

# The Municipal World

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

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ST. THOMAS, ONTARIO, NOVEMBER, 1907.

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## CONTENTS

	Page
Editorial.....	250
Toronto Public Parks.....	251
Clerk's Salaries.....	253
A Useful Board.....	253
Automobiles and Highways.....	254
Municipal Ownership.....	254
Municipalization—An American View.....	254
His Municipal Education Was Sadly Neglected.....	255
London's Flowering Trees.....	255
Business Assessment of Express Companies.....	256
A Cell that is Cheap and Good.....	256
The City Should Have a Guarantee Bond.....	256
Local Option.....	267
Advice on Bridge Building.....	267
Lawsuit Over Two Cents.....	268
Better Roads.....	268
Municipal Debentures and the Money Market.....	252
Legal.....	271
Public Utilities.....	269
Publish the Assessment Rolls.....	270
How They Shaved Debentures in the Good Old Days.....	272
Why Change Back?.....	272
The Town of Cache Bay.....	272
Municipal Ownership League in London.....	272
Teachers as Aldermen and Mayors.....	252
Hensall's Option Muddle.....	272
Wants the Roll Published.....	272
ENGINEERING DEPARTMENT—	
Bridge at Bracebridge.....	257
Sewage Disposal.....	257
Leaks in Water Mains.....	259
The Rake in Roadmaking.....	259
Surface Treatment of Concrete.....	260
Concrete Pavements.....	260
Municipal Policy.....	260
QUESTION DRAWER—	
611 General School Levy in Townships in Territorial Districts.....	
612 Cleaning of Drain in Police Village.....	
613 Proceedings Should be Taken Under the D. & W. Act.....	
614 Liability for Wrongful Diversion of Water.....	
615 Raising Deficit in Cost of Building New School House.....	
616 Impounding Animals Running at Large—Liability of Owners—Cost of Construction of Drain.....	
617 Opening Town Line—Obstruction of.....	
618 Collection of Taxes—Statute Labor Defaulters.....	
619 Sewer Construction.....	
620 Collection of Taxes.....	
621 Power of Water Commissioners—Purchase of Electric Light Plant.....	
622 Inspection and Furnishing Copies of Documents in Clerk's Possession.....	
623 Clerk Cannot Strike Name Off Local Option Petition After Presentation.....	
624 Alteration of Boundaries of Union School Sections.....	
625 Surrender of Crown Lands—Collector's Return.....	
626 Same Person May be Engineer and Collector.....	
627 Fees of Clerk Under The Municipal Drainage and The Ditches and Water-courses Act.....	
628 License to Sell Patent Medicines Not Required.....	

## Calendar for Nov. and Dec., 1907

### LEGAL, EDUCATIONAL, MUNICIPAL AND OTHER APPOINTMENTS.

#### November—

1. Last day for transmission by local clerks to county treasurer of taxes on lands of non-residents.—Assessment Act, section 96.  
Last day for transmission of tree inspector's report to Provincial Treasurer.—Tree Planting Act, section 5.
5. Make returns of Deaths by contagious diseases registered during October.—R.S.O. chap. 44, sec. 11.
9. King's birthday.
15. Report of Medical Health Officer due to local Board of Health.—Public Health Act, Schedule B, section 1.  
Day for closing Court of Revision in cities, towns and incorporated villages when assessment taken between 1st July and 30th Sept.—Assessment Act, section 53.  
On and after this date councils of townships, cities, towns or villages may enter on lands and erect snow fences.—Snow Fences Act, section 3.
30. Last day for municipality to pass by-laws withdrawing from Union Health District.—Public Health Act, section 50.  
Chairman of Board of Health to report to the council on or before this date.—Public Health Act, schedule B, section 3.

#### December—

1. Last day for appointment of school auditors by public and separate school trustees.—P. S. Act, s. 22 (1); S. S. Act, s. 28 (5).  
Municipal clerk to transmit to County Inspector statement showing whether or not any rate for public school purposes has been placed upon collector's roll against separate school supporter.—Public Schools Act, section 72 (1); Separate Schools Act, s. 52.
9. County Model School examinations begin.
10. Last day for public and separate school trustees to fix places for nomination of trustees.—P. S. Act, s. 60 (2); S.S. Act, s. 31 (5).  
Returning officers to be named by resolution of the public school board (before second Wednesday in December).—Public Schools Act, section 60 (2).
13. County Model Schools close, Reg. 58.
14. Last day for payment of taxes by voters in local municipalities passing by-laws for that purpose.—Con. Mun. Act, 1903, section 535.  
Last day for collectors to return their rolls and pay over proceeds, unless later time appointed by council.—Assessment Act, s. 109.  
Local assessment to be paid sep. school trustees.—P. S. Act, s. 58.  
County councils to pay treasurers of high schools.—H. S. Act, section 33.

629 Payment of Assessor for Equalizing Assessment of Union School Sections.....
630 Collector Must Notify Ratepayers.....
631 Clerk May Run Electric Plant in Village.....
632 Building Sidewalks on Railway Right of Way—Duties of Collector.....
633 By-Law Fixing Reduced Water Rates Must Receive Assent of Electors—Municipal Grant for Advertising Purposes.....
634 A By-Law Regulating the Running at Large of Dogs.....
635 Equalizing Frontage Payments.....
636 Payment over of School Moneys.....
637 Repair of Bridge on Town Line in Territorial District.....
638 Township Council Cannot Impose Li-

cense on Livery Stable Keepers.....
639 Business Assessment of Nurseryman and Agricultural Implement Agent.....
640 Qualification of Auditor.....
641 Proceedings at Council Meeting.....
642 Revision of School Assessment Roll in Unorganized Townships—Business Assessment of Nurseryman and Agricultural Implement Agent.....
643 Abandonment of Defence of By-Law by Council—Procedure in Calling Council Meetings.....
644 Business Assessment of Flour and Feed Merchant.....
645 By-Law of Township Regulating Storing of Explosives.....

# The Municipal World

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

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ST. THOMAS, ONTARIO, NOVEMBER 1, 1907.

The disastrous results frequently overtaking bonused industries are illustrated in the cases of Glencoe and Watford. These places gave large bonuses to enterprises that were supposed to promote the growth and prosperity of the towns, but after a few months' operation the shops were compelled to close. These towns, like all others, must meet their obligations and have on their hands empty buildings where the hum of industry was but of short duration.

Thus far Philadelphia's \$10,000,000 city hall has cost the taxpayers \$25,000,000. It is a costly toy, as yet unfinished. The appurtenant scheme of a magnificent parkway leading from the city hall across lots to Fairmont Park is now in its blushing infancy. Before it shall be completed it will probably be as expensive as the city hall, says *The Record*. The possibilities of auriferous grafting in the Parkway in the next twenty-five years make the contractors' mouths water.

The Berlin *News-Record*, referring to the county councils efforts to have a system of county roads established, says: "Not even the prospect of obtaining one-third of the cost of such roadways from the Legislature is sufficient inducement for the representatives to act. In the rural municipalities there is a deep-seated aversion to the automobile. They reason that if good roads are constructed, it will be providing run-ways for pleasure machines, and they do not wish to encourage the horseless carriages, being willing to put up with inconveniences themselves in the meantime. But good roads are bound to come. All will soon see the necessity of good roadbeds and the profit in them. The antipathy to automobiles arises from the indiscretion of the few who delight in scorching, without thought for those they meet or pass on the highway. The legislature will deal with the matter at its next session and regulate their speeds. The automobile has come to stay but will have to conform to well defined regulations. The antipathy to them will then pass away and the friskiest horse will forget to try and climb a telegraph pole at the sight of one."

## ADVANTAGES OF THE WARD SYSTEM

St. Catharines decided in January last to do away with the "at large" system of electing aldermen, and return to the ward system. Dealing with the subject, the *St. Catharines Standard* said the other day:

The electing of aldermen by the at-large system failed to justify itself in this city, and the electors so expressed themselves in January last. There may be a prejudice in the minds of some of the electors against the ward system in the belief that it produces the "ward heeler," and ward appropriations and fails to take into consideration the needs of the city as a whole, but that is more imaginary than real.

One of the most important advantages of the ward system is the division and concentration of the responsibility of selecting good men as candidates. That may seem to be a paradox, but it is not so. What is everybody's business is nobody's business.

That is a trite old maxim. When it was the business of the whole city to choose candidates it soon became nobody's. Now the responsibility is divided and the rate-payers of the three wards must be responsible for the calibre and the character of the men who will represent them.

An even greater objection to the "at large" system than either of those mentioned under it the temptation to form party slates is increased and the evil of party politics in municipal affairs becomes accentuated. For a city like Brantford, the *Expositor* has steadily expressed a preference for a combination of the two systems—a council composed of ten men, one-half to be returned from the city as a whole and one member from each of the five wards.

## MUNICIPALITIES SHOULD ASSESS INCOME FROM MINES, OIL WELLS, ETC.,

The appeal of the Coniagas and Buffalo Mines Companies against assessment of \$100,000, fixed by the Town of Cobalt for the purpose of the levying of a tax on income, has been dismissed by the Ontario Railway and Municipal Board in a judgment given recently. A similar fate met the plea of the Buffalo Mines Company against their assessment for the same amount. The board held that to admit the claim of the companies that no tax should be levied on income until the concern's capital expenditure has been realized would be to frustrate the evident intention of the statutes applicable to the case.

At the outset the judgment says: "Not only the language of sub-section 3 of section 36 of The Assessment Act, but also section 15 of The Supplementary Revenue Act of 1907, makes it clear that the Legislature intended that the income, that is, the annual profit or gain derived from a mine, should be subject to taxation. The board is of the opinion that the Legislature has effected that purpose by sufficiently apt and unmistakable language. The judgment explains the intention of the Act." The lands and the building, that is, all the property visible, shall be valued as agricultural land. The hidden increase, when raised from the mine, becomes income, gain or profit, and then subject to taxation in the same manner as other incomes under the Act.

## Toronto Public Parks

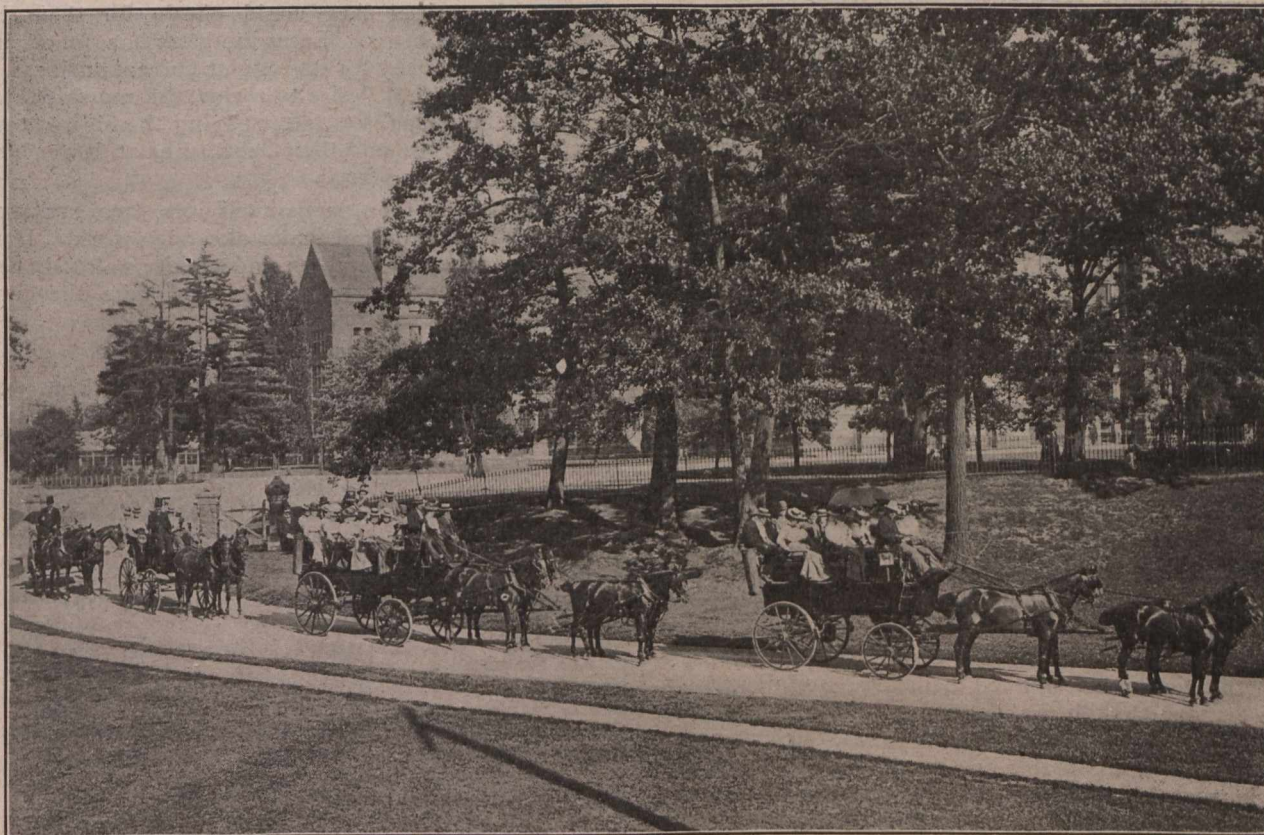
The public parks of Toronto number twenty-five. Ranging in size from one-quarter acre to 389 acres, they comprise a total area of 1,458½ acres. The largest, Island Park, is situated on Toronto Island and is reached by ferries which run at regular intervals throughout the summer season. High Park, containing 375 acres, is next in size to Island Park and was a gift to the city by the late JOHN HOWARD, Esq. This park overlooks Humber Bay and is largely woodland, with numerous drives winding through its ravines and over its hills. A creek and small lake add to its attractiveness. Queen's Park is well known as the site of the Provincial Parliament Buildings, with Toronto University and affiliated colleges surrounding it. Exhibition Park, with an area of 204 acres, is one of the best known outside of the city as the residence of Toronto's annual exposition.

"Keep off the grass" signs are not as obtrusive in

The park system includes the following :

High Park, 375 acres ; Queen's Park, 35 acres ; Riverdale Park, 162 acres ; Exhibition Park, 204 acres ; Bellwoods Park, 15 acres ; Stanley Park, 14 acres ; Ketchum Park, 4 acres ; Victoria Memorial Park, 2½ acres ; Allan Gardens, 10½ acres ; Clarence Square, 2¼ acres ; St. Andrew's Square, 2¼ acres ; Bellevue Square, 1¼ acres ; St. Patrick's Square, ½ acre ; St. Alban's Square, 1 acre ; Carlton Park, 1 acre ; Walmer Road Square, ¼ acre ; Leslie Grove, 2 acres ; Dovercourt Park, 7½ acres ; Island Park, 389 acres ; Simcoe Park, 150 acres ; Woodbine Park, 50 acres ; Alexandra Park, 7 acres ; Cottingham Square, 4½ acres ; Ramsden Park, 17 acres ; Moss Park, 1 acre.

Rural members of both sides of politics in the local legislature are expected to advocate some drastic legisla-



"TALLY-HO'S" IN A TORONTO PARK.

the parks of Toronto as in many cities. This is possibly not so much due to lack of affection for the grass on the part of the Parks Department as it is an evidence that the citizens of Toronto insist on using the parks in a rational manner. These objectionable signs are seldom in evidence except where a line of travel is likely to wear pathways in the sod.

During the past few years, through the generosity of various citizens, quite a few birds and animals have been placed in Riverdale Park, while in High Park a number of deer and buffalo have been placed. Nearly all parks contain band stands where band concerts are given throughout the summer by local military and other bands. Flowers, shrubbery, trees, with seats scattered among them, are features of all parks. The management of the park system is under a commissioner of parks, Mr. JOHN CHAMBERS.

tion for the government of automobiles on the public highways. What the nature of the legislation will be will not be definitely known until these members have a meeting in the early days of the session. It is said, however, that an authenticated list of casualties during the last eight months is being made ready for presentation to the House. This includes the ditching of over thirty farmers' vehicles on roads, besides causing many runaways and other accidents. Speed figures will also be shown. The auto owners may be expected to enter an appearance on their own behalf, but it must be said that the reckless conduct of some of the owners in driving through the country and in the city streets will tell against them with both the legislators and the public.

