

# The Municipal World

Published Monthly in the Interests of Every Department of our Municipal System, the best in the World.

Vol. 2.

ST. THOMAS, JANUARY, 1892.

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### Notice to Advertisers.

Advertisements are solicited from firms doing business with Municipal Corporations.

#### RATES ON APPLICATION.

Address all Communications to

**THE MUNICIPAL WORLD,**  
BOX 749, ST. THOMAS.

## CALENDAR OF JANUARY, 1892.

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

JAN.

1. Separation of Junior Township from Union takes effect. Mun. Act, Sec. 28.  
Last day on which Snipe, Qail, Golden Plover, Grouse, Pheasants, Prairie Fowl, Partridge, Duck, Woodcock and Waterfowl may be killed. R. S. O. Chap. 221.
4. Election of Councils for all Municipalities.  
Election for Trustees in Police Villages.
10. Last day for Clerk to make return to Provincial Secretary under Debentures Registration Act, R. S. O. Chap. 186.
15. Last day for Treasurers of Municipalities indebted under Municipal Loan Fund Acts to make return of Taxable Property, Debt and Liabilities to Provincial Treasurer.  
Last day for Public School Trustees to notify Inspectors and Township Clerks of names and post office of Trustees then in office, and of Teachers employed. Public School Act, 1891, Sec. 40.  
Last day for Boards of Trustees in Cities, Towns and Villages to transmit annual report of the school to Education Department. Public School Act, Sec. 107.
18. Councils of Townships, Villages, Towns and Cities to hold their first meeting at eleven o'clock A. M. Mun. Act, Sec. 223.  
Trustees of Police Villages to hold their first meeting at noon.  
By-Law withdrawing from Union Health District takes effect.  
Members of Free Library Boards to be appointed by Councils in Cities, Towns and Villages. Free Libraries Act, Sec. 3.  
Councils to appoint members of Local Boards of Health. Public Health Act, Sec. 40.
20. First meeting of Boards of School Trustees in Townships, Cities, Towns and Villages. Public Schools Act, Sec. 106.
26. County Councils hold first meeting at two o'clock P. M., at County Hall or Court House.
31. Last day for all Councils to make returns to Provincial Secretary of the debts of their Corporations. Mun. Act, Sec. 382.

### SPECIAL NOTICE

The January number of the MUNICIPAL WORLD has been mailed to municipal councillors, clerks, lawyers, civil engineers and others. Those who wish to become subscribers will please send in their names at once. After February the World will reach all subscribers on the first of each month. Terms, \$1.00 per annum in advance. Special club rates to municipal councils.



# The Municipal World.

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**K. W. MCKAY,**

Manager, box 749, St. Thomas, Ont.

Communications and advertisements for next month must be in on or before February 4.

ST. THOMAS, JANUARY 15, 1892.

## The Municipal World.

As announced in the December number of the "Municipal Miscellany," Mr. Neilson has transferred his interest in that publication and it will be continued under the name of THE MUNICIPAL WORLD. During the past year the Miscellany met encouraging success, and has been of considerable assistance and information to many. For the future, we will conduct it in a way that will merit a continuance of this support.

The paper will be improved and made an authority on municipal matters in Ontario. The engineering department, edited by Mr. A. W. Campbell, Provincial Land Surveyor and Civil Engineer, a gentleman of large experience and at present engaged in township, city and provincial work, will include articles on the following, among other subjects, as applicable to all municipalities in the Province of Ontario: highway, bridges, road making, paving, drainage, etc.

The Legal Department will be conducted by Mr. H. F. Jell, a solicitor of ability, who is also a municipal officer. A special feature will be a report of legal decisions in any way affecting municipal corporations, with notes and explanations.

The management of the paper will be in the hands of Mr. K. W. McKay, who has for some years been intimately identified with municipal work as Clerk of the County of Elgin and Clerk and Treasurer of the Township of Yarmouth. Items of current interest to municipal councillors and officers throughout the Province will be considered. School trustees, members of local boards of health, will find in each issue articles referring to their particular branches of municipal work.

Subscribers will be entitled to opinions through the paper on all questions submitted if they pertain to municipal matters. Care will also be taken to procure the best information.

Our columns will be at the disposal of those desiring to discuss questions of interest to municipal officers.

## Municipal Officers Association.

An association of this kind organized in Toronto a few years ago was not a success, and any effort in the same direction at present would be useless. We are desirous of having suggestions from those interested as to the best methods of promoting a uniform and systematic enforcing of municipal laws, and where an amendment is considered advisable, announce the fact in our columns, and we will be pleased to publish the opinions of municipal officers throughout the province in reference thereto. When necessary we will use our best endeavors to have the amendments brought before the Provincial Legislators at the proper time. In this way all may contribute to and participate in the benefits outside of those of a social nature that would result from an association. We know that the municipal officers throughout Ontario will accept this invitation, and if an association is shown to be of importance, a plan of organization will be proposed.

