from dust to half an inch. These should be thoroughly watered and rolled until the dust and stones have worked into the interstices, and bound the larger stones firmly together. The surface of a road should be curved transversely so as to allow the water to flow quickly to the gutter. If the rise is great, the travel is kept along the centre, which will soon be worn down to such an extent that water will collect. Moreover the water will make gullies in the surface at the sides, which will at all times be a discomfort. The crowning allowed by the best road-makers is a half to one inch to the foot on level ground and much more on a hill, so that storm water will reach the gutters before it has acquired a velocity which will be harmful.

Waterworks.

Whoever considers carefully and broadly the duties of the builders and managers of our public water supplies, whether he be city official or private citizen, will be deeply impressed with the responsibilities that accompany those duties. In building the works, the smallest part and each part of the various details, even to the complete whole, must be planned and executed with precaution, thoughtfulness and skilful workmanship, and afterwards, in their management, there must be no relaxation from eternal vigilance. It is of momentous consequence that every part of the construction be not only adapted, but that each part shall always be ready to fulfil its functions in perfect manner. A stoppage of pressure in the public fire hydrants causes consternation in a city, but a shutting off of the water from a kitchen, the steam boilers, and the sanitary apparatus, paralyzes the activity of the community.

All of those who have the care of a public water supply are not alike capable of being impressed with the importance of faithfulness, care and caution in their duties, and when on rare occasions there are conspicuous neglects or oversights, such may with profit be made the basis of object lessons for the information or the warning thereby suggested. A few selected instances, briefly cited, will suffice for the present purpose.

On inspection of a small steam pumping plant, the gauge on its only boiler was found not indicating the pressure within the boiler, and on trying the safety valve of the boiler, it was found stuck so fast that only with considerable difficulty was it pried loose, so it could act as a relief if the steam pressure became dangerous. The station attendant depended on the way his pumps worked for his information of the pressure within the boiler, and was thus satisfied in protecting his own life from the danger of a boiler explosion, and the village from the loss of its water supply.

In another case, a large, single-cylinder condensing engine, with fly wheel, was unable to do the work required, and it was supposed that a new engine must replace it at once. The engine appeared, on inspection, to be of good workmanship and of capacity to do the work required. On applying an indicator, it was found that its cut-off steam valves were so adjusted that three-fourths of its work was being done in one end of its cylinder. The valves were re-set in their proper positions, and although this was five years ago, no further complaint has been heard.

In another instance, some waterworks bonds were offered for sale. The prospectus scheduled an admirable plant. Included in this, were three pumps—one a duplex, direct-acting compound condensing engine, and the remaining two were single-acting high pressure pumps. At the time of the examination of the works in the interests of the proposed investors, the duplex pump was at work smoothly, and the other pumps were said to be reserved for fire purposes. The fire pressure was given direct from the pumps. When the attendant was asked to start up the two single-acting pumps he hesitated, and then explained that one of them was out of order and had not been used since he came to the station, four months previously. On being pressed to start the other pump, he procured a valve key and disappeared through a trap door to the basement. Soon he was heard laboring to start a valve in the force main that was shut and stuck fast, and cutting the pump off from the distributing pipes. In time he came up with bruised hands and turned on steam to start this one pump, said to be in order. It resisted, then jerked two inches and resisted again, then jumped to about three-quarter strokes, and afterwards would not move in either direction. He apologized that he had not had time to clean her up since he came,

yet his plant was trusted by the citizens as a guardian angel to save them from a conflagration.

In another instance, a pair of coupled condensing engines were working a pump unsatisfactorily. These engine cylinders had never been tapped for indicators. On enquiring of the attendant how he was guided in setting the engine valves, he said he could tell by the appearance of the exhaust puffs from the two exhaust pipes that extended above the roof of the pump house. His engines were then in good condition, in accordance with more precise information, their efficiency was greater, and regulation more satisfactory, and the attendant was happy in his added wisdom.

Although such lack of intelligent care and supervision sometimes escapes being very serious, it is often found to be one of a series of defects in the same works, and the efficiency of the whole works is greatly impaired by the lack of knowledge and thoroughness of attention by its supervisor.

Municipal councils and boards of water commissioners should see to it that the superintendent is a man of knowledge and experience, capable of judging of the fitness of the men in the various positions of trust under him, and also to see that they are diligent in closely watching all parts of the machinery, and at all times know that additional apparatus is in perfect working order, ready at a moment's notice to perform the work for which it is intended. It is also necessary that the superintendent should carefully test all fuel and other material consumed in the works, in order to know that value is received for the money expended. A coal company in asking for contracts will show that the analysis made of their coal places the fixed carbon at a high percentage, while that of others is much less, and thus they expect that it will be concluded that their coal is superior. A contract is awarded and an inferior article is shipped. The analysis in this matter is of very little use unless the superintendent sees that the material shipped is of an equal grade with the sample analyzed. First class coal consists of from seventy to eighty per cent. of pure carbon with varying quantities of oxygen and hydrogen and a small quantity of earthy or mineral matter; this last constitutes the ash of the coal when burned and in some cases it is excessive and weighty. Coal occurs in laminated form, that is in beds, in other stratified rocks and there are innumerable gradations from pure coal into earth and carbonaceous shale until ultimately ordinary shale is reached, and consequently it is not like a mineral with a definite form and a definite chemical composition without losing the name of coal, and unless those in charge are very careful, the municipality will be the loser of hundreds of dollars in this one item on account of accepting a tender slightly lower than that of a reliable firm, believing that all tenders are for the same grade of coal.

