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MISSING

THE MUNICIPAL WORLD

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

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ST. THOMAS, ONTARIO, DECEMBER, 1896.

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Calendar for December, 1896.

Legal, Educational, Municipal and Other Appointments.

DECEMBER.

1. Chairman of Board of Health to report to the Council on or before this date.—Public Health Act, schedule A, section 3.
- Last day for appointment of School Auditors by Public and Separate School Trustees.—Public School Act, section 21 (1); Separate School Act, section 28 (5)
- Municipal Clerk to transmit to County Inspector statement showing whether or not any county rate for public school purposes has been placed upon Collector's Roll against any separate school supporter.—Public School Act, section 68; Separate School Act, section 50.
- Last day for councils to hear and determine appeals where persons added to Collector's Roll by Clerk of Municipality.—Assessment Act, section 154.
5. Make return of contagious diseases to Registrar General.—59 Vic., chapter 17, section 11 (4).
- Last day for publishing notice County Council Nomination.
9. Last day for Public and Separate School Trustees to fix places for nomination of Trustees.—Public School Act, section 102 (2); Separate School Act, section 31 (5).
- Returning Officers to be named by resolution of the Public School Board (before second Wednesday in December).—Public School Act, section 102 (2).
14. Last day for payment of taxes by voters in local municipalities passing by-laws for that purpose.—Municipal Act, section 489.
- Last day for Collectors to return their rolls and pay over proceeds, unless later time appointed by council.—Assessment Act, section 132.
- County Treasurer to pay Township Treasurer rates collected in Township.—Public School Act, section 122 (3).
- Local Assessment to be paid Separate School Trustees.—Separate School Act, sec. 55.
- Municipal Council to pay Secretary-Treasurer Public School Boards all sums levied and collected in township.—Public School Act, section 67.
- County Councils to pay Treasurer High School.—High School Act, section 30.
- Councils of towns, villages and townships hold meeting.—Municipal Act, sec. 254.
15. Pass all accounts for subscriptions, etc., due THE MUNICIPAL WORLD, and order election supplies, etc.
19. Last day for publishing notice of nomination.
20. Last day for a Treasurer to send Clerk list of all who have not paid their taxes.—Municipal Act, section 251.
21. County Council Nomination Day.
22. Public and Separate Schools close, first term.—H. S. Act, section 41.
- High Schools close, first term.—H. S. Act, section 41.
23. Last day for notice of formation of new school sections to be posted up by the Township Clerk.—P. S. Act, section 11 (5).
24. Last day for posting up Annual Statement of assets and liabilities in Townships, Towns and Villages.—Municipal Act, section 263.
- High School Treasurer to receive all moneys due and raised under High Schools Act.—High School Act, section 36 (1).
25. CHRISTMAS DAY (Friday).
- New schools go into operation.—P. S. Act, section 38 (3); section 39 (3); section 43 (10); S. S. Act, section 4.
28. Nomination day.
30. Annual Public and Separate School meeting.—P. S. Act, section 17; section 102 (1); S. S. Act, section 27 (1); section 31 (1).
31. Auditors to examine and report upon accounts, etc., for year ending on the 30th December, preceding their appointment.—Municipal Act, section 261.
- Roll to be finally revised by Judge when assessment taken between 1st July and 31st September.—Assessment Act, section 52.
- Road Commissioners cease to hold office.—Assessment Act, section 111,
- License Commissioners cease to hold office.—Liquor License Act, section 3.
- Protestant Separate School Trustees to transmit to County Inspector names and attendance during the last preceding six months.—S. S. Act, section 12.
- Trustees' report to Truant Officers, due.—Truancy Act, section 12.
- Auditors' report of Cities, Towns and Incorporated Villages to be published by Trustee.—P. S. Act, section 62 (11)

JANUARY.

1. A HAPPY NEW YEAR TO ALL.
- Renew subscription to MUNICIPAL WORLD for 1897.

The Municipal World

PUBLISHED MONTHLY

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

K. W. MCKAY, EDITOR,

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

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THE MUNICIPAL WORLD,
Box 1252, St. Thomas, Ont.

ST. THOMAS, DECEMBER 1, 1896.

The first meetings of the municipal councils for 1897, will be held on the second Monday in January, and not the third Monday as formerly. County councils will meet on the fourth Tuesday in January as usual.

In answering part three of question 301, in the November issue we overlooked section five of the County Councils Act. Members of the new county councils are required to be residents of the division for which they are elected.

THE MUNICIPAL WORLD revised catalogue and price list of municipal supplies has been forwarded in souvenir form, to the clerk of every municipality in the Province. We will be pleased to hear from any clerk who may not have received his catalogue.

One of the objects of the County Council Act is to do away with *log-rolling* and narrow sectional feeling. As representatives of districts for two years, county councillors will be independent, and a better administration of county affairs should result.

The Municipal Amendment Act, 1896, requires deputy-returning officers in cities and towns to deliver the ballot-box and packets to the returning officer immediately after having completed their duties at the polling place, and under no circumstances is a deputy-returning officer to take the ballot-box or packets, or allow the same to be taken to his home, or house, or office, or place of business, or to any house or place whatsoever other than the office of the clerk of the municipality, who is required to remain at his office on the evening of polling-day, until the said boxes have been returned to him. Officers violating the provisions of this act are liable to a penalty of \$400.

Throughout all the good roads agitation which has taken place during the past year no important legislation on the subject has been suggested the prevailing opinion, being that it is only necessary to arouse public sentiment, with a view to expending the money we already have in an intelligent manner.

During the past year we have, through the Question Drawer, answered 580 questions submitted by 339 correspondents. The index published with this issue is the best evidence of the value of THE MUNICIPAL WORLD. We will be pleased to hear from any subscriber who is not sufficiently satisfied, to renew his subscription, or recommend the WORLD to his successor in office.

The council of the town of North Toronto recently amalgamated the offices of clerk and treasurer and appointed one man to both. It would be interesting to know if the declaration of office required under section 271 of the Municipal Act, to be made before assuming each office has been changed to suit the views of the council. Under ordinary circumstances the offices cannot be held by the same person.

A by-law passed by the city of Ottawa, regulating the width of tires to be used on vehicles, is now being enforced. The council of the city of Toronto and County of York have recently passed similar by-laws. In view of the good that would result from the use of wide tires, we think the government should consider further legislation with a view to securing uniformity in all by-laws passed for this purpose. Manufacturers could then arrange to supply wagons with standard tires, and in a few years the present objection of compelling all to go to the expense of new wheels for their vehicles would be removed, and compulsory legislation could be considered.

Clerks should be particular at the coming municipal elections and provide proper poll-books and directions to voters where county council elections are to be held. The County Councils Act does not specify the forms required to be supplied by county clerks with the ballots. For the purpose of securing uniformity and correctness, we prepared a full set of County Council Act forms. These will be supplied by the thirty county clerks from whom we have already received orders, and include a packet for each nominating officer, municipal clerk, and deputy-returning officer. When county orders were filled, we notified the clerks of the local municipalities, and in these counties clerks will require only the usual election supplies, with poll-books and directions to voters, amended in accordance with the County Councils Act.

The County Councils Act not only reduces the number of members of the councils and the expenses connected therewith, but provides for a more equitable representation of the taxpayers. Under the old Act the reeve of a village paying a very small county rate had a vote in the council, while some of the larger townships, represented by a reeve and deputies, with at most five votes, paid in county rates more than 100 villages. To overcome this inequality the division of the counties into districts was necessary.

The attention of all councils is directed to the following amendment to section 284 of the Municipal Act passed at last session by adding at the end thereof the following words: "But no council of any local municipality shall, after the 31st day of December in the year for which the members were elected, pass any by-law or resolution for the payment of money, or which involves, directly or indirectly, the payment of money; nor shall they enter into any contract or obligation on the part of the municipality; nor appoint to or dismiss from office any officer under the control of the council, or do any other corporate act after said date, except in case of extreme urgency. But the council may do any necessary business before the 31st day of December, which may, having regard to the circumstances, be done at such time, and which, by this act, they are now authorized to do at their last meeting."

A. W. Campbell, Provincial Road Commissioner, has, during the past summer, at the request of municipal councils, examined the roads and streets in about fifty municipalities, principally townships. His plan is to go with the councils over the roads, and discuss the points of road-making on the ground, examine the gravel and the stone pits, and discuss the quality of the material, how it should be utilized, and any other points in connection with roads which the council are interested in. Mr. Campbell reports that a great interest is being taken in the question of road improvement, and progressive councils are anxious to get all possible information on the subject in order that their expenditure will be more profitable. Generally the council arranges for a public meeting at a central point in the township, so that the pathmasters and ratepayers have an opportunity of hearing the question discussed. These meetings are well attended, and made more interesting by being open for discussion. A reform of this kind is too frequently met with vigorous criticism, but Mr. Campbell states that the people evidently come, not to oppose, but for information, and frequently some splendid points are raised by councillors and pathmasters who have taken an interest in practical roadmaking. People are becoming aroused to the necessity of good roads, and their economic construction and wish to bring them about as quickly as possible with the means at hand.

Nominations.

The electors in counties will this year have two nomination meetings to attend.

FOR COUNTY COUNCILLORS.

The meeting will be held on Monday, the 21st day of December. Nominating officer, appointed by the warden, will preside, and the nominations are to be made between one and two o'clock in the afternoon.

FOR MUNICIPAL COUNCILLORS.

The meetings will this year be held on the 28th December, except where county councils have changed the date by by-law. The clerk of the municipality is the presiding officer and is required to give at least six days notice by advertisement or poster. This year, advertisements should be published on the 19th December.