The township clerks of Oxford met in Woodstock during December to draft a new form for assessors' and collectors' rolls.

## Auditors and Municipal Treasurers' Accounts.

Two of the most important officers to be appointed at the January session of all councils are the auditors. The 258th and following sections of the Municipal Act, direct their appointment and define their duties. One has to be appointed by the council, the other shall be such person as the head of the council nominates, but no one, who, at such time or during the preceding year is or was a member, or is or was clerk or treasurer of the council, or who has, or during the preceding year had, directly or indirectly, alone or in company with any other person, a share or interest in any contract or employment with, or on behalf of the corporation, except as auditor, shall be appointed auditor.

In the event of an auditor appointed to audit the accounts of a county, refusing or being unable to act, the warden is required to nominate another person to act in his stead. A by-law should be passed, confirming the appointments.

The auditors should be men capable of checking the work of the clerk, collector, treasurer and all others who handle the public money. They should receive salaries sufficient to pay them for doing the work in a thorough manner. Checking over the vouchers and making a copy of the treasurer's books is not an audit, although it has been accepted as such in many municipalities whose accounts, more especially those relating to debentures, are now in such a condition that only an experienced municipal man and an accountant with plenty of time at his disposal, could open them up properly. If audits were thorough the treasurer would be more particular and would not be tempted to use the public money for his own purposes. With an average audit every treasurer can, if so inclined, arrange matters in a way that the auditors never suspect anything wrong. The auditors should refer all irregularities they find to the council. One matter that requires their special attention is the balance on hand. The Municipal Commission Report refers to numerous defalcations which were covered up by a little manipulation on the part of the treasurer at the end of the year. To overcome this auditors should in all cases continue their examina-

tion of the accounts from the 31st of December, up to the date on which they complete the audit. This should be considered absolutely necessary to ascertain cash balance on hand at end-of-the year.

Unless councils are more particular in their appointment of competent men, who will attend to their duties as auditors, the appointment of these officers may be justly taken out of their hands.

The Municipal Commission, in their first report, made a recommendation in regard to this matter, which, among other things, provides for the appointment by the Government of a competent accountant to superintend the audit of accounts of every municipality in the province. How much better it would be for each municipality to appoint men, not because they belong to a certain party, or live in a particular ward, or have been active in securing the election of the successful candidate, but because they were competent to make a thorough audit in a business way and a report that everyone could rely on as being absolutely correct.

Special provision is made in the Act for the appointment of auditors in cities and towns who shall daily or otherwise, as directed by the council, examine, report and audit the accounts of the corporation. In other municipalities the auditors may be required to audit the accounts monthly or quarterly, as the council may direct.

*Harriston Tribune*: Robert Scott, the popular reeve of Minto, made an important discovery during the last session of the County Council while looking over some old receipts. He came across an account due to Minto of some \$1,500, over sixteen years old.

An exchange says that the late treasurer of Elora is behind \$9,000 in his accounts, the mis-appropriations extending back for years. He has offered to make over his life insurance policies, amounting to \$6,500, and his office furniture. This is a serious complication in the financial affairs of the village. The council will no doubt now be more particular in the appointment of officers.

## Board of Audit of Accounts and Expenses of Criminal Justice.

Every County Council is required to appoint, at its first meeting in each year, two persons, not more than one of whom shall belong to the council, to be members of the Board of Audit. The judge, or junior, or acting judge of the county court is ex-officio member of the Board.

The accounts and demands shall be taken into consideration by the Board of Audit between the first and fifteenth days of the months of January, April, July and October in each and every year, and disposed of as soon as practicable, and the board shall, at the completion of the audit so to be made in the month of October, make a report to the council of any irregularity in the accounts presented to them, or of any claim that may be made contrary to the law or any other matter which the auditors may consider ought to be brought under the notice of the council. It would be very inconvenient for a council to pay the accounts mentioned, before audit, for then occasions might be constantly arising for claiming from the officers of sums that the Government county auditors or the provincial treasurer may have rejected.

The county valuers appointed by the County Council of Wellington last year, will present their report at the regular meeting of the council on 26th inst. This system of equalizing the assessment of counties should be considered by every council desirous of having the county rate apportioned in an equitable manner.

The rate payers of the Township of Haughton have carried a by-law authorizing the council to erect a town hall.



