The Municipal World

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

Vol. 4. No. 5 ST. THOMAS, ONTARIO, MAY, 1894. Whole No. 41

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Any person replying to advertisements in this column will please mention THE MUNICIPAL WORLD

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Legal, Educational, Municipal and Other Appointments.

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   Last day for passing by-laws to alter School Section boundaries.—Public Schools Act, section 81.

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20. Earliest day upon which statute labor to be performed, in unincorporated Townships.—Assessment Act, section 113.

NOTICE

The publisher desires to ensure the regular and prompt delivery of THE WORLD to every subscriber, and requests that any cause of complaint in this particular he reported at once to the office of publication. Subscribers who may change their address should also give prompt notice of same, and in doing so, should give both the old and new address.

The Municipal World.

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COMMUNICATIONS. Contributions of value to the persons in whose interests this journal is published, are cordially invited. Those for next issue should reach the office of publication not later than the 20th of the month. Address all communications to

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

ST. THOMAS, MAY 1, 1894.

An exchange states that the council of a municipality in Western Ontario neglected or refused to furnish a statement of the municipalities' finances in December last, as required by law, and that the Lieutenant-Governor appointed a commissioner to enquire into its financial affairs.

* * *

Whitby has a by-law which stipulates that "no horses, cattle, sheep, goats, swine or poultry shall run at large in this corporation, with the exception of a milk cow for each ratepayer, and this cow must be giving milk all the time she runs at large." This is about the richest specimen of by-law architecture that we ever came across.—[*Uxbridge Journal.*

* * *

The township council of Scott has passed a by-law appointing two resident valuators for each ward in the township to assess the damages sustained by owners in having sheep or lambs killed, worried or injured by dogs. Ratepayers having sheep or lambs killed or injured may within twenty-four hours thereafter apply to either of the valuators to estimate the damages, and said valuator is required within twenty-four hours after receiving such application to examine such sheep or lamb, and assess the damage therefor and to give his written certificate to such owner as follows :—

I, valuator of damages to sheep or lambs killed, worried or injured by dogs in electoral division No. of the township of Scott, did on the day of , 189 , on the application of Mr.————, examine and assess damages sustained by him in having by dogs
That I fouud such in the enclosure of Mr. on lot No. in the con. of Scott, and believe the damage to have been caused by dogs.

Signed,

Valuator.

The owner of the sheep or lambs is required within three months to present the valuator's certificate to the council, and make affidavit before receiving pay for the sheep.

Courts of Revision.

The principal business of the majority of councils during the present month, will be the revision of the work of the assessor. In townships and villages the municipal council is the court of revision, but in towns and cities where the council consists of more than five members, the council is required to appoint five of its members to be the court of revision. It is the duty of the court to act only as they are authorized by statuate,and to try all appeals in regard to persons wrongfully placed on or omitted from the roll, or assessed too high or too low. Such complaints may be of 1st, Any person complaining of an error or omission in regard to themselves; 2nd, of a municipal elector thinking that any person has been assessed too low or too high ; 3rd, of the assessor where it appears there are payable errors. All appeals brought before the court must be decided one way or the other. The proceedings for the trial of appeals are that the assessor in assessing must leave for every person named on the roll as a resident, or having a place of business within the municipality, and transmit by post to every non-resident who shall have requested his name to be entered thereon and furnished his address to the assessor, a notice of the sum for which his real and personal property has been assessed. If the person receiving this notice finds an error or ommission, or is not satisfied with the amount of the assessment, he must within fourteen days after the time fixed for the return of the roll, which in the majority of municipalities, is the first day of May, give notice thereof in writing to the clerk of the municipality. The roll is to be considered as returned only when in possession of the clerk, and the certificate properly signed and sworn to. This may be done on some day after the first of May, and the right to appeal extends fourteen days after the date the roll was returned to the clerk. It is the duty of the clerk to advertise in a newspaper the time on which the court will hold its first sittings—ten days before the time of such first sittings—and cause to be left at the residence of the assessor a list of all complaints made against his roll, and notifiy all persons in respect of which a complaint has been made. In addition to this the clerk must post in some convenient public place within the municipality, a list of all the appeals against the assessor's returns, together with an announcement of the time when the court will be held. All this must be done at least six days before the sittings of the court, and no alterations shall be made in the roll unless under complaint formally made in accordance with the above provisions. In the case of palpable errors, the court may extend the time for making complaints ten days further. Sub-section eighteen of section sixty-four of the Assessment Act, provides that in such cases the assessor may be the complainant.

The roll, as finally passed by the court, is to be valid and bind all parties, notwithstanding any defect or error committed to or with regard to the roll, except as in cases appealed and for which special provision is made.

There seems to be an inclination on the part of many councils in villages and the smaller towns to consolidate municipal offices by appointing one man for the different positions.

Officers, when appointed by municipalities, before entering upon their duties, are required to make and subscribe a solemn declaration. In case of members of councils, clerks, treasurers, assessors, collectors, engineers, clerk of works and street overseer or commissioner, the declaration required is that provided in section 271 of the Municipal Act. This would prohibit one person from holding more than one of the above mentioned offices. An exception is made in the case of street overseer or commissioner, and sub section 479 of Municipal Act, provides that nothing shall prevent any member of a corporation from acting as commissioner, superintendent or overseer of any road or work undertaken or carried out in part or whole at the expense of the municipality. If it were not for some provision of this kind the contract between a corporation and a member to act as com missionor would be void. Until officers appointed have taken the declaration required, they have no right to excercise the functions pertaining to the office, and an acceptance by an office of another office incompatible with the first is ipso facto a vacation of the first office.

* * *

Every school board should furnish the scholarswith a clean, warm, odorless water closet. At this day and age, there is no excuse for the miserable, dirty, filthy water closets, which, as a rule, the scholars are compelled to use, when a dry closet can be placed in the school building where it is warm and comfortable, and be kept perfectly clean and without odor, which scholars can use without being exposed to the weather, and thus endangering their health and lives in winter, and disgusting their olfactory nerves in summer.

* * *

We notice that some municipalites that are unfortunate enough to have to pay large amounts for law costs consider it advisable to issue debentures for a term of years to provide for the payment of these costs. This can only be done by submitting a by-law to the vote of the people of the municipality. There are several objections to meeting indebtedness in this way which we have noticed more particularly in another column in this number, entitled "Estimates and Expenditures."

* * *

Am pleased with THE WORLD, and hope it will become a permanent institution, interesting and helpful to municipal officers, and profitable to the publishers.—W. J.

CORRESPONDENCE.

This paper is not responsible for opinions expressed by correspondents.

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

Debenture Calculations.

To the Editor of THE MUNICIPAL WORLD:

DEAR SIR,—Last year you published my system of calculating the equal annual payment of Drainage Debentures and Assessments, and believing that the matter is of sufficient importance to be of assistance to clerks throughout the province, I send you herewith a system of ascertaining the equal annual instalments of principal and interest to discharge a debt due in four and a half years, and four years and seven months, respectively.

To discharge a debt of principal and interest in a given number of equal annual instalments :

Multiply the amount of $1 for the given number of years by the interest of the principal for one year, and divide this sum by the compound interest of $1 for the given time. To discharge a debt of say $1,000 in 5 years at 5 per cent. :

1.05	amount of $1 in 1 year		
1.05			
1.1025	"	"	2 "
1.05			
1.157625	"	"	3 "
1.05			
1.21550625	"	"	4 "
1.05			
1.2762815625	"	"	5 "

The interest on $1,000 for one year=$50
1.2762815625 × 50 = 63.8140781250
63.8140781250 ÷ .2762815625 = $230,98 annual instalment
Amount of interest payable first year=$50
1,000.00 – 180.98 = 819.02 × 5 = 40 95
819.02 – 190.03 = 628.99 × 5 = 31.45
628.99 – 199.53 = 429.46 × 5 = 21.47
429.46 – 209.51 = 219.95 × 5 = 10.75
230.98 – 50.00 = 180.98 = Am't of 1st Debent're
230.98 – 40.95 = 190.03 " 2nd "
230.98 – 31.45 = 199.53 " 3rd "
230.98 – 21.47 = 209.51 " 4th "
11.00 = 219.95

DEBENTURES.	5	4	3	2	1
					COUPONS.
1 180 98					9 05
2 190 03				9 50	9 50
3 199 53			9 98	9 98	9 98
4 209 51		10 48	10 48	10 48	10 48
5 219 95	11 00	11 00	11 00	11 00	11 00
1,000 00	11 00	21 48	31 46	40 96	50 01

To discharge a debt in five equal instalments of principal and interest, interest to run 4½ years :

Multiply the amount of $1 for 4½ years by the interest of the principal for one year, and divide this sum by the compound interest of $1 for five years.