By amendment of section 110, passed at last session of the legislature, councils of townships may provide for the nominations to be held at one o'clock in the afternoon, instead of noon as formerly. This does not affect the meeting for the nomination of candidates for the office of reeve in township divided into wards, which is to be held at 10 a. m. as formerly.

THE MEETING.

The electors, when the nominating or returning officer is absent, may choose a chairman. Nominations may be received from one hour from the time fixed for holding the meeting. A nomination is required to be moved and seconded. After the nominations have been received and there is more than one candidate for the same office, the returning-officer, or chairman, should adjourn the meeting until the first Monday in January, and state when and where the polls will be opened.

RESIGNATIONS.

Any person proposed for one or more offices may resign at the nomination meeting or following day, or elect for which office he is nominated. A nomination meeting continues for one hour only, and from the time that meeting is adjourned until midnight the following day the candidates nominated may hand in their resignations to the clerk or nominating officer, in writing, signed and attested by two witnesses. If the resignation is not received by the time mentioned there is no alternative, but to go on and hold the election.

POLL.

The polls will be held on Monday, the 4th of January, from 9 a.m. to 5 p.m. In addition to the poll-books and other forms required by the Municipal Act to be furnished deputy-returning officers, it is the clerk's duty to give each deputy-returning officer a printed copy of the last revised Voters' List for the ward or polling subdivision in which the deputy proposes to act, to which should be attached a certificate stating that it is the proper Voters' List to be used at the election.

Criminal Carelessness.

ON THE PART OF THE HEALTH AUTHORITIES SHOULD BE PUNISHABLE.

The Health Act is incomplete, inasmuch as no penalty is provided for boards of health which neglect their duty. Warton has just had twenty-two cases of diphtheria and four deaths. The disease became epidemic simply because children from infected houses were allowed to attend school and public funerals were permitted.

Carelessness at St. Thomas caused a similar outbreak. Yet men who accept responsible positions on boards of health because they think there is honor in the appointment are not brought to account for the neglect which has consigned many of their fellow beings to premature graves. When a citizen accepts a responsibility he should do his duty, and when he neglects that duty he should be punished.—*Chatham Planet.*

The ex-treasurer of Guelph made a settlement with the city council and pleaded guilty to the charges laid against him, and was sentenced to three months imprisonment without hard labor. The judge in sentencing the prisoner, referred to the municipal audit system as follows:

"The man who is in business and handling other people's money, which he is at liberty to mix with his own, may use his employer's money intending to restore it. It may be by mistake, and if the mistake is not discovered it leads on to other things of the same kind. The system of auditing pursued in the municipal affairs of the province is a system of the loosest kind, and I am informed that it has been so here. It must be so, or these charges could not have been proved here in the number that they have. There is that to be considered. The gentleman had been employed in an important situation without anything like an adequate remuneration which the situation calls for. This was a temptation to use the money, at first not improperly, but which may become improperly."

* * *

The Toronto Telegram referring to municipal finance and the occasional losses through dishonest and inexperienced treasurers, suggests that:

"All the misfortunes of municipal treasurers point to the necessity for a provincial audit. The sum which municipalities now pay for auditors who do not audit, would more than maintain a department of provincial auditors who would audit. There could be an authorized form of municipal accounts, and provincial auditors could go to the municipal treasurers once a year, and oftener if desired, and check their books. The result of the change would be that treasurers would not attempt to deceive the auditors, and the system would save them from disgrace and the municipalities from loss."

We do not think there is any necessity for the appointment of provincial auditors. A system whereby a county auditor appointed by the county council will be *ex officio* one of the auditors of the accounts of local municipalities in the county would have the desired result. The manner of keeping the accounts to be regulated by statute. The councils of towns and cities should be required to appoint a chartered accountant as one of the auditors:

As late as 1770 the journey from Liverpool to London was dangerous on account of the bad condition of the roads.

Cost of Electric Lighting in Ontario.

The chairman of the Chatham fire and light committee recently presented a report to the council showing the cost of electric lighting in Ontario as follows:

Chatham—65 lamps, all night, 23 1-2 cents each per night.

Brantford—55 lights, all night, 23 cents.

Cobourg—23 lights, till midnight, 22 1-2 cents.

Port Hope—33 lamps, till midnight, 15 cents.

Peterboro—25 cents per night, all night.

Ingersoll—36 lights, till midnight, 20 cents.

Woodstock—70 lights, till midnight, 19 cents.

Belleville—61 lights, all night, 24 cents.

Galt—50 lamps, 22 cents till midnight.

Hamilton—369 lights, all night, 25 cents.

Guelph—90 lights, all night, 24 1-22 cents.

Owen Sound—30 lamps, all night, 30 cents.

London—300 lamps, all night, 25 cents.

Although Toronto's assessment shows a decrease of ten million dollars this year the Telegram contends that "Toronto is just as rich to-day as she was a year ago, but the assessors' returns are not nearly so rich in fictitious valuations. A reduced assessment was an absolute necessity, and will prove a most efficient curb upon the extravagance of aldermen who could formerly urge a sixteen-mill rate, although upon an inflated assessment, as an evidence of economic administration."

The Chatham Banner cannot see why the office of deputy-reeve should be retained when such office will simply have the status of town or township councillor, and thinks it may be amended at next session of the legislature. In towns it might be a good idea to cut down the number of councillors from each ward to one or two and continue to have the reeve and deputy reeve elected by the whole vote of the municipality—as they are now. In a town, with three wards, this would give a mayor, reeve and deputy-reeve, and, with a councillor from each ward, would make a council of six.

After the confiscation of monastery property in Spain by the state much of the proceeds were devoted to the making of the roads.

The East India Company began, and afterward the British Government continued, the construction of roads in India, and now all parts of the peninsula are well provided.

The country roads of the United States do not compare favorably with those of any nation in Europe. During the spring season in many districts of the Western States the roads are practically impassable.

Duties of Deputy Returning Officers.

Previous to the municipal elections, City Clerk Kingston, of London directs the attention of deputy returning officers to their duties by circular from which we take the following :

2. The names of the electors entitled to vote in your Division will be found in Parts 1 and 2 of the Voters' List given you—in Part 1 if resident in your Ward—in Part 2 if non-resident. Widows and Spinsters will be found in Part 2 only.

3. In the event of a ratepayer coming to vote, and his (or her) name not appearing on list, be sure and ascertain :

(a) Whether yours is the Division in which such person should be entitled to vote, and if not, give instructions as to the proper Division.

(b) If yours is the proper Division, and the name does not appear, ascertain whether the party is assessed as owner or occupant of real estate—or for income—to the value respectively of \$400.00 or upwards. *Unless so assessed the ratepayer is not qualified.*

4. Place your initials on the back of each ballot given to a voter, and see that the voter's name is entered by your Poll-Clerk in his book, and that he places a mark in the proper column, to indicate what ballots such voter has received.

5. Electors are entitled to vote for Water Commissioners in each Ward where qualified the same as for Aldermen.

6. Section 139 of the Municipal Act directs that electors shall vote for Mayor at the polling place of the Ward or Polling Sub-Division in which they reside, if qualified to vote therein—or if an elector is non-resident, or not entitled to vote in the Ward or Polling Sub-Division where he resides, then where he first votes, and there only. *Please see that the Statute is observed in this respect.*

7. After the close of the Poll place all ballots used and unused, and all Forms and Certificates, in their proper envelopes, seal and place them in your Ballot Box; lock and seal your Ballot-Box; return same as soon as possible to the City Clerk.

9. Fill up and return at the same time to the City Clerk, over your own signature the form of Statement of returns from your polling place (*which you must be careful not to enclose in your Ballot-Box*), and which must show :—

(a) The names of the several Candidates as they appear on the Ballots.

(b) The number of Ballots cast in favor of each Candidate, placed opposite his name, and the number of Votes cast for and against each By-law (if any).

(c) The Christian and Surname of your Poll Clerk and Constable, and of the Janitor (if any) of the building in which your Poll was opened; but if in a private house, then the name of the party entitled to receive pay for the use of same.

An Orderly Meeting.

The Missouri editor who was with us most of the week and attended a meeting of the Common Council as our guest, was astonished at every turn. When we refused to entertain Alderman Harper's motion to table a certain resolution, and simultaneously with the refusal got the drop on the alderman and choked him off, the man from the east caught his breath, and was ready to bolt for the door. He thought there would be shooting for sure. So, too, when Alderman Scott got up to present a resolution which was clearly out of order. We knew that if we waited to explain matters, the alderman would get the drop on us and smash Cushing's Manual all to pieces. Therefore, he had scarcely opened his mouth when we had a gun in line with his chin, and were courteously requesting him to sit down and let things take their course. Such things don't happen in St. Louis or Chicago, but we can't grow out of old habits and customs into new ones in a year. When we were made mayor it was expected that we would preside at the council meetings and keep things straight. We are doing it with two guns on a shelf under our desk, and doing it well, and up to date none of the six aldermen has succeeded in getting the drop on us. If things look a bit queer to our eastern friends, they must remember that every town has its ways.—*Arizona Kicker.*

York Township.