Electric Lighting Plants.

A great many towns and villages are discussing the question of introducing an electric street lighting plant, and if possible, to utilize the light and power for private purposes if it can be produced at a reasonable price. We have considered it advisable to discuss the difference between the two classes—incandescent and arc lights. And also whether the plant should be owned by the municipality or by a private company. The incandescent lamp depends for its light-giving power upon a carbon conductor heated to whiteness by an electric current. The carbon is protected from oxidation by being in an exhausted glass receptacle. The lamp has been handicapped for street lighting by the great size of wire needed to carry the current any considerable distance. This light is especially adapted to small cities and towns that do not wish to go to the expense of the more brilliant arc lamps. They are also useful in conjunction with systems of arc lighting in dark but small corners where a powerful lamp could hardly be afforded. These lamps are always placed on posts on the curb line and are covered with a unique hood which also acts as a reflector to disperse the light in different directions. For general distribution and for neat and artistic affect, the incandescent has no rival.

The arc lamps depend for light-giving properties upon the light emitted by an electric current passing through a small space between two carbon electrodes and also upon the incandescence of these electrodes heated by the arc. It may be added that the high efficiency of the arc lamps, viz., nine hundred to one thousand actual candle power per horse power, is due to the intense heat to which these carbon points are subjected. The great brilliancy and high efficiency of the arc lamp make it especially adapted to street lighting.

In suspending arc lamps much judgment should be used both as to the position and height. Authorities differ as to the proper height of an arc lamp. Some advocate as low as fifteen feet, others place them at one hundred and fifty. In the latter, the tower system, usually a cluster of from three to six lamps is placed in a tower. One of these clusters disperses a soft mellow light over a considerable area. They light alleys and yards and greatly aid the police. The objections are to the waste light and the necessity of clustering the lights together. The other system suspends the lamps singly on low supports. The height should depend upon the distance between lamps—the farther apart the higher. When from eight hundred to one thousand feet apart they should be at least thirty-five feet high and when suspended above the street a greater height should be insisted upon than when on the curb lines, on account of the dazzling effect upon persons driving. Placing lamps on posts on the curb line

is quite practical where the lamps are close together—say two in each block—so that they may be placed on low supports but otherwise they should be placed at the intersection of the streets either by suspending them from a wire stretched from poles set at diagonally opposite intersections of curb lines or preferably by suspending from a mast arm. The latter method is quite as cheap, much better and more durable, and by elevating these arms to an angle of thirty-five degrees with the horizon, we can raise the lamp ten or twelve feet higher than otherwise.

The line should be erected in a substantial manner. The wire outside of the station should touch nothing but glass insulators, placed right end up, and the lamps. Insulated wire is useful in protecting line men from day light circuits while at work on the poles and to protect the line from telephone and other wires which may accidentally be crossed with it. A line, however well insulated the wire may be, should be erected with the same care that would be used with bare wire.

A dynamo is a machine to change force from one form to another, to change mechanical to electrical energy. The one that does this with the least loss requires the minimum repairs and attendance, and is commercially the most efficient. The automatic regulation of dynamos is not to be insisted upon when running a circuit of differential lamps. This is especially the case on street lighting circuits where the load is practically constant. The appliances require a certain amount of attention and must be adjusted with considerable skill. Unless they are in competent hands, endless trouble will result. The care that these devices require if directed to hand regulation will keep the current on any street circuit of differential lamps practically constant.

None but the steadiest and most reliable power should be used, whether steam or water. The choice of engines should be governed by local circumstances, such as the price of coal, room, etc. Where fuel is cheap good results have been obtained by throttling engines. An almost constant speed must be insisted upon, for as the current varies directly as the speed, not only minute by minute but throughout each revolution, we cannot expect good results where the motion is pulsating or wavering.

In locating the position of the station where steam is used, the convenience to fuel and water must be taken into consideration, although the interest on the additional cost of land on a railroad may pay for the coal hauling for the proposed plant. It has been the universal history of electric plants to far out grow the original designs, and for this reason enough land should be purchased to allow for growth.

Finally, the points to be kept constantly in view in the entire installation are, reliability, durability, simplicity, economy in operation, first cost. The first three are so intimately connected that they are

almost synonymous and the fourth depends greatly upon them. When we take into consideration the amount of money required to operate a plant throughout its life in comparison with the first cost, it is readily seen why that should come last on the list. It should be remembered that these few remarks apply to the entire installation from the boiler room to the farthest lamp on the line, and the more we invest intelligently, the less will be required for repairs, and the liability for annoying shut-downs will be decreased. Nor should we stop here. After the plant is properly installed it must be handled with intelligent care. We cannot expect any system to give satisfaction when handled by inexperienced men any more than we should expect a fine engine to work smoothly when run by one unacquainted with machinery. But we would say that the greater part of our trouble is mechanical rather than electrical and any man who is really capable of handling an engine can soon master a dynamo.