\* \* \*

Mr. ALBERT HELLYER has been appointed clerk of the Township of Arthur, to succeed Mr. GEORGE CUSHING.

TEACHERS AS ALDERMEN AND MAYORS

The success of Mayor KILMER, of Aylmer, in his municipal office, while at the same time science master of the Collegiate Institute of that town, has drawn attention to the question of teachers serving the public as municipal representatives. Mr. KILMER, who was for a time commercial master of the Stratford Collegiate, urges that teachers, whose duty it is to impress upon their pupils the duties and privileges of citizenship, should practice what they preach along these lines. By showing a proper example in this respect the teachers are brought more in contact with adult citizens and are themselves broadened in experience and prevented from getting into ruts. Mr. KILMER's experience is that no ill effects have followed his going into municipal politics. It has not interfered with his educational duties nor has he met with any ill-feeling from parents of pupils or from citizens by reason of his accepting public office. Further, the Attorney-General's Department having been appealed to, sustained the right of the teacher to full participation in municipal government, with no restriction whatever upon his holding office.

The experience of Aylmer is worthy of imitation where the circumstances point out the teacher as suited for municipal office. In this respect he should be qualified above the average citizen. Nor are demands upon the time of the municipal representative in the smaller towns so great as to make inroads upon the time that the teacher owes to his school. There is no reason to dispute Mayor KILMER's conclusion, with respect to the towns at least, that teachers should shoulder the duties of citizenship the same as other classes, and perform a useful service to the public.

But when it comes to a city, it may be questioned whether a teacher could afford the time which the municipal duties demand, and which have a way of side-tracking the representative's private or other business to an extent that few realize until they get into it. The position is decidedly more strenuous and more absorbing, and if Mr. KILMER had tried it in Stratford it may be questioned whether he would have precisely the same story to relate. But if the position of mayor or alderman may be considered too busy, there is no reason why the city teacher should not serve the municipality on other local boards, such as the library or the park boards, the hospital board or the board of health. On any or all of these the presence of the teacher should be beneficial and congenial, and we wonder that it has not occurred to mayor and council to place teachers on these boards. Their presence would be equally acceptable on the aldermanic board but for the inexorable nature of the demands upon time. That is the misfortune of the city, and perhaps the good fortune of the teacher.—*Stratford Herald.*

MUNICIPAL DEBENTURES AND THE MONEY MARKET

The most hopeful thing about the present municipal bond situation is the frequent note of warning from municipal officers against creating further municipal debts at present.

One day the mayor of Winnipeg says he is opposed to the submission of any money by-laws at the forthcoming municipal election because the city has enough on its hands at the present moment. The next day the Board of Control, Toronto, says: "We shall do well to be very careful in the present condition of the money market; we don't want to sell the city's debentures at a sacrifice." When the men best acquainted with the situation speak that way about cities of such credit as Toronto and Winnipeg, it is full time that smaller cities took an equally conservative view. Signs are not lacking that

they are beginning to. Bond sales have fallen off very largely, and are getting towards a disappearing point. Unfortunately this has not always meant that the municipalities have withheld their debentures from the market. In some cases it means that they have failed to secure offers.

No private corporation is undertaking new work, or borrowing money in present conditions. A private corporation exists for making profit, and borrowing money is, or may be, a gainful transaction. A municipal corporation is not engaging in business for profit, and its only advantage in borrowing money is to equalize the burden of taxation. If private corporations, then, deem it expedient to refrain from borrowing money, there is so much the more reason for municipal corporations to withhold.

For money absolutely needed, however, to carry on undertakings already begun, municipalities had better take the market for their debentures than carry on make-shift financing. During the past year it has happened time after time that municipalities refusing to sell debentures at the prices they could obtain for them, have resorted to bank loans. Later the bank has found itself in need of this money for its regular current business, and stated that it did not desire to renew the municipal loan. As a result municipalities, after paying the high rates for current loans, have sold their debentures at lower prices than they had been offered.

The situation, then, sums itself into two sentences: Municipalities should not undertake new work. If they must have money to carry on undertakings already begun or absolutely necessary, they should take the current price for their debentures.

The list of bond sales follows:

Municipal Bond Sales for Six Months Ending Sept. 30th.

Municipality	Amount.	Interest Rate.	Maturity.	Purchase Price.	Per-centage Basis.
Town of Lloydminster...	6,500	5½	10 insts.	100.353	5½
Town of Steelton.....	50,000	4½	20 & 30 yrs.	90	5.17
Portage La. P. S. D.....	16,000	5	20 insts.	96¼	5½
Town of Sarnia.....	49,052	4½	10 & 20 ins.	96	
Town of Berlin.....	83,200	4½	30 insts.	96½	4 11/15
Town of Oshawa.....	7,300	4½	30 insts.	94	5
Tp. of Gosfield North....	2,836	5	5 insts.	100	5
City of Hamilton.....	197,000	4	20 & 30 yrs.	91.43	4¾
Township of York.....	25,500	4½	30 insts.	95.73	4¾
City of Brandon.....	30,000	4½	20 years	92.27	5
City of Calgary.....	126,000	4½	30 years	93	4.95
City of Halifax.....	380,000	4	33 years	91.45	4½
City of Fredericton....	45,000	4	various	95.98	
Province of Manitoba....	500,000	4	40 years	92.50	4.43
City of Brandon.....	50,000	4½	30 years	90.25	5½
City of Fredericton.....	27,500	4	40 years	100	4
Town of Simcoe.....	15,000	4½	30 insts.	92.30	5
Town of New Glasgow..	8,500	4½	30 years	97	4.70
Town of Goderich....	13,355	4½	20 insts.	91	5¾
"	25,000	4½	20 insts.	93	5¾
City of Edmonton.....	679,873	5½	various	93	6
Township of Cornwall...	28,000	4½	20 insts.	96	5
Town of Perth.....	58,500	5	20 & 30 in.	96	5¼
City of Niagara Falls...	16,000	4	30 insts.	89	5¼
Town of Pembroke....	9,000	4½	10 insts.	97	5½
City of Port Arthur.....	318,000	5	30 years		5.20
City of Vancouver.....	365,500	4	12 & 20 yrs.	90	5½

A GOOD LUCK NOMINATION

"Human bein's" said Uncle Eben, "is a heap like fishes. What looks like good luck very often turns out to be nuffin' but a piece of bait wif a hook on it."

The ratepayers of Aylmer recently carried a by-law to raise the sum of \$10,000 for the purpose of extending the waterworks system in order to give free water to the Canadian Condensed Milk Co. and for other concessions asked by the company. The vote stood 409 for and 16 against.

## COMMUNICATIONS

[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 the publishers will know from whom they are received]

### CLERKS' SALARIES

To the Editor of *The Municipal World* :

SIR,—I have seen frequent references in your columns to the inadequacy of the salaries paid to clerks of municipalities, particularly rural municipalities. As cause for complaint in this regard continues to exist, I deem it in the public interest to again call attention to the matter. Every reasonable man will admit that a competent servant should be paid a reasonable remuneration for the services he performs, and that one who does not understand, or neglects the performance of the duties of his office, is dear at any price. It is a duty that municipal councillors owe their constituents to appoint a competent man to the office of clerk, and pay him what faithful and intelligent service is worth. The clerk should be a comparatively permanent official, on whose ability, intelligence and diligence the ever-changing councillor can rely for information and guidance in the discharge of his duties as a trustee of the people. A proper understanding and appreciation of the numerous duties a clerk is required to perform, and of the time he must necessarily devote to their performance, should compel his employers to seriously consider the question: Is he being sufficiently remunerated? In the great majority of cases the answer would be in the negative. Many men who have grown gray in the service receive to-day practically the same salary as when first appointed. They have faithfully guided the helm of the municipal legislation of the township during the period of its evolution from the forest-and-log-house state to that of the stately mansion and fruitful field; but their salaries have not swept upward with the onward rush of progress. Statutory law, growth of population, spread of civilization have increased their duties in multifarious ways—their salaries alone appear to be at a standstill. This is not as it should be. An efficient official applying for an increase of remuneration is often met with the argument in support of the refusal of his application, "If you will not do the work for what you are receiving, plenty of others will." This argument is fair neither to the official nor to the ratepayers of the municipality whose interests he is called upon to safeguard. The paramount consideration should be: Is he competent and diligent? If he is, he should hold or receive the appointment, as the case may be, and should be paid a salary commensurate with the work he must necessarily from time to time perform.

"EXPERIENCE."

### A USEFUL BOARD

A sphere of usefulness much larger than most people suspected, and one that was growing larger with the material progress of Ontario, awaited the Railway and Municipal Board, which, it must be said, is ably administering the domain brought under its governance. At the outset there was some doubt that the coupling of jurisdiction over the railways with authority over the municipalities in respect to other subjects would prove the best arrangement.

Whatever changes expansion in business may finally render necessary, the two classes of duty are being well attended to by the existing board. The time may come when it may be found advisable to divide them, owing to the enlargement of the responsibilities under both heads.

As our internal railway mileage extends, and as the complications of railway problems multiply, a court to deal exclusively with these may separate itself from the present board. Developments on that side are not likely to be more rapid than on the side of municipal progress. As our villages evolve into towns and our towns into cities, the need for some central body like the British Local Government Board will become strong enough to be acted upon. At the present time, the functions of such a body are those to which our Railway and Municipal Board is giving a great part of its attention. By legislation passed last session the scope of the board's labors was widened in such a way as to bring under its control the financial arrangements of municipalities in respect to their public utilities. The board may from time to time enquire as to the operation of public utilities and the rates maintained so as to ascertain if the latter are sufficient to pay the debt charges on account of such public utilities.

A change in the rules of the Assembly refers to the board all private bills to authorize the incurring of further indebtedness by municipalities. There is no branch of the work allotted to the board more important than this one, which has now largely settled in its hands, of checking the extravagance of municipalities. It was well that some part of the responsibilities was devolved from the private bills committee to some more judicial body. In spite of the fact that the committee has usually been presided over by men whose influence was exerted against the burdening of ratepayers, it was impossible to prevent the passage of bills by "log-rolling." Now that such bills cannot be reported by the committee until they have first had the approval of the board, license to exploit the credit of municipalities will be more sparingly granted.

It is gratifying to see the interest taken in this part of its duties by the board. It has just given a general caution against municipal borrowing at the present time of high money rates, pointing out that when the stringency is past funds may be got on better terms than are now possible. It is most desirable that our municipalities should not now make themselves conspicuous as offers of debentures, for the prices now obtainable are not flattering to municipal credit. To have that credit appear to the best advantage it is necessary to keep out of the money market when interest rates are high.—*Mail and Empire*.

Montreal has decided to purchase two automobiles for use in fighting fires. It is believed by the fire committee that they will prove quicker and more effective in the outlying districts than the present system. If these prove successful every station will be equipped with one.

(*Municipal Officers of Ontario*)



MR. WM. H. BLACK  
TOWN CLERK OF CACHE BAY,  
NIPISSING DISTRICT.

Mr. BLACK was born in the Township of Ramsay, Lanark County, of which township his father, the late JAMES BLACK, was for eleven years the deputy-reeve. Leaving the farm while still in his 'teens, Mr. BLACK entered the employ of Mr. WALTER BEATTY, Pembroke, with whom he learned the rudiments of carpentry. Soon after leaving Pembroke he entered Almonte High School to prepare for the teaching profession, and completed his studies at Kingston Collegiate Institute, Brockville Model School and Ottawa Normal School. He began teaching as principal of the public school at Lyn, Leeds County, where he remained one year. He next became principal of Pakenham public school, then first assistant of Almonte public school, and finally principal of Cache Bay public school. During his stay in Almonte he was for a time municipal auditor, a fact that probably led to his appointment as Clerk at Cache Bay, upon the duties of which office he entered on February 1st, 1907.

## AUTOMOBILES AND HIGHWAYS

The coming session of the Legislature will be marked by a warm contest between the motor vehicle interests and the ordinary users of rural highways. Our rural population have always felt that the building and maintaining of the roads have given them a proprietary interest, and they are convinced that the same highway cannot be used for motor and horse traction. When they promoted a law conferring the right to confine motor vehicles to the sidelines they complained that they were themselves already driven to the sidelines by the automobiles. The automobiles are also destructive of roads by clearing away the protecting coat of dust, and more destructive of vegetables, pastures, and house furniture by distributing that dust generously along the country adjacent to the roadways. The farming population claim that they were on the ground first, and that roads were built, pastures and gardens laid out, and homes established without any allowance for the new method of traction, with its injurious innovations and dangers. On these grounds they feel they should be left in peaceable possession of their highways, and that some means should be devised for their safety and protection.

On the other hand, the automobile operators are in possession of the highways subject only to a speed limit often honored in the breach, and they think things are just about right and should not be disturbed. Some look for a solution in the almost universal adoption of motor vehicles by the rural population, the adoption of pavements comparatively void of the dust nuisance, and the safer location of crops easily injured. Others hold that it will be necessary to provide separate rights of way for motor vehicles, as it now is for steam railway traffic. Such practical moves as will be made on behalf of ordinary vehicular traffic will be in the direction of limiting the speed of motor vehicles, and requiring them to stop on approaching horses in harness. A few inconsiderate automobile operators make restrictions necessary, but all laws are necessitated by inconsideration. If men were considerate of the rights of others we would need no laws and the dream of the Anarchist would be realized. Automobile owners will not be special sufferers by laws based on the need of curbing the inconsiderate element. An automatic speed recorder has been invented in Germany, and it may be a valuable aid in enforcing the law. It will be well to appreciate that the automobile is in a transition stage, and that hasty legislation should be avoided. As with the bicycle, many restraints now seemingly required may soon be found unnecessary.—*Globe*.

## MUNICIPAL OWNERSHIP

The success of any undertaking, municipal or private, depends upon the men who are placed in command—the men who direct and control it. Given public men with high ideals of municipal government, with broad and comprehensive views, with business training, given well-trained public-spirited officials, men of integrity, tact, and good judgment, the municipal movement in this country will continue its prosperous career, and will justify the conclusions long ago arrived at—namely, that all those undertakings which are in the nature of necessities, monopolies, and require the use of the public streets, should be owned and operated by the municipalities in the interests of the ratepayers and the public generally.

The net debt of some of the great cities of the world is a matter of interest to the taxpayers. That of Paris is the greatest, being \$459,000,000, or \$172.72 a head. New York's is next, being \$440,000,000, or \$113.25 a head. London's debt is \$335,000,000, or \$63.59 a head, while Philadelphia \$64,000,000, or \$46.56 a head.

## MUNICIPALIZATION—AN AMERICAN VIEW

The report which the American Civic Federation has received from a representative committee which visited Great Britain for the purpose of inquiring into the British local government, especially as regards the municipal trading concerns is now available.

Municipal ownership, in the opinion of the committee, should be limited to matters affecting the public health, public safety, and public transportation. In other words, they believe that municipal trading should not go beyond water supply, means for the protection of life in the streets and in houses, such as the provision of well-cleansed streets, and houses protected by sound building construction and by fire precautions, and the provision of tramways or any other forms of locomotion accessible to the public.

They have come to the conclusion that "municipal operation should not be undertaken solely for profit."

"Our investigations," they say, "teach us that no municipal operation is likely to be highly successful that does not provide for :

"First—An executive manager with full responsibility, holding his position during good behaviour.

"Second—Exclusion of political influence and personal favoritism from the management of the undertaking.

"Third—Separation of the finances of the undertaking from those of the rest of the city.

"Fourth—Exemption from the debt limit of the necessary bond issues for revenue-producing utilities, which shall be a first charge upon the property and revenues of such undertaking."

It is trading for profits, not municipalization of public necessities, to which objection is offered, not so much by those who advocate private enterprise as by those who object to individualist commercial methods being applied to collective ownership.