### Assessors, Appointment and Amendments to Act, 1890-91.

One or more assessors are required to be appointed at the January session (see Sec. 254 of the Municipal Act.) Competent men of good judgement are required for this office. Their work is recorded in the assessment roll and forms the basis of all yearly transactions in the municipality, namely, statute labor, voters lists, collectors' roll and taxes, all necessary statistics required by the Bureau of Industries under the Public Schools Act; the act respecting births, deaths and marriages, and inspection of boilers, are inserted in the rolls, and this year, for the first time assessors are required when making their assessment to enter in a book to be provided by the clerk, the name, age and residence of every child between the ages of eight and fourteen years, resident in the municipality, and the name and residence of the child's parents or guardian, and return the said book to the clerk of the municipality, with the assessment roll for the use of the truant officer. (See act respecting truancy and compulsory attendance, Chap. 56—54th Vic.) Section thirteen of the said act provides that when any of its provisions are violated by corporations, proceedings may be had against any of the officers or agents of the corporation, who in any way participated in such violation, by the corporation of which they are the officers or agents, and such officers or agents shall be subject to the same penalties as individuals similarly offending.

Section 7 provides for the appointment and regulation of truant officers. The sections of the assessment act respecting exemptions are constantly changing, and I will refer to the amendments of 1890 and 1891, which have not been included in any of the assessors guides, supplied by municipal publishers that I have yet seen.

The Assessment Amendment Act, Chap. 54, 53rd Vic., provides assessment as real estate of plank, gravel, macadamised or other toll roads situated in the municipality. In making the assessments, the assessors shall take into consideration the value of (first) the land occupied by the road; (second) the materials employed in the superstructure; (third) toll houses, buildings and gates on the road; (fourth) quarries and gravel pits and roads to and from such places, and used in connection therewith, but he shall not include bridges 100 feet in length or over, or the approaches thereto, which are on or along such toll road and which are used therewith. The same act also exempts from assessment the stock or shares held by any person in any toll road, and the dividends or income derivable therefrom.

Under Chap. 55 of 53rd Vic., Sec. 2, the salaries of clergymen and ministers of religion, and parsonages or dwellings occupied by them, and the lands attached thereto are liable to assessment for all municipal purposes in the same manner and to the same extent, as the incomes and dwellings and property of other persons.

The same act also provides that land on which a place of worship is erected, and land used in connection therewith; the buildings and grounds attached to a university, college or other incorporated seminary of learning shall be liable to be assessed in the same manner, and to the same extent as other land is assessed for local improvements hereafter made or to be made. This does not apply to schools maintained in whole or in part by a legislative grant or a school tax.

Chapter 45 of 54th Vic. authorizes municipalities to pass by-laws for imposing and levying an annual business tax in respect of all classes of merchantable business without classification, or of any class or classes of merchantable business, provided such tax does not exceed  $7\frac{1}{2}$  per cent. of the annual value of the premises in which the business is carried on. When personal property belonging to the business is taxed in this way it is not liable to assessment or taxation otherwise.

Section four of the said act provides that every male inhabitant of the township who is not otherwise assessed and is not exempt by law from performing statute labor, shall be liable to one day statute labor on the roads and highways in the township. Township councils still have the authority to entirely abolish statute labor required to be performed by ratepayers and others in the township.

### Collectors.

The council of every municipality shall as soon as may be convenient after the annual election, appoint as many collectors for the municipality as the assessment laws from time to time authorize and require, and shall fill up any vacancy that may occur in said office as may be convenient after the same occurs, but the council shall not appoint one of its members as a collector.

The by-law appointing the collector should state the amount and nature of security required to be given by him and fix his salary.

### Local Boards of Health.

Every council is required at its first meeting after being duly organized to appoint a Local Board of Health to be composed in townships and incorporated villages of the reeve, clerk and three ratepayers. In towns containing less than 4,000 inhabitants to consist of the mayor, clerk and three ratepayers, and for each city and town containing more than 4,000 inhabitants, according to the municipal enumeration of the previous year, to consist of the mayor and eight ratepayers. Any vacancy arising from any cause shall be filled at the first meeting thereafter of the municipal council. The clerk of the municipal council shall in all cases be secretary of the local board. Every municipal council may also appoint a medical health officer and a sanitary inspector or inspectors for the municipality, and may fix the salaries to be paid them. Provision is also made in the Act that two or more councils may, by concurrent by-laws, unite their respective districts into a health district. The members of the district boards of health shall consist of three members of each municipality included in the district, namely, the head of the council, the municipal clerk and one other ratepayer, not a member of the council, to be appointed by the council. District boards thus constituted possess the same powers in respect to the district, and are subject to the same regulations as a local board of health of the municipality. When it is considered desirable in the interests of public health that there should be instituted a system of health inspection more thorough than is at present practicable, owing to the expense attendant upon the appointment of an active and efficient medical health officer for every municipality, any county council may appoint one or more county or district medical health officers.