On or before the 15th day of December township councils are required by section 118 of the Public School Act to pay to the secretary-treasurer of the board of trustees of each section, without any deduction whatever, all sums levied and collected for public school purposes in said section. To secure correctness in this matter, the clerk should mail each secretary-treasurer an order filled in with the correct amount due the section, to be signed by at least a majority of the trustees, and sealed before being presented to the council or treasurer. The amounts to be paid to the trustees as above referred to are those mentioned in section 109 of the Public Schools Act.

* * *

Section 489, subsection 2, of the Consolidated Assessment Act, gives the council of every local municipality authority to pass by-laws disqualifying any elector from voting at municipal elections, who has not paid all the municipal taxes due by him on or before the 14th day of December next preceding the election. A by-law under this subsection should be passed a sufficient time before the election to give persons in default an opportunity to obtain the restoration of their franchise under the provision of section 81 of the said Act.

* * *

The reeve of every municipality should make it his duty before the 15th of December to see that the collector pays over to the treasurer all moneys collected as required by the Assessment Amendment, Act 1894.

The collectors of towns and villages are required to pay total amount collected weekly, and collectors of townships every two weeks.

Citizenship—General Foundation.

(Continued from last month.)

This pattern is very different from anything else found on the earth. A jewel by itself alone is as bright and is worth as much as when one among many jewels. A tree growing alone in a field may have even more strength and beauty than when growing with many trees in a forest.

But a human life alone would be marred, and dwarfed and blighted. Man needs society for his true perfection. So important to a man is mankind, that the ancients had a proverb, "One man, no man," meaning thereby that a man's manhood would be impossible without his fellowship with other men.

But what do we mean by this? What is the fellowship so essential to a man's manhood? It is far more than that of one jewel with many jewels, or of one tree with many trees. There could be no real fellowship among these. Fellowship, in its original sense, means joint ownership. It implies a community of interests, of rights, of obligations, and the fellowship which is not only the crown and glory, but the real being and royalty of the human life, is a reciprocity and interdependence, which every member of the human family bears to every other. Each one is a fellow member to all the rest. So true is this that nothing can happen to one human being anywhere without affecting other human beings everywhere. No man liveth unto himself, and no man dieth unto himself. The human family is like the human body where the eye cannot say to the hand, I have no need of thee, nor again the head to the feet, I have no need of you. The union of men is the union of an organism, wherein every part is at the same time the means and end of all the rest.

Such is the pattern after which men are made, and the governing of men means the keeping of them in order according to this pattern. There need be no other justification of human government than is found in this, its meaning and its grand design. That is the best government which best subserves this organic unity. That is the worst where this living fellowship is least regarded.

This organic fellowship of the human family establishes among its members a community of rights and duties. In so far as each member of the organism is the end of all the rest—his good being the true outcome of theirs—he has certain rights which he can claim from them. And in so far as he is the means of all the rest, his power being needful for their perfection, he has certain duties which they can claim from him. The law of the organism, therefore, may be expressed in the community of these rights and duties, and the government of the organism is the power which sets and keeps these in their original order.

The organism itself is what we mean by the state. The state is nothing other

than the organic unity of mankind. All the obligations which the state imposes, the place and work which it assigns, are nothing more or less than the most perfect reciprocity and interdependence among its subjects required. All the laws of the state do but express the principle of this organic relationship among men. The law of human society only affirms what place and work and obligations belong to men by virtue of the organic bond which holds them together. If truly law it does but represent and declare the principle of a brotherhood of human hearts. If it attempts anything other than this and seeks the good of one person or class, and not the good of all, it is tyranny, and not law.

In this broad conception the state is one, and yet there are actually many states; as we say that man is one, while there are many men. But as the individual man is a man only as the universal manhood is mirrored and expressed in him, so the individual state is a state only as the universal state, the ideal state, finds itself typified and actualized therein. In other words a given community can only justify its claim to be a state on the ground that the organic unity of mankind requires its separate existence as such.

Taking the state in its broadest aspect as embracing all mankind, the nations of the world are its members. Taking it in its narrower application as an individual state, its membership consists of the individual persons subject to its sway. But in either case our definition is appropriate. The state is as organic unity, and both the universal state and the particular state can be best treated under the broad classification of rights and duties, which are nothing other than the requirements of an organic fellowship. All the questions of human government upon the earth are questions of rights and duties. In their broadest relations they all resolve themselves into these two: What are the rights and duties of states respecting each other? And what are the rights and duties of states respecting their own subjects? This will therefore make our grand division to be:

1. International law.
2. National law.

International law may be subdivided into that which expresses:

1. The rights and the duties of nations in peace.
2. The rights and the duties of nations in war.

National law, called also and more commonly municipal law, which is the law of a particular nation or state, has also two chief divisions:

1. That which expresses the rights and the duties of the sovereignty or the government.
2. That which expresses the rights and the duties of the subjects, or the governed.

The first of these may be called public law, and the second, popular or private law.