The rapidity with which the steam turbine has come into popular favor is one of the phenomena of modern steam engineering. It is less than a decade ago since the first turbine was sold in the American market, but there are to-day about 700 in use throughout the country, aggregating a total capacity of approximately 1,000,000 kilowatts, or about 1,500,000 horse-power. This wonderful demand for that novel prime mover is, of course, easily explained by the many advantages the turbine has over the reciprocating steam engine. An interesting test was conducted recently by the engineers of the New York Edison Company at the Waterside Station, near Thirtieth Street, which developed facts hitherto unattained by any steam prime mover in this country. The unit under test was a Westinghouse turbine of 10,000 horse-power capacity. It had been sold under a steam consumption guarantee of 15.9 pounds of steam per kilowatt hour, but the test recorded the phenomenally low steam consumption of a shade less than 14.9 pounds per kilowatt hour. Apart from the fact that this result gained a bonus for the Westinghouse turbine of over \$25,000, it is of the utmost interest to all users of steam engines as an illustration of the lowest record for steam consumption which has ever been recorded by a stationary steam engine. This steam consumption figures less than 1½ pounds of coal per kilowatt hour, and graphically illustrates the great advance in modern power plant practice attained through the introduction of the steam turbine, the efficiency of which has been demonstrated in all respects to be superior to the reciprocating engines as to practically supplant them altogether.

### HIS MUNICIPAL EDUCATION WAS SADLY NEGLECTED

"It is impossible for us to transact any public business to-night," said the president of the city council, "because of the lack of a quorum."

"Mr. Chairman," said the new member, arising quickly, "I have been elected on a pledge to my constituency that I shall work untiringly and unceasingly for the upbuilding and uplifting of our city, and I now and here move that a committee be appointed to consider the immediate purchase of as good a quorum as the market affords, and that the committee be instructed to secure the quorum and have it properly installed by the next meeting night. And furthermore," he said, with a fine patriotic touch, "let us obtain a good American quorum, and not one of those ancient Roman things."—*Success Magazine*.

### LONDON'S FLOWERING TREES

The success which has attended the planting of various flowering trees in London makes one wonder why they are not more plentifully distributed. At present their ornamental possibilities are confined to a few favored walks within the public gardens, although there is no reason whatever why they should not be planted in more open situations about the parks. Even in the streets, flowering trees would thrive well enough in the unpaved thoroughfares, which are watered continually in dusty weather, for dust is as great an enemy to trees in town as soot. Hawthorn, white and pink (double or single), laburnum, almond, wild cherry or crabapple can all stand the London atmosphere, and as standards would do well as "pavement" trees. But most beautiful of all are the double flowered white and crimson varieties of cherry, and the double crimson flowered peach, each of which is to be seen at its best just now hard by the Albert Memorial.—*Pall Mall Gazette*.

Why is it that pathmasters and school trustees in the rural districts are so inexcusably long in making their returns to the clerks of the various townships? Their carelessness in this matter causes the clerks no end of worry and sometimes considerable trouble in getting the collector's roll in shape promptly. This may seem a very little thing but it is important and urgent that returns be made out promptly and sent in with as little delay as possible. If all the municipal officers were as slow, the municipal machinery would do very little work during the year. We draw attention to this matter on account of several complaints which have recently been received.

In passing through a Canadian city recently, I discovered something new to me. In the more aristocratic section of the town the walks were entirely made of cement and at each corner the name of the street was cut in it in large plain letters. This was a great convenience for anyone not perfectly familiar with the localities. There was also an original idea for protecting the wide turf-covered parking at the intersections of the streets. At almost every corner a rough wall of stone three feet high had been built from the walk diagonally across the grass to the road and this wall was treated like a rockery, being set with hardy plants and ferns best adapted to such a position. Such a wall discouraged all passers-by from cutting across the grass, while its effect was exceedingly picturesque.—J. H. in *Good Housekeeping*.

About 4400 square yards of granolithic walk have been laid in Tweed this year at an average cost of 92 cents.

### TO GET RID OF UNSIGHTLY SPOTS

In some of the cities of the United States a crusade has been opened against unsightly spots. The Municipal League of Los Angeles for example, has been offering prizes for their discovery with the intention of getting rid of them. Rubbish, weeds and bill-boards have afforded the camera abundant material, and the showing of delinquencies is likely to be followed by some much-needed cleaning up. Seattle had a similar campaign not long since under the leadership of the *Post-Intelligencer*, and the results were for the time being excellent. The Massachusetts Civic League voiced the sentiments of the crusaders, when it declared that "an awakened public conscience which recognizes certain things are ugly is the first step in civic improvement." The billboards have everywhere been made the subject of an organized crusade. A goodly number of bills were introduced at the recent sessions of the state legislatures, along the lines suggested by the American Civic Association, to give the local authorities power to license and tax them. The above association, at its last annual meeting, declared that the next great war which improvement workers would have to wage would be that against the billboard, because, to quote the report of the Massachusetts league, once more, "In many communities the abuse of the billboard is directly in opposition to all organized movements for civic betterment. As a result its restraint is fast becoming the most pressing question with all local improvement organizations." — *Brantford Expositor*.

(Municipal Officers of Ontario)



MISS MARY GRANT

CLERK AND TREASURER TOWNSHIP OF LONDON.

Miss GRANT succeeded her father in 1901 as Clerk and Treasurer of London Township, one of the largest in the Province.

Mr. J. W. Roswell has been appointed clerk of the village of Streetsville to succeed Mr. J. J. Mahaffy, who has removed to the Canadian North-West.

In the past year the municipal gas works of Brockville manufactured 2,000,000 ft. more than double the quantity of gas produced by the same works at the time they were taken over by the municipality.

In the year immediately preceding municipal ownership the quantity produced was 13,000,000 feet; in the year just closed 28,000,000 feet.

The Department of Education has decided to make a special grant of \$30 to the teacher of any rural school or village school who qualifies, at the Ontario Agricultural College as a teacher in elementary agriculture and horticulture, and teaches the same in his or her school. The Ontario Agricultural College will also supply rural school boards, which desire to enter upon a wider course of school garden work than that now undertaken with seedlings and other equipment suitable for elementary training in forestry.

Good roads in Oxford are costing \$3,500 per mile, and the county council is considering the question of investing another \$35,000 in road machinery. The Paris Review says the work is being thoroughly done but the pace is too slow to suit the council.

### BUSINESS ASSESSMENT OF EXPRESS COMPANIES

We are indebted to Mr. J. H. BURNS, town clerk of Niagara, for the following interesting judgment of Mr. Justice MABEE in the case of *The Dominion Express Co. v. The Town of Niagara*. The material facts of this case may be regarded as found as follows :

An agreement was on foot prior to 1905 between The Dominion Express Company and The Niagara Navigation Company, whereby the agent of the Navigation Company at Niagara acted during the navigation season as the agent of the Express Company, each paying one-half his salary from May to November; during the remaining months of the year he was paid by the Navigation Company. His clerk was paid in the same proportion, except that he was not in the employ of the Navigation Company except when the boats were running. Goods to be carried by express were received at Niagara by the agent, acting for the Express Company, who used part of the office of the Navigation Company. The great bulk of these goods consisted of fresh fruit in transit from Niagara to Toronto. Express way bills were issued; the express charges were divided between the two companies upon the basis of various scales dependent upon the destination of the shipments. A large number of trucks were used. These were the property of the Express Company. When not in use they stood upon a portion of the Navigation Company's wharf that was found to be the most convenient. The Navigation Company handled all kinds of freight, carried passengers and the mails. The bulk of the fruit is shipped during August and September, some small shipments during July, and possibly the latter part of June, and some in October. There is no part of the premises that the Express Company has the exclusive right to. They pay no rent for the use of the wharf or landing. During the fruit season the bulk of the goods are carried by the Express Company, but as to the earnings of the two companies, if passengers are included, that of the Navigation Company greatly exceeds that of the Express Company for the whole season of navigation. The wharf and premises are assessed to the Navigation Company, and this wharf and premises are used indiscriminately by both companies for the purpose of their business, that of the Navigation Company in all its branches considerably exceeding that of the Express Company taking the season as a whole, that is, from the opening to the close of navigation. The question involved in this action is whether the plaintiffs are liable to assessment for business tax under the provisions of 4 Edw. VII., Cap. 23, Sec. 10.

Under the provisions of this enactment, an Express Company carrying on business in connection with steamboats, and occupying or using land, may be assessed for a sum to be called "Business Assessment" where "such land is occupied or used mainly for the purpose of its business."

The plaintiffs were assessed under this head at \$1,800.00 for 1905 and 1906. It is clear that the plaintiffs occupy or use land in the Town of Niagara, but is that land so occupied and used by them mainly for the purpose of their business? I think it is clear from the evidence that the use of this wharf and premises during the season is mainly for the purpose of the business of the Navigation Company, and not for the business of the Express Company. The words "occupied or used mainly for the purpose of its business" in ss. C. of sec. 10 relate only to Express Companies carrying on business in connection with railways, steamboats or sailing vessels, and not to the corporations mentioned in the earlier part of the sub-section, and it seems to me that before the municipality can tax the Express Company under the head of "Business Assessment" it must show that the main use

to which the land in question is put is for the purpose of the business of the Express Company, and in my view this has not been done, and is not the fact.

This statute is to be read strictly, and it must be clear that the right of the municipality to tax arises :

In *Re Micklethwait* (1885) 11 Ex. 452.

*Tenant v. Smith* (1892) B. C. 150.

Some evidence was given to the effect that in any event the amount of the assessment was excessive. I ruled at the trial that this could not be raised in this action, but was for the Court of Revision.

The plaintiffs ask for a declaration that the assessments attempted to be made against them for the years 1905 and 1906 are void and illegal, and an injunction restraining the defendants from levying or otherwise seeking to collect the taxes claimed by them in respect to such business assessment, and I think they are entitled to the relief.

Judgment for plaintiffs as prayed, with costs of action.

### A CELL THAT IS CHEAP AND GOOD

Police authorities in the smaller towns will find interest in the announcement, made in our advertising columns by The Page Wire Fence Company, of a perfected jail cell, built of solid steel, that will make any town lock-up as secure as a modern jail.

This specialty of the "Page" people is so built that it can be placed in any room or any building without constructing foundations or altering the structure of the building. It is not only secure to the utmost degree, but it is sanitary, affording no harborage for filth or vermin; and it is amply roomy for the ordinary uses of a small town, containing, as it does, over 211 cubic feet of inside area. The inmate is visible from all sides and from overhead, and the cell can be supplied either with or without a solid steel-plate floor. A steel folding bunk is part of the cell.

The purchase of this cell involves no expense for mechanical assistance in installing it, as it can be put in place without tools. It has a modern lock, of great strength—indeed, strength is the quality which makes the cell itself so excellent an investment for towns with inadequate jail facilities. As \$125 covers the whole cost of delivering the cell to almost any point in Canada, there seems to be little reason why even the smallest place cannot afford to house its offenders securely.

### THE CITY SHOULD HAVE A GUARANTEE BOND

T. A. COWAN, a local contractor, has abandoned his contract for the construction of a big sewage extension in Brantford. The work has been stopped and great difficulty may be experienced in getting some one else to go on with the job.

Every municipality should be protected in awarding contracts by requiring contractors to give a guarantee company's bond to insure completion of the undertaking. This is in every way preferable to private security, which is at all times doubtful, and if called upon a subject for sympathetic and factional consideration by councils.

At a meeting of the Toronto branch of the American Institute of Electrical Engineers, held at the Engineers Club, Toronto, on Friday, October 11th, the following were elected: Chairman, K. L. AITKEN; vice-chairman, W. A. BUCKE; secretary, L. W. PRAET; executive committee, H. W. PRICE, EDW. RICHARDS and W. G. CHACE.

Mr. K. L. AITKEN, C.E., of Toronto, has been retained for some special electrical work by the Standard Oil Company of New York.



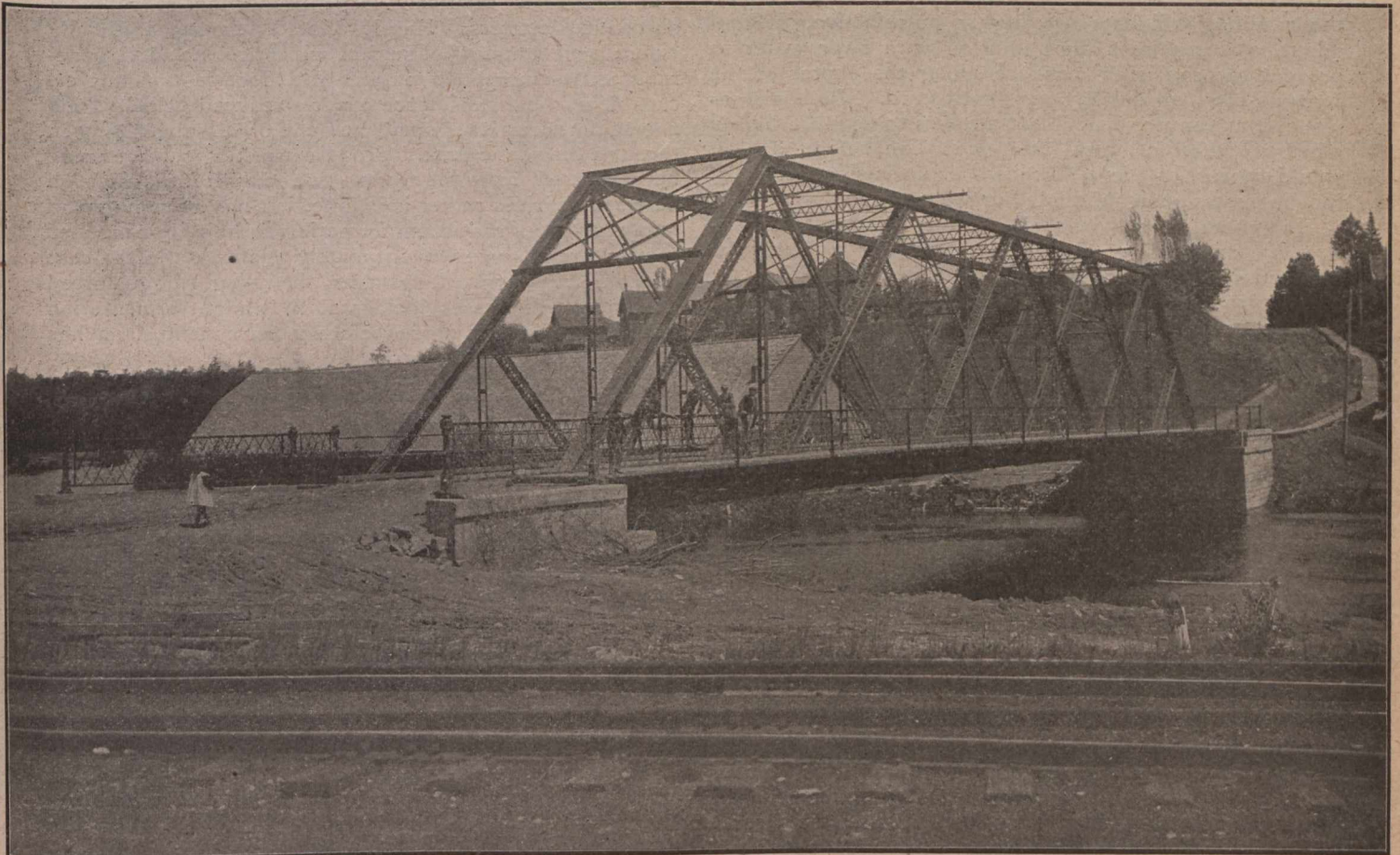
# Engineering Department

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

## BRIDGE AT BRACEBRIDGE

This steel structure spans the north branch of the Muskoka River at Bracebridge, and was opened for traffic in 1906. The cost was \$14,000. The bridge is substantial and permanent in character, and consists of one span 190 feet in length, supported on concrete abutments. The roadway has a clear width of 18 feet, and a

6-foot sidewalk additional. The steel work is heavy enough to carry a concrete floor and was supplied and erected by the Hamilton Bridge Works Company for \$8000.