When a county medical health officer is appointed the powers possessed by medical health officers within the county, or portion of the county, for which such county health officer is appointed, shall be transferred to and vested in such county health officer and officers and all sanitary inspectors within the jurisdiction to be defined in the by-law, appointing a county health officer, shall be subject to his direction and control.

The members of the local boards, other than the ex-officio members, may or may not be members of the council but they must be ratepayers. When any municipal council neglects or refuses to elect members or a member of the local or district board of health, the provincial board of health may appoint a duly qualified ratepayer or ratepayers to be a member or members of such local or district board of health to act with the ex-officio or other members.

The secretary of the board is required to

report to the secretary of the provincial board of health the names of the members of the local board within one month after its first meeting, which shall be held on the second Monday after the members, who are not members ex-officio, have been appointed.

The municipal council may vote such sums as may seem necessary by the local or district board for the carrying on of its work. When by-laws, appointing members of local boards of health, medical health officers and sanitary inspectors, are passed and do not fix any salary it has been held that the law would fix the salary, at a reasonable sum, regard being had to the services performed and to be performed.

### A House of Refuge Badly Needed.

The following remarks made by Coroner Holmes, who is also county treasurer of the County of Huron, in addressing the jury at an inquest held as to the death of an aged and infirm woman in the county jail are applicable to all counties where the poor are still cared for under the old system:

"It is strange that it should be so, but in this county when poor people become old they are committed as criminals." Can any member of the county council who has voted for the perpetuation of the present brutal system give a reason why honest poverty, if aged and infirm, must herd with the criminal class in a common jail?

The *Signal* during the past few months has given a series of articles advocating a change of the present system, and calling for the erection of a house of refuge for the aged and infirm poor of Huron county. The question has been discussed from the standpoints of humanity and economy, and argument to the contrary has been challenged without a response.

It has been shown that some six or eight aged poor and infirm have been quartered in the jail, many of them for a term of years, at an average cost to the county of from \$3.50 to \$4 a week. It has been proved that the crowding in of the county poor took the large bulk of the cost of maintaining the jail from the Provincial Government and saddled it upon the county. The figures for the last completed year—1890—indicated that, whereas the cost to the county for jail maintenance should have been not more than \$400 in an outlay of \$2,500, the present iniquitous system had saddled over \$2,100 upon the county. Such a showing in itself is a sufficient reason why, from an economical standpoint, the classifying of our poor and helpless as criminals should cease. But that is not all.

In addition to the \$2,000 a year which is annually paid by the county for keeping up the jail as an asylum for its poor, there is an annual county expenditure by statute for the maintenance of county wards in private places throughout the county which covers from \$1,000 to \$1,500. This year there are fourteen of this unfortunate class, and the total amount disbursed for their care and keep is \$1,200.

That is not all. In every municipality a sum averaging not less than \$100 is paid out annually toward local charities, which would at the very least aggregate another yearly outlay of \$3,000. This sum, if added to the \$1,200 paid for keeping the county wards, and the \$2,000 paid towards jail maintenance, would make a total of fully \$6,000 per annum, which would provide the interest and sinking fund for the mainenance of a house of refuge that would give ample and suitable accommodation to all the deserving poor of the county and in addition return a snug sum to the municipal and county treasuries."—*Signal*.



### Houses of Industry.

The question of whether or not the erection of a House of Industry is advisable, is now one of considerable prominence in all counties not possessing one of these institutions. The grant offered by the Ontario Legislature to assist counties in this direction is a liberal one, and has induced many councils to take active steps towards procuring information from counties in which they have been successfully conducted for some years. For the information of those who may be considering this important subject. I have a few suggestions to offer in a general way which experience in the management of one of the institutions has brought to my notice.

The first essential to be considered after the Council has decided on the erection of a House of Industry is to locate it near the centre of the county, and not more than two miles from a town or village and a railway station. By so doing the expense of conveying inmates to the institution whither borne by the local municipalities or the county will be at a minimum. If situated near the county town, it will be at all times accessible to the county councils and grand juries, and continually under the supervision of the inspector who, in most cases, is the county clerk or treasurer. One object in having it situated near a large town is that there will be better facilities for securing supplies which is an important item. Satisfactory arrangements can sometimes be made when a town is separated from the county for joint action in the erection and management of the House of Industry. This is not desirable.

The location having been decided on, the amount of land, character of the soil, water supply and drainage must be considered. In the institutions at present established in the province, the quantity of land varies from 45 acres in Middlesex to 141 acres in Waterloo. Only two counties have industrial farms containing more than 60 acres. Fifty acres has, in the majority of cases, been found to be all that can be worked conveniently without increasing the help actually required to manage these institutions, be they large or small. The soil should be of a light or sandy loam, such as can be easily worked by the labor of the inmates. This is an important consideration, and is the experience of the management of all the existing institutions.