Public law, therefore, is the body of

rules for the orderly arrangement of the government, and private law is the body of rules for the orderly arrangement of the governed. Keeping this line of division clear, we shall have the whole scheme clear.

Public law easily arranges itself under two heads:

1. That which considers the rights of the government.
2. That which considers the duties of the government.

The first of these is properly called constitutional law, and the second, administrative law.

Private law has also two chief divisions:

1. That which expresses the rights and duties of the subjects respecting the government.
2. That which expresses the rights and duties of the subjects respecting one another. The first of these two may be called political law, and the second civil law.

Political law, therefore, is the body of rules which orderly express the rights and the duties of the subjects concerning the government, and civil law is the body of rules which orderly express the rights and the duties of the subjects concerning one another.

Still farther, political law has two divisions:

1. That which expresses the rights.
2. That which expresses the duties of the subjects concerning the government.

The rights will be found to be three-fold: those which the subject may claim concerning his religion, those which he may claim concerning his opinion, and those which he may claim concerning his political conduct. The duties are also three-fold: the duty of obedience, the duty of service, civil and military, and the duty of tribute.

Civil law embraces two comprehensive classes of rights and duties, which may be called respectively social and individual. The first of these has also two, and the second three lesser classes. The social rights are, the rights of voluntary compact and the rights of natural relationship.

The individual rights are, the rights of person, the rights of property, and the rights of reputation.

The social duties are those which belong to voluntary compact, and those which belong to natural relationship.

The individual duties are the duties concerning the person, the property, or the reputation of another.

We have thus outlined the foundation of citizenship.

In all self governing communities, municipal institutions are adapted to the wants, the intelligence and genius of the citizens. In Ontario they are the philosophy of their self reliance reduced to simple laws, or the peoples common sense embodied in municipal regulations.

LEGAL DEPARTMENT.

H. F. JELL, SOLICITOR,
EDITOR.Appeals Against Awards under the Ditches
and Watercourses Act.

Important changes were made in reference to appeals against engineers' awards by the Ditches and Watercourses Act, 1894. Section 22 provides that any owner dissatisfied with the award of the engineer, and affected thereby, may, within fifteen clear days from the filing thereof, appeal therefrom to the judge, etc. By section 3 of the said act, the word "judge" here means the senior, junior or acting judge of the county court of the county in which the lands are situated, in respect of which the proceedings under this act are taken. Subsection 2 of said section enacts that the appellants shall serve upon the clerk of the municipality in which proceedings for the ditch were initiated, a notice in writing of his intention to appeal from the award, shortly setting forth therein the grounds of appeal. Then subsection 3 of said section provides that the said clerk shall, after the expiration of the time for appeal forward by registered letter or deliver a copy of the notice or notices of appeal, and a certified copy of the award, and also the plans and specifications, if any, to the judge, who shall forthwith, upon receipt of the registered letter or documents aforesaid, notify the clerk of the time he appoints for the hearing thereof, and shall fix the place of hearing at the town hall or other place of meeting of the council of the municipality in which proceedings for the ditch were initiated, unless the judge, for the greater convenience of the parties, and to save expense, shall fix some other place for hearing. This subsection also provides that the judge may, if he think proper, order such sum of money to be paid by the appellant or appellants to the said clerk as will be a sufficient indemnity against the costs of appeal, and the clerk, upon receiving notice from the judge, shall forthwith notify the engineer whose award is appealed against, and all parties interested, in the manner provided for service of notices under the said act. Subsection 5 enacts that the clerk of the municipality, to whom notice of appeal is given, shall be the clerk of the court, and shall record the proceedings. The two last mentioned subsections contain important departures from the former enactment. The division court of the division in which the lands are situate or its clerk have now nothing to do with appeals filed against awards made under the existing Ditches and Watercourses Act. By subsection 6 of said section 22 the judge is required to hear and determine the appeal or appeals within two months after receiving notice thereof from the clerk of the municipality, and in the appeal may set aside, alter or affirm the award, and correct any errors therein. Should the

award be altered or affirmed, the costs of the appeal shall be in the discretion of the judge. But if the award be set aside, the judge shall have power to provide for the payment of the costs mentioned in the award, and also the costs of appeal, and may order the payment thereof by the parties to the award, or any of them, as to him may seem just, and he may fix the amount of such costs. By subsection 9, the judge is entitled to charge for the trial of appeals under the act, and for the inspection of the premises, the sum of \$5 per day, which charge is to be considered part of the costs of the appeal. By subsection 10, the award, as so altered or affirmed, shall be certified by the clerk, together with the costs ordered, and by whom to be paid, and shall be enforced in the same manner as the award of the engineer, and the time for the performance of its requirements shall be computed from the date of such judgment in appeal. Immediately after the hearing the clerk shall forward *by registered letter*, to the clerk of any other municipality in which lands affected by the ditch are situate, a certified copy of the changes made in the award by the judge, which copy shall be filed with the award, and each clerk shall forthwith, by registered letter, notify every owner within his municipality of any change made by the judge, in the portion of the work and material assigned to such owner. In all appeals the judge has the same powers for compelling the attendance of witnesses, and their examination upon oath of all parties or other persons, as belong or might be exercised by him in the division or county court, and the clerk of the municipality has the like powers as the clerk of a division court as to the issuing of subpoenas to witnesses, that is to say, on the application of any party interested in the appeal, the clerk has authority to issue a subpoena under his hand and the seal of the municipality, and as many copies for service as the applicant may require. On service on him of one of these copies, and on payment of the fees mentioned hereafter, the witness is bound to attend at the time and place named in the copy to give evidence as to the subject matter of the appeal. The fees to be allowed to witnesses and to be paid to them at the time of their being served with the copy of subpoena by the party causing the issue of same, shall be according to the scale of fees allowed to witnesses in any action in the division court, viz., 75c. per day if within, and \$1.25 per day if without the county in which the appeal or appeals is or are to be heard, and 10c. per mile (one way) from the place of residence of the witness to the place of hearing, or if the witness travels by railroad, the price of a return ticket between the two places.