THE BRIDGE AT BRACEBRIDGE

number of proposed plants appears steadily to increase.

The sewage plants in that State embrace practically all the principal methods of sewage treatment from simple clarification by the use of chemicals followed by settling tanks (chemical precipitation)—a practice followed so largely in the earlier days of sewage treatment—to the modern continuous filter composed of particles of coarse grain and operated with settled sewage at high rates of filtration per acre.

## SEWAGE DISPOSAL

The Columbus System

Sewage purification is a matter which is steadily demanding increased attention in Ontario. Municipal service in this regard is apt to be neglected until the authorities are forced to take action by unsanitary conditions and the complaints of citizens more directly affected thereby. The pollution of streams and water-courses is objectionable in various ways, and the treatment of sewage in an effective, but economical manner is everywhere growing more necessary. In Ontario, experience in this regard is being gained in a number of municipalities,—Woodstock, Berlin, Stratford, Gait, Guelph, Toronto, Hamil-

ton and others; while several plants are operated in connection with large public institutions. In the State of Ohio, the Board of Health has conducted a careful investigation of sewage disposal systems, and reports that, at the present time the Ohio plant comprises eighteen municipal, town or village plants, and nineteen institutional plants; seven are under construction, and the

nozzles operating under a head of about 5 ft., causing the sewage to reach the filters in a spray or in fine drops similar in effect to the action of lawn sprinklers. The Columbus plant, when completed, will be the largest of its type in operation in that country, as it will comprise septic tanks of 8,000,000 gallons capacity, 10 acres of filters and subsidiary settling tanks of 4,000,000 gallons capacity, the ultimate capacity of the design being 20,000,000 gallons.

In view of the great variety of sewage purification treatments carried out in this State, it is not surprising that the degree of purification obtained varies within very wide limits.

#### Chemical Precipitation

The older chemical precipitation processes at best effect a clarification of the sewage with a removal of from 50 to 60 per cent of the suspended matters; but, of course, the resulting effluents are highly putrefactive, of foul odour, and require a high dilution with river water to prevent the rise of a nuisance along the shores of the streams into which they are discharged. In some instances, moreover, the effluent appears to be more highly putrescent after chemical treatment than before, due, it would appear, to the well-known solutionising action of lime in excess upon suspended organic matters.

In general, it may be said that the treatment of sewage by chemical precipitation alone will probably be productive of foul odours and obnoxious conditions in addition to the heavy burden of sludge disposal, and the process, except in rare cases, is to be considered superseded by those of more recent origin.

#### Intermittent Filtration

In the smaller plants, sewage is treated either upon areas of sandy soil, at times also heavy with clay, or upon sand filters of artificial construction, according to the well-known process of intermittent filtration. The variation in the details of a sewage plant of this type is very great, especially as to the character of the filtering medium, the method of flooding the filters, the amount of sewage applied at each dosing, and the amount of preparatory treatment to which the applied sewage has been subjected.

Excellent results are being obtained by the intermittent filtration process in cases where the material is of suitable grade, the quantity of sewage to be treated is not excessive, and where the supervision is such that the filters receive the proper amount of attention, by which is meant the raking of the surface material, the operation of the filters upon a strictly intermittent basis in the absence of automatic flooding devices and the thorough cleaning of the filters in case there develops evidence of ponding due to over-dosing, or to clogging on the part of the surface layers.

As a general rule, the filters composed of material of fine grain now in operation in Ohio may be said successfully to purify the sewage applied to them, except in the case of a number that need enlargement or to which but little attention has been paid on the part of those in charge. The clear-cut effluent obtained from the intermittent sand filter is met with occasionally, but requires optimum conditions with respect to the quantity and the quality of the applied sewage, rigid intermittence in the flooding and careful attention to the filter surfaces to ensure the ready admission of the oxygen essential to a maximum of oxidation.

#### Septic Tanks

In a number of plants constructed in the last eight years some form of preparatory treatment has been included in the design aside from the older chemical precipitation processes. Chief of these processes is the

treatment of the crude sewage by sedimentation in septic tanks, wherein there is effected a removal of about 50 per cent of the suspended matter of the crude sewage with the resulting liquefaction of from 25 to 50 per cent of the deposited sludge. At the present time there are fifteen septic tanks in operation in this State; of this number, twelve are covered, and three are open tanks.

The general appearance of the different septic tanks varies greatly. Of those mentioned above some appear to destroy sludge readily, while in others the accumulation of sludge is quite rapid. The presence or absence of scum on a septic tank is somewhat difficult to foretell, as it seems to be dependent upon several conditions, chief of which perhaps is the relative strength of the sewage, dependent on the per capita sewage flow. With a small per capita flow, sewage tends to possess a turbid milky appearance, is strong smelling after but short storage, and contains a relatively large proportion of colloidal suspended matters. Highly diluted sewage, especially where large amounts of surface water are included, generally carries suspended matters of a flocculent character, capable of rapid subsidence under a reduced velocity, and and at times carries a small amount of dissolved oxygen through the septic tank. Broadly speaking sewages may be separated into the above two classes, the division between which is rather indefinite. It has been noted in many instances that scum formation and highly-concentrated sewage are in some way intimately related, as in the case of tanks treating weak sewages, the rising sludge forced upward by the gases incidental to sludge fermentation generally falls back again before a permanent scum has an opportunity to be formed.

#### The Septic Tank a Preparatory Process

The efficiency of the septic tank may now be said to be dependent upon the relative quantity of suspended matters that may be removed by the tank, the older view of the modification of the liquid portion of the sewage itself having been disproved by a number of instances in recent years. Without the aid of chemical analysis and carefully averaged samples extending over a considerable period it is, of course, difficult to judge of the actual efficiency of the septic tank. At the same time, from the general appearance of the oxidising devices, and from the fact of the successful operation of the plant at rates considerably higher than would be possible were the raw sewage applied to the filters, it will be apparent that the septic tank as a preparatory process for the removal of a part of the suspended matters in many instances has proven itself an important factor in sewage purification.

#### Disposal of Sludge

There is another side of the treatment of sewage in septic tanks that deserves considerable attention—namely, the disposal of the residue from the hydrolysis of the sludge. The first advocates of the septic process were firm in their convictions that at last there had been devised a process for sewage treatment that would effectually solve the problem of the sewage problem, the disposal of the sludge. Many statements were made and many views were expressed that a septic tank when installed would never require cleaning; that in some manner not clearly understood it was capable of destroying the sewage solids to be subsequently applied to it. Such views are now known to be untenable. While the process does effect the destruction of a certain proportion of the deposited suspended matters, yet there always remains an ever-accumulating quantity of sludge which in course of time requires removal; in fact, in the most modern designs sludge areas are provided for the cleaning of the tanks.

Considerable experience has been gained relative to the cleaning of septic tanks, and the undertaking is not

generally considered to be attended with the production of a nuisance, as might be supposed. In fact, the removal of the sludge from a septic tank which has been in service for a considerable period may readily be handled at any plant without particular discomfort on the part of the workmen or of the people in the immediate neighborhood. The absence of odor in well-matured septic sludge is such as to cause considerable comment when for the first time an opportunity is afforded to witness the cleaning of a septic tank.

#### LEAKS IN WATER MAINS

Leaks in water mains are in many cases a prolific source of water waste. In some instances the entire system of mains has been so carelessly laid that to take them up and relay them, would solve problems of defi-

Leaks of any magnitude will show themselves at the surface in the shape of moisture in all forms of soils except those which are very porous. It is claimed that this method will reveal exceedingly small leaks (a one-half gallon leak per minute having been detected from a pipe of sixteen inches diameter, and in ground where the surface remained quite dry.)

#### THE RAKE IN ROADMAKING

The value of the common rake as an implement of roadmaking is not yet fully appreciated. It is many times exceedingly useful in construction, and is everywhere of value in the maintenance of gravel and broken stone roads.

In building gravel roads, the rake should be used to spread the gravel over the road-bed. If there are stones



BRIDGE ACROSS MUSKOKA RIVER, THOMAS STREET, BRACEBRIDGE

cient water supply. A new method of locating leaks, applicable more especially in frosty weather, is reported from Geneva, Switzerland.

It was found that snow or frost over a trench thaws in the morning sun more rapidly immediately over the leaks than at other positions. This method is evidently applicable only during certain seasons, when the ground has a light covering of snow or frost, and its temperature is raised from well below to slightly above freezing. In three days at Geneva thirty-eight leaks were discovered from which a total of 136 gallons a minute, or about 200,000 gallons a day had been leaking, the pipes being from about 24 inches to about 2½ inches in diameter. Snow has been found to be a more sensitive indicator than frost, and the observations are best made when the frost or snow begins to thaw.

of large size, these should be drawn forward and left on the earth sub-grade, to be covered by each succeeding load of gravel as it is dropped on the road. If there is an excessive amount of large material, the rake should be used in the pit to remove as many large stones as possible before hauling to the road.

Where a road is not consolidated by a heavy roller, deep wheel tracks, and a centre horse track are quickly made in loose gravel and broken stone. The rake is an excellent tool with which to go over these roads, raking the wheel and horse tracks full, until they are well consolidated by traffic. The common method has been to neglect these roads and permit the tracks to remain in the loose gravel or stone. These hold and absorb water the first season, and the destruction of the road commences rapidly.

The rake is an excellent tool to use on all gravel and broken stone roads every spring, and oftener if required, to draw in stone and gravel that has been loosened by traffic, and to remove from the roads loose stones that roughen the roads. A day's work by one man in the use of a rake, drawing in good metal and removing loose stones, will save many days' time and add much to the convenience of the many who use the roads.

Townships can, at a very small cost, arrange to have all their gravel and stone roads gone over regularly with a rake. The cost need not be feared. So much improvement will be made, and so great a saving will be effected in the repair of the roads that it is more probable councils will be censured by the public for not undertaking the work before.

#### SURFACE TREATMENT OF CONCRETE

Concrete is steadily making progress throughout the Province as a building material in nearly every class of construction. Primarily it was used in engineering works of a massive character, for foundations and situations where strength, durability and usefulness were alone of consideration. Experience in these works has led to its adoption for houses and bridges, works of an architectural character, in which beauty, as well as strength and utility is of importance.

The mistake is largely made, however, of using this material in imitation of stone. When so employed it is wholly lacking in that essential spirit of architectural beauty—truth. Concrete blocks in imitation of cut stone are one of the chief offences in this regard. Even when built up in forms and moulded in place in the ordinary manner, the surface is frequently cut up with lines to imitate separate blocks of masonry. Everything of an ornamental nature in stone, has been imitated in concrete. At best the result was been only an imitation, apparent to all.

Concrete is deserving of better treatment than is given it in this manner. It is a material with which the greatest of strength can be produced. It can be cheaply handled. It can be made beautiful, but this must be done by frankly treating it as concrete—not as an imitation of some other material. Imitation rock faces made with moulded forms should be discarded. Joints, where no joints occur, should be left out. Intricate cornices in imitation of cut stone should be done away with. Instead of these, graceful form should be sought, and surface treatment studied. This can be done with results in keeping with the care and skill given to the work. Beauty is not necessarily a matter of ornamentation. Concrete is capable of independent treatment, at once simple and effective, that will place this material in its best light in architectural construction, giving it a place distinct from, and independent of all other materials.

#### CONCRETE PAVEMENTS

Experience with concrete for sidewalks has been so favorable for the past fifteen years that in Ontario there is practically no other material in use for this purpose. Its use as a pavement for the roadway has been frequently suggested, but the hardness of the material has, until recently, deterred any test on a scale sufficiently great to prove its merits. In the city of Toronto certain lanes, and other strips, have been paved with concrete, and in the United States reports of a favorable nature have been made of its use.

The city engineer of Windsor has recently laid some concrete pavements, which are giving much satisfaction. The cost has been 99 cents per square yard. For these pavements the claim is made that they are clean, hard, smooth, and have an appearance similar to sheet asphalt

pavements. Heavy loads of four and five tons are hauled without any difficulty. Horses can travel at a high rate of speed without falling, and without even slipping, making far less noise than is the case when brick or block pavements are used. The pavement is sanitary in every respect, and an occasional flushing keeps it in perfect condition. Park Street and part of Chatham Street have been open for some time, and from present appearances no other kind of pavement will be constructed for some time. Altogether about 32,500 square yards will be completed this year. Chatham street is located in the central portion of the city, and is thirty feet in width. Park Street is thirty feet wide in the central portion of the city, and Wyandotte street is thirty-six feet wide. As far as the writer can find out, these are the first important concrete pavements on main highways to be constructed in Canada.

Windsor has about 78,000 square yards of macadam pavements, which cost approximately \$1 per square yard, also about 84,000 square yard of asphalt block, which averaged in cost about \$2 50 per square yard, or \$210,000.

The specifications vary on different streets. Chatham Street specifications are as follows: Concrete foundation composed of concrete, 1:3:6 (crushed stone  $\frac{1}{4}$  to 3-inch). Wearing surface composed of concrete 1:2:3 (screened river gravel, 1 to  $\frac{1}{4}$  inch being used).

Church Street specifications: Concrete foundation, 1:3:6 (crushed stone). Wearing surface consisting of two layers, one layer being concrete, 1:2:4, and a top layer of concrete, 1:2.

Wyandotte East specifications: Bottom of foundation layer, consisting of concrete 1:3:4 (screened gravel,) and a top layer of concrete, 1:2.

#### MUNICIPAL POLICY

Alderman GAMSFORD, for twenty years chairman of the Sheffield, England, Water Board, in a recent address on municipal ownership, said:

"In regard to municipal ownership generally, it is often said that it is wrong that a public authority should have to pay heavily to acquire an undertaking which has proved successful; but I dissent from that, and I say that it is far better for the public to pay liberally for a few proved successes than that authorities should be allowed to spend money in speculations, only a small proportion of which will probably succeed. All new schemes begin by being doubtful speculations, and I maintain that it is for private purses to speculate—and in the majority of cases speculations end in loss; and it is for public authorities to acquire for the public, and then upon fair and liberal terms, such new schemes only as private enterprise has proved to be advantageous.

"One word in conclusion, as to the results of municipal trading. The present great diversity of form in which such results are published is a serious disadvantage; it destroys comparisons, and it goes a long way to prevent full confidence. The results of municipal trading should always be published fully and truthfully. If there are true profits, profits should be shown; and failures should never be concealed. In my opinion it would be advantageous, and it would certainly increase public confidence (which is far from complete at present in municipal trading adventures), that a Government department for the audit of the accounts of all municipal trading concerns should be established, and a reasonable degree of uniformity in the shape and manner of such accounts required."

# QUESTION DRAWER

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

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

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

## General School Levy in Townships in Territorial Districts.

611—F. W. B.—We notice that The School Act relating to organized townships in unorganized counties and districts was amended at the last session of the Legislature. It would greatly oblige our council if you would insert the clause for both years in next issue of the WORLD. I mean 1906, where the Act reads: Every school section must raise the amount required in each section.

This matter is now governed by sub-section 3 of section 70 of The Public Schools Act, 1901, as enacted by section 19 of chapter 51 of The Ontario Statutes, 1907. This sub-section now reads as follows: "In every organized county where such assessed value according to the equalized assessment aforesaid is less than an average annual assessment of \$30,000 for each public school section in any township, and in every organized township in the territorial or judicial districts, whatever its assessment may be, the municipal council of such township shall, each year, levy and collect as aforesaid, the sum of \$150 at least for every public school where a teacher or principal teacher is engaged for a whole year exclusive of vacations, and a proportionate amount of said sum of \$150 at least where a teacher or principal teacher is engaged for six months or longer; and an additional sum of at least \$100 for every assistant teacher engaged for a whole year exclusive of vacations, and a proportionate amount of such sum of \$100 at least where such assistant teacher is engaged for six months or longer."

## Cleaning of Drain in Police Village.

612—P. F. S.—Who is to pay for the cleaning of ditch along the public highway within the boundaries of a police village, the township or said police village? A small stream flows through said ditch, but is dry at the present time. It runs only a short distance on the public highway.