By the preceding table we find the amount of $1 for 4 years = 1.21550625
1.21550625 × 1.025 = 1.24589390625 = Amount in 4½ years
1.24589390625 × 50 = 62.2946953125 ÷ by the compound interest for 5 years =
62.2946953125 ÷ .2762815625 = 225.48 annual instalment.

The amount of principal first payable will be, for 6 months, $25.
1,000.00 – 200.48 = 799.52 × 5 = 39.98
799.52 – 185.50 = 614.02 × 5 = 30.70
614.02 – 194.78 = 419.24 × 5 = 20.96
419.24 – 204.52 = 214.72 × 5 = 10.74
225.48 – 25.00 = 200.48 Am't of 1st Debenture
225.48 – 39.98 = 185.50 " 2nd "
225.48 – 30.70 = 194.78 " 3rd "
225.48 – 20.96 = 204.52 " 4th "
10.74 = 214.72

					1st Coupons for 6 mo's
200 48					5 01
185 50				9 28	4 64
194 78			9 74	9 74	4 87
204 52		10 23	10 23	10 23	5 11
214 72	10 74	10 74	10 74	10 74	5 37
1,000 00	10 74	20 97	30 71	39 99	25 00

If for 2½ years, same rule, and divide by compound interest for 3 years, etc.

$1,600, payable in 5 equal instalments of principal and interest, for 4 years and 7 months :

The amount of $1 for 4 years and 7 months = 1.25095851

Multiply by the interest of $1,600 for 1 year at 5% and divide by the compound interest for 5 years =
1.25095851 × 80 ÷ .2762815625 = 362.224 or 362.23 annual instalment.

The amount of interest first payable will be for 7 months, 80 × 7 ÷ 12 = $46.67.
1,600.00 – 315.56 = 1,284.44 × 5 = 64.22
1,284.44 – 298.01 = 986.43 × 5 = 49.32
986 43 – 312.91 = 673.52 × 5 = 33.68
673.52 – 328.55 = 344.97 × 5 = 17.25
362.23 – 46.67 = 315.56
362.23 – 64.22 = 298·01
362.22 – 49,32 = 312.91
362 23 – 33.68 = 328.55
17.25—344.97

						1st Coup's for 7 mo's
315 56						9 20
298 01					14 90	8 69
312 91				15 65	15 65	9 13
328 55			16 43	16 43	16 43	9 58
344 97	17 25	17 25	17 25	17 25	17 25	10 06
1,600 00	17 25	33 68	49 33	64 23	46 66	

For the above, multiply amount of $1 for 4 years and 7 months by the interest, etc., etc., and divide by the compound interest for five years.

Yours truly,
GEO. SUTHERLAND,
Bosanquet.

The Bicycle Relay ride.

To the Editor of THE MUNICIPAL WORLD:

DEAR SIR,—The proposed bicycle relay ride from Sarnia to Montreal which is at present intended as a mere pastime, can be made of practical value if the attention of the riders be called to a few points ; each rider during practice as well as on the day of the speed test will have opportunities of obtaining accurate descriptions of the condition of our highways, he can without much trouble make notes mental or otherwise of the several kinds of road he runs over, whether gravel, macadam, or unimproved, clay or mud. The captain of a district, will, from the greater length of his run (extending to 50 miles and upwards) have a better advantage than the relay rider, if he too made notes, the joint information will be of great value. I have to suggest that the returns be sent to the secretary of the Ontario Good Road Association, Mr. K. W. McKay, St. Thomas, Ont. The information could be collated and presented through the columns of the MUNICIPAL WORLD in some form which will materially aid the work of the association, and perhaps influence expenditures on road repairs during the incoming summer. This will be a practical demonstration that good roads exert as much influence to-day in our country, as they did more than half a century ago during the halcyon days of fast coaches, driven over macadam's beautiful roads.

Respectfully,
ALAN MACDOUGALL,
Toronto, April 25th, 1894.

Equalization.

Section 78 of the Assessment Act provides that the council of every county, before imposing any county rate, and except in cases where the assessment is taken between the first day of February and the last day of July, shall yearly, not later than the first day of July, examine the assessment rolls of the different townships, towns and villages in the county for the preceding financial year for the purpose of ascertaining whether the valuations made by the assessors in each municipality bear a just relation one to another, and may, for the purpose of county rates, increase or decrease the aggregate valuations of real and personal property in any township, town or village, adding or deducting so much per centum as may, in their opinion, be necessary to produce a just relation between the valuations of real and personal estate in the county, but they shall not reduce the aggregate valuations thereof for the whole county as made by the assessors.

The best plan to adopt in equalizing the assessment of local municipalities in a county is to prepare a statement, showing

1st. All the municipalities in the county.

2nd. The number of acres in each.

3rd. The assessed value of personal property and income.

4th. The assessed value of real property.

5th. Rate per acre as assessed.

The assessors are required to rate property at its actual value, but the valuation of assessable property is, to a great extent, a matter of opinion, and so far as a county is concerned, for the purpose of county rates, a just relation is needed, in order that the rate levied may appear as nearly as possible equal on all local municipalities in the county. It is impossible, by statutory enactment, to say how this is to be done, and it is left to the judgment of those who are to conduct the operation, and who, by reason of their local knowledge, are best qualified to do so.

If the assessors' valuations do not bear a just proportion one to the other, an equalization statement has to be prepared. The council should fix upon some one township in the first place, as that in which the valuation appears to have been asses-

sed with the strictest regard to truth and justice, and then, having secured such a standard, they should take up each other township and adjust their valuation by the same standard. In doing this, they must be governed by their own judgment. It is entirely a matter of opinion whether, if land, cleared or uncleared, in township A, is valued at such a sum per acre, land in township B should be valued at any, and what other sum per acre.

There are various circumstances to be taken into consideration as bearing upon the question of computation and value, which the members of the council, chosen by the people themselves, are supposed to be acquainted with. The date of settlement of the township, the number of inhabitants, the quality of soil and of timber, abundance or scarcity of water, distance from market, convenience of communication by land or water, and the character of the inhabitants are matters that require to be considered in comparing one township with another. When the council has adjusted the proportionate value which land in one township bears to land in another, and shall have compared them all by some one standard, then they must decide how much should be deducted from or added to assessments in each township to make them all bear a just relation to each other.

After the equalization is completed, it should be adopted by the council in the form of a by-law. This by-law should also determine whether the council is willing to have a final equalization of the assessment in case of appeal, made by the county judge or not. If any municipality is dissatisfied with the report, they may appeal from the decision of the council within ten days by giving to the clerk of the county council notice in writing, and should state in the notice whether they are willing to have a final equalization of the assessment made by the county judge. In case of an appeal, and there is an objection to a final equalization of the assessment being made by the county judge, the county clerk is required to notify the provincial secretary of the objection, giving the name or names of the municipality or municipalities so objecting. The lieutenant-governor then appoints two arbitrators—one the sheriff or registrar of the county in which the appeal is made, and the other, the judge of another county, who, together with the county judge, form a court, and determine the matter of appeal, either with or without the evidence of witnesses. The arbitrators are required to give their judgment before the first day of August next after notice of the appeal.

If equalization by the county council is not satisfactory, section 269, of the Municipal Act, provides that the council of every county may appoint two or more persons for the purpose of valuing the real property within the county, and their valuation should be made the basis of equalization of the real property by the county council for a term of five years. The equalization of personal property would continue to be arranged by the county council. The valuators report to the county council and the right of appeal against their decision is the same as in the case of equalization by the county council.

There is sometimes a difference of opinion as to the meaning of section 82 of the Assessment Act, which provides that the council of a county, in apportioning the county rate among the different municipalities within the county, shall, in order that the same may be assessed equally on the whole rateable property of the county, make the amount of property returned on the assessment roll of such townships, towns and villages, or reported by the valuators as finally revised and equalized for the preceding year, the basis upon which the apportionment is made. Two things are indispensable for the working of this portion of the assessment law. The one is that yearly there should be an equalization for the purpose of producing a just relation between the assessments of all the local municipalities of the county. The other is that when this yearly equalization is completed, it shall be ready for use whenever it may, under the statutes, be properly used. The statute does not say that when the equalization thus provided, shall, in the year when provided, be used as a basis of taxation for that year. It may not be completed until the year is well advanced, and would not, under any circumstances, be valuable for county rates in the first half of the year, and could not, therefore, in the first part of the year, be made the basis of county taxation for that year. It was the intention of the legislature that the amount of property returned on the rolls, as finally revised and equalized for the preceding year should be the basis of apportionment for the current year. The basis in which the apportionment is to be made was not to be a fluctuating one, according to the caprice of the council for the year, but one perfected in the preceding year by the council of that year, and while it is the duty of councils this year to equalize the assessment rolls of 1893, it is equally their duty when apportioning the county rate to make the rolls of 1892, as revised in 1893, the basis of apportionment.