The new system of carrying on public works in York township, under the supervision of the township engineer, who is directly responsible to the council—is said to be working admirably. In some sections of the township great improvements have been effected in the condition of the roads at half the former expense. Great improvements are noticeable on the Western Road, which is under the capable supervision of Commissioner John Bayliss. Mr. Bayliss pays as much attention to these matters as though he were doing the work for himself.—*Leader and Recorder.*

A prominent resident of Carlisle, England, who died recently, sent a message to his fellow citizens shortly before his death, stating: "That it had always been his object and his pleasure to live amongst them, and identify himself with their interests; that he was proud of being a native of Carlisle, and of having spent his life there; that he felt gratified and honored by the sympathy and kindness shown during his illness by all classes of the community. He wished to express his profound conviction that the greatness of England was due to its capacity for local self-government, and that its future progress depended on the extension of this capacity. He trusted that Carlisle would never be without a due supply of men who regarded it as at once their duty and pleasure to devote their zeal and energy to the promotion of the common welfare."

Poor-Houses Needed.

The following letter recently appeared in the *Globe* from a Collingwood correspondent :

"There are thirty-four prisoners in Barrie jail, twenty-seven of whom were placed there because they were poor."

This is an old and pitiful story, and just as true, proportionately, of nearly all the counties as of Simcoe. Year after year all over the province the vote is cast and maintain a county poor house is voted down by the farmers. Question: Is a matter of that kind one which should be left to farmers for decision?

If the General Hospital, Toronto, or Mercer Reformatory, or Home for Incurables had been left to a general vote of the people of the province, would either of those noble institutions have been in existence to day? No, they would have been voted down by the farmers. This fact has been fairly well proved frequently, inasmuch as the voting for county poor houses in the villages and towns is invariably in favor of the scheme, but is outnumbered by the farmer's vote. While favoring "no coercion," as a rule, I should like to see our Provincial Legislature pass a law compelling every county to provide some other shelter for its poor than the common jail; the optional principle has proved a dead failure."

At Peterborough the grand jury referred to the indigents confined in the gaol as follows :

"We have visited the county gaol and found the inmates well cared for and everything clean and in good order, but we regret very much to find therein so many persons who have not committed any offence, save that of being poor." We find there several aged persons, and two young men, apparently respectable, well able to do any sort of work which might be provided, and who expressed their willingness to work, and we look upon it as a disgrace to a Christian community that these people should be compelled to associate with criminals and to a certain extent be branded as criminals.

We understand that the county council have already expressed their willingness to join the town of Peterborough in providing a House of Refuge for the poor of the town and county of Peterborough, and that the town council have persistently neglected and refused to do their part in making such provision, and we would suggest that if the town council continues in that course, that the county council do apply to Parliament for legislation to compel the town council to act in the matter, or to give the county power to proceed with the work and compel the town to pay their proper share of the expenses."

Some county councils have acted independent of the cities or separated towns in the erection of a house of industry, and are quite satisfied with their experiment.

Toronto.

The city gives over \$25,000 a year for the support of the public library.

The total running expenses of the assessment department yearly is less than \$18,000.

Advertising lands for sale for arrears of taxes cost the city of Toronto nearly \$1,500 last year.

The estimated value of city buildings is \$1,602,620. On these there is a total insurance of \$636,980.

Salaries at the city hall of mayor, aldermen and municipal officers amount to about \$70,000 a year.

The Wear of Roads.

The destruction of roads and pavements arises chiefly from three sources; the action of the atmosphere, the cutting and grinding of wheels, and the treading of horses. All of these are aided by rain and frost.

The proportions in which these causes of failure act, vary according to the composition of the pavement. Asphalt for example, is considered to be more rapidly impaired from the chemical decomposition produced by the air and moisture, than from actual wear under traffic. With crushed stone however, decay from this cause should be slight, although there is the possibility of using a rock which will "weather" very rapidly. It is not safe to say that any one kind of stone more than another decomposes on exposure to the atmosphere. An examination of a pile of field stone, will explain this feature of road destruction, disclosing granites and sandstones, which though at one time hard, now crumble readily; limestones too of which the heart is hard, but of which on the outside are little better than clay. In selecting a stone for road metal, some geological knowledge is needed to aid one in determining the better kind to use.

The hollow that so readily appears between the wheel tracks on roads, indicates in part, the wear caused by the hoofs of single horses. On a properly made roadway this should be the greatest source of wear, owing partly to the tendency in Ontario, to have horseshoes calked throughout the year. Except during icy seasons, calks are unnecessary, and it is evident are exceedingly injurious to the road surface. It has been stated that the wear from the feet of horses should be the chief source of wear on macadam or gravel roads. The actual condition of matters at present is that the tires do the most damage. Narrow tires are almost universally used in this Province. Were wide tires as common as narrow ones, a long step would be taken towards "good roads." It is nothing short of absurd that the farmers of this country should go on spending money and labor in trying to improve roads, and at the same time take no thought whatever to preserve them. Wide tires, no doubt, wear a road to some extent, but at the same time they keep it so smooth and hard that very little wear can take place. Narrow tires grind, cut, and upheave; not only do they keep the road rough almost constantly, but destroy it rapidly. With wide tires there is pleasant and easy traction, with but trifling wear; with narrow tires the roads are always bad, and rapidly decay.

A wagon with springs is less wearing on a pavement than one without, the pounding effect being lessened thereby. The springs receive the force of a jolt from the wagon box and communicate it to the running gear more slowly. It is computed that a wagon with springs at trotting speed does no more harm to a road than a wagon without springs at a walk.

This brief review of the wear to which country roads are subjected, draws attention to the injurious effect of moisture in a road, and the necessity of perfect drainage. Not only is the solidity of the road destroyed, permitting it to yield readily under wheels and the feet of horses, when permitted to remain wet, but the chemical decomposition is aided, and the pulverizing of the material is accelerated.

Chemical Analysis of Water.

Water analysis is of two kinds, chemical and bacteriological. The former was, until recent years, the only method of examination, but in being supplemented by the latter, has been very largely superseded by it.

Chemical analysis will disclose the presence of poisonous metals, such as lead or copper. It discloses too, the presence of several substances which, though not in themselves injurious, indicate contamination of a dangerous kind. Among these, the element nitrogen and common salt, (sodium chloride) are the two substances which take first place. The former of these, if in excess indicates the presence of excreta, the latter, the presence of urine. This is briefly the interpretation of the chemical analysis of water for drinking. If for industrial purposes, the quality and nature of the mineral substances contained in it must be examined. These are as a rule, lime and magnesia, since their presence causes a waste of soap, and prevents a finer class of goods from being washed at all. Iron, too, when the water is used for certain manufacturing purposes is objectionable.

The bacteriological examination originates from the belief that certain micro-organisms possess disease producing properties. This idea has, of late, been combatted by some medical authorities who uphold the view that these bacteria are not the germs of disease, but the product. Some entirely disclaim the theory that they are either the cause or the product of disease. However, this may be, a great deal of importance may safely be attached to the examination as their presence usually accompanies impurity of some description. Many species of these bacteria are harmless, but the identification of cholera, typhoid and other disease germs has been carried out by experts. These organisms are too minute to be detected microscopically, but are found by microscopic examination, after having been multiplied in a culture media.

While further developments in our knowledge of bacteria must be awaited before implicit faith can be attached to this form of analysis the research has already shown that these bacteria can be removed from water by filtration and subsidence. Engineering science has been advanced by it, to the extent of being able to predict the circumstances under which this separation can take place, and has

been stimulated to a search for the most successful material for filtering purposes. Experience, the best of instructors, has proven conclusively that contaminated water is the most potent cause of the spread of disease.

The Algoma Coal.

The alleged discovery of coal in the township of Balfour near Sudbury occasioned considerable interest in view of the value it would be to Ontario in obtaining a home product at reduced cost. Prof. Coleman of the School of Science in reporting to the Bureau of Mines, describes the material as anthraxolite. The pure mineral resembles in appearance ordinary anthracite or what is known as "hard coal." It is probably a product of alteration from petroleum or asphalt and occurs in veins. Anthracite is a product of vegetable matter and is found in layers or beds. Prof. Coleman in his report says:

"Looked at from the economic side, it is probable that the anthraxolite from Balfour may have considerable value as a fuel for local use. Hard coal is sold in Sudbury for \$9 per ton, and this fuel could be laid down in that town for less than half that amount. If it should prove to contain less ash than at present, on sinking the deposit, the anthraxolite should have the ordinary uses of anthracite. It appears to be too fragile, however, for use in iron furnaces which require a fuel capable of resisting a considerable crushing force, and the amount of quartz which it contains would necessitate an extra amount of flux, which would probably limit its usefulness for furnace purposes."

It does not seem probable that the supply is very large as compared with that of coal regions, and it is likely to be worked out in a comparatively short time, as was the case with the somewhat similar vein of albertite in New Brunswick some years ago."

The city of Glasgow affords an example of what the wisdom of the "Canny Scot" can accomplish, and is a model which a good many Canadian towns can profitably remember when the disposal of valuable franchises is being considered. In spite of the fact that light and water rates, and street car fares are very moderate, the city authorities have ascertained that the entire expenses of the city for the future can be borne by the incomes which will be received from the public works owned by the city. Among the latter are waterworks, gas and electric light plants, street railroads, sewage farms and other institutions of less magnitude, all of which are paying large profits annually into the city treasury.

The early inhabitants of the Nile Valley had excellent roads, paved somewhat in the macadam style of the present day.

Trap Rock For Street Construction.