If this is not a drain constructed under the provisions of The Municipal Drainage Act (R. S. O., 1897, chapter 226), or The Ditches and Watercourses Act (R. S. O., 1897, chapter 285), its cleaning out is part of the keeping in repair of the highways in the police village and should be done by the trustees at the expense of the police village.

## Proceedings Should be Taken Under the D. & W. Act.

613—J. D.—There is a water-run in our village which is causing considerable trouble, and we would be pleased if you would give us your solution of the difficulty.

On one lot the water spreads, and is not only causing the under part of private stable on this lot to decay, but also the lower portion of the lot is made useless for garden purposes, besides always keeping the lot in a very disagreeable and unsightly condition, detracting considerably from the comfort and desirability of this as a home. The lands above are not yet built on, and the owners claim that as they are not inconvenienced by the water on their lots, not wishing to build on them at present, it is no interest to them to do anything.

Can the person who is suffering from the water being held back by their not opening a ditch below him compel them to either open or allow him to open at their expense? This is the natural flow of the water?

Can the owners of the property be forced to give free outlet to water on the lots not yet built upon? All the rest of the property owners have opened them.

Under the circumstances stated proceedings should be instituted under the provisions of The Ditches and Watercourses Act (R. S. O., 1897, chapter 285). The award of the engineer, made as a result of these proceedings, should properly adjust the rights and liabilities of all owners of property to be benefited by the construction of the drain.

## Liability for Wrongful Diversion of Water.

614—M. L.—A watercourse has been commenced in our township by and after a meeting of some of the interested parties. So they began the ditch and then changed their minds, and we thought we could not compel them to finish it because the ditch had not been constructed under an award, and this ditch throws water on a farm in another township, so the farmer claims damage is done by excess of water. Can the said farmer claim the damage, and what proceedings must be taken to compel the others to follow their waters?

If the construction of this ditch has been the means of conducting water to the premises of any owner to his injury, the owner may recover from the person or persons responsible for the digging of the drain the amount of the damage he has sustained.

## Raising Deficit in Cost of Building New School House.

615—D. A.—The trustees of a section built a new school-house this season. The debentures were issued before contract was let. To complete the work, the trustees are about \$500 short. The ratepayers will not consent to the issuing of additional debentures. How is this money to be raised? The rates are struck for this year and entered on the collector's roll. Have the trustees the power now to borrow money until the rates are levied?

The trustees have no power to borrow the amount of the deficit, as sub-section 10 of section 65 of The Public Schools Act, 1901, authorizes them to borrow money only for the purpose of paying teachers' salaries, and the council cannot issue the necessary debentures without the sanction of the ratepayers of the section, obtained as required in sub-section 1 of section 74 of the Act. We do not know how it is to be raised from the ratepayers of the school section unless some special legislation is obtained enabling the council to issue debentures for the amount, and to levy such sums annually upon the ratepayers of the section as may be necessary to pay the principal and interest of the debentures on their maturity. We do not think that this sum can be included in the trustees' estimate submitted to the council next year under the authority of sub-section 9 of section 65 of the Act, as that estimate should be confined to the expenses of the school under their charge for the year then current.

## Impounding Animals Running at Large—Liability of Owners—Cost of Construction of Drain.

616—COUNCILLOR—1. Our township has no by-law allowing horses or pigs to run at large. Can a person put a neighbor's horse or pig off the road in pound when these animals have not trespassed on any person's property but for the reason that they are dangerous to the travelling public?

2. If those horses running loose cause an accident, are the owners responsible for the damages?

Our township engineer made a report for a municipal drain which crosses the railroad track for which the railroad company is assessed. Now the railroad company appealed at the Court of Re-

vision; they want to put the drain across their roadway and under the track themselves and be relieved of the assessment. Now, if the council makes an agreement with the company that they make the drain across their roadway for which the company be cleared of the assessment when preparing the by-law, can the engineer's total estimate be reduced by the amount that the railway is assessed? as none of the parties interested want to take the railway's assessment. Or has the township got to take the railway's assessment, or any part thereof, if we make that agreement?

1. If the animals mentioned are not prohibited from running at large by a township by-law, we do not think they can be legally impounded simply because they are found running at large on the highway.

2. Yes.

3. The engineer's estimate should be reduced by the amount it will cost to construct that part of the drain which is on the lands of the railway company, and the construction of which the company assumes.

#### Opening Town Line—Obstruction of.

617—T. P. N.—There is a bridge built on the town line, and on one side of this bridge a road was running across the creek, and some of the people in this village used this road and creek for the purpose of watering their stock. (This bridge is in the village). Now a certain man has built a side-grade road from the centre of the road allowance on to his property. Said road runs across the road used for the purpose of watering stock, and completely blocks it up.

1. Can the municipal council pass a by-law to establish said road across one-half of the town line?

2. Can parties who used this creek as a watering-place remove the side-grade and open up the old road and make it as it was, and leave a passage along beside the bridge?

1. As we understand the facts, the town line is an original road allowance, and, if this is so, it is not necessary that by-laws should be passed by the councils of the adjoining townships for establishing it. The road is under the joint jurisdiction of the adjoining townships, and if the needs of the general public require it, the councils should open it up, and keep it in repair at their joint expense.

2. If this is an original road allowance, the general public is entitled to use it for the whole width, and no owner has any right to obstruct it by the construction of a road for his own private use, or otherwise. If he does so obstruct the highway, he may be indicted for placing and maintaining a nuisance thereon, and persons having occasion to use the highway may remove the obstructions that bar their progress.

#### Collection of Taxes—Statute Labor Defaulters.

618—J. J. W.—A owned a lot in a village in our township, and was assessed for it last February or March. About two months after, A died, leaving five heirs: A's name still appears on the assessment roll, and of course, on collector's roll for statute labor and taxes. On the 1st of August the heirs sold the lot to B, and the statute labor and the taxes were never mentioned in the deal. On the 28th of September the pathmaster ordered out all persons liable for statute labor, among them one of the heirs and B, and both refused to do it. Who will have to do statute labor and pay the taxes, and how should the township council go about it to collect the taxes and have the statute labor performed?

If the taxes are not paid they can be realized by the seizure and sale of any goods and chattels belonging to A's estate, wherever found in the county in which the local municipality lies, as provided in sub-section 1 of section 103 of The Assessment Act, 1904, so long as the roll remains in the hands of the collector. B, the present owner of the lot, should be notified to perform the statute labor with which it is chargeable, and if the work is not done, the pathmaster should return it as unperformed, and the clerk should enter the amount of the commutation money against this lot on the collector's roll either for the current or next year, and the collector should collect it in the same way as other rates and taxes.

#### Sewer Construction.

619—J. Mc.—In the October number of THE MUNICIPAL WORLD, on page 219, appears a report of the Ontario Municipal Association, and in the annual address of the president the following statement appears: "The power of a council on a two-thirds vote to construct sidewalks and permanent pavements had been extended to sewers." Would you please advise me if this is intended to cover general sewers, and the section of the Act, I have been unable to find anything save the power to construct branch drains to the street line.

The words "two-thirds" in the portion of the president's address referred to, are either a mistake or the president's remarks in this regard were erroneously reported. The words should be "three-fourths." The president evidently had reference to sub-section 2b of section 673 of The Consolidated Municipal Act, 1903, as enacted by section 32 of chapter 40 of The Ontario Statutes, 1907, and not sub-section 2a as enacted by section 37 of chapter 34 of The Ontario Statutes, 1906.

#### Collection of Taxes.

620—F. J. S.—A is assessed as tenant for the year 1907. He moved off the place in September, but is still in the county. What I would like to know is, is A liable for the taxes, and can A go and seize A's property for the taxes? I understand that there is furniture on the property, but it does not belong to A, but belongs to the owner. The point is, has the collector to distraint anything he finds on property before he can follow up A for the taxes?

So long as the collector has the collector's roll in his possession he can seize the goods and chattels of the tenant wherever he finds them in the county within which the local municipality lies, to realize the amount of the taxes, under the authority of clause 1 of sub-section 1 of section 103 of The Assessment Act, 1904. The collector may also seize the goods of the owner on the land in respect of which the taxes are payable, as provided in clause 3 of the above sub-section. It is not legally necessary that the collector should seize the goods of the owner on the land before distraining the goods belonging to A.

#### Power of Water Commissioners—Purchase of Electric Light Plant.

621—J. N. H.—1. Our water commissioners have made a contract with the Grand Trunk Railway for a period of ten years. Have they power to make a contract for this length of time without consulting the council, or submitting it to the people?

2. A private party owns the arc system of electric lighting for lighting on street, as you understand we have no incandescent system. The contract expires the first of December, and I would like to know if the town can put in a plant, *i. e.*, for lighting the streets only, without having to compensate the present owner for his plant? In other words, do the Conmee provisions protect the present owner, or can the town put in the arc system for the lighting of streets only, independent of the present plant, which, of course, would become valueless.

1. It is not stated whether the agreement with the railway company is to supply the company with water free, or at rates less than those charged to other persons and corporations within the municipality. If the agreement has this effect it amounts to the granting of a bonus to the railway company, under the authority of clause (e) of section 591a of The Consolidated Municipal Act, 1903, and before it can be carried out it must be submitted to and receive the assent of the duly qualified electors.

2. The sections of The Consolidated Municipal Act, 1903, which are generally known as the Conmee provisions of the Act are applicable to the case stated, unless the corporation has entered into a contract with the Hydro-Electric Power Commission, in which event section 15 of chapter 19 of The Ontario Statutes, 1907, provides that the above sections shall not apply.

### Inspection and Furnish Copies of Documents in Clerk's Possession.

622—C. H. G.—The clerk of this municipality has been presented with a petition with required number of names requesting the council to submit a by-law to the ratepayers re "local option." I have been requested by a ratepayer to furnish him with a copy of the same, and he will pay for doing so. Can I do so according to law?

As soon as this petition is duly filed with the clerk, it becomes one of the records of the municipality, and should, at all times, be open to the inspection of any person who desires to see it. If a ratepayer requests a copy of the petition and is willing to pay for it, as provided in sub-section 1 of section 284 of The Consolidated Municipal Act, 1903, the clerk should furnish him with the copy.

### Clerk Cannot Strike Name Off Local Option Petition After Presentation.

623—J. B.—Has a township clerk authority to strike off a local option petition, after it has been presented to council, but before it has been reported upon, the name of a person who has signed the petition but who either personally or in writing requests his name to be struck off?

The clerk has no such authority.

### Alteration of Boundaries of Union School Sections.

624—W. J. J.—What steps are necessary to change a lot from one school section to another, both sections being union school sections, and can the owner of the lot send his children to the school he wishes the lot changed to, he residing on another lot in the first school section?

To effect the desired alterations in the union school sections, the proceedings prescribed by section 46 of The Public Schools Act, 1901, should be taken. If the property of the non-resident in the union section in which the school house to which he wishes to send his children is located, is assessed for an amount equal to the average assessment of residents, his children are entitled to admission to the school on the same terms and conditions as the children of residents. (See sub-section 4 of section 95 of the above Act). If his property is not so assessed, he may be required to pay the fees mentioned in sub-section 2 of section 95.

### Surrender of Crown Lands—Collector's Return.

625—R. McK.—A owns lots 1, 2 and 3 by purchase. He takes up two lots as free-grant lots, and pays taxes on them for a year, during which time he takes some timber off. Now he wishes to throw those two lots up as being of no value.

1. Can he throw them up?

2. Can the collector return the taxes for those lots against the property he still holds?

1. We infer, from the statement of the facts, that A is or was the licensee or lessee from the Crown of two lots, in addition to the three lots he owns. If this is so, there is nothing to prevent his surrendering his interest to the Crown at any time.

2. No.

### Same Person May Be Engineer and Collector.

626—D. M. V.—Can the same person hold legally the offices of municipal engineer and collector of taxes? Kindly quote section of the Act.

We see no reason why these two offices should not be held by the same person.

### Fees of Clerk Under the Municipal Drainage and the Ditches and Watercourses Act.

627—B. B.—1. What fee is the clerk allowed under The Ditches and Watercourses Act?

2. Also under The Drainage Act, or is his fee fixed by by-law?

1. This depends upon the by-law passed by the council in this regard. Clause (a) of sub-section 1 of section 320 of The Consolidated Municipal Act, 1903, provides that "it shall be the duty of the council to give to the clerk of the municipality for services and duties performed by him in carrying out the provisions of The Ditches and Watercourses Act, a fair and reasonable remuneration, to be fixed by by-law of the council," and clause (b) that "the council shall fix by by-law the sum to be paid to the clerk by any person for copies of awards or other documents, or for any other services rendered by the clerk, other than services which it is his duty to perform under the provisions of The Ditches and Watercourses Act." See also sub-section 2 of section 4 of The Ditches and Watercourses Act (R. S. O., 1897, chapter 285).

2. The Municipal Drainage Act (R. S. O., 1897, chapter 226,) imposes upon the clerk the performance of the duties mentioned therein, but does not provide for the payment of any fees for the performance of such duties. If the clerk is to be allowed any fees for performing the duties required of him by The Municipal Drainage Act, in addition to the salary he is to receive as clerk of the municipality, the amount of these fees should be fixed and allowed him by by-law of the council.

### License to Sell Patent Medicines Not Required.

628—J. H. H.—Is a general storekeeper compelled to take out license to sell patent medicines?

No.

### Payment of Assessor for Equalizing Assessment of Union School Sections.

629—J. L. B.—Have assessors the right to put in a charge for equalizing the assessment of union school sections? We understand in case where they cannot agree and an arbitrator is called in, they then have a right to charge, but where they agree amongst themselves, have no right to levy a charge.

It is part of the duty of assessors to assist in equalizing the assessment of union school sections, parts of which are located in the municipalities for which they are respectively appointed, as and when such equalization becomes legally necessary. Unless, at the time of his appointment, the council agreed to pay the assessor a sum in addition to his regular salary for assisting to equalize the assessments of union school sections, he is entitled to no extra pay for performing this duty.

### Collector Must Notify Ratepayers.

630—L. S. B.—Is there any amendment to The Municipal Act relieving tax collectors from notifying tax payers in townships the amount of their taxes? If so, please give me the clause and section.

The law as to the duties of collectors of taxes will be found in section 98 and following sections of The Assessment Act, 1904. Sub-section 1 of section 99 provides that in cities, towns, townships and villages the collector shall call at least once on the person taxed at his usual place of residence, or place of business, if within the municipality in and for which he has been appointed, and shall demand payment of the taxes; or he shall give to such person written or printed notice specifying the amount of the taxes payable by him, by delivering the same, or causing the same to be delivered to him, or for him at his residence or place of business, or upon the premises in respect of which the taxes are payable. Sub-section 2 of this section as amended by section 8 of chapter 41 of The Ontario Statutes, 1907, empowers the councils of the municipalities to authorize the collector by by-law to MAIL the tax notices, or cause the same to be mailed to the address of the residence or place of business of the taxable person. Sub-section 3 prescribes the particulars which are to be given in the notice.

Clerk May Run Electric Plant in Village.

631—RATEPAYER—Can a clerk of a village take a job or contract with the council to run an electric plant owned by the village?

We are of opinion that the clerk has authority to undertake this work, if he is competent and has time to perform it.

Building Sidewalks on Railway Right of Way—Duties of Collector.

632—L. H.—1. In our village we have cement sidewalks up to G. T. R. property, on both sides. Across the railway is an old broken plank walk part way, the rest of the way is nothing but mud. Could you tell me who is responsible, the railway or the corporation, if accidents should happen?

2. Can the corporation compel the railway to build this sidewalk, as the sidewalks are all built here by frontage tax?

3. The railway runs along at the front of a hill. They have done considerable cutting at the road, and some of the ratepayers are claiming damages for not being able to get in and out from their residences. Could you tell me what grades the railway is supposed to leave such grades, and who is responsible for the damage to private property?

4. Also, is the tax collector supposed to give an itemized statement for what the ratepayer is paying taxes on, if he demands it, or has he got to pay his taxes to the collector before he knows what he is paying taxes on?