Local self government is that system of government under which the greatest number of minds knowing the most and having the fullest opportunity of knowing about the special matter in hand, and having the greatest interest in its well-working, have the management of it or the control.

Centralization is that system of government in which the smallest number of minds and those knowing the least and having the fewest opportunities of knowing it about the special matter in hand, and having the smallest interest in its well-working, have the management of it or control over it.

Estimates and Expenditures.

The Municipal Act requires the council of every municipality to make estimates of all sums which may be required for lawful purposes for the year in which the sums are required to be levied. Councils derive all their powers of taxation from statute law. If the purposes of taxation be not either expressly or inferentially authorized by statute, it is not a lawful purpose. Under section 357 of the Municipal Act, every council is required to levy on the whole rateable property within its jurisdiction a sufficient sum in each year to pay all the valid debts of the corporation, whether principal or interest, falling due within the year, but the rates levied shall not be more in the aggregate than two cents on the dollar on the actual value, exclusive of school rates.

In examining auditors' reports of different municipalities throughout the province, it is often noticed that the current liabilities exceed their available assets by a considerable sum, and, except in special cases, where road repairs or other unforseen work compels a council to exceed their estimates for the protection of the public, every auditors' report should show a balance on hand.

The rule is that municipal councils ought not, in one year, to levy a rate to pay debts due in the past year. Each year's debts should be paid by that year's estimates, unless in expressly authorized cases, when a deviation is made by statute. Ratepayers leave the municipality; rateable personal property of the inhabitant changes from year to year, as likewise must the ownership of rateable real property, although in a lesser degree. Purchasers of all real property are entitled to the protection of the act which requires councils to raise sufficient money in each year to pay all of the liabilities and estimated expenditure for the year. To charge recent purchasers of real property with estimates for past debts would seem to partake of the character of fraud. They should not be required to pay for anything which the ratepayers of the previous year should have been assessed for. An instance was recently brought to our notice where a municipality was in arrears to the extent of over $2,000. This was raised by the succeeding council, and the purchaser of a large piece of property in the municipality claimed that he was not entitled to pay any part of the extra rate required to wipe off the deficit of the previous years.

The justice of the contention will be admitted by all, and it is for councillors when fixing their yearly estimates to make them high enough, so that it will not be necessary to hand down a deficit to their successors.

THE MUNICIPAL WORLD has just been placed in my hands, and I am so pleased with it that I enclose my subscription for the year. R. A.

ENGINEERING DEPARTMENT.

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

Common Earth Roads.

We who have so long looked upon our roads of bottomless mud, may confidently expect that all the various forces will soon ripen into systematic action, and instead of the mud roads we will have new ones, with improved grades, culverts and bridges, armed with a coat of material, alike impervious to winter's frost and summer's rain, capable of bearing the unobstructed commerce of the country. When this question is seen in its true light and the cost of permanent roads carefully considered, tax payers will not hesitate to consent even to higher rates, if necessary, to construct them in preference to a cheaper class. But, while this movement is being brought into definite form, and the people are being educated to the advantage of permanent improvement, something must be done to stop the wasteful expenditure of time and money under the present system, by adopting the best principle of grading, draining, and otherwise improving the present condition of our earth roads. We are now satisfied from personal interviews with heads of various municipalties, and from information obtained from other sources, and from the deep interest which is being taken by the press of the country, in this question, that the people are convinced that the statute labor system shou'd be abolished. Then, it is for us in obtaining legislation to this effect, to produce a plan showing how earth roads may be systematically and uniformily improved, and these improvements made to a great extent with a view to premanency.

The roadbed should be perfectly drained. The want of special attention to this necessity is the chief cause of the heavy annual expense of maintenance. Great care must be taken, not only with the drainage of the road surface, but also with that of the roadbed and adjoining land, and where the road is to be constructed on a wet and retentive soil, a system of under draining must be provided by cutting trenches across the road bed, and discharging into the side ditches. These trenches should be from eighteen inches to two feet deep, and about one foot wide across the bottom, having the sides sloping outward, in these should be constructed porous drains composed of brick bats, flat stones, tile, or whatever suitable material is at hand, and the trenches filled up again to the level of the road bed with stones. The number of these cross drains must be regulated by the nature of the soil; in stiff, heavy clay they should be much closer than in loose soil, on each side of the road bed at a distance of about twelve feet. Open ditches should be cut of a sufficient size and declivity to readily conduct away all water that can possibly fall on the road. Mistakes are often made in not properly constructing ditches along the side of the road, or failing to carry them to a proper outlet in the natural water courses leading from the road through private property. Under the Ditches and Watercourses Act, the municipality has the same power as a private individual to make application for the construction of an outlet through their property, when the various owners fail to agree upon the construction of the drain, but the municipalities often, rather than force an outlet through private lands adjoining the roads, end their drainage with imperfect outlets rendering the work made and money expended useless, and often damaging the road by the outlay rather than improving it by concentrating water to one low point, which, in wet seasons, renders it impassible. The authorities should not care who the owner of the adjoining property is, proceedings should be taken to enforce these outlets, and the owners of the adjoining lands should be obliged, in every instance, to pay their just proportion of the cost of such outlet.

The surface of the road should be made as smooth and hard as possible. The smoothness sheds the water readily and has least resistance to traction. Hardness prevents the formation of ruts which is the first stage to its destruction. It matters not whether the road be earth or macadam, if proper attention is not given to preserve complete the crown of the finished road, ruts will form which hold water with the effect that on earth roads the wheels more readily cut in; water is admitted in different places to the roadbed, destroying its relisting power and finally making it impassible, and on macadam roads, the ruts, if allowed to form, will hold water and will soon destroy the best road. In constructing earth roads, we are convinced that the use of a proper road machine is advisable. In this way the natural formation of the ground is not disturbed in rounding up the road as is the case with the use of common plows and scrapers, whereby it is almost impossible to prevent the digging of holes or the breaking of the ground beneath the proper grade which cannot be properly replaced, and will always be a defect.

A good road machine will do the work of twenty-five or thirty men if properly operated, and it will be done in a more uniform manner. Machines like laborers require to be properly managed in order to do work economically, and machines are sometimes condemned and discarded by allowing men to operate them who have no interest in the work beyond putting in the day. Each municipality owning a machine should have one man specially instructed by the manufacturer as to its use. The instructions should be followed as closely as possible, and there will then be no question as to the advantages of road machinery both for repairing and constructing roads. The roadway should be sixteen to eighteen feet wide, according to the amount of travel, and a strip of from two to three feet left between the gutter and the edge of the side ditches and this width of roadway should have a crown of at least ten inches. The road should be constructed and always maintained in this shape. After the road machine has completed its work, the whole of the grade should be rolled with a roller weighing about five tons. Rolling is essential in making the foundation and surfacing to form permanent roads and the argument in the one case holds good in the other. It consolidates all the loose earth which the action of the scraper has left in the line of the roadway. It compacts the material so that it will shed the water and carry all loads to which it is subjected without destroying its surface. The rolling should begin at the sides of the road and work towards the centre in order to preserve uniformity of the crowning.

House Drainage.

We are often annoyed by drain-smell in houses and puzzled to know whence it comes; and sometimes children and adults are attacked with typhoid fever, scarlet fever, diptheria or diarrhoea in consequence. When search is made for the place whence the smell proceeds it is generally found escaping from cracks or openings in the joints of drain pipes from imperfect cennections of the soil pipes with the drains, or from perforations in the soil pipes themselves. Now, as these pipes are usually made of lead, in a short time they become perforated by the corrosive action of the gases emanating from the decomposing excreta which collects in or adhers to them. The perforations are small at first, but they gradually grow larger, and the pipes waste away, or become quite rotten, with them. At night and in cold weather, when windows and doors are closed and gas and fires burning, the heat of the houses draws the poisonous gases through the perforations into the room at a fearful rate, causing fevers and perhaps death to some of the inmates. And it is a question whether architects and builders should not at once cease to use lead soil pipes and use glazed stoneware pipe instead. If cast iron were used for this, purpose probably it would oxidize (unless it was galvanized) and become full of holes quicker and worse than lead. Now, soil pipes are the vertical continuation of the horizontal drains, and as stoneware has proved to be the best material for the latter, so it would be for the former, as the excreta would not adher to it nor the gases corrode it. Soil pipes need not be more than four inches in diameter, even for stacks of closets; and if this material were three-quarters of an inch in thickness,

pipes could then be made from six to eight feet in length, and, with proper curves, junctions, and traps for connecting the closet pans with them. The joints must be slightly conicle, ground to fit accurately like stoppers in a bottle and luted with thin cement to prevent the gases from escaping. These pipes should also be carried above the roofs of the houses and open into the atmosphere there. They would then become main channels for ventilating the sewage pipes from the sinks and closets.