The Bureau of Mines has recently issued its fifth annual report, a volume which at this time, in view of the activity in mining industries it is of very great value. The information which it contains regarding the Northern and little known parts of Ontario makes the work one which should be carefully read by every citizen of the Province. That a great part of the district bordering upon and North of Lake Superior is rich in ore has long been understood, but the more definite information given by Dr. Coleman relating to that country is most interesting and instructive. The report contains very much which can be read with profit by Municipal Councillors, among other matters dealt with being trap rock for road construction. Regarding this the Director of Mines, Mr. A. Blue, says:

"A Business which is capable of great expansion was begun last summer by the Powel and Mitchell Trap Rock Company, of Bruce Mines, Ontario, and Marquette, Michigan, in the quarrying and exporting of trap rock to be used in the construction of boulevards or streets, principally, if not altogether, so far in the city of Cleveland, Ohio. The quarries of this company are situated on some small islands on the north shore of lake Huron, south of the township of Johnson. Last year their product was taken from Poole Island, about two miles southwest of the mouth of Portlock river and about one mile and three quarters southeast of Walker river. There are said to be about 100,000 tons of available rock on this island, while on Walker Island the quantity is thought to be about 500,000 tons. At this latter place the company has in contemplation the erection of a dock for shipping purposes. Situated as the properties are on the deep waters of Lake Huron, they enjoy the advantages which all-lake carriage and resulting cheap freight rates can give them. The rock is loaded directly out of the quarries on to the vessels which discharge it on the docks at Cleveland. It is used at the latter place in the construction of carriage drives or boulevards in connection with the park system of the city, where about two miles of road thirty feet wide were built of it by the Board of Park Commissioners in 1895. Though its use there has so far been confined to roads of this sort intended for light travel only, for which purpose it has given eminent satisfaction, there appears to be no reason why it should not prove equally well fitted for heavy traffic streets with necessary changes in the method of construction. In the Cleveland boulevards, the Telford-Macadam system of building roads was adopted, a foundation of hard limestone, equal in quality to Mahoning Valley limestone, ten inches in thickness, being first laid down. The Park Commissioners specifications require that these stones shall be four to ten inches in width, eight to twenty-six inches

in length, and not less than ten inches in depth. They are laid on their broadest edges, lengthwise across the roadway, and are bound by inserting and driving down stone of proper size and shape to firmly wedge them in place. Upon this foundation is spread the macadam, made of broken trap rock. For the bottom course the stone is required to be crushed to a size that will pass through a screen with two and a fourth inch round holes, and will not pass through a screen with one inch round holes. This is spread upon the foundation to such a depth that when thoroughly rolled, its surface is two inches below the finished grade of the street. Fine screenings, such as will pass through a screen with one inch round holes, but will not pass through half inch round holes, are laid and spread to a depth sufficient to bring the surface half an inch below the finished grade. Fine screenings and dust are then applied to bring the surface up to grade. As to the quality of the road thus made, Messrs. W. H. Ford & Co., 128 Chaplain street, Cleveland, contractors for the work, speak as follows, under date of October 19th, 1895:

"We have about completed a boulevard for the park commissioners of this city, in which we have used 12,500 gross tons of the trap brought from Poole Island, Georgian Bay. We consider we have the best road in the world, and it has been so pronounced by the different interested people who have visited this city and inspected it. They were here from Chicago, Detroit, Youngstown and other places. Having made a visit to several places in the Eastern States for the purpose of examining the roads built by trap rock and comparing them with ours, we have no hesitation in saying that the trap rock used here is harder, freer from quartz or vein matter found in other trap rocks, and therefore better suited for roadbeds."

Some of our Ontario towns and cities may perhaps desire to emulate the example of Cleveland in the matter of well paved boulevards or drives, and if so, and their location is such as to admit the transportation of the raw material by water, they are not likely to find a road covering of better quality than the trap or quartz diabase rock of which an immense supply exists in our own province. On the north and northwest shores of lake Superior are thousands of square miles in extent, whose overlying strata, as displayed in the summits of numerous hills, are composed of trappean rocks, the relics of volcanic action on a titanic scale in a long past age. The promontory of Thunder Cape, the mass of McKay's Mountain, the rocks of Pie Island, the "Paps" on the St. Ignace, and Simpson's Islands and about Point Porphyry. In some parts of the north shore, the trappean rocks are of great thickness, having in places a depth of 6,000 to 10,000 feet. In its lower portions, the overflow is usually massive and crystalline, but it becomes more

amygdaloidal towards the top. From Pigeon River to the Kaministiquia, and from Thunder Bay to Nipigon Bay, the shore of lake Superior and the country to a considerable extent inland, including a large area north, west and south of lake Nipigon, exhibits this trap overflow in enormous development. Farther east, varieties of diabase or chloritic trap says Dr. Chapman, occur in the form of dykes and intercalated bedded masses among the Huronian strata of lake Superior, as in Michipicoten Island, as well as Gros Cap, Cape Mamainse, Point aux mines, Goulais River and elsewhere. On the north shore of Lake Huron, trap is of common occurrence, and dykes of the variety known as greenstone are found in the Madoc and Marmora region, and so on the St. Lawrence river below Kingston. That the whole of this almost illimitable store of rock would on trial prove suitable for road material, cannot be affirmed, but there seems to be no reason why a large proportion of it should not. It can hardly be doubted that if trap rock came actively into demand, the Province of Ontario should furnish enough to cover all the streets of all cities of North America for hundreds of years to come. Cheaper, because more accessible, materials are now employed in the construction of roads within our own land. The tough, durable trap when broken to proper size forms a much more lasting pavement than the soft limestone gravel of which our best country roads are now made, and if it could be supplied at low enough cost, its use would not be confined to cities and towns, but might also be extended to the prosperous and thickly settled agricultural parts of the province, where easy travel and good roads are a prime necessity."

As a result of an investigation in Hamilton before Judge Snider, into affairs of the House of Refuge, a number of contracts for supplies have been cancelled, and the matron suspended. The examination disclosed a prior understanding among those tendering on these contracts, whereby the successful contractors had, for a consideration, reduced opposition to a formality. Neglect to see that the contracts were properly carried out was the cause of the matrons dismissal, in view of the fact that a most extraordinary amount of meat and tea has been consumed by the inmates of the institution.

Toronto usually contrives to have some sort of an investigation in progress. Charges of nepotism have for some time hung over the heads of a number of aldermen and civic officials, more particularly those connected with the Public Works department. A rather serious condition of affairs is disclosed, and drastic measures are proposed.

St. Thomas has this year spent \$25,000 in road improvement and sidewalks.

ENGINEERING DEPARTMENT.

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

During the past summer a great deal has been said and printed about "Good Roads," and it is in reality the first time question has ever been placed before the people for their earnest consideration. True, a large amount of labor and money has been expended on our roads, but so little thought has been given to the work that results are by no means commensurate to the expenditure. They have not had a sufficient place in the public mind. The early settlers were obliged to build roads, and united their efforts in clearing, draining, grading and bridging, and making the best possible thoroughfare of the leading roads to the settlements, with the means at hand. As the road mileage increased they were more disposed to expend the time in improving the roads leading to their own farms, and finally as far as possible in front of those farms. Thus the forces became scattered, and subsequently the work done is of a temporary nature. In those pioneer days there was no municipal treasury from which appropriations for road improvement could be drawn, and the people realized the importance of roads, and knew no other means of obtaining them but by their united harmonious and zealous efforts, and they faced the problem as they faced the battle with the forest, and the improvements on the roads were made consistent with the improvements on the farms.

Attention is now more closely directed to personal affairs, and accordingly interest in public affairs has decreased until the roadwork amounts to little more than putting in time, and the shorter this time the better pleased are the majority of rate-payers. As interest in the roadwork began to wane, the municipal council was asked for assistance, this, to a small degree was granted, and to-day in the province it amounts to about three and a half millions of dollars yearly.

In some sections the people have almost come to the conclusion that it is the duty of the council to keep up the roads and that it has some mysterious fund from which to draw the money other than that created by taxation, and rather than duly perform the work ascribed them by law, much less volunteer a few days labor to repair a defective roadway, they will lose a day in waiting upon the council to obtain a few dollars for the work. As a general thing good results are being accomplished by the money expended by the councils, but for want of a uniform system even this is largely wasted.

Townships have from 3,000 to 5,000 days statute labor, and if this together with the large amount of money now appropriated was concentrated and expended under proper direction, we would, in a few years, have roads equal to those of any country.

In the majority of townships, the municipal council has no supervision of the statute labor and very little say in the appointing of pathmasters, this being done on the recommendation of the beat which passes the job around—this is a mistake. The average township has 100 pathmasters, some reach 150 and it cannot be expected that they will all have the same idea of roadmaking and being constantly changed must necessarily create disconnected and unsystematic work, waste of labor, use of inferior material, clashing of ideas, jealousy, dissatisfaction and failure.

The care of roads is the most important part of municipal business and should be under the absolute control of the council; it should draw up a plan classifying the roads and specifying the width of grade and the width and depth of gravel or stone according to the class and nature of the traffic, specify the amount of crown for the grade and the system of drainage to be adopted and shortly setting forth the principles of road construction and how they should be observed, choose the gravel beds and provide for a proper inspection of the material as it is loaded, so that nothing but gravel will be hauled, reduce the pathmasters' list to a workable number and appoint them upon merit and make their position secure.

Let the council in a body inspect the roads in the spring of the year (or have a man appointed for that purpose) and with the pathmaster examine the bridges and culverts, and decide what work shall be undertaken and what grants should be made to each section so as to unite the labor and money. Provide modern roadmaking machines and place them in the hands of careful operators, the teams to be furnished by statute labor, issue instructions to the pathmasters, regulating the size of gravel boxes, etc., and see that these instructions are carried out, inflicting the proper penalty for non-compliance. In a short time, the people will see the benefit, and progress and enthusiasm will be created and good roads, will, in a few years, result without additional expenditure.