1. By section 185 of The Federal Railway Act it is provided that whenever any railway crosses any highway at rail level, etc., the top of the rail may, when the works are completed rise above or sink below the level of the highway to the extent of one inch. If the crossing does not comply with the provisions of this section, or is in an unsafe condition, the matter should be brought to the attention of the Board of Railway Commissioners for Canada which will probably see that the grievance is remedied. If the provisions of the Act have not been complied with, the railway company can be held responsible in damages if an accident should happen at the crossing, by reason of its negligence.

2. The railway company cannot be compelled to build sidewalks.

3. From the information furnished, we cannot say what this grade should be, but if any private owner sustains injury by reason of the construction of the railway, he may recover damages from the railway company, if he prosecutes his claim within the time mentioned in section 242 of the Act.

4. The collector is not bound to furnish particulars of his taxes to the person taxed, if he calls upon such person at his usual residence or place of business within the municipality, and demands payment of his taxes, as provided in sub-section 1 of section 99 of The Assessment Act, 1904. If, however, the ratepayer asks to see the items of his taxes entered on the roll, it is the duty of the collector to show it to him. The collector may also deliver a written or printed notice specifying the amount of the taxes payable, or he may send such notice by mail, if authorized by by-law of the council of the municipality to do so.

By-Law Fixing Reduced Water Rates Must Receive Assent of Electors—Municipal Grant for Advertising Purposes.

633—J. N. H.—1. Referring to question No. 621 in this issue, we have a scale of rates for the Grand Trunk, the lowest of which is 4 1/2c for 40,000 gallons per day, or upwards. In their published rates for takers about town, I see the lowest one is 6c for 10,000 gallons or over, so that it would look as though they gave special rates to the Grand Trunk. Would you not consider it looks like it?

Do you consider the commissioners have power to make a ten-year contract?

2. Can a council legally set aside a sum, say \$100 or \$200, for advertising purposes, i. e., appoint two or three citizens and place this amount to their credit, so that when they thought wise they

could take a trip to a town or a city, where they thought it was possible to induce some manufacture, etc.?

1. The facts as stated indicate that the commissioners propose to supply water to the G. T. R. Co. at a rate lower than to the public generally, and we are therefore of opinion that they have no legal authority to do this, until a by-law for the purpose has first received the assent of the electors.

2. Section 597 of The Consolidated Municipal Act, 1903, provides that councils of municipalities other than cities and towns having a population of 5,000 or over, may provide for the expenditure of a sum not exceeding \$100 for diffusing information respecting the advantages of such municipality as a manufacturing, business, educational or residential centre, or as a desirable place in which to spend the summer months. This provision is applicable to the municipality in reference to which this enquiry is made, and we do not think it authorizes the devoting of the money set apart for the above purpose to payment of expenses of delegates sent out to interview manufacturers in other municipalities, with a view to inducing them to locate in the town. Section 596 of the Act applies to cities only, except that part of it enacted by section 19 of chapter 40 of The Ontario Statutes, 1907.

A By-Law Regulating the Running at Large of Dogs.

634—CLERK—1. Have township councils power to provide for the killing of dogs found running at large?

2. Can an owner having sheep in an enclosed slash legally set snares and catch dogs. (The dogs are owned in a neighboring town).

3. Is the following by-law all right; if not, how far can a council go?

By-Law No. —

To restrain and regulate the running at large of dogs, and to provide for the destruction of dogs found running at large.

Whereas, owing to the damage caused by dogs running at large, it is deemed expedient to pass a by-law for the aforesaid purpose; and

Whereas, municipal councils are authorized by section 540 of The Consolidated Municipal Act, 1903, to pass by-laws for restraining and regulating the running at large of dogs and for killing dogs running at large contrary to the said by-laws.

Therefore, the municipal corporation of the.....of.....in the council assembled enacts as follows:

1. From and after the passing of this by-law no dog shall be permitted to run at large within the municipality of the township of.....

2. Any dog found running at large within the municipality of the township of....., may be killed in any manner and at any time by any person owning or caring for any sheep or lambs.

3. Any owner permitting his or her dog, or dogs, to run at large within the municipality of the township of....., shall, upon conviction thereof before any Justice or Justices of the Peace, be liable to a fine of not less than one dollar and costs, and not more than five dollars and costs.

4. All fines and penalties recovered under this by-law shall be paid to the treasurer of the municipality, and shall form part of the fund for the payment of damages caused by dogs worrying sheep or lambs.

5. This by-law shall come into force and effect immediately after the passing thereof.

Read a first, second and third time, and finally passed this..... day of....., 1907.

..... Clerk. [SEAL]
..... Reeve.

- 1. Yes.
2. No.

3. We are inclined to think that clause 2 of the by-law goes too far. The killing of dogs should be done by some persons appointed for the purpose and acting for the municipality.



**Equalizing Frontage Payments.**

635—A. M.—If the township council builds cement sidewalks in an unincorporated village in the township in two different pathmasters' divisions and asks the ratepayers in two different petitions, stating the distance of sidewalks to be built in each division, and on each petition separate of the other, and the ratepayers fronting and adjoining the said separate sidewalks do sign the respective petitions and agree to pay a certain per cent. of the actual cost of the sidewalks fronting and adjoining their properties and the properties are properly described in each division, and if said cement sidewalks are completed in both pathmasters' divisions, and the cost of said sidewalks is higher in the one division than it is in the other division, can the township council equalize the costs of the two divisions and compel the property owners of the division where the cost of sidewalks is not as high as it is in the other division to pay towards the cost of the other division, having signed their names only to pay a certain per cent. of the actual costs towards the sidewalks so built fronting and adjoining their property?

The township council has no authority to equalize the assessments or individual payments for the construction of the cement walks, as suggested.

**Payment Over of School Moneys.**

636—L. S. B.—A, B and C are a school board in a township. They organized at the January meeting, appointing A secretary-treasurer and B chairman. About six weeks ago B resigned. A neglected to call the meeting to fill the vacancy, so C, the other trustee, called it, and a trustee was elected in place of B. B and C then held an organization meeting and appointed B chairman and C secretary-treasurer, A being absent and refused to give up the books. A and B both want me to pay them the school money, B objecting to it being paid to A and wants it paid to C.

I am township treasurer. To whom should I pay the money?

A was not bound to call a special meeting of the ratepayers to elect a trustee in the place of B, who had resigned, unless directed to do so by the trustees or on a petition of ten ratepayers (see sub-section 4 of section 19 of The Public Schools Act, 1901), and there is nothing in the statement of the facts to show that A was so directed by the trustees, or petitioned by the ratepayers to call the special meeting. We do not think C of his own motion had any authority to call the special meeting to elect the new trustee, and there may be some doubt as to whether the new trustee has been properly elected. In view of this, we think the township treasurer's better course is to pay the school moneys to A, who is undoubtedly a trustee, and let the trustees fight the matter out amongst themselves.

**Repair of Bridge on Town Line in Territorial District.**

637—W. F.—We have a bridge which is on the town line between our township and a township which is unorganized. Now, we wish to know who are the parties who should keep this bridge in repair, or how the responsibility is to be divided, as the Province has charge of the unorganized township and they raise no taxes for repairing the roads. Kindly let us know who would be responsible should an accident happen at or on a bridge so situated.

The statutes make no provision for a case of this kind. The town line is not located in the organized municipality, so as to cast on it the duty of keeping it in repair, as provided in section 606 of The Consolidated Municipal Act, 1903, nor is it a road lying between two municipalities within the meaning of section 622 of the Act. If an accident happened owing to the non-repair of the bridge, we do not think the organized municipality could be held responsible in damages. If the general public require the bridge, its dangerous condition should be brought to the attention of The Ontario Department of Public Works, which will probably see that the grievance is remedied.

**Township Council Cannot Impose License on Livery Stable Keepers.**

638—P. S.—Can the municipal council of a township in a territorial district legally pass a by-law to license ratepayers to keep livery in the municipality?

No. Section 484 of The Consolidated Municipal Act,

1903, applies to cities only, and sub-sections 37 and 38 of section 583 only to towns and villages.

**Business Assessment of Nurseryman and Agricultural Implement Agent.**

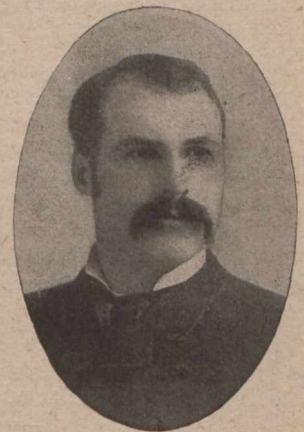
639—H. S.—1. In Assessment Act, page 10 (6), it says no person occupying or using land as a farm, etc., shall be liable to assessment in respect of such land.

In the July number of THE MUNICIPAL WORLD, No. 450, you state that the owner of a nursery is liable to a business assessment. Also in September, No. 538, D. T., you state the same thing. Which is right, the Assessment Act or THE MUNICIPAL WORLD? At Court of Revision this was brought up as argument.

2. In reply to D. T., No. 538, question 3, he states he sold one plough, etc. Answer—No. Now, if D. T. sold one plough, six cream separators, two wagons, two tons of hay wire, two mowers, three hay rakes, two binders, etc., is he not liable to business assessment. He also has hay presses through the country pressing hay.

Now, can he be made to pay business assessment for nursery and business assessment for selling implements, or just one business assessment tax. If one, what per cent. can be taxed him? He owns no land in school section, but nursery is on his mother's land, which is in section. Should mother be assessed for business assessment for nursery, and son for business assessment for selling implements, etc.

(Municipal Officers of Ontario)



W. A. MCFARLANE

CLERK AND TREASURER OF THE TOWNSHIP OF NORTH CAYUGA.

Mr. MCFARLANE is a native of the township, where he was born in 1850. He was for nine years principal of the Cayuga public school, after which he spent some years in California and North-Western Canada. He received his appointment of Clerk and Treasurer in 1903.

1. The statement in the answers referred to in regard to the business assessment of nurserymen was inadvertently inserted, as sub-section 6 of section 10 of The Assessment Act, 1904, provides that "no person occupying or using land as a farm, market garden or NURSERY shall be liable to business assessment in respect of such land."

2. As there is a wide difference between the two statements of the facts of this case, we can only point out the law bearing on the subject in a general way. By section 5 of chapter 36 of The Ontario Statutes, 1906, all the words in sub-section 5 of section 10 of the above Act after the word "railway" are struck out, and the words "any other business" after the word "business" in the eighth line of clause (b) of sub-section 1 of section 10, are added by section 3 of chapter 36 (Ontario Statutes, 1906). Therefore a ratepayer who carries on business as an agent for the sale of agricultural machinery, etc., is liable to the business assessment mentioned in clause (f) of sub-section 1 of section 10 of the Act, provided he occupies and uses land in the municipality for the purpose of carrying on his business as such agent, on the assessed value of which a business assessment can be calculated.

**Qualification of Auditor.**

640—INQUIRER—1. The returning officer draws the full amount of money necessary for the municipal election expenses, paying the several D. R. O.'s for their services without their names appearing on the financial statement at all. Is one of said D. R. O.'s disqualified from acting as auditor under the above circumstances?

2. Is a man who has been engaged by the council and whose name appears on the financial statement as having received pay for his services as assistant in preparing the financial statement, disqualified from being auditor?

1. We are of opinion that he is disqualified as an auditor of the accounts of the municipality for the year in

which he acted as a deputy-returning officer, for the reason that, during that year, he had "a share or interest in a contract or employment with or on behalf of the corporation," other than as auditor, within the meaning of sub-section 1 of section 299 of The Consolidated Municipal Act, 1903.

2. Yes, for the reason given in our reply to question No. 1.

**Proceedings at Council Meeting.**

641—W. L.—1. At the inaugural meeting in appointing the standing committees of a council, has the mayor the power to appoint such committees without a resolution of the council being passed authorizing him to do so? Is it not the usual custom in councils to appoint a special committee to strike the standing committees for the year?

2. Where there is a mayor and reeve are both *ex officio* members of standing committees, or is the head only?

3. In submitting reports from the standing committees of the council, when such is submitted for adoption, must such motion for adoption of the report be moved by and seconded by members of such committee?

4. When there are rules governing the procedure of a council, and when by an oversight or otherwise an order has been passed and some other taken up, can any business to be considered be taken up under that particular order of business without a resolution referring back to that particular order?

1, 2 and 3. It is not stated whether the council has passed a by-law establishing rules of order to govern proceedings at its meeting. If it has passed such a by-law, its provisions in regard to the matters referred to should be observed. If it has not passed such a by-law, or the by-law, if passed, does not make provision for these matters, the mode of procedure should be regulated by the council by resolution as the occasion may arise.

4. We are of opinion that under the circumstances stated a resolution should be passed referring the matter back to the proper order of business.

**Revision of School Assessment Roll in Unorganized Townships—Business Assessment of Nurseryman and Agricultural Implement Agent.**

642—H. E.—1. I am secretary-treasurer in a S. S. in an unorganized township. I put up notices according to The Public School Act for appeals against assessment on assessment roll, and if any appeals were made a court of revision would be held on October 25th. The time was up for appeals to be in on the 2nd of October, and there were no appeals sent in. Is it necessary for me to call a court of revision when there are no appeals, or must I call a court of revision to have the roll signed by the chairman in order to make it legal, so that we can issue distress warrants to seize and sell if any one refuses to pay his taxes?

2. Referring to a question asked in THE MUNICIPAL WORLD regarding a young man that is using his mother's farm for a nursery, can he be assessed for it? According to sub-section 6 of section 10 he is not liable for business assessment. How should the Court of Revision deal with this?

3. The same man acts as an agent, part of his time selling implements for other manufacturing companies. Can he be legally taxed for this; if so, how?

1. We are of opinion that, notwithstanding the fact that no appeals against the assessment roll have been filed, the Court of Revision should meet in the ordinary way, and that the assessment roll should be submitted to it, as directed in sub-section 1 of section 27 of The Public Schools Act, 1901. If there are no appeals the roll should be finally passed by the Court, and signed by the chairman as provided in sub-section 5 of the above section.

2. This land should be assessed at its actual value as directed by section 36 of The Assessment Act, 1904. As to what the term "land" includes see clause 7 of section 2 of the Act.

3. Section 5 of chapter 36 of The Ontario Statutes, 1906, strikes out all the words in sub-section 5 of section 10 of The Assessment Act, 1904, after the word "rail-

way," and the words "any other business" after the word "business" in the eighth line of clause (f) of sub-section 1 of section 10, are added by section 3 of chapter 36 (Ontario Statutes, 1906). Therefore this ratepayer is liable to the business assessment mentioned in clause (f) of sub-section 1 of section 10 of The Assessment Act, 1904, provided he uses and occupies any premises for the purpose of carrying on the business upon the assessed value of which a business assessment can be calculated.

**Abandonment of Defence of By-Law by Council—Procedure in Calling Council Meetings.**

643—J. S. D.—A local option by-law is passed by a village council. A motion was made to quash on the ground of receiving a third reading one week after vote being taken.

1. Is the council compelled to defend its by-law?  
2. Having entered a defence and carried it for some months, can the council withdraw it?

3. If the council can, and do withdraw their defence, can those in favor of the by-law defend it? If not, what recourse have they to have it properly defended?

4. A council adjourns to meet at the call of the reeve. Must the call be made in writing, or will it do to simply tell them of the meeting? How long before the meeting is to be held must notice be given councillors? If a councillor through absence or otherwise receives no notice, are proceedings at such meeting legal?

5. Is notice left at their residence or boarding-house legal?

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

4. Unless the council has by by-law establishing rules of order, regulated the matter, and provided that the notices, calling a meeting of the council under the circumstances stated, should be in writing, any kind of a notice, verbal or written, will be sufficient, and there is no time fixed prior to the meeting within which it must be given. The absence of a councillor will not affect the validity of the proceedings of the council.