In regard to noxious gasses emanating from fresh sewage flowing in "good tubular, self-cleaning drains and sewers" it has been dictatorially asserted that as faecal matter does not begin to decompose for two or three days after it is produced, and that as it is removed at once in such channels without deleterious gases generating in, or escaping from them, neither trapping the inlets nor ventilating the channels is necessary. This statement that fresh and sewage does not emit foul vapors is contrary to fact. Now, it is well known that when any animal and vegetable substance containing nitrogen such as faecal matter, is exposed to heat, moisture and air, it ferments and evolves noxious vapors much more rapidly than it otherwise would do. Of faecal matter rather more than one-fourth is solid, and nearly three-fourths are liquid. Hence, when it is discharged into sewers it is readily disolved by, and its constituents enter at once into chemical combination with the warm liquid sewage. Then owing first to the heat of the sewage; second, to the heat evolved by the chemical combination; third, to the exposure of the sewage to the large warm air space above it, which is provided for the rain fall; and fourth, to the agitation of it which is caused by the flow, fermentation is rapidly accelerated and increased and noxious vapors are generated from it into the overlying air before the faecal matter dissolved in the sewage leaves the sewers. Then, as these vapours are much lighter than common air and extremely subtle, they immediately rise up in the drains and water-traps under the kitchen, scullery, and washhouse sinks, and water closet pans, through which traps they escape, not only every time water is discharged down them, but when the pressure of the pent-up gases inside is greater than the air pressure outside and permeate the air of the houses. Every sewer as now put down whether it be self-cleaning or of deposit, is an elongated retort, the sewage is the organic compound from which the foul gases are generated, and the sinks and closet pans are the necks from it conveying the gases up the same openings through which they pass into the houses as just described. It is as necessary to provide proper ventilating pipes from the upper ends for all sewage pipes in order to carry off the poisonous gases as they ascend, as it is to provide the sewage pipes themselves, to take off the sewage. Unfortunately this most essential detail in house drainage has been neglected, and there is undubitable evidence that the whole train of symotic diseases if they have not been actually caused, have been enormously intensified in consequence.

It is an evil that is now understood by those posted in sanitary matters, but we regret to say that while the sanitary and building acts of the legislature are clear, and place almost unlimited authority in the hands of local boards of health, yet these boards are negligent in enforcing their provisions and discharging the important duties. And we would call the attention of all such authorities, particularly in smaller cities and towns, to the great necessity of having an inspector appointed for the purpose of seeing that sewer connections and all sanitary plumbing within private property is carefuliy and properly made.

Iron Bridge Specifications.

(*Continued.*)

All members requiring adjustment shall be provided with adjusting screw threads, nuts and check nuts convenient of access. Where sleeve nuts are used they must be open so that the threaded lengths of rods engaged at each end can be verified.

When practicable counter rods will be dispensed with by designing all web members to resist counter, as well as direct, stress. Preference will be given to a system of lateral bracing designed to resist compression as well as tension.

The end posts shall be rigidly connected by rivetted portals of approved design, as deep as the specified clearance above the floor will allow.

Vertical lateral bracing shall be provided between posts at each panel in deck bridges, and in thorough bridges where practicable. This bracing shall be proportioned to resist the unequal loading of trusses, the effect of the wind on the moving load being taken into consideration.

The top chord of through girders of pony-trusses shall be rigidly braced sideways, at the ends, and at intermediate points. Washers and nuts shall have a uniform bearing. All nuts shall be easily accessible with a wrench for the purpose of adjustment, and shall be effectually checked after the final adjustment. No round headed bolts will be allowed. All bolts through wood must be provided with wrought iron washers under the head and nut; the use of more than one washer under the head or nut to make up for deficiency in length of thread will not be allowed.

The stringers shall be of iron or steel, spaced not more than three feet, six inches, from centre to centre under the waggon ways, and capped with nailing five inches thick of pine. The flooring of the waggon ways shall be made of plank three inches thick. The flooring pieces shall not exceed twelve inches in width. The sidewalk floors shall consist of two by six inch plank, nailed on joists laid transversly on the iron and steel stringers, and spaced not more than two feet from centres. The joists shall be fastened to the stringers so as to allow for the longitudinal motion of expansion and contraction. The underflooring of wagon ways must be fastened to the nailing pieces with wrought iron spikes seven by six-sixteenth inches. The flooring of the sidewalks shall be fastened with thirty penny nails of the best quality.

The joists shall be of pine not less than three inches thick laid longitudinally with the line of the bridge for the wagon way and sidewalks and supported by floor beams. The flooring of the sidewalks shall be laid transversly with the line of the bridge.

The joists of consecutive panels shall lap each other on floor beams, they shall be bolted to the floor beams so as to allow for the motion of expansion and contraction, and shall be fastened to each other by two five-eighth inch bolts or lag-screws; they shall be braced between floor beams by rows of bridging spaced not more than six feet apart. All floor timbers, guards and railings shall extend over all piers and abutments and make suitable connection with the embankments at each end of the structure.

Stresses due to the friction of the floor on the stringers and floor beams shall be considered and treated the same as stresses due to regular load.

The floor of the sidewalk shall extend to, and connect with the floor of the wagonway so as to leave no open space between them.

To assure immunity to every inhabitant is the aim of all municipal sanitation. The school of experience is sometimes the only one in which either municipalities or individuals can learn, and the price of tuition is often high, but the lessons thus learned are usually not forgotten. Many municipalities have not been exempt from instructive lessons of this kind, and have profited wisely in the main by their mistakes, so that it may be said now that the cause of public health rests on a sure foundation and that progress is steady in the right direction.

* * *

H. V. Sanders, esq., of Port Hope, has entered into the 38th year, he has served the town in that capacity. Mr. Sanders is one of the oldest and most highly honored municipal officials in Canada. He has for thirty-seven years served the town faithfully and for this long period has recorded the minutes of every regular and special meeting which has been held. His long experience in municipal affairs has made him a friend and faithful adviser to mayor and councillors. No one has the interests of the town more sincerely at heart than His Jolliness, and we hope to see him celebrate his jubilee year in the honored position he now fills,—*Port Hope Times.*

Fire Protection and Insurance.

The question of fire protection and insurance rates is one of considerable importance to urban municipalities. The rates of insurance charged by the regular stock companies depend to a great extent on the fire protection furnished, and it is in that way municipalities receive returns for the expense of fire departments.

The benefit derived by a municipality supplying the apparatus necessary to secure an insurance rate, class "C" instead of class "D" can only be ascertained when we know the amount of insurance on property within the municipality. For the purpose of informing a council desirous of improving their fire protection, the assessor might be requested to secure information relating to the amount of insurance. Councils would then know to what extent they would be justified in improving their fire department, and would be enabled to regulate expenditure thereby. Insurance rating in municipalities is governed by the Canadian Underwriters' Association, and for the information of councils we have procured the Underwriters' revised standard classification, which is as follows :

"Notwithstanding that a town may have the required appliances to entitle it to a certain classification, it shall not be so entitled unless it fulfills the following conditions of a standard town ; and further, it must be understood that the whole of the fire apparatus, hydrants, hose and equipments, shall be kept in thoroughly efficient condition at all times, or the town will be subject to being placed in a lower classification, or having a percentage added to the rates until such defects shall be remedied. An undue loss ratio, or the prevalence of incendiarism or arson, especially if the authorities of the place shall not promptly take measures to secure the conviction of offenders, and to suppress the evil, shall also subject a place to a lower classification than it would otherwise be entitled to.

1. STANDARD TOWNS.

A town to be entitled to be classed under the following schedule shall not have more than twenty-five per cent. of frame structures in the business portion, it shall have by-laws against the frame buildings and shingle roofs in business part, against storage of coal oil and other inflammable and explosive substances over the whole, all of which shall be strictly enforced.

There shall not be any specific tax on the Insurance Companies or their agents.

The inspectors of the association, without giving previous notice, shall have the right to sound alarms of fire to call out the brigade and appliances by day or night, and to take water pressure and any other tests at such times and places as they may deem expedient for the purposes of a thorough inspection.

2. WATERWORKS.

Must be efficient and sufficient at all seasons of the year (provision being made to guard against frost), for the size and requirements of the place, with mains of sufficient capacity and necessary hydrants, and for fire purposes must be under the control of the municipality. Supply and pressure from mains must be sufficient to concentrate and throw efficiently the following number of streams over any building in any of the business portions of the place, but not less than 120 feet horizontally, each through 300 feet of 2½ inch hose and a 1¼ inch nozzle, viz :—Five streams for class "A," four for class "B," and three for class "C". Failing the necessary pressure, steamers must be provided to supply that want. Pumping station must be an independent and separate first-class building, unexposed, and shall not be used for electric light station or other purposes.