* * *

When all roads are good, even back concessions, which are still in a state of nature, people are heard to say, "our roads are very good, and we think, compare favorably with those of any township in the province." This is the very agreeable way lazy people have of satisfying their lazy consciences, but is by no means the expression of the younger and more progressive farmer. He does not measure the goodness of the roads by their condition when baked by the summer sun, but by their condition during the wet seasons of spring and fall, when time is largely spent between the farm and the market, rapid transit is as essential to him as to the city inhabitant, to whom wear and tear on horses and vehicles is an important item. Such a man measures the dis-

tance between his farm and market not by the number of miles, but by the condition of the road at all seasons. He is not solaced by the bad condition of the roads in other townships but by the perfect condition of those in which he is interested, believing that the prosperity of a people depends upon the improved condition of their surroundings, and that example creates strife, strife creates enthusiasm, and enthusiasm, finished work.

Let the people of every municipality observe during the next few weeks the condition of their roads and the effect of the expenditure of their labor and money during, say the past ten years, and especially that of the past summer, and see if the improvement is consistent with the outlay of 3,000 to 5,000 days labor, and a couple of thousand dollars; if not, reform in the matter is necessary.

The greatest improvement for the present outlay is the object of the Good Roads movement, and the wet season is the time to study roadmaking.

Bridges on Drainage Works.

A difference of opinion regarding the payment for construction of bridges on private property over the Sixth Line drain Sarnia township has arisen between the council and some of the property owners, and unless a settlement is arrived at a lawsuit will be the result.

The specifications for the construction of the drain on the Sixth Line called for the construction of bridges on private property as well as those on the public roads, and they were included in the contract. They were accordingly built by the contractor and he was paid for the work.

Recently Mr. Fralick, Mr. Southorn and one or two others, upon whose property bridges had been built, ascertained that the drainage law allowed private owners \$15 for each bridge required on their property and they made a claim upon the township for that amount each. The claim was assented to, by the council under the impression, it is alleged, that the claimants had built the bridges, and the reeve issued his warrants for the amounts, which were duly paid by the treasurer. Subsequently the reeve learned that the contractor had built the bridges and had been paid for building them, and he made a demand on Mr. Fralick et al for the return of the \$15 paid each of them. It is said they have refused to refund and that they will fight the case in the courts—claiming that the township had no right under the law to include the building of the bridges in the contract, and that payment to him for these bridges was illegal, as the statute said the money should be paid to the property owners.

It is a novel case, and the result will be watched with considerable interest.
—Observer.

Uprighting a Tall Brick Stack.

Under the above heading, *Brick* describes the method by which Mr. E. W. Seamans, of Grand Rapids, Mich., succeeded in righting at the Standard Concrete Manufacturing Works, at Norristown, Pa., a tall chimney that had declined considerably from the perpendicular:—

At the company's works there is a brick smokestack, 122 feet high, and eleven feet square at the base. The walls are thirty-six inches thick, and the whole structure weighs not less than 400 tons. Some time since the top of the stack began to lean over and, when it inclined forty-five inches from a vertical line, it was felt to be too dangerous to allow to go further.

It was agreed that any attempt to pull it back to a perpendicular position would certainly cause its destruction. Contractors would not undertake the task of righting it for any less sum than the cost of pulling down and rebuilding it. So Mr. Seamans thought out an entirely original scheme for straightening it; this he had to carry out himself, as no one would take the risk.

To raise the sunken side of the stack was an impossibility. The only course left, therefore, was to sink the other side four and one-half inches. To accomplish this ten and one-half inches of brick-work was removed from the foundation on three sides. As the bricks were removed, square blocks of wood were inserted, one after the other, until three sides of the towering mass of bricks rested on wooden cubes. Between the blocks supporting the stack, temporarily substantial brick piers, six inches high were built, leaving the space of four and one-half inches between the top of the piers and the bottom of the undermined brick work.

The foundation was now in readiness for the culminating feat, the removal of the wooden cubes, which successfully effected, the side of the stack would be lowered to the piers prepared for supporting it, while the interstices were bricked in. The blocks had to be removed gradually and simultaneously.

Each block was ignited, and all were kept burning briskly. If one burned faster than the others, the fire on that particular block was quenched until the others reached the same stage of incineration. Thus all were made to burn uniformly, and as the blocks were being reduced to ashes, the stack slowly righted, until the last ember died out, when its top was on a vertical line with its base.

The entire work consumed one day. The reduction of the wooden blocks to ashes required an hour. In that time the top of the stack moved forty-five inches, but so slowly that the men with powerful field glasses could not detect the slightest motion.

The early inhabitants of the Nile Valley had excellent roads, paved somewhat in the macadam style of the present day.

Pavements.

All kinds of pavement are good when laid in the right way and in the right place. It is folly to condemn without proviso any one variety of pavement, for however defective it may be found under one set of circumstances, under other circumstances it is altogether probable, that it would be the most economical and serviceable that could be used. For instance, cedar block is commonly looked upon as an entire failure for paving purposes. Cedar block has failed in a great many instances, on account of the weak and undrained foundation on which it was placed. It has failed in other instance, on account of the poor material used. In other cases it has failed by reason of a damp and unfavorable climate. It has failed frequently because of the excessive traffic to which it was subjected. While the writer would scarcely advise the use of cedar block to any great extent in Ontario, yet it is easy to conceive of a dry climate, a loose porous sub-soil, and other facilities for securing a good foundation, an abundance of choice material close at hand, all of which would possibly go far to render cedar block the most desirable paving material in that locality.

One is sometimes asked for an expression of opinion regarding the relative merits of brick and asphalt, irrespective of the traffic, the climate and other matters affecting their durability. The only reply which one could give to such a question is, that both are good; or to look at it from the other standpoint, both are bad. Brick pavement appears to be the ideal pavement for the business streets of towns and smaller cities. The cost is from one-third to one-half less than asphalt, is not objectionably noisy, does not decay readily in a moist climate, and will support a considerable weight of traffic.

Asphalt is suitable for a business thoroughfare, where a slightly stronger pavement than brick is needed to support a somewhat heavier and more constant traffic. The destruction of asphalt arises more from atmospheric effects than from wear, a certain amount of traffic being beneficial rather than detrimental. It is suitable too, for a residential street on which there is too much travel to permit the laying of a macadam pavement, and where a more costly effect is desired.

Macadam is pre-eminently the favorite pavement of horsemen, and if properly built and maintained is considered by many as superior in appearance to asphalt. In hot weather it is scarcely possible to subdue the dust on an asphalt pavement by sprinkling, but macadam can easily be kept moist. Macadam should in Ontario supplant asphalt on residential streets where the traffic is not too great. Brick is not, in appearance, equal to a well kept macadam, and should be used on residential streets, only when for economy a stronger pavement is required, and when the handsome effect of asphalt is not required.

Granite block is suitable only for support of excessively heavy loads, and may be used when driving for pleasure when noise is not objectionable. Cobble stone is sometimes a cheap substitute for granite.

The same principle of economic fitness between the paving material and the circumstances of wear to which it will be subjected, must be carried out in the construction of country highways. We have to consider the character of natural soil on which the metal is to be laid—whether loose and porous or retentive; whether a light sand or a dense clay. We have to consider the qualities, which the traffic over the road will require of the pavement; we must consider the availability of material for surfacing the road, whether economy advises the use of the metal at hand, or the bringing of a more suitable stone or gravel from a distance. The science of roadmaking is by no means a simple one, and to be able to speak with authority at all times, means a lifetime of experience and research.

An Advocate of Good Roads.

The marks of a long pedestrian tour were thick upon him.

He sat down to rest on the carriage step in front of a rural residence. The proprietor happened to pass and paused to look at the rather unsightly addition to the landscape which the traveller made.

"What are you doing in this part of the country?" he asked.

"Walkin'," was the answer.

"Haven't you any work?"

"Walkin's as hard work as I know of in this part of the world; up hill an' down holler; ye climb a rock pile one minute an' land in a mud-hole the next."

"You ought to be ashamed of yourself."

"I ain't altogether ter blame fur lookin' this way. The road's ter blame fur some of it."

"I was referring not to your appearance but to your method of life. You are a man in middle life. Don't you think it's about time you were mending your low ways?"

"Mister, did you ever go ter Sunday school?"

"Of course."

"Do you remember hearin' 'bout it's being a good idea not ter bother 'bout the mote in yer neighbor's eye tell ye cast the beam from yer own?"

"I remember that lesson."

"Well, mister, when yer talk ter me 'bout mendin' my low ways, I'm willin' ter listen respectful, 'cause I know I ain't perfect. But I can't help remarkin', without meanin' offense, thet my low ways don't need mendin' a blessed bit more'n your highways do."

As late as 1770 the journey from Liverpool to London was dangerous on account of the bad condition of the roads.

LEGAL DEPARTMENT.

JAMES MORRISON GLENN, LL. B.,
Of Osgoode Hall, Barrister-at-Law,
EDITOR.

LEGAL DECISIONS.

Ellis vs. Town of Toronto Junction.

Police Magistrate—Appointment without Salary—Salary given and Subsequently Withdrawn.