An unailing supply of pure water will be required, and facilities for drainage of the farm and sewage from the institution in an inexpensive manner must not be overlooked. If it can be conveniently located adjoining a body of water, the meat supply required can be reduced by allowing the inmates to catch fish for the benefit of and use in the institution. This at first may seem a small matter, but when I say that the meat account will be one of the largest items of expenditure in connection with the maintenance of the

inmates, the suggestion no doubt will be appreciated.

Having procured a suitable farm, the character of the building to be erected must receive careful consideration. A partial basement with one or at most two flats above is considered by many to be preferable. The physical condition of the inmates in the majority of cases renders them unable to climb long flights of stairs such as are at present to be found in some institutions. Provision for the escape of in case of fire favors a low building.

The plan should provide for the complete separation of the sexes for bath rooms, for hospital wards and facilities for the isolation of a greater or smaller number in case of an epidemic. Ample room must also be provided for a large kitchen, convenient store rooms and cooking apparatus of sufficient size. The dining rooms should be near the kitchen, and in the basement. The laundry should be separated from the main building and have proper drying rooms attached. Cottages or separate buildings for the isolation of certain classes of inmates are necessary.

Outside of these general features the building may be such as the circumstances require.

The heating apparatus, and at the present time preference in most cases is given to the hot water system, should be placed in the institution when it is erected. This should be constructed in the best possible manner, and care taken in accepting the lowest tender, to see that the work is to be done equally as well. If constructed in a first class manner it will be economical, while if, on the other hand, a first class job is expected for a third class price; the repairs and improvements that will continually be required will, sooner or later, increase the price to what it would have been had a tender at an amount sufficient to pay for first class work been accepted.

In future issues further suggestions in connection with this important subject will appear and will include descriptions of all of the Houses of Industry in the province, with full particulars as to the management and expenses connected therewith.

Mr. Parrot, of the Village of Bath, in the County of Lennox, has offered 20 acres of land and \$1,000 towards the erection of a county poor house.

### Officers Appointment and Salaries.

No Municipal Council shall assume to make any appointment to office or any arrangement for the discharge of the duties thereof by tender or to applicants at the lowest remuneration. (See section 278 Municipal Act). The lowest tender is not always the most satisfactory for acceptance, and so much has this been found the case in the management of municipal affairs that the Legislature has been compelled to interfere. Poor pay, poor service is generally the rule. Good pay to good servants will, in the long run, be found to be true economy.

### Publication of Official Notices.

Tenders for the publication of the lists, convictions by justices of the peace and other legal and official advertisements, the whole expense of which is payable by counties, shall be publicly advertised for by the council of the county, subject to such conditions, if any, as to circulation and other matters as the council may think just, and the contract shall be given to the newspaper making the lowest tender on or subject to the said conditions, if any there be. Revised Statutes, Chap. 18, Sec. 3.

### High School Act of 1891.

The following are the most important changes in the High School system made by the act passed at last session of the legislature. Chap. 57, 54th Vic.:

Section 8. Subject to the approval of the Lieutenant-Governor, a county council may open a High School in any municipality containing not fewer than 1,000 inhabitants, or an incorporated village containing fewer than 1,000 inhabitants, provided adjoining municipalities pass by-laws for uniting with such village so as to constitute a district of not fewer than 3,000 inhabitants.

Sections 11 and 12 provide among other things for the appointment of trustees by the county and district municipalities in districts consisting of one or more municipalities, and limits the number of the city board to eighteen, with other special representatives as are authorized by the Act. These are, in the case of all boards, a representative of local, public and separate school boards respectively, and in the case of cities and towns separated from the county, three additional trustees appointed by the county councils for such High Schools as are open to county pupils on the same terms as are High Schools in the municipalities not separated from the county.

Section 31. The distinguishing feature of the act is its equitable provision for the support of the High Schools by those who derive benefit therefrom. Heretofore an amount equivalent to the legislative grant was, in many cases insufficient to defray the cost of county pupils, and no provision was made in the case of towns and cities separate from counties, where the proportionate cost of the maintenance of county pupils at any High School exceeds or is alleged to exceed the amount of money granted by the county council under the preceding section, and of the fees received for county pupils, the county would be liable for a further sum in the proportion as nearly as may be, which the average attendance of county pupils enrolled in such High School during the preceding three years, bears to the average attendance of county pupils enrolled at the same school for the same period of three years. In the case of new High Schools, the period herein mentioned for which the average attendance is to be reckoned shall be the number of years for which such school was opened not exceeding three years.