5. This service will be sufficient if it reaches his hands in time.

**Business Assessment of Flour and Feed Merchant.**

644—E. C. M.—I am running a flour and feed business at M. W., six miles from the incorporated village of M. I am paying a warehouse rent of one cent per bag monthly, and am selling feed and flour in the above village of M. Now what I want to know is this: Can they compel me to pay a business tax? They have taxed me \$12.20. I own no property in the above village. I might further say that the most that I sell is sold off the car or wagon.

This ratepayer is evidently carrying on the business of a flour and feed merchant in the village of M. and rents and occupies premises therein for that purpose. He is therefore liable to the business assessment mentioned in clause (g) of sub-section 1 of section 10 of The Assessment Act, 1904, calculated on the assessed value of the premises in M. used and occupied by him in carrying on his business. The fact that the ratepayer is not the owner of any property in the village does not affect the question in any way.

**By-Law of Township Regulating Storing of Explosives.**

645—I. W.—Hereunder is a copy of a minute which was carried in the regular way by our township council. Our clerk is unable to find the authority to make a by-law binding. Will you kindly say if such a minute can be legally embodied as a by-law, and, if so, give a draft of such a by-law, giving the number of the authorizing statute:

Moved by.....  
Seconded by.....

That the clerk prepare a by-law for regulating the storing of explosives in the township, stipulating that such shall be stored only in a fire-proof building in the centre of a field, a plot of four acres which has been thoroughly cleared, under penalty of from fifty to a hundred dollars.

1. Sub-section 17a of section 542 of The Consolidated Municipal Act, 1903, empowers councils of townships to pass by-laws "for limiting the quantity of gunpowder or any other explosive substance to be kept in any place other than a powder magazine, and to regulate the manner in what such gunpowder or other explosive substance must be stored." We are unable to draft a by-law pursuant to the above sub-section from the material furnished us. We think it well to call attention also to the provisions of sub-section 3 of section 205 of chapter 11 of The Ontario Statutes, 1906. (The Mines Act).

#### LOCAL OPTION

Our esteemed contemporary, the *Aylmer Sun*, gives the following statistics to demonstrate the stability of the local option principle:

By far the best proof that could possibly be adduced as to the effectiveness and satisfactions of local option is the fact that when once adopted by a municipality it grows in favor. It makes good.

The history of the success of local option by-laws in the Province of Ontario during the last six years may be epitomized as follows:

In January, 1907, there were thirty-four municipalities in the Province where local option by-laws had been in force for three years or more, that is, for a sufficient time to enable a repeal contest to be brought on. In any of these places the local option by-law could have been repealed by a bare majority.

Contests only took place in eight municipalities. The result of the voting was sustained in seven municipalities and repealed in one. In this one place, Steelton, the circumstances were very exceptional.

In January, 1906, there were twenty-five municipalities where repeal contests were possible. Not a by-law was repealed.

In 1905 there were twenty-five; in 1904 twenty-three; in 1903, twenty-three; in 1902, twenty; yet in all these years there was not a single by-law repealed.

Taking the results for the last six years out of 150 opportunities for the repealing of local option by-laws, only one repeal has been successful. Could any evidence be more striking or forceful as to the success of the law?

From reports received at the office of the Ontario Branch of the Dominion Alliance in Toronto, it is learned that there is likely to be another tremendous local option campaign in the Province of Ontario this fall and winter.

The Secretary of the Alliance, Rev. BEN. H. SPENCE, has handed out a list of eighty-seven municipalities in which campaigns are more or less advanced, and it is likely that this list will yet be added to.

Within the past six years, 191 municipalities have polled a majority for local option by-laws. Last year the three-fifths requirement prevented coming into force 44 of these municipalities, and in some other places the by-laws were quashed in the courts, but there are at present in the Province 153 municipalities in which the law is operative, and there are 133 other municipalities in the Province in which no licenses are granted for various reasons.

The Alliance officials are making preparations for a big campaign. There is a big staff of workers in the office, and the services of many very prominent speakers have been secured. One feature of this fall's campaign is the large number of incorporated towns and villages in which a vote is being taken. Of the 89 places in which campaigns are in progress, 35 are incorporated towns or villages. There are at present 297 licenses granted in these 89 municipalities.—*Ontario Reformer*.

#### ADVICE ON BRIDGE BUILDING

In the 11th annual report of Mr. A. W. CAMPBELL, Deputy Minister of Public Works, is the following good advice to councillors having the supervision of bridge-building:

Councils when erecting steel bridges should secure competent engineering advice to prepare specifications, examine the tenders and supervise construction. Councillors cannot be expected to judge as to the qualities of a steel bridge as they can of timber, with which they are all familiar, and they are all fully justified in obtaining proper engineering advice in the matter—in fact, a council is not justified in doing otherwise.

It has been not an uncommon error that, with false ideas of economy, councils have accepted tenders for a steel bridge because of a saving of ten dollars in first cost, when the more expensive bridge was better value by hundreds of dollars. A poor steel bridge is dear at any price. The fee of a competent engineer will frequently double the life of a bridge.

An engineer will be able to advise as to the proper form and materials for abutments, often saving the amount of his fee in this respect alone, before touching the steel work. He will advise as to the dimensions and special requirements of the bridge to be erected. He will check over the plans when first submitted by the bridge companies, to decide as to the merits of the design and strength proposed. He will scrutinize the detail plans of the accepted tender and see that the proper connections are adopted. The weak spot of many bridges is in the connections, and a bridge is no stronger than its weakest part.

When the bridge is being erected, he can see that the specifications are carried out. He can see that the members are properly assembled, each part being put into proper position. A very common defect is the putting of parts end for end, and as a result, other parts are twisted and distorted to get them together. Parts should be brought squarely together, giving a full bearing. Spaces should not be left, particularly in the covered parts, where water might find lodgment. Rivets should be examined to see that they are tightly driven, that none are distorted, and that there are no bad shaped or burnt heads. Many other details require the experience of a competent man with the training of an engineer, and councils which rely on anything else are not doing justice either to those they represent or their reputation for good judgment.

Guelph is losing an industry of some importance. The Dominion Garment Co., which employs 25 hands, has secured a new factory in Toronto, and will move there directly. They were unable to secure enough help at Guelph to carry on their business.

Oxford County Council has appointed a committee to confer with representatives from Waterloo, Brant and Elgin in regard to the erection jointly of a sanatorium for tubercular patients.



J. H. RINTOUL

CLERK OF THE TOWNSHIP OF DARLING

Mr. RINTOUL was born in the Township and educated at the public school. He is engaged in farming, and received his appointment as Clerk in the year 1896.

## LAWSUIT OVER TWO CENTS

A curious incident took place in Vancouver recently which may open the eyes of western people to a question which ought to be of interest to the working man at least, if not the capitalist. The case in point is that of JAMES DICK, a well-known club man, who is suing the municipality of Vancouver for the recovery of two cents which he claims is due after having paid his taxes. The following from the Vancouver *World* gives an interesting account of the case: When Mr. DICK paid the amount of his taxes at the wicket, the cents column ended in the figure 3, and out of curiosity to see what would happen, having paid an even amount, he asked for two cents change, to which he was entitled. The clerk at the wicket told him that five cents was the lowest legal tender in Canada and there was no change coming. "How long have you been in Canada?" inquired Mr. DICK. The clerk declined to discuss the matter, and told Mr. DICK he had nothing coming. "We'll see about that," remarked Mr. DICK, as he issued forth from the city hall. Having begun to consider to make some calculations, he discovered that by collecting "overs" of 3 cents each from 500 taxpayers, the clerk would get \$15 more than his cash-book would have a right to show at the end of the day. To show a discrepancy on the city's book between the proper amount of taxes collected and the money actually received would upset the auditing department dreadfully. The question then arises what happens to the "over"?

## BETTER ROADS

Good roads are indicative of a high state of civilization. The improvement in the condition of the common highways proclaims, in mute yet unmistakable language, the advancement in the civilization of the country. Highly specialized industries, which usually attend upon the high state of cultivation among the people, seldom flourish where means are unprovided for a quick exchange of commodities. As the standard of living in a community rises, it soon finds expression in a demand for better roads.

The most natural system to follow in road building is to begin the improvement in the city or village, working outward in the different directions on the lines of least resistance, but at all times striving to reach the greatest population and the heaviest traffic.

The work should be placed in charge of a man who understands road building and repair. The statement is equally true whether there be much or little money available for the work. The system which permits the appointment of men as road supervisors regardless of their fitness for the position is accountable in a great measure for poor roads and for the feeble interest in road improvement. Probably there is no more road work in many countries than could be superintended by one man, and that man could be selected with an eye to his qualifications for the work to be done, which would result not only in better roads but also in greater efficiency and economy.—*Ex.*

When city water is bad in Toronto, the newspapers of that city do not hesitate to say so. No attempt is made to conceal the exact situation. The medical health officer announces the fact, and advises boiling the water. He takes samples from the house taps daily and analyses them. And the papers all join in general discussion of the difficulty and the way out. Not one of the Toronto papers is childish enough to attempt concealment or to imagine that publicity is not the best remedy for all municipal mistakes.—*Hamilton Spectator.*

According to the report of the Inland Revenue Department for the nine months ending March 31st, 1907, there are 220 arc and 25,000 incandescent electric lamps in Peterborough. The report contains a statement showing the electric light companies registered under the Electric Light Inspection Act with details as to the number of lamps, etc. According to the report, the Peterborough Light and Power Company has 200 arc lamps and 15,000 incandescent lamps, while the Otonabee Power Company has 20 arc and 10,000 incandescent lamps, making a total for the city of 220 arc and 25,000 incandescent lamps.

Compared with other cities of somewhat similar population Peterborough is well supplied with light, Brantford, with several thousand more residents than Peterborough has only 20,000 incandescent lights while in Belleville according to the report there are only 10,000. London with a population twice as great as this city is credited with 40,000 incandescent lights.

From the above it will be seen that Peterborough has plenty of light and fully deserves the name "Electric City."

\* \* \*

Under the new franchise arrangement made as a substitute for municipal ownership of its street railways, Chicago received \$225,000 for its share of the profits for the last six months, and the estimate is that in a little while the payments will amount to \$1,300,000 a year. That will be a better result than could possibly accrue from the roads being operated by the local political machine.

\* \* \*

Chatham for some years has had a steam-heating plant doing business over a considerable area and apparently has found the experiment satisfactory. The system, it is said, has gained such favor that most of the heat used in the business places and public buildings is secured from this plant with a prospect of its spreading, not only in the business section but among private residences.

\* \* \*

The Wingham *Advance* points out that in twenty years the population of the Ontario municipalities in 1905 had increased about 10 per cent. and the taxes imposed had increased from \$9,000,385 to \$16,589,522. And they had not even then been paying their way; they had been mortgaging the future. Their debenture debts had increased from less than 30 millions to 70 millions. The floating debts had grown from less than five millions to over 10 millions. The annual tax rate had increased from an average of 12.97 mills, or \$4.93 per capita, to 16 mills, or \$7.90 per capita. The municipal debenture debt charges on a family of five was in 1886 only \$81.85; in 1905 it was about \$170. And besides that there was the floating debt.

\* \* \*

The by-law voted on in Colborne last month to guarantee the bonds of the Ontario West Shore Electric Railwa Company to the extent of \$25,000 was defeated, the figures of the voting being as follows: For, 67; against, 96. Majority against, 29.

\* \* \*

From the assessor's roll just returned it is shown that Oshawa now has a population of 6,400 as against 5,585 last year, an increase during the year of nearly 1,000. Value of property liable to taxation \$1,984,831.00. Value of property exempt from taxation but liable to local improvement tax, \$120,450.00, making a total valuation of town property of \$2,105,281.00.

## PUBLIC UTILITIES

City Clerk BAKER of London recently addressed the Board of Trade in that city on public utilities, in which he included the result of special inquiries made while on a recent vacation trip to England. Among the various questions referred to, the following are of special interest:

## The Art Galleries.

"The art galleries are everywhere recognized as of great importance," he said, "and are closely related to public libraries. The inspiration of artistic works, the expression of the thoughts of great minds must necessarily improve the citizens, and we sadly need one here. The current expenditure is partly met by admission fees and by students of art classes or schools who have days set apart for study. Private donations have usually started the collection, and I am confident that there are many public-minded citizens in this city who would gladly donate or loan valuable works of art for the formation of an art gallery here. A room is available in the public library, and the management of the art gallery might well be placed under that board. Purchases of works of art should be made each year. The fees would be found to pay the wages of an attendant, and if, as I am about to suggest, a museum be established, it might also prove a paying enterprise from the start.

## Public Playgrounds.

"I had a very enjoyable couple of hours," he said, "on the Wadsworth Commons playground. Why have playgrounds? Why does a flower need the light? The child needs a playground because his growth is through activity. Parents want the assurance that proper conduct shall prevail on the grounds, and that dangerous games shall be prohibited; normal and healthy habits in child life are better formed where large playgrounds are provided. I need scarcely tell you that it need not be very large, and must not be elaborately gardenized. All that is necessary is a space large enough for five or six baseball diamonds, a few seats for nurses and mothers, shallow pools of water where the children are permitted to wade and sail their boats, a drinking fountain, and a clear space for games. That there is a social and physical gap has been demonstrated by the fact that in Chicago last year 31,000 different individuals enrolled in sports, and 2,278,847 visited the grounds. At each of the cities I visited I am told that there are squares or blocks laid out for playgrounds. If these are to be secured they must be taken up now or the cost will make it almost impossible to secure them. Gerry's Flats, C. P. R. Park, and South-east London afford ample scope for judicial expenditure of labor and money for the improvement of London. Mr. PEARCE tells me that the C. P. R. have supplied him with bulbs and shrubs for their land.

## Sanitary Conditions.

"Public urinals for men and women, under the control of the municipality, scrupulously clean, well-ventilated and placed in convenient location, perhaps under the streets, are badly needed here. On payment of five cents a clean sterilized towel with soap and brush could be provided, and two cents in the slot could put a clean closet for convenient general use. The general public add revenue to the city for the conveniences, and they are willing to pay for them. An old man might be kept busy caring for a lavatory on the market square, which might prove revenue producing. It has been suggested that the surplus of No. 3 committee could not be better used than for the construction of a public lavatory.

## Garbage System.

"I believe that all the towns of England have their garbage system, and the larger cities have by no means the most satisfactory. As an example of their work I note that in the city of Bradford, in 1906, 4,529 tons of

mortar were sold from the destructors, 2,005 loads of manure sold to farmers, 28,785 loads taken to tips for the reclaiming of swamp lands, and 81,264 loads were taken to the destructors. Every day or so the garbage wagon collects from the cans placed on the street. Several times have I heard visitors speak well of our city's streets, but there are many lanes in a filthy condition. Some day this city will reap the unfortunate harvest of epidemic and death for its neglect of this necessity.

## Public Abattoir.

"The cause of tuberculosis is the tubercle bacillus which commonly attacks the lungs, though other organs are subject to attack also. Dr. FRASER, M. H. O., Portsmouth, told me that he attends the county cattle market and visits farms, as he finds it impossible to detect diseased meat after slaughtering. He found that milch cows in the last stages of tuberculosis are regularly sold in the open market, and the milk from these cows regularly vended from door to door, and expressed his firm

*(Municipal Officers of Ontario)*



W. H. ELLIOTT  
TOWN CLERK, FORT FRANCES.

Mr. ELLIOTT is a native of Peterboro' County, where he was born in 1873. He completed his education at the Caledonia high school and engaged in teaching for a number of years. He was appointed clerk of Fort Frances in 1906, and has recently been appointed Division Court Clerk and Notary Public.

belief that the great hold this disease has is due to this fact mainly. It is also claimed that about 200 cases of typhoid fever were traced some years ago in Glasgow directly to the milk from a certain farm where the cattle drank polluted water. A public abattoir is a necessity in every city, and no private slaughter-houses should be permitted to exist, in order that meat may be inspected before being offered for sale. The veterinary inspector of London is doing good work. The need of a much wider inspection of herds is easily proven.