Said a Pine street lawyer to his young clerk: "Why weren't you at the office earlier this morning?" "Beg pardon, sir, but I'm a Reformer. I believe that the office should seek the man."—*Texas Siftings*.

The Drainage Act 1894.

At the current year's session of the Ontario Legislature, the drainage clauses of the Municipal Act and amendments thereto received a thorough overhauling. From the mass of previous legislation on the subject, and in the light of many years experience and inquiry, and no doubt also of the report of the Ontario drainage commission, was evolved "The Drainage Act of 1894." It cannot be denied that this act is a vast improvement on all former legislation of the kind. The extracting of the drainage clauses from the Municipal Act, their consolidation and formation into a separate act, is an advantage and convenience which will be duly appreciated by those municipal officers who are so often called upon to guide and direct parties desirous of obtaining the construction of drainage works, under the provisions of the said Act.

Since it is of the utmost importance that municipal officers and councillors should be reasonably familiar with the drainage laws, it is our intention to devote a series of articles to the discussion and consideration of the "Drainage Act 1894," noting and pointing out the most important changes made thereby in the old law as it existed in the drainage clauses of the Municipal Act. In the outset it may be mentioned that the word "municipality" when used in the said act does not include a county municipality, but does include a township, town, city, and incorporated village. The first necessary preliminary step to be taken prior to the passing of a by-law providing for the carrying out of drainage works under the said act, is the preparation, signing, and presenting of a petition to the municipal council, signed by the majority in number of the resident and non-resident persons (exclusive of farmers sons not *actually* owners), as shown by the last revised assessment roll to be the owners of the land to be benefited in any described area within the municipality, for the draining of the area described in the petition by means of such drainage works as are therein described, and are authorized to be entered upon, and carried out by the said act, (see subsection 1 of section 3). The wording of the parent section of the Municipal Act (569) rendered it doubtful as to *what majority* was sufficient to procure the action of the council on the petition under this section. It was judicially remarked that four concessions in a township may be interested in different degrees in a work which would drain all the lands in these concessions, but it might be of more importance to the owners of the lands in one of those concessions than to all the owners of the lands in the other three to procure the construction of the work. As at present advised, we do not see that a majority of the resident owners in the one concession would not comply with the terms of the act. In a later case it was held that a petition should include a majority of the persons whom the engineer finds to be

benefited by the proposed work. The insertion of the words "in any described area" in section 3 of the new act, and the requiring of a description of the area in the petition obviates the difficulty pointed out. On the presentation of the petition the council may procure an engineer or Ontario land surveyor to examine the area to be drained, to prepare a report and to make an assessment of the lands and roads within the said area to be benefited. The said report is, by section 15 of the said act, to be filed by engineer or surveyor with the clerk of the municipality by which he is employed. It may be incidentally remarked that the council may on receipt of the requisite petition refuse to proceed further, and if the work asked for is impracticable or too costly this would seem to be the proper course to pursue. On the filing of the report by the engineer, the clerk of the municipality is required by section 16 to notify all parties assessed within the area described in the petition, by mailing to the owner of every parcel of land assessed therein for the drainage work, a notice upon which shall be stated the date of filing the report, the name or other general designation of the drainage work, its estimated cost, the owner's lands and their assessment, distinguishing benefit, outlet liability, and injury liability, and the date of the council meeting at which the report will be read and considered, which shall be not less than ten days after the mailing of the last notice, and the determination of the council as to the sufficiency of the notice sent shall be final and conclusive. This is a new and wise provision of the act, as it insures to every person interested ample opportunity to examine and make himself thoroughly familiar with the contents of the report, etc., prior to the meeting of the council at which it is to be considered. Section 17 provides that at the meeting mentioned in the notice the municipal council shall, immediately after dealing with the minutes of the previous meeting, cause the engineer's report to be read by the clerk to all the ratepayers in attendance, and an opportunity shall be given any person who has signed the petition to withdraw from it by putting his withdrawal in writing, signing the same and filing it with the clerk. The opportunity shall also be given to those present, who have not done so, to sign the petition. This last cited section also provides that, in case any of the roads of the municipality shall be assessed, the council may by resolution, authorize the head or acting head of the municipality to sign the petition for the municipality, and such signature shall count as one person benefited in favor of the petition.

To be continued.