Where the trustees of any High School situated in a city or in a town separated from the county, notify the county clerk that such school is open to county pupils on the same terms as High Schools in the municipality not separated from the county. The county council shall in all such cases pay the proportionate cost of the maintenance of county pupils, at such High Schools, subject to the provisions of the said act.

Shall the amount due by the county not be determined by mutual agreement by the county council and trustees of the High School, the act constitutes the county judge the referee in the dispute, and any award made by him is binding, or three years.

Concluded on page 9.



**ENGINEERING DEPARTMENT.**

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

**Municipal Engineering.**

The province of a municipal engineer is as broad as the profession itself. When we consider the different branches of civil engineering—sanitary, hydraulic, mining, mechanical, railway, military, naval and municipal engineering, the breadth of the field embraced in this department will be observed.

THE MUNICIPAL WORLD will be devoted to municipal work and it will be my duty to discuss only such questions as relate to sanitary, hydraulic and municipal engineering, unless at the request of subscribers who find it necessary to consider other branches of the profession as incidental thereto.

The construction and maintenance of roads and streets, the quality and description of material to be used for road covering and pavements, the cost of good roads and the expense of bad ones, the drainage of lands for agricultural purposes and assessments therefor, the sewerage of towns and cities, sanitation in urban and rural communities, heating and ventilation of public buildings, water supply for towns and cities, the different systems of waterworks, direct pressure, gravitation, mechanical filtration, aeration, etc., will receive special consideration.

**Roads and Road Making.**

The construction and maintenance of highways must form at all times a most important work to municipal authorities, not only because of the increased comfort of the community of well-kept roads, but because of the increased cost of locomotion and the discomfort of badly maintained roads. The construction and maintenance of highways is a subject that the municipal authorities of to-day are devoting much attention to; it is a question that comes very near the public heart for the reason that it draws very heavily upon the public purse.

If the best results are to be obtained there must be intelligent designs, careful supervision of construction and properly organized forces for the maintenance of the same; with a few exceptions, these requirements are not found combined either in city, county or township, nor can they be until both the construction and maintenance of highways is placed under the care and direction of men whose training and experience especially fits them to have charge of and control in a large measure this department of public work.

The construction of a street or road involves something more than filling up holes and covering mud; the question of grades, width of roadway to be improved, cross-section of completed road, drainage of both surface and sub-grade, the kind and amount of material to be used requires careful and skilful consideration and investigation.

Country roads, as distinguished from paved streets in cities and town, may be classified with respect to their covering as follows:—

1. Earth roads.
2. Corduroy roads.
3. Plank roads.
4. Gravel roads.
5. All broken stones.
6. Stone sub-pavement, dressed with broken stones.

**Earth Roads.**

Earth roads necessarily possess so many defects of surface that whatever amelioration their condition is susceptible of, by a careful attention to good surface drainage and sub-drainage, should be secured; the grades should be easy, not exceeding one foot in twenty-five, and the road surface should slope not less than one foot in twenty from the centre towards the side. The side ditches should be deep and capacious, with a fall of not less than one inch in one hundred feet, and where the land on the borders of the road is timbered, the trees should be cleared away at last four rods from the lines of the road to admit the wind and sun. In soils composed of a mixture of sand, gravel and clay the road is formed of this material and requires only that the ditches should be kept open and free, and that the ruts and hollows be filled up as fast as they form in the surface in order to render the road a good one of its kind. The material used in filling up ruts and hollows should be composed largely of gravel and coarse sand, free from sod, muck or mould; it should not contain cobble-stone or large fragments of rock, which would form large and mouldering lumps on one side of the wagon track, soon resulting in corresponding ruts and hollows on the other. All ruts should be filled in with good material as soon as formed.

A pernicious custom prevails of repairing country roads only at a certain season of the year, the cost of maintenance would be greatly reduced by frequent repairs, and especially by keeping the said ditches clear and open to their full depth and width, by promptly filling in the ruts, and by maintaining the required slopes from the centre towards the sides. It is seldom found that the material obtained by cleaning out the side ditches is fit to put upon the roadway.