A fully paid engineer and assistant must be in charge at the pumping station day and night. When direct pressure is necessary for fire purposes, the pump house must have telephone communication with the fire hall, or there must be a gong at the pump house operated by the electric fire alarm boxes.

HYDRANTS AND MAINS.

In the business parts, hydrants shall be placed at all intersections of streets, but in no case shall their distance apart be more than 500 feet. In the residential portion, the hydrants shall not be more than 600 feet apart, and no greater length than 500 feet of four inch pipe will be allowed (upon which only one hydrant shall be placed), unless it be supplied from a larger cross main at both ends, in which case the extreme length between such larger pipes shall not exceed 1,500 feet and not more than two hydrants shall be fed from said length. The upper surface of all mains shall be at least 12 inches below the extreme frost limit, and all hydrants must be properly drained. An approved steam boiler must be kept for thawing the hydrants where necessary. In all cases where steamers are required, hydrants should have large supply branch.

3. WATER SUPPLY OTHER THAN WATERWORKS.

A supply of water, either by tanks or running stream, or other natural source sufficient to supply the steamer at its full working capacity for not less than two hours, shall be immediately available at all seasons of the year, at distances not exceeding 500 feet from any and all parts of the business or congested districts of the town.

If the supply is from a running stream or other natural source, convenient platforms must be maintained upon which to place and work the steamers.

4. STEAM FIRE ENGINES.

Must be capable of throwing a stream at least 150 feet horizontally through a nozzle not less than 1¼ inch in diameter, through 500 feet of leading 2½ inch hose ; or two streams the same distance through two such lines of 500 feet, with a 1 inch nozzle on each. Not less than 20 feet of suction hose must be carried on each steamer for regular use, and a spare length of at least 10 feet must constantly be maintained ready for immediate use in case of accident ; and at least 1,000 feet of 2½ inch rubber or rubber lined hose, and two reels—carrying "Y" and "Siamese" couplings, must be provided for each steamer. Steam engines must have a permanent paid engineer and an assistant engineer, and be fully equipped with all tools necessary for the effective working of the same. A spare set of boiler tubes must also be kept. Except in cases where the water pressure is direct, and up to the standard, all steamers must have heaters and steam kept up to 15 lbs. constantly, and one man (or more, if deemed necessary by the Fire Appliances Committee), capable of operating the engine, shall sleep in engine house at night. In places of less than 10,000 inhabitants, one steamer shall be provided ; in places of less than 20,000, but over 10,000, two steamers must be provided ; over 20,000, up to 30,000, three steamers. Steamers must be tested at least once a month, the year round, and, except in winter, water must be thrown through the hose. Dated records of all tests shall be made and signed by the engineer, in which he shall state particularly whether or not any defect existed or was to be apprehended ; such records shall be made in the "register" provided, and to be kept at the fire hall. In addition to the usual supply of coals carried on each steamer, a cart ready loaded with coals shall be kept at the fire hall in waterworks towns, and in towns where the water supply is from other sources than waterworks, a further supply of coal shall be kept at each tank or pumping station.

5. CHEMICAL FIRE ENGINE.

Must be self-acting, with a copper cylinder of not less than 80 gallons capacity, or two such cylinders of not less than 50 gallons capacity each, or other chemical engine of equal capacity and efficiency. The engine must be supplied with not less than 150 feet of suitable hose, at least one inch internal diameter, with an automatic reel or some other arrangement equally effective. All other necessary appliances, including three spare charges ready for immediate use, must be provided and maintained at all times. Fire companies, of not less than fifteen men, must be organized and maintained for the effectual working of the engine. A competent man must be paid for taking charge of the engine, who shall be held responsible for keeping it in thoroughly effective working order.

Where a chemical engine is added to other appliances, a separate fire company of not less than ten men will be necessary except where horses are provided for hauling the same, when three men shall be deemed sufficient.

6. SALVAGE EQUIPMENT.

A minimum salvage equipment shall consist of not less than twelve waterproof covers, ten feet square, at least, two approved chemical fire extinguishers of five gallons capacity each, two squeezers, two large sponges, six corn brooms, two pole hooks, two axes and two torches, to be carried on hook and ladder truck or on chemical engine. The corps to consist of four men detailed out of the company, whose duties shall be to attend to spreading of covers. It must be distinctly understood that for large places a more ample equipment will be required.

7. HOSE.

Must be of rubber, or cotton, rubber lined, not less than 2½ inches diameter, capable of resisting a hydraulic pressure of at least 200 pounds to the square inch, and the minimum quantity for places classed "C" and above shall be 2,000 feet, with additional quantity where necessary at the discretion of the inspector. No unlined cotton hose will be allowed. All couplings must be uniform and of standard size.

8. HOSE REELS.

For towns classed "C" and above, there must be reels or hose wagons sufficient in number and capacity to carry the whole of the minimum quantity of 2,000 feet. For each steamer, at least two reels must be provided, carrying not less than 500 feet of 2½ inch standard hose on each. Each reel shall be equipped with axes, torches and a sufficient number of playpipes, nozzles and cut offs, and particular care shall be exercised in preserving them in good condition. Approved chemical fire extinguishers of not less than five gallons capacity must also be carried to all fires on reels.

9. FIRE HALL, ETC.

The fire hall shall be a solid brick or stone building with first-class roofs, conveniently and centrally situated, and free from special exposure. The building shall be kept constantly heated to a temperature of not less than forty degrees from 1st November to 1st May in each year, and shall be provided with proper means for washing the hose, and shall have a drying tower of sufficient height in which to suspend the hose in lengths of fifty feet without doubling. The station shall be of ample size to conveniently receive the whole of the appliances, with sufficient stabling for horses where such are required and shall contain suitable accommodation for the men on duty. In towns of 5,000 population and over, and in those where all parts are not easily and readily accessible from the fire hall, extra stations shall be provided at the discretion of the fire appliances committee.

10. RECORDS.

A register shall be kept in the fire hall, in which shall be entered all records of drills, tests, alarms, work done at fires, also all defects that may be discovered or damage done, or occurring to hydrants, steamer, hose (particularly bursting of same), or other apparatus. Entries in the register shall be signed by the chief, except those relating to the steamer, which shall be signed by the engineer. The register shall be kept accessible for examination by the inspector of the association or of any of the insurance companies."

Working the roads.—The Present System of Highway Repairing is Labor thrown away.

As a general thing, the county roads on this continent have been so badly located that to build costly pavements upon the present lines and previously provide elaborate systems of drainage would be a dreadful waste of money. As it is ordinarily beyond the means of country people to do more than improve the present condition of their roads, this is the task that they should undertake as soon as possible.

In beginning such a task, the first step to be taken is to stop doing that which has generally been the custom of this country—that is, working the roads. The labor done is worse than thrown away, for it is rare indeed for either the overseer or the men under him to have any clear comprehension of what is needed.

Fortunately for the well being of our roads, these men do not work very hard, but rather choose to regard the few days on the road as a kind of holiday outing, a picnic frolic, and a means of getting rid of a certain amount of tax. If they really worked with all their might, they would make the roads almost as impassable in the summer as they now are in the winter and early spring. With some kind of a glimmering idea that ditches on each side of the road are good to have, they plow up these ditches, together with the sod that grows down into them, and pile all of this muck in the middle of the road.

This material, it may be said, has a most excellent fertilizing value, and if it were put upon the fields instead of in the roads, it would amply repay the farmers who carted it away. But in the roads it is a sad and an immediate hindrance to travel. Luckily the friendly spring rains usually wash it back into the ditches, where it stays until there is some more time to be "worked out." When these rains are not sufficient to wash away these impediments that have been deliberately placed in the roads, the consequences are very dusty roads during all the dry season.

In some neighborhoods a little more ambitious than those generally to be found they mend the roads by placing gravel and broken stone upon them. Then the overseers say that they are macadamizing the roads. Without thoroughly draining the roadbed, to put either broken stone or gravel upon it, is merely a waste of money and labor, and the ambitious neighborhoods so doing prove in the end no wiser than those who cover their roads with muck. But it is within the means of every neighborhood, to materially improve their roads at once—improve them so much that when the traffic is not extremely heavy and continuous the roads will be in tolerable order nine months in the year and very much better than at present, even when the frost is coming out of the ground at the beginning of spring. And this can be done in three or four or five years without spending one penny more than is now spent in the hurtful methods mentioned.

Actions for Damages in Toronto.