Tibble—"How did you manage to get Manger to vote for our side? Did you convince him that on the great political issues of the day his party is wrong and ours right?" Dibble—"Well, it amounted to that. I just praised his dog."—*Boston Transcript.*

Legal Decisions.

HELLEMS V. CORPORATION OF ST. CATHARINES.

It is enacted by section 27 of the Municipal Act, 55 Vic., chap. 42 (Ont.), that officers appointed by the council shall hold office until removed by the council. In this case it was held that the effect of this was that all such officers held their offices during the pleasure of the council and might be removed at any time without notice or cause shown therefor, and without the council incurring any liability thereby. Where, therefore, a city commissioner was appointed by a resolution of the council and shortly afterwards another resolution was passed rescinding the former one, the appointment was held to be rescinded, without the council having incurred any liability.

IN RE CUMMINGS AND THE COUNTY OF CARLETON.

This was an application for an order of prohibition to arbitrators appointed to investigate a claim for damages against both a city and county municipality, who had jointly undertaken the building of a bridge over a river forming the boundary between the county and the city. The application was made by a landowner who alleged that his land in the county had been injuriously affected, and who sought damages therefor from both municipalities. It was held that an order of prohibition is an extreme measure, to be granted summarily only in a very plain case of excessive jurisdiction on the part of a subordinate tribunal, and that having regard to section 483 of the Consolidated Municipal Act, that the claimant had no remedy except by arbitration under the Act. It was also held that the case was covered by section 391 of the said Act. The expression "a municipal corporation" by force of the Interpretation Act being capable of being read as a plural and also that it was competent for the county judge to appoint the same arbitrator for both corporations upon their making default in naming an arbitrator, and that he could proceed to do so *ex parte*. It was further held that section 487 did not apply to the case of a joint claim against city and county. The application for prohibition to the arbitrators was therefore referred.

SCHMIDT VS. TOWN OF BERLIN.

Judgment in action tried with a jury at Berlin. Action by husband and wife for damages for personal injuries received by the wife in a building owned by the defendants in a public park, on the 24th of May last, while attending a celebration there, held by certain musical societies. The jury found that the societies had obtained leave from the defendants to have the exclusive use of the park and building upon that day, and that the building was opened to the public, at the request of the committee, by the defendants' caretaker; that the accident was due

to their negligence in not keeping the building in proper repair, and they gave \$200 damages to each of the plaintiffs. Held, that the defendants, having no notice or knowledge that the building was in a dangerous condition, were not liable. Judgment for the defendants with costs.

HARWICH VS. RALEIGH.

Another stage in the long continued litigation between Harwich and Raleigh over the assessment proposed to be levied on lands in the former township, for benefit to be derived by the enlargement of the Raleigh Plains outlet drain, was passed recently, when the appeal entered by Harwich against the judgment of Mr. Britton, the referee, was dismissed by the Ontario Court of Appeal. The court was equally divided—Chief Justice Hagarty and Mr. Justice Burton favoring the dismissal of the appeal, while Justices Osler and McLennan took the opposite view. The judgment of Referee Britton therefore stands.

The assessment appealed against is the third attempt made by Raleigh to provide an improved outlet for the drains leading into Jeanette's creek. The estimates were prepared by W. E. McGeorge, P. L. S., in September, 1892. He found the work would cost \$56,190, of which he charged \$2,525 to lands in Harwich, \$1,122 to lands in Tilbury East, and \$52,543 to lands and roads in Raleigh. Harwich appealed against the assessment, and after a prolonged hearing before Mr. Britton, he dismissed the appeal, confirming Mr. McGeorge's assessment. Harwich carried the case to the court of appeal, and the result is the recent judgment.

Whether it will end here or go to the Supreme Court is not determined. If the case stands, the Raleigh council will proceed with the work, which has been too long delayed, and involved the township in numberless law suits for damages and heavy costs.

MOORE VS. BOWEN.

This action was brought to test the validity of a sale for taxes of a farm—lot 23, in the 13th concession of Storrington township. The sale took place in 1893. The point involved in the case was whether the description in the advertisement of sale and in the tax-deed was sufficient. The land was described as part of lot 23, in the 13th concession of Storrington township, 150 acres, without stating which 150 acres it was. Authorities were produced to show that a deed of this kind was invalid on account of indefiniteness of description.

Evidence was given showing the defects complained of, and the court at once gave judgment declaring the sale invalid, and setting aside the deed, but without costs, as the plaintiff had been careless as regards payment of the taxes and the sale proceedings.

QUESTION DRAWER.

SUBSCRIBERS only are entitled to opinions through the paper on all questions submitted if they pertain to municipal matters. Write each question on a separate paper on one side only. When submitting questions state as briefly as possible all the facts, as many received do not contain sufficient information to enable us to give a satisfactory answer.—Ed.

R.—Has a returning officer or deputy the power to erase or draw a line through the name of a candidate, on the ballot paper before giving it to a voter.