The plaintiff was appointed police magistrate for the town of Toronto Junction by commission of the Lieutenant-Governor, expressed to be without salary, in 1892, the town council having previously, in 1890, requested that a police magistrate should be appointed. In 1890 the population was under 5,000, but in 1892, when the appointment was made, it was over 5,000; and on the plaintiff demanding \$800 per annum as salary, asserting that it was his due under R. S. O., c. 72, the town council at first paid him this salary. In 1894, having first in vain tried to get the plaintiff to resign, the town council resolved to pay him \$400 a year, which the plaintiff agreed to accept. In 1895 the town council resolved to discontinue the plaintiff's salary altogether. Held, that the plaintiff, not having been appointed as a salaried official, had no right to a salary as one of the incidents of his office, and R. S. O., c. 72, s. 28, did not apply, and the town council were entitled to act as they had done.

Payne vs. Coughell.

Before Boyd, C., Ferguson, J., Robertson, J.—Judgment upon rehearing of case (by consent) as upon a motion for judgment on a special case, neither party desiring to add the Corporation of the County of Elgin as parties, and the judge of the first instance refusing to give judgment unless they were added. The action was brought by the plaintiff, on behalf of himself and all other subjects of her Majesty, who used, or were entitled to use, a road called the London & Port Stanley road, to have it declared that defendants had no right or authority to exact tolls on the road, or to obstruct it by placing toll-bars on it, for an order directing defendants to remove these obstructions, for an injunction to restrain defendants from the use of the road, for damages, and for a return of tolls paid by plaintiff on October 12, 1895. The defendants' right to the road and to exact tolls from those using it was based upon a lease from the County Corporation to Hepburn, whose assignees defendants claimed to be, of the road and all the appurtenances, etc., for 199 years. Plaintiff contended that the County Corporation never had a right to lease the road to individuals; that if they had such right it could not be exercised except by by-law, and that the collection of tolls was illegal under 9 Vic., ch. 37, and bad in the whole for excess. Judgment for plaintiff for the declaration order and injunction asked, with costs. No damages.

QUESTION DRAWER.

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

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

Communications requiring immediate attention will be answered free by post, on receipt of a stamped addressed envelope. All questions answered will be published.

Not a By-Law.

310.—F. J. C.—On page 202, last issue of THE MUNICIPAL WORLD, you quote, apparently with approval, from the by-laws of the township of Hay the following, when speaking of the duties of the clerk: "It shall also be his duty to exercise a general supervision over all the other officials of the township." This appears to me to be both improper and illegal. This duty is, by section 244, Municipal Act, 1892, laid upon the head of the council, and I do not know of any authority for transferring this duty to the clerk.

On the same page you use these words: "We quite agree that by-laws not authorized by statute cannot be enforced." Now, where the statute lays a duty upon one body or person any by-law transferring such duty to another body or person is clearly illegal.

The extract referred to is not part of a by-law although printed on the last page of the book of by-laws. If the clerk, with the consent of the council, performs duties that properly belong to the reeve, it does not relieve the reeve of his responsibility.

Taxes on Marsh Land.

311.—W. H.—Can a Municipal council compel a man to pay taxes on marsh land to which there is no road allowance? The owner cuts wild hay on the land.

Yes.

Notice re Election of School Board by Ballot.

312.—J. H. O.—Several years ago (say seven or more) the school board gave notice sec. 58 of the Public School Act, requiring the election of trustees to be held by ballot, and each year since then the election has been so held (this is an incorporated village). Does the one notice that they gave years ago answer until they want the mode of election changed, or do they have to give notice at the end of each three years if they want the ballot system to continue?

Where a notice has once been given pursuant to section 58, requiring the elections to be held by ballot, no further notice need be given.

Fenceviewers' Jurisdiction—Collection of Costs.

313.—Z. R., Algoma.—A is proprietor of lot 7. He sold four acres of said lot to B, and decided together that the line be at such place for the work between them. After a number of years A got his line run by a surveyor, and such line passed on B's share of land, but B objected that the said line was no good, and everything lies in dispute between the parties. A went and notified the fenceviewers of the municipality to have the fence that was built by both parties before, ordered to be put at the right place. The fenceviewers came and exam-

ined the premises, but on account of the difficulty existing between the two parties they did not do anything, but before leaving the place they charged A to pay \$1 for the mileage. A refused to pay before they had performed the work that they were called for. The fenceviewers came to the council and got pay for the same, and the council charged A by collection to pay the \$1.

1. Have the fenceviewers a right to get pay by the council for the same?

2. Has the council a right to charge the same to A by collection?

1. Authority is given to councils by section 479, Consolidated Municipal Act, 1892, to remunerate fenceviewers and other officers. We are therefore of the opinion that the payment by the council to the fenceviewers is legal, but the council was not bound to pay the fee unless there is a by-law regulating the fees and the fee paid was payable under the by-law.

2. No. It does not appear to be a case in which the fenceviewers had jurisdiction to make any award. They have no power to fix the true boundary between two properties and even if it was a case in which they had jurisdiction they did not make any award, and without an award the council has no authority whatever to compel A to pay the fenceviewers fees. See chapter 48, of 52 Vic.

Proceedings to Widen Roads.

314.—J. C. B.—Concession roads in our township were all surveyed sixty-six feet wide, but some of the adjoining land owners in fencing took in say eight or ten feet of the road. By a large petition of ratepayers the Council now want the road the width of 66 feet and has notified the owners to move their fences off.

1. If they refuse what is the next step to be taken?

2. Is it necessary to give them the eight days' notice before passing the by-law to widen the existing road? Or is it necessary to pass a by-law when the road was located and should have left the sixty-six feet?

We do not think that this is a case within sections 552 and 553, Consolidated Municipal Act, 1892, but as a matter of precaution it would be well to give the persons in possession eight clear days notice in writing of the intention of the council to open the original allowance for road to its full width of 66 feet if that is its width according to the original survey, and after the expiring of the eight days, have the council pass the by-law naming in it a commissioner, who is thereby authorized, with such servants as may be necessary to remove all obstructions on the road allowance. The council and its officers and servants, acting in good faith would then be protected under section 549 of the act in case they should make any mistake in opening the true site of the road.

How to Ascertain Road Lines.

315.—A. H. M.—There are several roads in our township that are not more than thirty feet wide when they ought to be sixty-six feet. The parties who own the lands on opposite sides have put up their fences and claim that they are up in their proper places. There are no corner posts to be found at the present time, and the lines will have to be run by a surveyor.

Will the municipality have to pay for the

running of these lines, or will the parties who have their fences on the road pay all or part of the costs?

The council may, under section 39 of chapter 152, Revised Statutes of Ontario, 1887 make application to the Lieutenant-Governor to have the boundaries of lots ascertained and marked. Sub-section 3, of that section provides, the cost of such survey shall be defrayed in the manner prescribed by section 37, said act. Upon reference to section 38, it will be found that the expenses may be levied upon the proprietors of the lands interested.

Warden—Term of Office.

316.—G. H. K.—At an election for warden for county council under County Councils Act of 1896, is the warden elected for the term of two years or only for one year?

Two years.

Collector's Authority to Distrain—Owner's Responsibility for Damages by Horses.

317.—D. E.—1. Can a collector seize goods and chattels of an incoming tenant for taxes, the tenant who was assessed having left the premises.

2. A owns lot 1 and is tenant on lot 4, and assessed for both. Before taxes are due mortgagee of lot 1 closes mortgage. Can collector go over on lot 4 and seize A's goods for taxes due on lot 1?

3. On Hallowe'en some parties took gates off and let horses out on the highway. Two days after said horses ran into a rig going along highway and broke same. Is owner of horses responsible for damage? Horses not allowed to run at large in this municipality.

1. Section 6, of the Assessment Amendment Act, 1896, provides as follows: "In case of distress for the non-payment of taxes where the owner or person assessed is not in possession, the goods and chattels on the premises not belonging to the person liable for the taxes shall not be subject to seizure." Section 7 of the same act provides as follows: "7. (1) Sub-section 1, of section 124, of the said act, is hereby amended by striking out the words "or of any goods or chattels found on the premises, the property of, or in possession of any other occupant of the premises," in the 12th, 13th and 14th lines of the said sub-section. There are certain restrictions in section 6 which deprive an executor, creditor or a person whose title is derived by purchase, gift, transfer or assignment from the person so liable, from the exemption conferred by that part of section 6 which is set out above. Assuming that the tenant has not derived title from the person liable for the taxes, the collector cannot lawfully seize his goods for taxes. For fuller information upon this subject, we would refer you to the notes which have been prepared and now accompany Glenn's Collectors' Guide.

2. Yes, if lot 4 is in the same county. See Glenn's Collectors' Guide, pages 8 and 9.

3. No.

Occupant Liable for Taxes on Crown Land.

318.—J. H. M.—We have a vacant lot which is assessed to a party here "resident" (who has plenty of other real and personal property) and

for which there is no deed from the Crown for, i. e. this particular lot, and by being assessed for some years to tenants and himself without anything being on the lot, we have been unable to collect the taxes on the assessment and same has been returned to the county treasurer and is now entered in roll as "occupied lands." Have we the right to collect the "arrears" and present year's taxes from this party with his taxes as charged to his other property, this being only property of his with arrears, and could we legally make seizure of the chattels belonging to him on his other properties for the taxes on this vacant lot, as, of course, he never has anything on this lot that we could seize?

Without fuller information, we cannot express an opinion as to whether the arrears of taxes can be recovered in this case. It is not shown why the taxes were not collected each year, unless it was because the collector was under the impression that he could not make the taxes out of property upon other premises than those upon which they were imposed. If the party has property upon other lands in the county out of which the taxes can be made, there is no reason why the present year's taxes cannot be made if he has any goods and chattels anywhere in the county in which the municipality where the lot is, is situate. See Assessment Act, section 7, sub-section 2, exemptions and Glenn's Assessors' Guide note (m) thereto.