The government ought to help to put down the nuisance of people filing claims against municipalities for falling on sidewalks, the flooding of cellars and such like. People should take the ordinary risk that attaches to walking. In the country, the people have to walk over ditches, rough roads and uphill and down dale, and if they fall and break a limb, they have no recourse against anyone. In the city, however, where they put down sidewalks to make walking an easy matter, the ordinary citizen files an imaginary claim against the city if he stumbles over a protruding nail or slips on an icy crossing. So wonderfully has this business developed lately that one firm at least finds it a profitable business to ferret out all possible claims and have them discreetly nursed and brought to court in due time. As soon as an accident is reported in the papers, or by any other medium, an agent of this firm repairs to the scene with kodak in hand, takes views of the locality, draws up plans and gets on track of possible witness. A Division Court affair is worked up into a Queen's Bench lawsuit of astounding proportions. It is in the public interest that these kind of claims should be disallowed. In our opinion it is time that some change should be made in the law so as to more definitely limit the liability of corporations for injuries received by persons while travelling on our public thoroughfares Sympathy seems to carry away the better judgment of many juries and they award the "poor" injured party a good recompense out of the "rich" corporation treasury, thus constituting the ratepayers a sort of accident insurance company.—*Ex.*

The fact that reform in road-making is not more extensive is attributable to the continuance of the statute labor system, whereby roadoverseers are employed who are not altogether ignorant of the business but are full of prejudices in favor of their own erroneous methods of road-making,

LEGAL DEPARTMENT.

H. F. JELL, SOLICITOR,
EDITOR.

Municipal Councils.

THEIR POWERS AND JURISDICTION—HIGHWAYS.

Section 536 of the Consolidated Municipal Act of 1892, provides that all township boundary lines, by which is probably meant a road forming a township boundary not assumed by the county council, shall be opened, maintained and improved by the township councils, except where the necessity arises of erecting or maintaining bridges over rivers, forming or crossing boundary lines between two municipalities. The object of the section is to relieve counties from the burden of keeping roads in repair, and throw the burden upon the local municipalities adjacent thereto. In case of township boundary lines forming also the county boundary lines and not assured or maintained by the respective counties interested, they shall be maintained by the respective township bordering on the same, except in the case of a necessity to erect or maintain such bridges as are referred to in section 536. Section 538 provides that roads lying wholly or partly between the different municipalities in the said section mentioned shall be under the joint jurisdiction of the councils of the municipalities between which the road lies; such road shall not include, however, a bridge over a river forming or crossing a boundary line between two municipalities other than counties.

Under this section a question might arise as to when a road might be considered to be partly between two municipalities. This might best be answered by reference to a decided case, viz., *re* McBride and York. In this case it appears that the road had for more than 50 years been used as a road between the townships of York and Vaughan. The original allowance for the road being to the north of it, and this road being in fact wholly within the township of York, and part of lot 25, the owner of the land had been indicted for closing of this road, and convicted in 1870. The corporation of the township of York then passed a by-law to close it, reciting that there was no further necessity for it by reason of the road allowance. It was held that the road was one dividing the townships, and though, in fact, wholly within the township of York, could not be legally closed by the council of that township.

No by-law of the council of any one of such municipalities with respect to a road lying wholly or partly between a county, town, city or incorporated village, and an adjoining county, etc., or bridge, shall have any force until a by-law has been passed in similar terms as nearly as may be by the other council or councils having joint jurisdiction. In case the other council or councils for six months after notice of the by-law, omit to pass a by-law or by-laws in similar terms, the duty and liabilities of each municipality in respect to the road or bridge shall be referred to arbitration under the provisions of the Municipal Act. The best notice that the council first passing the by-law could give the other council, would be the service on the latter of a copy of the by-law.

Section 544 relates to the closing up of a public road or highway. The power of the municipal council to close up a highway is subject to certain limitation—one of these, under the said section, is against the closing up of a road whereby any person will be excluded from ingrees or egrees to and from his lands or place of residence over said roads. The said section provides that in the case of a council closing such road, as is referred to in the section last quoted, the said council in addition to compensating the person above mentioned, must also provide for the use of such person some other convenient road or way of access to his lands or place of residence.

In the case of McArthur, of Southwold, it was held that this provision applies to cases where the only means or only convenient means of access is over the road closed up, and not where there is another existing, though less convenient way of access. In the absence of mutual agreement, between the council and the owner of the lands, as to the adequacy of the compensation to be paid to such owner by the council or as to the road provided for the owner in lieu of the original road, as a means of ingress and egress, the matter in dispute shall be referred to arbitration, under the provisions of the Municipal Act.

Legal Decisions.

STEAM WHISTLES.

Under this heading on page 108, of volume 3, of THE MUNICIPAL WORLD, are set out the questions at issue in the case of Roe vs. the village of Lucknow. The decision was given at the trial by the judge of the county court of the county of Huron in favor of the plaintiff. The defendent corporation appealed from the said decision to the court of appeal for Ontario.

At a recent sitting of the said court of appeal, the case came on for hearing, and the decision of the said judge of the county court of the county of Huron was reversed; the court of appeal holding that the mere fact that a horse while being driven along the highway has been frightened by the whistle of a steam engine, used by the defendants for the purpose of their lawfully operating waterworks is not sufficient to make them responsible for damages resulting from the horse running away. Some positive evidence of negligence in the use of the whistle must be given, or at least some evidence that its use might be expected to cause such an accident, so as to cause it to be a nuisance to the highway.

DAGENAIS VS. CORPORATION OF TRENTON.

In this case an owner of lands in the town of Trenton, desiring to construct a drain on his land and continue it through an adjoining owner's, served him with the notice provided by the Ditches and Watercourses Act, R. S. O., chap. 220, sec. 5, as amended by 52 Vic., chap. 49 (O), to settle the proportions to be constructed, and, on their failing to agree, served the municipal clerk with the notice, provided for by such act, for the engineer to appoint a day to attend and make his award. The clerk immediately forwarded the notice to the engineer, who was absent, and failed to attend. It was held that a mandamus would not lie against a municipal corporation to compel their engineer to act in the premises.

MACNAMEE VS. CITY OF TORONTO.

A contract, between plaintiff and city of Toronto for laying a conduit pipe across the Toronto bay, provided that all the differences, etc., should be referred to the award, order, arbritament, and final determination of H., the superintendent of said work. It was held that the fact of H. being such superintendent disqualified him from acting as arbritator.

REGINA VS. JUSTIN.

Sub-section 27, of section 496, of the Consolidated Municipal Act, 1892, authorizes a municipal council to pass by-laws for regulating or preventing the encumbering by animals, vehicles, vessels, or other means, of any road, street, alley, lane, bridge, or other communication. In this case it was held that a bicycle is a vehicle within the meaning of the sub-section, and of a by-law of a municipality passed under it so as to support a conviction for riding a bicycle on a sidewalk.

YORK VS. TOWNSHIP OF OSGOODE.

Judgment on appeal by the plaintiffs from the order and decision of the Queen's Bench Divisional Court (24 O. R. 12), affirming the judgment of Falconbridge, J., the trial judge, dismissing the action with costs. Action for an injunction and damages in respect of the construction of a ditch or drain through the plaintiff's lands, pursuant to an award under the Ditches and Watercourses Act, which award the plaintiffs contended was made without jurisdiction. This court did not agree with the court below that the word "owner," as used in the Ditches and Watercourses Act, means the person assessed as owner, and held that the award was made without jurisdiction, and that the plaintiffs were entitled to damages. Appeal allowed with costs, except as against the defendant Lewis, against whom are to be no costs.

QUESTION DRAWER.

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

J. B. F.—Our municipality being an incorportaed town, although it has established by-law a market ground, does not charge and never did charge market fees, and does not compel the vender of any article to resort to the said market ground for the purpose of selling or offering for sale any article, but such vender may ofler for sale and may sell such article on said market ground or anywhere else in the same town as to him seems most convenient. Said municipality, however, has purchased and placed on said market ground a weigh scales which it leases from year to year to a private individual at a certain sum, as rental per annum. These scales are for the accommodation of any person who may voluntarily use the same for the purpose of knowing the weight of any animal or article he may wish to sell or buy or ship away.

1. Can the lessee of said scales charge any more for weighing on said scales than the fees laid down in section 497 of the Municipal Act when there is no agreement between the corporation and said lessee regarding the fees for weighing ?

2. In case the corporation fix the fees to be charged by said lessee, can they (the corporation) make these fees greater than those laid down in said section ?

1. We think it is the duty of a council to pass by-laws pursuant to sub-section 58, of section 489, of the Consolidated Municipal Act, 1892, this being done, the fees to be charged by the lessees for the use of said scales, shall be regulated by by-law, and the lessee can charge no other greater fee or fees.

2. We are of the opinion that the council cannot fix the fees to be charged by the lessee, at any greater sum than those laid down in sub-section 8, of section 497, of said act.

W. O.—1. A has surveyed his property into lots varying from three to ten acres, many of which are sold and assessed to different owners, each down for two days statute labor, making in all about eighteen days per year, which amount will increase as further sales are made by A. Now this labor they refuse to perform or pay the tax representing the labor until they have a road out. Have they the power to refuse payment ? Will the council be safe in pressing the payment of statute labor, which would be expended upon the Government road, referred to in question No. 1 ? For about three years the council have not pressed this payment, and there is now due from those parties considerable statute labor tax.