**Corduroy Roads.**

Straight logs of timber, either round or split, cut to suitable lengths, and laid down side by side across the roadway, scarcely deserves the name of a road; nevertheless, they are vastly superior to a soft marsh or swamp, which in some seasons of the year would be absolutely impassible for the wheeled vehicles of any description. They are commonly known as corduroy roads, from their ribbed character. In heavily timbered districts nearly all the logs for such a construction would be procured in clearing off the usual width—four rods—prescribed for country roads. The width of the road covering itself on the corduroy being restricted to about fifteen or sixteen feet, so that two vehicles can pass each other upon it without interference. The logs are all generally cut to the same length, and in laying them down such care in selection should be exercised as will give the smallest joints or opening between them. In order to reduce as much as possible the draught and the violence of the repeated shocks to which vehicles are subjected upon these roads, and also to render its surface practicable for draught animals, it is customary to level up between the logs with smaller pieces of the same length, but split to a triangular cross section, these are inserted with edges downwards in the open joints so as to bring their top surface even with the upper sides of the large logs, or as nearly as practicable. Upon the bed thus prepared a layer of brushwood is put, with a few inches in thickness of soil or turf on top to keep it in place. This completes the road.

**Plank Roads.**

Plank roads were much in vogue twenty-five or thirty years ago and are still used in localities where lumber is cheap and stone and gravel scarce and expensive. They should be at least eight feet wide and occupy one side of an ordinary well-drained and properly graded earth road, the other side being used to turn out upon and for travel during the dry season. The method of construction most commonly followed is to lay down, lengthwise, with the road, two parallel rows of stringers about five feet apart, between centres, and upon these to lay cross plank of from three to four inches in thickness and eight feet long, so adjusted that their ends shall not be in a line, but form short offsets at intervals of three or four feet to prevent the formation of long ruts at the edges of the road and aid vehicles in regaining the covering from the earth turnout. New plank roads possess many advantages for heavy haulage as well as light travel when the earth road is muddy and soft, but in a short time the planks become so worn and warped and so many of them get displaced that they are very disagreeable roads to travel upon. They are so deficient in durability that a common gravel road, which I will hereinafter describe, will in the end be found more profitable in most localities, the ease and rapidity with which they can be constructed render them a popular and even a desirable make-shift in newly-settled districts and towns where lumber can be procured at low cost, but they lack the essential features of permanence and durability which all important highways should possess.

**Gravel Roads.**

A great deal must be taken into consideration before attempting to construct gravel roads. A capital distinction must be made between gravel that will pack under travel and clean rounded gravel which will not, due to a small proportion of clayey or earthy matter contained in the former which unites and combines the material together. Seaside and riverside gravel consisting almost entirely of waterworn and rounded pebbles of all sizes, which easily move and slide upon each other, is unsuitable for a road covering unless other materials be mixed with it, while pit gravel usually contains too much earthy matter. The gravel for the top layer, at least, must be hard and tough, so that the wear will not pulverize it and convert it into dust and mud. It should be coarse, varying size, from one-half to one and one-half inches in largest dimensions, it should not be water worn and should contain enough sandy or clayey loam to bind it together firmly. Pit gravel usually contains so much earthy material that it should be screened to render it entirely suitable for the surface layer for this purpose. Two wire screens will be necessary, one with the wires from one and one-half to one and three-fourth inches apart, while in the other they should not be more than one-half to three-fourth inches apart. The pebbles which do not pass the large screen are to be rejected, or if used should be broken up into small fragments, while the earth, small gravel and sand that pass the smaller one, although not suitable for the road surface, will answer for a bed for the road material to rest upon. If the bed of the road is rock a layer of earth should be interspersed to prevent the too rapid wear of the latter. In ordinary soils an excavation to the depth of ten or twelve inches and of the required width is made for the reception of the gravel. The surface of this excavated form, called the sub-grade, may be made level, or, preferably, it may be arranged parallel to the finished road surface by sloping it from the centre to the sides. A layer, four inches thick, of good, unscreened gravel, in its natural state, is first spread upon the roadbed, which is then thrown open to travel until it becomes tolerably well consolidated. The work may be hastened by



using a cylindrical roller, two and a half to three feet in diameter and five or six feet long, weighing one and a half to two tons. A better design is to have two such cylinders arranged in a frame, one behind the other, each being composed of two short cylinders, two and a half to three feet in length, placed abreast on the same axis. Gravel roads, carefully constructed in the manner herein described, will possess all the essential requisites of a good road.