Supplementary Collector's Roll.

319.—A. B.—Is there any authority giving the clerk of a municipality the lawful right to add a supplementary list of taxes to the collector's roll after such roll has been certified and delivered to the collector? I have been told that clerks have such jurisdiction, but have failed to find it or otherwise failed to understand the meaning. The case before me is this: A pathmaster failed to return his road order until November 11th. The return shows that certain statute labor has not been performed, and I would like to know a remedy if such belongs to my duties.

Our own view accords with yours. Sections 101 and 120, of the Consolidated Assessment Act, 1892, govern such cases.

Order or Garnishee Summons.

320.—T. A. M.—Our municipality has issued a garnishee against a sum of money held by the president of a cheese factory, due to a patron of said factory, such patron being an acknowledged debtor of our municipality. Previous to the garnishee being served the president of factory had received an order, drawn in favor of said patron's son for the amount due him. It states on the order that the said amount is for wages due son. The president received the order, but did not endorse it as "accepted," neither did he mark date of receiving order. Does the order drawn for wages and received as I have stated, hold said amount of money in preference to garnishee?

If the order is in proper form to constitute a good equitable assignment it will have preference over the garnishee summons. Without a copy of the order, we cannot say whether it is a good equitable assignment, and even then it may be shown by verbal evidence that there was an equitable assignment of the amount of the order and if that can be shown, the garnishee summons will be subject to the right of the sum to be paid first.

Fines Cannot Be Remitted.

321.—W. F.—Can a town council remit a fine after it has been paid to the treasurer and cause the same to be paid back?

No. The fine having been paid, the money forms part of the funds of the municipality and must be applied for the lawful purposes of the municipality.

Error in Assessment Roll—Collection of Taxes.

322.—J. B. P.—The assessor has delivered a slip in making his assessment roll marked thereon in column 17, \$250, and on the roll \$1,050. This last amount is the sum the property was assessed for years previous.

1. Can the ratepayer refuse to pay the taxes for more than \$250?

2. What is the duty of the council in the matter?

1. Section 65, of the Consolidated Assessment Act, 1892, makes the roll binding, notwithstanding any defect, error or misstatement in the notice which the assessor is required to give the party under section 47, or the omission to deliver or transmit such notice. This language appears to be wide enough to make the roll govern so that he must pay taxes on \$1,050.

2. It has none. The duty rests with the collector.

Poll-Tax—Liability of Owner for.

323.—W. P.—Does the fact of a person owning property in other municipalities and being assessed and doing statute labor for said property, exempt them from paying poll tax in the municipality where they reside, they not being assessed on the assessment roll of the municipality in which they reside?

See section 90, Consolidated Assessment Act, 1892, which provides, subject to the provisions of the next preceding section, no person shall be exempt from the tax in section 88 mentioned, unless he produces a certificate of his having performed statute labor, or paid the tax elsewhere. Under this section he is exempt upon proof of what is required by it.

Threshing Engine Accident on Bridge—Liability of Municipality.

324.—G. L.—J. S. owns a threshing engine about 5000 pounds weight. In crossing over a bridge the bridge breaks down upsetting the engine into the water and breaking some parts of the engine. J. S. asks some of the neighbors in the vicinity to assist him in getting the machine out. Can he claim pay of the council for repairing engine or for the men helping out. Neither pathmaster nor council knew the bridge was unsafe as an engine of the same weight had passed over safely a week before?

The corporation is not liable unless its officers have been negligent. Actual notice of a defect to some officer of the corporation is not always necessary. It is the duty of a corporation to inspect its roads and bridges and see that they are all kept in a fit condition for ordinary use, and if it neglects to do this it may render itself liable, though it has not had actual notice of the defect causing the injury. It may be shown in this case that the bridge was so old that the timbers were decayed and that if the corporation had examined the bridge it would have discovered that the timber had decayed, and

that it was negligent in not having made an examination. Without a knowledge of the fact we cannot express an opinion as to whether the corporation is liable or not.

Maintenance of Township Lines in Districts.

325.—W. H. E.—Our municipality was formed a year previous to the one adjoining. We understand it is the duty of both to keep town-lines in repair, and each council put the same amount of work on. Our township has done at least twice as much work (except repairing a bridge) as the other township. What steps should we take to have them do their share? We have no county organization. The water all along the line runs off the other township to ours.

There does not appear to be any provisions affording a remedy for your municipality under its present conditions.

Qualification Municipal Candidates—Nomination.

326.—H. S.—I. A is down on assessor's roll as tenant in a hotel where he runs the boarding business. It is rated high enough. Can he qualify as a councillor?

2. B is down on roll rated for \$1,250, freehold. He has a mortgage on the property for \$900, notes to the amount of \$380. Can he qualify?

3. Is it necessary to pass a by law by council to enable clerk to deliver collector's roll to collector, or can it be done by resolution?

4. If those men in questions 1 and 2 cannot qualify, is it clerk's duty to refuse their nomination?

5. If no outsider objects, and they are elected by acclamation, would their election be legal?

1. We cannot see why he is not qualified. We assume that he is not licensed to sell spirituous liquors retail. See section 77, Consolidated Municipal Act, 1892, and sections 40 and 41, chapter 185, R. S. O., 1887.

2. Yes.

3. We think a resolution sufficient.

4. The clerk has no right to refuse nominations.

5. The fact that no objection is made and a man is elected by acclamation will not make his election legal if he does not possess the qualification required by law.

Clerk in Making Voters Lists to be Guided by Assessment Roll.

327.—C. P.—On our assessment roll are a great number of names.

1. Assessed as house holders, no valuation, (marked as H. H. or T.), the owner being assessed for the property.

2. Some assessed as (no valuation) M. F. or H. M. F.

3. Some assessed as joint owners with less than twenty acres meaning farmer's sons all in some other profession.

4. Some as joint owners (F. S.), of twenty acres but sons are clerks and don't make farming their business.

5. Some joint owners (F. S.), the father only has leased, not owner, don't live in municipality or on farm.

6. Some joint owners one-quarter acre lot just to give son a vote.

I contend that one-half I should put on part three according to the way they are assessed. Still I think they really should be on part one of right, but I don't think I could do it, that placing on part one was work of the Revision Court. I contend that a house holder as tenant, if the property is worth \$100, has a right to be put on part one, but in the absence of anything on roll to show a \$100 value I can't put on part one. I appealed to have all these house holders removed from part three to part one, but the sitting or acting judge ruled I should have put

them on part one first. I contend in the case of three, four, five and six that (unless actually joint owners) a joint owner as used in cases three, four, five and six must be farmers' sons actually living on and working the farm, and that the farm must not be less than twenty acres.

Looking at sec. 79, 80 and 85, it is probable there was enough shown on the roll to have justified putting the householder on part one, but in making up the Voters' List a clerk should be guided by what appears on the roll, and not by what the real facts of a particular case may be.

Nuisance on Highway—Medical Health Officer's Jurisdiction—Drainage.

328.—J. M. D.—1. The owner of a hotel for a number of years has run his waste water through a pipe on the street causing a stench from the earth having been saturated. Nine barrels of decaying vegetable matter has been removed from the ditch. The medical health officer, without consulting the Board of Health notified the owner to cease putting the water on the road. He did not comply. The medical health officer had the pipe cut and the offensive matter carted away, and presented the bill of cost to the council. Can owner be compelled to pay? The hotel has been leased about a year. Should the medical health officer have notified the tenant? Had he power to act without consulting the Board of Health?

2. There is an old railroad bed in this township which has not been used for over thirty years, and has never been assessed. Do not know the owner. There is a high dump running through A's land and about eighty yards of the road. The council dug a ditch around the end of the dump on road allowance, which let the water off the road on to A's land at the other side of the dump, where there is a natural hollow for the water to run until it joins the other course. A refuses in the future to let the council run the water on his land. All the water comes off A's land. He wants the council to dig a ditch through the dump. Can he do so, or can he prevent the council using the ditch already dug around end of dump?

1. We do not think the medical health officer had authority to proceed in the manner which he did in this case and charge the expense to the council, neither is the owner liable. The tenant should have been notified and proceedings taken for violation of section 4, By-law schedule A to Public Health Act.

2. The council have no right by the construction of the ditch in question to bring water which would not naturally flow there upon A's lands or in greater volume or with greater speed so as to cause damage to his lands. Where a municipality desires to get rid of surface water, the council should take proceedings under the Ditches and Watercourses Act.

May Exempt Mill from Taxes.

329.—W. R. McP.—A party has expended about \$6,000 in a grist mill here which will be a great benefit to the farmers of this township, and he asks to have it exempt from taxes. We hear other corporations talking of doing such things, and our council are willing to grant his request if they can do so legally.

1. Can a township council exempt grist mill from municipal taxes?

2. Do sections of Municipal Act, referred to in October issue of your paper, question 270, apply to exemption from taxes?

1. The council may, by a two-thirds vote of the members thereof exempt any manufacturing establishment in whole or

in part from taxation, except as to school taxes for any period not longer than ten years, and to renew the exemption for a further period not exceeding ten years. See section 366, Consolidated Municipal Act, 1892.

2. No.

Qualification for Reeve or Councillor.

330.—VOTER.—1. Is a reeve, deputy-reeve or councillor qualified to serve as such in a township or county who is assessed on real estate as follows: Freehold, \$400, and as tenant \$100, with an encumbrance on his freehold of \$300?