2. A number of ratepayers in a small village, part of a rural municipality, wish to have their statute labor commuted for the purpose of erecting a windmill and tank for fire protection. Can the council grant them permission to do so ? In case they can do so the tank would be placed upon the road or street, but the windmill would be placed upon private property to have it convenient. Could this be lawfully done ?

1. A council has authority to collect statute labor tax on all property assessed when it has been returned, not performed, by the overseer of highways, in whose division the land is situated. See section 101, and as to non-resident property see sub-section 2, section 93, of the Assessment Act.

2. There is no statutory authority for the expenditure of commuted statute labor money in the manner mentioned.

J. S. H.—The town of Gore Bay council and the school board of trustees Gore Bay are both subscribed to in taxes by the same ratepayers. The council has always spent the overplus collected on the rates (1 mill, 3⅛ mills) stated in the by-laws issuing said debentures, but the town council has never yet made a by-law to allow this overplus to be spent by the town council for municipal purposes. Kindly answer the subjoined in your next issue :

Assessment, real and personal, of town in 1890 was $55,000, this gradually raised yearly until in 1893 it was $101,000. Debenture No. 1 (school) amount, $1,350., interest coupons half yearly, $40.50. Sinking fund deposit, $67.50 yearly. Debenture issued in 1886 by township of Gordon assumed by the town in 1890 by ageement of settlement. Debenture No. 2 (school) amount, $500. Interest coupons, $12.50 each half yearly. No provision yet made for sinking fund deposit, except autumn, 1894. $100 will set apart as a nucleus.

Rate for debenture No. 1, 3⅛ mills, fixed by issue of by-law. Rate for debenture No. 2, 1 mill, fixed by issue of by-law.

1. School board claims that all the overplus on both debentures on levy of 4⅛ mills should be placed in a bank to credit of sinking fund, and should br used for nothing else, is that correct ?

2. Council has always paid "all" interest coupons and the one sinking fund deposit regularly and properly, and has used the overplus on the 4⅛ mill levy for town municipal purposes by tacit consent without yet passing a by-law to do so ?

Can council now pass a by-law setting apart $100, as a nucleus for debenture No. 2, sinking fund this coming autumn, and in same by-law provide that all surplus moneys collected on the 4⅛ mill levy properly after providing for payment of interest coupons and deposits to sinking fund shall be used by the town for municipal purposes, or must it be used only by the trustees for school purposes, *i. e.* said surplus ?

3. Must town collect by striking a far heavier school or town rate, the amount of overplus spent by town for municipal purposes, said overplus accruing from raise of assessment and pay over said surplus, say $1,000, to a bank to remain idly there year after year at only 4 per cent. interest, and only to a sinking fund credit this year, 1894, at collection time this autumn ?

4. Can town council pass a by-law making legal the acts of previous councils, and to allow future town councils to expend the surplus of 4⅛ mills levy for municipal purposes, or being school debentures, must said overplus be credited to school board of trustees to be spent for school purposes ?

1. Section 373 of the Consolidated Municipal Act, 1892, enacts that if after paying the interest of a debt and appropriating the necessary sum to the sinking fund of such debt, or any payment in instalment of principal for any financial year, there is a surplus at the credit of the special account of such debt, such surplus shall remain but may be applied toward next year's interest ; but if such surplus exceeds the amount of next year's interest the excess shall be carried to the credit of the sinking fund account, or in payment of principal of such debt. The contention of the school board is therefore correct.

2. The sinking fund must be paid in full, and the surplus used as provided in said section 373 and section 376 of said act. Sub-section 3, of said section 373, enacts that in the event of the council of any municipality diverting any such moneys for such current or any other expenditure, save, as aforesaid, the person who votes for the diverting of said money shall be personally liable for the amount so diverted, and said amount may be recovered in any court of competent jurisdiction, and the members who may have voted for the same may be disqualified from holding any municipal office for two years.

3. We would refer our correspondent to section 375, of the Consolidated Municipal Act, which enacts for all instruction as to the investing of the sinking fund.

4. The surplus must be disposed of in the manner set forth in said section 373 hereinbefore given.

H. Is it within the powers of a municipal council in the district of Nipissing to levy a tax of, say $15, upon each person coming into the township, and offering goods for sale from house to house, said persons carrying the goods themselves ? If so, is there a special form of by-law for such, or will any form of words covering the matter be sufficient ?

1. We assume that your municipality is a township organized under the provisions of the act respecting municipal institutions in an organized territory. Such being the case, we do not think there is any statutory provision enabling your township to impose a tax mentioned by our correspondent.

J. H. M.—1. Has a municipality the right to assess the plant of a canal contractor whose contract is with the Dominion Government ?

2. An agricultural society leases 14 acres of land, which it occupies as a show ground only two days in the year, sub-letting it for pasture and meadow the rest of the year. Can this land be assessed to the owner and taxes collected from him ?

1. We see no reason why the plant in question should not be assessed against the contractor, as it is his property, and the Dominion Government has no interest therein. We assume that no part of the plant comes under the exemption mentioned in sub-section 28, of section 7, of the Consolidated Assessment Act, 1892.

2. We think the land mentioned by our correspondent answers the definition of the property of the Agricultural Society set out in sub-section 10, of section 28, of the Consolidated Assessment Act, 1892, and since such society appears to be in actual occupation of such land, either by itself or by its tenants all the year around, the land is exempt from assessment and payment of taxes.

A READER.—Would you kindly inform me through your journal if it is legal for a man to hold the position of trustee of the high school board, at the same time selling books, slates and writing materials and all such furnishings to said school ?

If he is not legal are the proceedings done by the board, of which he is chairman, legal ?

If the proceedings are not legal who is liable, councillors or board of trustees ?

We are of the opinion that the person referred to cannot hold the position he fills as trustee of a high school and at the same time furnish materials to the board of which he is a member. The simple fact of his doing this, however, would not vacate his seat, and until steps are taken for his disqualification, the proceedings of the board would be legal. See section 46, High School Act, 1892.

C. P. S.—Some years ago a drain was dug from outlet to figure 1, 2, under the Municipal Drainage Acs, but in the by-law no provision was made for maintenance. A short time ago under authority of sections 583 and 585, Municipal Act, the council were notified to put the drain in proper repair. The cost would exceed $200. An engineer was sent on, and a report made. The drain to be repaired is from 1, 2, to outlet about 3½ miles. Parties living along line of drain were assessed for benefit from 1, 2, to 5, 6, about one mile above the drain, but on same water run, was assessed for outlet; these were all the engineer assessed. At the court of revision some appeals were in in time, some were not made at all, but applied for redress, and an appeal at court of revision to take in the assessment for outlet, these parties from 5, 6 to 3. 4 in the drawing these parties are up stream from one to three miles from the drain for which they are to be assessed for outlet. The fall from 1 to 3 is 8 or 10 feet. There is a drain from 1 to 3 dug under the Ditches and Watercourses Act.

1. Can the parties from 3 to 5 be compelled to contribute for outlet of drain commencing at 1, inasmuch as they have fall enough to take their water off before reaching drain as 1?

2. Can parties at 3 to 5 inclusive, drain their lands so the water will go on the lower lots and not continue it to an outlet?

3. Could parties appeal or have their case heard giving no notice to clerk at the court of revision? If so, why does the act say "must appeal before court of revision."

The case is about this. A water run way runs through my farm and across my neighbor's to an outlet. I make my drain to line fence; there is fall enough at line fence to take all my water without continuing through my neighbor's at all. The water I thus put on my neighbor would go there the same if no drain, but not so quickly.

1. If the engineer who made the examination of this drain, and reported thereon to the council, did not assess the parties from three to five for a proportion of the costs of the repair of the drain from the outlet only, we do not think the court of revision on the drain can bring these parties in as partners.

2. No; not without the consent of the land owners to which the water is taken. Sub-section 10 of section 569, of the Consolidated Municipal Act 1892, provides that all notices of by-law shall be served on the clerk of the municipality at least eight days prior to such court of revision, but the court of revision may, through such notice, be not given permit the by-law to be heard on such conditions as giving notices to all persons interested and othewise as they seem best.

R. K. M.—Is it necessary for municipal clerks and treasurers, whose duties run on continuously from year to year, to take the declaration of office at the beginning of each year, or is the declaration they take when they first assume office sufficient.

1. If the officers mentioned are appointed by by-law for an indefinite period we think a declaration on their first assuming office is all that is required. If a new by-law is passed each year by the council appointing these officers then, we think, they should take the necessary declaration before assuming office each year.

J. W. G.—1. When a lot is assessed that has no improvements on it, and the owner is stripping the timber off it, can a collector seize the timber on the river or railway line, if the parties purchasing the timber has the mark on it?