## Building Inspection.

"The building regulations are strict and cannot be broken or avoided. Builders are fined heavily for making repairs or construction without the consent of the corporation. The rules govern as surely as the taxes are collected. One hundred and fifteen persons were, at Bradford, prosecuted for attempted deviations from approved plans, copies of which are filed in the engineer's office, and others for commencing to erect or alter buildings without first having obtained the consent of the corporation. The proposed by-law of the city council governing building construction is particularly strong. If the building inspector does his duty there will be no repetition of Reid Crystal Hall catastrophe.

## Re MILLS AND CITY OF HAMILTON

By-Law Closing Alley--Motion to Quash--Transfer of Portion Closed.

Judgment on motion to quash a by-law of and city and opening another in its place. The by-law also provides for the transfer of the portion of the alley so closed in exchange, and as a compensation for the lands requisite for the opening of the alley-way substituted therefor. Held, that it is impossible to reach the conclusion that the council were actuated in passing this by-law by any improper motive. It would require a very much clearer case to warrant the Court in discrediting the sworn statements of the mayor and members of the council that, when passing this by-law, they believed it to be in the best interests of citizens. Motion dismissed with costs.

### MUNICIPAL OWNERSHIP LEAGUE IN LONDON

Things are shaping themselves for a very interesting municipal campaign if all signs do not fail. The Municipal Ownership League of this city is taking a lively interest in the affairs of the city and a definite movement is being made to interest well-known and prominent citizens in municipal politics.

The chief object of the league is the ownership of public utilities. There are branches of this organization in many large cities, Toronto, Hamilton and others having large memberships. In this city the object of the league is not only to interest the citizens in municipal government, but to acquire an electric light plant and the street railway, and run them by the municipality. The arguments that are usually put forward for this scheme are being urged here.

#### For Municipal Ownership

The time for definite action so far as London is concerned has come, they say. The contract for lighting the streets made with the London Electric Company expires shortly. The company has refused to grant the city more lights until contract matter is definitely settled. The question of owning the lighting plant is therefore, a very live issue with the citizens at present. The league has figures of the cost and maintenance of such a plant, and they will be submitted. The acquiring of the street railway plant is another matter to be decided upon.

#### A Full Ticket

The league has formed, or rather, is forming a slate for the coming municipal elections. A full ticket for mayor, aldermen, board of education and water commission will be put in the field. The nominees will be largely young business men, and others interested in the welfare of the city.

The league will indorse the five members of the council who voted to submit the question of Sunday cars to the people.

This will mean that Ald. Cooper, Saunders, Garratt, Rose and Stevenson will have the active co-operation of the Municipal Ownership League in their campaigns.

#### Meeting This Week

The executive of the league will probably meet this week if the slate can be completed in time. After that a convention of the citizens will be called to indorse or refuse the slate as prepared. Any candidate who is displeasing to the majority of the citizens at the meeting will be struck off the list.

"It is high time," said Mr. Woodcock, one of the movers in the Municipal Ownership League, "that more interest was taken in municipal affairs. There are many live questions to be discussed, but they are avoided. There is no move made towards a greater London. The league stands for something, and we are going to insist that our ideas are placed before the citizens. We will name a full slate, and it will be of such a quality that the people will not refuse to elect at least a considerable number of them. It is time the citizens took up the question of public ownership. It is a live question, and it must be reckoned with."—*London Advertiser*.

### PUBLISH THE ASSESSMENT ROLLS

The assessment of Peterborough for the year 1907 is about completed, and in a few days the rolls will be handed over to the city clerk. It is stated that the increase this year in the taxable valuation of city property will be over \$1,000,000. Valuations have been raised in many parts of the city, and as naturally expected, there are many complaints and mutterings of alleged unjust treatment, favoritism, bias, etc. No man seems to take kindly to an assessor or tax collector. He regards such an

official with a certain "stand-offishness", and as a necessary evil. He is inclined to think that the other fellow pays less taxes and has a lower assessment, very much on the same principle that the average holder of a position opines that the other chap has a bed of roses, while his own pathway is strewn with thorns. It is in human nature to believe that others are more favorably circumstanced than ourselves. Why? Who can tell?

One effective method of allaying complaints and reconciling alleged grievances in connection with the question of assessment, is to have the rolls printed, so that they can be easily and conveniently examined by every ratepayer. This information may come high, but it is worth the price. The publication of the rolls, generally makes the work of the assessors, during the following year much easier.

The Peterborough *Review* has long had a firm belief that the rolls should be printed once, at least every three or four years. In publishing them no reflection whatever is cast upon the thoroughness, care or fairness of the work of the city assessors. It is a well known fact that publicity is a cure for nearly everything that requires a remedy. If there are any errors, excessive valuations, or other defects in the rolls, publicity will bring them to the front and there will be better satisfaction all around.

The Hamilton *Herald*, Belleville *Intelligencer* and other journals, have consistently advocated this method of relieving anxiety, misunderstanding and turmoil as to assessments, and no better method could be adopted.

Hamilton city council has decided to print the assessment rolls of the city and the Brantford *Expositor* thinks the same thing should be done in its city. It should be possible, it says, for any ratepayer to know, without going to the city hall, whether or not he is fairly assessed in comparison with his neighbors; also whether or not the assessment as a whole has been fairly made.

### HOW THEY SHAVED DEBENTURES IN THE GOOD OLD DAYS

Municipalities nowadays think that too much shaving of their securities is going on.

But did not the then wealthy County of Waterloo in 1868 sell debentures totalling \$20,000, in two blocks of \$10,000 each, and bearing interest at the rate of seven per cent. per annum, for 96 and 95 $\frac{3}{4}$  cents on the dollar?

This is what it did. Its gilt-edged securities, which were placed on the market by shrewd business men, were clipped and lost four points in the shaving process.

Undoubtedly money was tight in those days, but that fact didn't prevent our county fathers from putting \$20,000 into a House of Refuge. Municipalities that cannot now sell their 5 per cent. debentures at par think themselves badly treated. But the money market has sagged so much that it cannot be blown into a normal condition in a day. Meanwhile, let us be thankful that a shave of 4 points on 7 per cent. debentures, as in the good old times, the tough old times of the sixties, is not now possible.—*Galt Reporter*.

### WANTS THE ROLL PUBLISHED

The mayor of Barrie has offered \$100 of his own toward the expense of publishing the assessment roll. As reason for urging its publication, the *Examiner* says: "In the assessment there are many inequalities for which perhaps the assessor can be hardly blamed. Publication of the roll would make this evident when the assessor made his rounds. The following year every ratepayer, knowing the assessment placed on other properties similar to his own, would be in a position to secure a fair rating. Having the roll in this handy form would also be a great convenience and help to the assessor in comparing properties and arriving at a fair valuation."

# Legal Department

J. M. GLENN, K. C., LL. B.

Of Osgoode Hall, Barrister-at-Law

## Re CAMERON AND UNITED TOWNSHIPS OF HAGARTY, SHERWOOD, JONES, RICHARDS AND BURNS

By-Law Closing Road Allowance—Repeal of, After Motion to Quash—Costs

Judgment on motion for costs of application to quash by-law of councils of united townships closing a road allowance. The by-law was repealed on June 17th, 1907, after the motion to quash had been launched, and nothing but the question of costs remained. Counsel for the municipality argued that the application was premature, as the by-law had not been confirmed by a by-law of the county council under section 660 (2) of the Municipal Act, 1903. Held, that the court should not interfere so long as there is another tribunal to whom appeal may be made, and therefore the applicant should have no costs of the motion, but, as the municipality should not have passed the by-law, there should be no costs against the applicant. No order on the application.

## SMITH v. TOWNSHIP OF ELDON

Injury to Private Lands—Deposit of Sand and Water—Damages—Injunction

Judgment in action tried without a jury at Lindsay. Action for damages and an injunction in respect to injury to plaintiff's land, lot 1 in the 7th concession of the township of Thorah, by deposit of water and sand thereon. Held, that plaintiff's remedy is by action, and not by arbitration. Judgment for plaintiff for an injunction restraining defendants from a continuance of the nuisance to his land and from causing water and sand to be deposited upon his land. If there be any dispute as to the exact form of the injunction, the minutes may be spoken to. Reference to the Master at Lindsay to determine the damages to which plaintiff is entitled. Defendants to pay plaintiff's costs and including judgment. Further directions and subsequent costs reserved. To enable defendants to make suitable provision for the disposition of the surplus water, operation of injunction stayed for four months.

## Re RUDOLPHE AND VILLAGE OF TARA

By-Law—Signature of Reeve—Delay in Bringing Proceedings.

This was a motion to quash by-law No. 205 of the village of Tara, passed on January 8th, 1906, on the grounds that the by-law had not been signed by the reeve, as provided by law, and that several persons voted who had no right to vote. Held, following re Robinson and Beamsville, that owing to the great delay here, which was not satisfactorily explained, and owing also to the fact that the persons whose votes were challenged had all made affidavits for the applicant that they had not the legal right to vote, thereby shifting the inference that might otherwise have been made, the motion failed.

## COUNTY OF DUFFERIN v. COUNTY OF WELLINGTON

Bridge on Townline—Maintenance of—Definition of

Judgment in action tried without a jury at Orangeville. Action under sec. 617 of The Municipal Act, 1903, for a declaration that plaintiffs and defendants are jointly liable for the building and maintenance of what is alleged to be a bridge over a stream crossing the boundary line

between two townships, one in Dufferin and the other in Wellington. It was contended by defendants that the structure is not a bridge but only a culvert. It is a circular concrete pipe with an inside diameter of three feet; the concrete is six inches thick, and there is about a foot of gravel on the top of the pipe. It replaced an old bridge about eight or ten feet in span, which had fallen into disrepair. Held, referring to the definition of "culvert" in Murray's New Oxford Dictionary, and to North Dorchester v. Middlesex, 16 O. R., 658, that this particular structure is a culvert and not a bridge. Action dismissed with costs. Thirty days' stay.

*(Municipal Officers of Ontario)*

## Re RICKEY AND TOWNSHIP OF MARLBORO'

Local Option By-Law—Motion to Quash—Irregular Advertising of—Illegal Votes.

Judgment on motion by one Rickey to quash a local option by-law approved by the electors of the Township of Marlborough on 7th January last, upon a vote of 213 for and 132 against, and passed by the council. The most serious objections were that the by-law was not advertised as required by section 338 of 3 Edw. VII., chapter 19, and the admission of illegal votes, and there were other irregularities. But held that none of the objections were sufficient under the decided cases to affect the result. Motion dismissed but without costs, as the attack was invited by the course taken by the council and clerk.



T. A. THOMPSON

CLERK OF THE TOWNSHIP OF RAMSAY.

Mr. THOMPSON is a native of the township, where he was born in 1868. He was a member of the township council for six years, for the last two of which he was reeve. He was afterwards a member of the Lanark county council for 1905-06 and had intended to retire from municipal life altogether. The position of clerk becoming vacant this year, the council induced him to accept the office and give them the benefit of his wide experience.

## REX v. HUMPHRIES

Transient Traders' By-Law—Sale by Sample

The defendant moved absolute a rule nisi to quash the conviction of defendant for an alleged offence against a transient traders' by-law of the town of Milton. Defendant is a tea merchant in the city of Guelph, and took an order in Milton for a sale by sample, the goods to be delivered later. Defendant contended that the conviction and by-law are bad, because they go beyond the statute as to the penalty imposed, and also that the defendant does not come within the by-law. Rule absolute quashing conviction with costs.

## Re TOWN OF BERLIN AND BERLIN & WATERLOO STREET R. W. CO.

Purchase of Street Railway—Award of Arbitrators.

Judgment on motion by the company to set aside an award of three arbitrators, dated 29th December, 1906, awarding to the railway company \$75,200 for their rail-

way and property, or to increase the amount, or to revoke the submission, or for other relief. The main contention was that the appellants were entitled as part of the value of their railway and as part of the property used in connection therewith, to the franchises, operating agreements and other contract privileges and benefits incident thereto. This contention and all the others made were negated. Motion dismissed with costs.

#### THE TOWN OF CACHE BAY.

The Town of Cache Bay was created as a separate municipality by proclamation of the Lieutenant-Governor of Ontario March 6th, 1903. It is situated near the western extremity of the north shore of Lake Nipissing and comprises lots 9, 10 and 11 of Concession 1, Township of Springer, Nipissing District.

Its first officers were: Mayor, A. J. YONUG; councillors, A. D. McINNIS, J. G. MILLS, F. C. McGRATH, A. R. MARTIN, T. HARRISON, JOSEPH MATTE; clerk, T. H. CONNOR; treasurer, G. W. McFARLAND.

For so young a municipality the town has made great progress in street, sewer and sidewalk building and in providing for education. It is dependent for its existence on the lumber industry, the large saw-mills of the Nipissing Lumber Co. and GEO. GORDON & CO. being situated in the town and a timber berth of J. R. BOOTH lying close to the north towards the Lake Temagami region.

Among the municipal works projected are the erection of municipal buildings, the providing of fire protection and waterworks, and the establishing of a lake port by the erection of wharfs and docks.

#### WHY CHANGE BACK?

A petition in circulation asking the town council of Sarnia to go back to the ward system of electing members of the town council has been quite largely signed, and as it is an important matter the *Post*, of that town, always outspoken on all questions of public moment, takes the opportunity of expressing its views on the subject. In the first place, when the abolition of the ward system was introduced this paper heartily endorsed the proposition. It has seen no reason for changing its views since. The main reason given for wishing to go back to the ward system is that the interests of the ward will be better served by a man or men elected from the ward. That was exactly the argument advanced in favor of the abolition of the ward system, and the *Post* fails to see that any ward or sub-division of a ward is any worse off, or has suffered more from the inattention of aldermen-at-large under the present system than when the ward system was in vogue. The argument was that, looking for support from every section of the town, the alderman-at-large will look well to the interests of every section, and at the same time do all in his power to prevent sectional feeling—a thing most undesirable in a community, and which is more likely to exist, and in fact usually does exist, under the ward system. Then, the ward system increases the bulk, while the tendency of the age is toward concentration and the cutting out of unnecessary machinery. The present number of councillors can and do accomplish as much as, and perhaps more than the larger and bulkier body, and as the smallest council has, as a rule, more than a sufficient number of orators, why endeavor to increase the agony for the reporters and the men who go there to do business, and not to listen to hot air artists whose aim is, as a rule, to talk to the gallery? Let us make haste slowly in trying to bring about some pet reform, lest with the attainment of it, evils multiply. The present system leaves little to be desired, and it is well, sometimes, to let well enough alone.

#### HENSALL'S OPTION MUDDLE

A peculiar situation recently arose in the Village of Hensall, Huron County, as a result of local option going into effect there. In an affidavit filed upon an application of SAMUEL SMILEY to quash a resolution passed by the village council, it was stated that business had fallen off since the passing of the local option by-law. There was no accommodation in the village for farmers and the travelling public and people consequently would not come into the village. Stables were rented for the accommodation of the public, but this did not answer the purpose, and on the application of 167 ratepayers the council passed a resolution not to oppose an action to upset the by-law on condition that the party taking the action pay the expenses to which the village had been put. The motion was to quash this resolution, but it was dismissed.

#### EXCEPT—

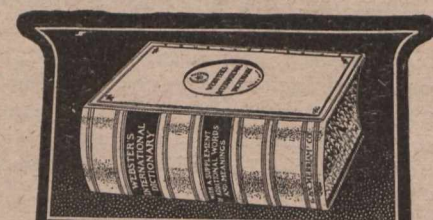
From time immemorial there had been a law in Applegate, County Warwick, England, to the effect that the mayor had the best of anything in town, and for instance, if one should say he had the best coat in the place, he must add the words, "Except the Mayor."

One day a stranger came to Applegate and had dinner at the inn. After paying his bill he said to the landlord, "I've had the best dinner in the country."

The Landlord—Except the Mayor.

The Stranger—Except nothing!

As a result the stranger was called before the magistrate and fined ten pounds for his breaking of the laws of the place. When the man had paid his fine he looked around him and said slowly, "I'm the biggest fool in town except the mayor."—*Harper's Weekly*.



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