Section 117 of the Consolidated Municipal Act, 1892, provides that, "at the nomination meeting or on the following day any person proposed for one or more offices may resign, or elect for which office he is to remain nominated." If the candidate does not resign in the manner prescribed by the latter part of the above section, within the time therein limited, his name must go on the ballot paper and must remain there throughout the election, whether the candidate is really desirous of running for the office or not. A returning officer or his deputy has no right to meddle with a ballot in the way you mentioned.

J. B. N. P.—The arrears of taxes were not returned to county treasurer on a certain piece of land by the collector, having made his report too late to be accepted by said treasurer for the year 1890. Now the same piece of land was assessed non-resident in the years 1891 and 1892. In the year 1893 it was assessed to an occupant who paid the arrears of the year 1890, but the arrears of 1891 and 1892 were not returned and consequently not charged with his taxes of 1893. In 1894 the county treasurer sent the list and the sections 140, 141, 142, 143 of the Municipal Act of 1892 was followed in respect of the arrears of 1891 and 1892 the same party who occupied the property in 1893 was again assessed as occupant in 1894 and according to the above sections the arrears of 1891 and 1892 were charged on the collector's roll of 1894 to the said occupant who has left the property, but still resides in the municipality. The present occupant has no property to distrain under the exemption of the Division Court Act. The collector for 1894's roll has seized the goods and chattels of the party assessed as occupant for 1894, being still in the county, said occupant paid the taxes of 1894 but not the arrears of 1891 and 1892.

Now please tell:

1. Had the collector the right to seize the chattels and goods of the party assessed as occupant?
2. Has the said occupant the right to bring an action of replevin for the goods seized?
3. Who is the party liable to pay the said arrears of 1891 and 1892?

We will premise our answers to our correspondent's questions by quoting Mr. Harrison's note (c) to section 143 of the Assessment Act, on page 821 of the 5th edition of his Manual. It is as follows: "The arrears may be collected in the same manner and subject to the same conditions as all other taxes upon the collector's roll. It is provided by section 124, that the collector may, after demand, levy the taxes with costs by distress of the goods and chattels of the person *who ought to pay the same*, or of any goods or chattels in his possession, wherever the same may be found within the county, etc., and by section 126 in the case of non-residents who have required their names to be entered on the roll, the collector may make distress of any goods and chattels which he may find on the land;

There is no doubt, therefore, that goods and chattels *on the land*, as in the case of non-resident lands, would be liable. But the difficulty of restraining the operation of the section to goods and chattels on the lands, as in the case of non-residents, is that that it is only one kind of tax, and the act says taxes shall be collected in the same manner and *subject to* the same conditions as *all* other taxes entered upon the roll. Now, upon the roll are the proper taxes of the party charged, which, under section 124, may be levied of any goods and chattels in his possession, *wherever the same may be found in the county*. The Court of Queen's Bench, however, have placed upon similar words, in the statute, 27 Vic., chap. 19, from which this section is taken, the narrow construction of restricting the remedy to goods and chattels *ON THE LAND* as being more consistent with reason than the broader construction, which would work great hardships and do great injustice in individual cases, and this construction is apparently sanctioned by the Legislature in the following section (144), which provides what the collector shall do: "If there shall not be sufficient distress upon any of the occupied lands in the preceding section named, etc." We give our answers in view of the above.

1. No.
2. Yes.
3. The owner of the land and the occupant for the time being. If sufficient distress cannot be found on the land, the premises can be sold in the regular way to realize the amount of the arrears.

A.—Section 180 of the Consolidated Assessment Act of 1892, reads: "The owner of any land which may hereafter be sold for non-payment of arrears of taxes or his heirs, executors, administrators or assigns or any other person, may at any time within one year from the day of a sale redeem the estate sold."

Now what I want to know is, can any other person other than the original owner or his agents or heirs, etc.

Yes—See sec. 180 of the Consolidated Assessment Act 1892 and page 846 of the 5th edition of Mr. Harrison's Manual note (R) in which Mr. Harrison says that the right to redeem is given to the owner of the land or his heirs, executors or administrators, or to *any other person* whether claiming title or not.

TP. REEVE.—Several years ago the council of our township built a bridge over a river on a leading road in our municipality and filled with earth about 8 feet deep at each end of the bridge for approaches. Farmer B has land lying partly behind the river and so situated that the only place for egress from his farm is opposite the approach, at one end of the bridge he built an approach to the approach of the bridge for his way out. This year the council had to build a new bridge, the engineer advised to build it 16 inches higher than the old one, consequently the approaches had to be raised 16 inches higher, who has to raise farmer B's approach, the council or himself?

We are of opinion that farmer B. should build the approach from his farm to the bridge approach.

F. J. C.—A trader comes to this town who is not entered upon the assessment roll in respect of income or personal property, and rents certain

premises and opens up a stock and commences selling, under a by-law he pays a license fee of \$100 to the corporation. The law provides that should such person continue long enough to be assessed and pay taxes, his license money shall be used to pay his taxes.

Now the question is "Is such person entitled to be credited with any more than his taxes upon personal property and income?" The premises which he occupies are also assessed to him, is he entitled to have the taxes for the real estate occupied by him, paid from his license fee? Some claim that the taxes on income and personal property can be only considered, while others claim that his entire taxes including real estate, income and personal property must be considered. The premises are also assessed for local improvements. How about these taxes?