2. When a collector is delivering the tax notices in the fall, and one of the ratepayers has moved off his place out of the township or county, and the collector forwards the notice through the post office, and afterwards the party comes back on his place, and the collector calls for the taxes, and the party tenders the full amount of taxes, can the collector collect costs for going after them?

1 If the property mentioned by our correspondent is within the county in which the municipality to which taxes are payable, lies and belonging to the person owning the land or who would pay the taxes, we consider it liable to seizure by the collector.

2. No.

INQUIRER.—What fees do councillors receive per day, or does the municipal law allow for milage where a councillor travels ten miles or over to attend at the town hall, or what hours have they to work each day?

1. Section 231, of the Consolidated Municipal Act, 1892, enacts that the councils of townships and counties may pass by-laws for paying the members of the council for their attendance in council or any member while attending on committee of council at the rate not exceeding three dollars per day or over five cents per mile for travelling "to and from attendance," and section 232 of said act enacts that the council of any county, city, town, or incorporated village, may be paid such annual sums or other remuneration as the council of the municipality may determine.

E. G.—In answer to my question in a former issue, you say that timber can be seized for taxes on a lot owned by the Government, but for which a private party has taken a timber license.

1. Can said timber be followed to lake shore and sold for taxes, lake shore being in same municipality.

2. If the party holding the license has not been assessed, can we still seize the timber for taxes?

3. These timber licenses are usually taken out after the assessing is done, how can we legally assess these parties?

4. When a lot has been located and locatee fails to do any improvement, can we sell such lot for arrears of taxes?

1. In answering our correspondent's question in the February number of THE WORLD, we assume that the licensee was assessed for the property in question, from the way the question was put; if he is not, and the land is still vested in the Government, it is not liable to assessment or for taxes. This will answer questions 2 and 3 also.

4. We do not think so.

W. L.—Has a couucil power to enter into an agreement with mill owners to hold any particular height of water in a small lake? If said mill owners hold water higher than agreement calls for, and causes water to flood lands adjoining, who are liable, council or mill owners? Or, if by holding water at the height allowed them by agreement, it should flood the lands, which are liable, council or mill owners?

1. We do not think either the council or the mill owners have the right to so obstruct the flow of these waters as to cause injury to owners of land, and if such injury be caused by the extent of the obstruction, the party occasioning same would be liable. Proceedings may be taken for the removal of obstruction as laid down in section 569, of the Consolidated Municipal Act, 1892, sub-section 19, et. seq.

MUNICIPAL CLERK. — Our municipality is situate in the temporary judicial district of Manitoulin. There is not a jail or lockup in this township or nearer to it than 30 miles, and all persons committed to jail by our local justices of the peace for any cause, have generally to be detained here over night, which causes expense. Our justices of the peace say that they have repeatedly sent the bills of the expense incurred in this manner to the clerk of the peace for Algoma, and that he never paid any of them yet, and they are now asking our municipality to pay those amounts.

1. Is our municipality bound by any clause of the statutes to pay these amounts?

2. If not, who are the proper parties?

1 and 2. We think the expenses mentioned by our correspondent should be paid by the district.

The charges or disbursements for keeping the prisoner over night, or for such time as necessary, should be charged by the constable in his bill for conveying the prisoner to jail.

COUNCILLOR.—1. Special auditors in 1893, making an audit of township books since organization, fonnd that the auditors for 1884 made an error in auditing, making balance on hand, $64.46 more than it should be. Can the heirs of treasurer legally claim interest on this amount?

2. A contract from the council to build a fence. Can B., who is a councillor, sell fence wire to A., said wire to be used in construction of fence, and not be disqualified?

1. We do not think the heirs of the treasurer for 1884 have any legal claim against the municipality or interest on the $61.64 mentioned by our correspondent.

2. We do not consider that B has any legal right under the circumstances to sell the wire fence, as he would thereby be entering indirectly into a contract with the council of which he is a member, and run the serious risk of disqualification.

J. A.—A. and B. are adjoining owners. Originally a line fence built in equal shares by each extended along the whole of the line between them. Sometime ago B removed his share of fence. A's remains yet. The township council has now purchased a roadway from A, running along his line. Can A legally remove his portion of aforesaid original line fence, such fence being now on the side of the new public road next to B's property?

Section 14, of the Line Fences Act would seem to apply to this case. It provides that the owner of the whole, or part, of a division or line fence which forms part of the fence enclosing the occupied or improved land of another person, shall not take down or remove any part of such fence.

(a) Without giving at least six months previous notice of his intention to the owner, or occupier, of such adjacent enclosure.

(b) Nor unless such last-mentioned owner, or occupier, after demand made upon him in writing by the owner of such line fence, refuses to pay therefor the sum determined by the fence-viewers.

(c) Nor if such owner, or occupier, will pay to the owner of such fence, or any part thereof, such sums as the fence-viewers may award to be paid therefor.

J. S. A.—The proprietor of a large flour mill in our township has applied to the council for a site for a shed in the unused part of road allowance opposite his mill.

Can the council legally sell or lease him a part of the road allowance for that purpose by passing a by-law in accordance with section 546 of the Municipal Act. I may state the site asked for consists of a high rocky bank not used, nor ever likely to be used by the municipality.

Section 567, sub-section 2, give township councils power to pass by-laws to stop up, lease, or sell any original allowance for road or any part thereof. In passing a by-law under this section, the provisions of section 546 must be complied with, and the by-law afterwards confirmed by the county council, before it will have any force.

Personal vs. Guarantee Security.

The value of securities given by municipal treasurers and collectors is a subject every council has to contend with. The security offered and accepted in the majority of cases is a bond signed by the personal friends of the officers giving the same, and consequently no one but those who can induce a sufficient number of their friends to sign the bond, can hold the office. The parties signing a bond believe they are doing their friend a favor, and while this may be the case, the real benefit is derived by the corporation Security, like insurance, is worth a reasonable percentage per annum, and there is no good reason why councils should not be required to pay treasurers and collectors according to the security furnished, and allow them in addition a reasonable percentage on the amount of money handled for the work and responsibility connected therewith.

Corporations and firms doing business in a business way never think of insuring their property or of requiring any of their employees to give security without paying therefor. The Municipal Act provides that municipal councils may accept the bonds and policies of guarantee companies as security from any officer or servant of the corporation. The rates charged by these companies is from one to four per cent. per annum. This rate depends very largely on the way the business of a municipality is conducted. If councils would pay their treasurers from one to two per cent. of the amount of money handled each year, and require them to give guarantee security, the financial business of municipalities would be better managed, the security would in all cases be absolutely safe, and these most responsible offices could then be filled from among the most trustworthy members of the community, who believe in the proverb, "Go no man's surety."

Publications Received.

A Canadian Manual of the procedure at meetings of Municipal Councils and public bodies generally by J. G. Bourinot, L. L. D., Clerk of the House of Commons.

This work is devoted to rules of order and procedure for public meetings, such as may be called by the head of a municipality under the authority of the revised statutes of Ontario, chapter 187, and the statutory provisions in Ontario respecting councils and their meetings, the rules of order, and procedure of councils, and a proposed code of rules of order and procedure of county and other councils. Extracts from the by-laws of rules and regulations of proceedings in a large number of county and city councils throughout the province are referred to, and the summary here published can be consulted as a guide to the leading rules of order and procedure already in force in councils generally throughout the province.

Anything that will assist our municipal authorities in conducting their business and meetings in the most approved forms cannot but be valuable, and we hope that it will find a place in the council chamber of every municipality.

By-law and Auditors' Report, Township of Raleigh, 1893.—J. G. Stewart, clerk.

To councils requiring information in reference to drainage law a little experience in the township council of Raleigh would be sufficient. Between 27th March, 1893, and the 19th February, 1894, nine of the eighteen by-laws passed refer to drainage works and issuing of debentures therefor.

It is to be feared that the Truancy Act is not very vigorously enforced. The number of truants reported in 1891 was 1,161, and 3,483 in 1892. Yet there seems to have been more effort to enforce the act in 1892, as 144 complaints were entered in the latter year and only fifteen in 1891.—*Educational Journal.*

* * *

The spirit of our politics is pre-eminently the spirit of party. The spirit of party is everywhere and in all things a living spirit. Our party politics is a school of untruthfulness. It cannot fail to be anything else. Where will you find the party man who can speak the truth concerning his neighbor's position? Where will you find a party newspaper that will give an honest report of a political meeting? Is the following a caricature?

Editor of Party Organ: "Coarse and abusive remarks." "That's a good phrase. By the way, Mr. Blower is on the other side isn't he?"

City Editor: "Oh no, he's one of our speakers.

Editor: "So? Let me see. I think you had better change that to 'Keen and incisive.'"

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