2. Also, is he qualified if he is assessed as follows: Tenant, on real estate, \$1,000, and personal \$200, with an encumbrance on the real estate of \$1,500?

3. If not qualified, would the proceedings done by the council of which he is a member be legal either in the township council or the county council?

1. No.

2. Yes

3. The law is that the acts of a municipal council are valid, as respects the public and third persons, though some of the members are really disqualified, but a disqualified member cannot claim any benefit himself.

Dog Tax By-Law for One Year—New Petition Necessary.

331.—TOWNSHIP CLERK.—In 1895 there was a petition presented to the council, with the names of twenty-five ratepayers, asking the council to pass a by-law not to collect a tax on dogs and bitches, as required by 53rd Vic., chapter 62, section 2 of the act to impose a tax on dogs and bitches. The council passed the by-law, as requested, dispensing with the tax on dogs and bitches for the year 1895. During the present year there has been no petition presented to the council in the matter of not taxing dogs; the council took no steps in the matter, as the reeve made a statement that he had been informed that it did not require a by-law to be passed every year, but it was understood at the meeting of the council in August that there was to be no taxes on dogs; there is, therefore, no taxes placed on the collector's roll this year against dogs. There has been application made to the reeve to be laid before the council at its next session asking for payment for sheep killed by dogs, they basing their claim that there was no by-law passed by the council not to collect the taxes on dogs, the taxes should have been placed on the collector's roll against persons owning dogs, and that they would hold the council responsible.

1. Was it required to have a by law passed the present year not to collect the taxes on dogs?

2. As there was no by-law passed, should the taxes have been placed on the collector's roll against persons owning dogs?

3. Would it be legal at the next session of council if a petition should be presented to the council with the names of twenty-five ratepayers for the council to pass a by-law to that effect?

The by-law does not help the council because it was limited to the year 1895 under section 1, of chapter 62, 1890. There must be levied in every municipality a tax of one dollar for a dog. Section 18 gives the owner of any sheep killed by dogs under the circumstances therein stated a claim against the municipality for two-thirds of the damages sustained by him.

1. Yes. But the by-law passed in 1895 might, instead of having been limited to

1895, been drawn to continue until repealed. 2. Yes.

3. Yes. But it will not destroy claims for sheep killed before its passage.

Collection of Taxes on Hand—Owner Non-resident.

332—T. P.—1. Suppose A owns property in the Municipality, I am collector for, and is assessed for the same, but resides in another township, in the same County. Can I seize his goods at his place of residence for taxes due on said property, or is such land considered non-resident?

2. Is the Collector required to collect such taxes?

3. Is a person who is not the owner of property for which he is assessed and receiving no schedule from the Assessor of such assessment liable for taxes? If not, what is the collector to do?

4. Is a person residing in a rented house and owning a lot in the same municipality liable for taxes on said lot?

5. Explain what is meant by non-resident land. Is it land owned by persons living outside the municipality or outside the county?

6. Can a collector seize a beast, an implement or anything found, no matter who it belongs to, for taxes on non-resident lands?

1. A. is a non-resident. If he required his name to be entered on the roll, the procedure is under section 126, Assessment Act, 1892, which provides for distress upon the land itself only.

2. The collector is required to collect all taxes on his roll, or show why he cannot collect them, see section 136 of same act. 3. Yes.

4. Yes, if he has been assessed.

5. Section 3, of the Assessment Act defines "non-resident land".

6. We refer you to section 124 and 158, Assessment Act, and section 6, of Assessment Amendment Act, 1896, and "Glenn's Assessors' and Collectors' Guides" Note, X, section 126.

In case of a non-resident, the power of distress is only as to any goods or chattels which the collector may find upon the land. Any goods found upon the land, whether belonging to the party who ought to pay the taxes or to a stranger, are liable to be distrained unless expressly exempted."

Union School Section Rates.

333—O. B.—I am a resident in the township of Balfour, and I have a lot in the township of Rayside. The school section is part in Balfour and part in Rayside. The township of Balfour charges 2 cents in the dollar and Rayside charges 2½ cents in the dollar for the same school, as it is a union school section. Will you please let me know if Rayside has a right to charge 2½ cents when Balfour charges 2 cents for the same school?

Section 51, of the Public Schools Act, 1896, authorizes the assessors of the municipalities in which a union school section is situated, to determine what proportion of the annual requisition made of school trustees for school purposes shall be levied upon and collected from the taxable property of the respective municipalities out of which the union school section is formed. We presume that it was necessary for Rayside to levy a rate of two and one-half cents in the dollar to raise its proportion of the amount required by the trustees and if that is so, we cannot see how you can resist payment of the tax.

Dog Tax By-Law—Indian Dogs.

334—J. W.—Our council until lately paid two thirds value for all sheep killed by dogs after parties taking necessary oath. In the fore part of this year, by resolution of council, pay was stopped; there is no dog tax in township, nor has there been for several years. Can they do it? There has been a large number of sheep killed by dogs this season, and parties are talking of trying to make council pay for same. Can they do it?

2. Can an Indian or the Indian agent be made pay for sheep killed by Indian dogs?

3. Can a person lawfully kill an Indian dog, when it can be proved that he run sheep?

1. Section 1, of chapter 62, 1890, makes it imperative to levy a dog tax, unless the council upon the petition of twenty-five ratepayers has passed a by-law that the tax shall not be levied. Your council appear not to have passed any such by-law.

Section 18, of chapter 214, R. S. O., 1887, entitles the owner of sheep, killed by dogs, where the owner of such dog is unknown, to receive compensation to the extent of two-thirds of the amount of damage sustained by him. We are of the opinion that the municipality is liable under circumstances.

2. No.

3. No, but any person may kill any dog which he sees pursuing, worrying or wounding any sheep or lamb, whether he belongs to an Indian or anybody else. The intention of the legislature was to give any person the right when he catches the dog in the act, but he has no right at a subsequent time to kill a dog, on proof that the dog had run sheep. There are other circumstances under which a dog may be killed, see chapter 462 of act of 1894.

Purchase of Road less than Sixty-six Feet

335—J. C. B.—If a council purchase a road of less width than 66 feet, post all the necessary notices of the day the council intend to consider and pass the by-law for the opening and establishing the road. There have been no objections. The council pass the by-law. Does it require a by-law of the county council to confirm the by-law, or is permission by resolution sufficient?

The proper course was to have obtained permission from the county council first. Such permission should be given by by-law. See section 282, Consolidated Municipal Act, which provides that the powers of the council shall be exercised by by-law, when not otherwise authorized or provided for. Though the proper course was to have obtained permission from the county council first, we are of opinion that if a by-law be passed by the county council granting permission to the local council to lay out the proposed road and confirming its by-law, the proceedings cannot be successfully attacked because the act, section 545, says: "No council except the council of a city, &c., shall lay out any road, &c." It does not say, "No plan shall be passed" The road cannot be laid out until the required permission is obtained.

School Taxes—Collectors' Roll—Correction of Error.

336—J. B. P.—In making up the Collectors' Roll the amount of school taxes was charged \$6.40 too low by error. Could this be correct-

ed after the person assessed has paid the tax called for as marked on said roll, and how?

The municipal council appears to have power to correct the error. See sub-section (3) of section 67, "The Public Schools Act, 1896."

Municipal Grant to Agricultural Society.

337—W. A. M.—Can a municipality legally give grants to Agricultural Societies or loan money?

Yes, see chapter 17, Ontario Statute, 1894, and sub-section 9 of section 479, Consolidated Municipal Act, 1892.

Who may be Board of Health—Pathmaster not Eligible for Nomination.

338—BOARD OF HEALTH.—A council (township) appoints the reeve, clerk and three councillors, a board of health. One of the members, a councillor, on complaint, inspects certain premises and is hauled up and fined for trespass on the ground that the appointment was illegal, being councillors, and that each councillor was liable to a fine of \$100. The amendment to sub-section 1, of section 77, of the Municipal Act, of 1892 as passed in 1895, states that a contract disqualifies for councillor and you hold acceptance of office constitutes a contract, that would disqualify a councillor that accepted the office on the board of health, but would not make the appointment illegal, as the Public Health Act says three ratepayers and all the three councillors were ratepayers, and therefore in compliance with the act. Would you please answer the following questions:

1. Was the appointment of reeve, clerk and three councillors illegal?

2. Were the councillors disqualified?

3. Were they liable to a fine of \$100 each?

4. Is a pathmaster, who has taken the declaration of office, disqualified from being councillor?

1. Our answer to question 48, in the February number was, "we do not think there is any objection to the appointment of members of the council to the local board of health." By appointing members for a term of years as required by the act of 1895, it will only be a short time until some of the members at least are not members of the council. The desire of the Provincial Board of Health is to have the best available men appointed.

2. This also answers question 2.

3. Before answering this we would like to have further information.

4. The pathmaster being an officer of the the municipality, should resign before accepting nomination for office of councillor.

Dispute re. Statute Labor not Performed.

D. B.—**339**—A roadmaster returns a rate-payer two and one-half days unperformed. It appears that they had some dispute before they began to work and were in unfriendly terms, bad enough as not to exchange words. However, about one hour before the time was up the roadmaster left for home, and did not tell the others to quit work. Ratepayers can furnish two men to swear he did his work in full, and offers to bring those two men to the council. How should council decide this case?

The usual practice in a case of this kind is for the council to settle the dispute, and in doing so they may require the person in default to pay the amount charged for statute labor not performed. They may then consider his claim for work for which the pathmaster has not allowed him as an account against the municipality.

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