We assume that the council have passed a by-law pursuant to sub-section 9a of section 489 of the Consolidated Municipal Act 1892. We are of opinion that only the taxes on "income and personal property" should be considered. If the local improvements referred to are such as are mentioned in section 612 of the said act sub-section 2, the real estate only should be taken into consideration.

CLERK—Are the fees and other charges of the clerk of a municipality, allowed him by the by-law of the municipality, under the Ditches and Water Courses Act 1894, to be charged to the lands or owners of the lands affected, or are the clerk's allowances under the said act to be paid him out of the funds of the municipality as the clerk's ordinary salary is?

A reference to form G. shows that the engineer in making his award is required to give fees, and other charges, including clerk's fees, in detail. In accordance with section 27 of the act, clerk's fees would be paid and collected the same as the fees of the engineer.

INQUIRER—1. Some years ago the township council gave a person permission to build a store and a warehouse on a street bordering upon the river. The said buildings are close to a fine swing bridge which was built by the government and is government property. Now if the aforesaid buildings were to cause the destruction of the bridge by fire or otherwise, would the township be liable for the loss of said bridge?

2. At the nomination of candidates for reeve and councillors, should the meeting be kept open for one hour only, or one hour from the time the last candidate was nominated?

1. If the buildings mentioned by our correspondent occupied their present position when the bridge was built, we think no liability will attach to the council in the event referred to, but if they have been erected since the bridge was built, without the knowledge or consent of the government, then the township or perhaps the individual members of the council granting the authority for the erection of the buildings in all probability would be held liable.

2. One hour only.

TOWN CLERK—Can our town council pass a by-law limiting licenses in our town to one hotel license, and one shop license? Our population is 1157.

It seems to us quite clear that your council can legally pass a by-law under the authority of secs. 20 and 32 of the Liquor License Act, limiting the number of taverns and shop licenses to be granted to one in each case.

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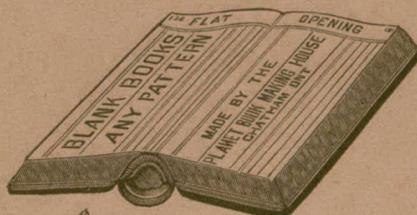
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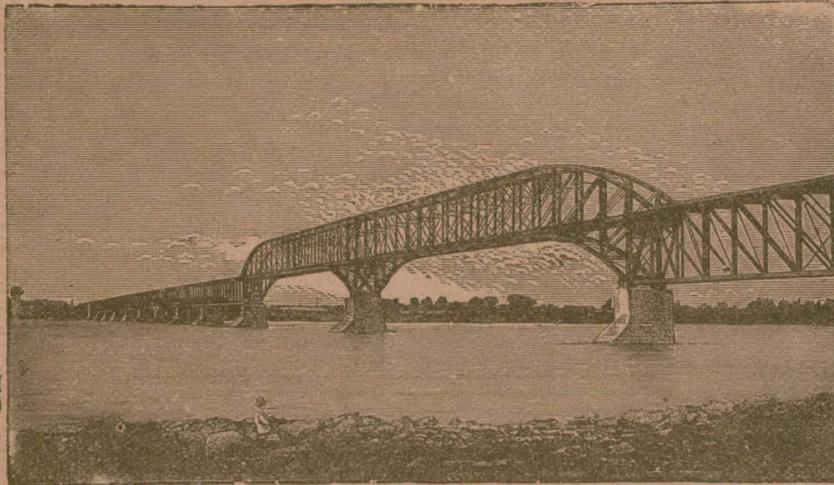
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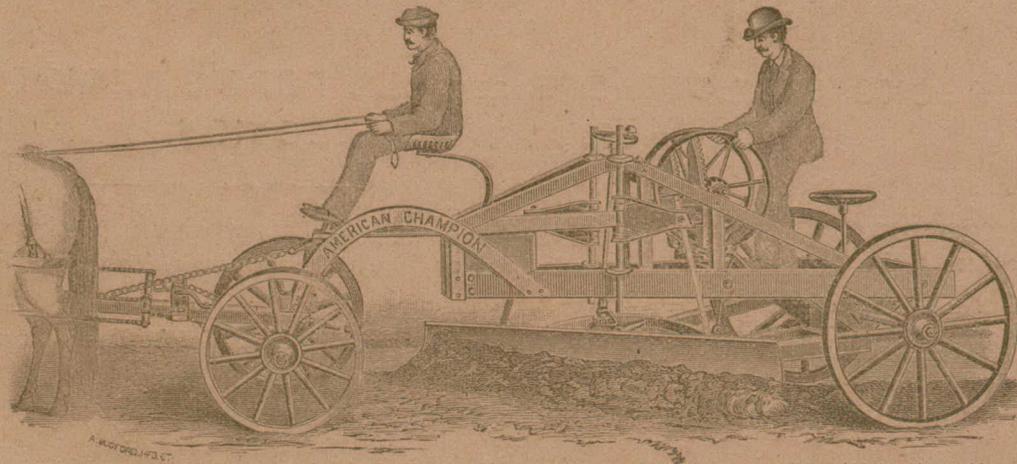
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