#### Macadam Roads.

Macadam roads are constructed with successive layers of broken stone applied in a manner similar to that described for gravel roads. If the best quality of stone cannot be procured for the whole of the road covering, care should be taken to select the hardest and toughest stone for the upper, or preferably, for the two upper layers, having an aggregate thickness of about six inches. The stone should be broken into fragments as near cubical in form as possible, the largest of which should not exceed two and one-half inches in largest diagonal dimensions. For inspecting the broken stone an iron ring, two and a half inches in diameter, may be used with advantage. If the material to be used be very tough or hard, like most of the basaltic and trap rocks and the scientific granites, or if the traffic upon the road be light and its amount not large, the stone may be broken smaller without danger of their crushing too easily or wearing too rapidly; the smaller the fragments, the less will be the volume of voids in the road covering liable to become hard and smooth when open to traffic. No amount of rolling is sufficient to produce a thorough binding effect upon the stones, or to cause such a mechanical union and adjustment of their sides and angles together as to enable them mutually to assist each other in resisting displacement by the action of waggons and horses' feet. Broken stone, of ordinary size and of the very best quality for wear and durability, with the greatest care and attention to all the necessary conditions of rolling and compression, will not consolidate in the effectual manner required for the surface of the road, while entirely isolated from and independent of other substances. In order to decide upon the fitness of any particular kind of stone for road covering, and especially where there are several kinds equally available, or so nearly so that the question of selection should be governed by the quality alone, an examination and tests of the varieties should be made, in order to determine their relative toughness, hardness and power to resist abrasion. In some cases the difference of quality is so pronounced and so well known that the opinion of intelligent stonecutters, who have been accustomed to work the various kinds of stone into various forms, with different tools, will be sufficient to indicate their order, though not their degrees of merit, for the purpose in view. When, however, the formation thus obtained is deemed inadequate or inconclusive, the merits of the examination should be, 1st, the toughness of the stone; 2nd, its power to resist abrasion; 3rd, the compressive strength of the stone.

#### Telford Roads.

Telford roads are named after Thomas Telford, by whom they were first constructed. They are made with layers of broken stone, resting upon a sub-pavement of stone blocks. A level bed is first prepared for the road material, a bottom course or layer of stone is to be set by hand in the form of a close, firm pavement. The stones are set in the middle of the road and are about six inches in depth; they are set on their broadest edges and lengthwise across the road; the breadth of the upper edges are about four inches. All the irregularities of the upper part are broken off by hand hammers, so that when the whole pavement is finished there shall be a convexity of about

four inches in the breadth of fifteen, measuring from the centre; the middle eighteen feet of pavement is coated with hard stones to a depth of about six inches. The first four inches of this is to be put on first and worked down with horses and carriages; the ruts are raked in, and the surface becomes firm and consolidated, then the remaining two inches are put on the remainder of the roadway to be coated with strong gravel. Derived from this pavement there are various ways of paving, such as the Telford sub-pavement, Telford sub-pavement with gravel and broken stone on top, concrete foundation, surmounted with gravel or broken stone.

#### Charcoal Roads.

The novel expedient of using charcoal for road covering is not likely to be resorted to except in newly-settled, heavily-wooded districts, where standing timber has no market value and must be gotten rid of before the land can be devoted to agricultural pursuits. Take timber from eight inches to sixteen inches in diameter, and twenty to twenty-four feet long, and pile it up lengthwise in the centre of the road, about five feet high, being about nine feet wide at the bottom and two feet at the top, and then cover it with straw and earth in the like manner to coal pits, the earth required to cover the pile being taken from either side, leaves two good-sized ditches, and the timber, though not split, is easily charred, and when charred the earth is removed to the sides of the ditches, the coal raked down to a width of fifteen feet, leaving it two feet thick at the centre and one foot at the sides and the road is completed. This material is found to pack well, not form into ruts or get soft or spongy in wet weather.

#### Water Supply.

Water is one of the most indispensable elements of life, health and happiness, affecting everything connected with eating, drinking, and cleanliness, as well as affording protection from stench, disease and fire, and as provided by a suitable public works constitute one of the most economical, convenient and labor-saving means of the age; hence its indispensability, in both quantity and quality, will not be questioned.

In the comparison of the various sources of supply, the questions of quality, quantity and cost of development, are the principal ones to be considered. The weight to be given to each depends on the local and conditional circumstances of the community for which the supply is under consideration. Purity of water prevents innumerable ills and pestilential diseases of man and beast. Its importance and value in this respect cannot be over-estimated. It would be indispensable even were it possible to obtain perfect chemical purity in water. Distilled water, which is the nearest approach to perfectly pure water, is quite flat and insipid to the taste, due for the most part to the absence of absorbed gases. Most people prefer a water containing a reasonable amount of matter in solution, and a large amount is sometimes found in water which is suitable for drinking purposes and even highly prized, as in the case of numerous mineral springs.

For the manufacturing purposes, however, the absence of mineral salt in any great amount is desirable, especially the absence of the carbonates and sulphates of lime and magnesia. These substances give rise to much trouble by the formation of incrustations in boilers and in domestic use by the formation of a "curd" with soap. Mankind has learned by dear experience the close connection that exists between factory and household wastes and certain forms of disease. Whether filth may produce these diseases or whether it acts merely as a nidus for their development is still in dispute. The

weight of evidence shows, and the best authorities agree, that the water supply may become the cause of disease both by direct action through its impurities and as a means of transmission from some other source.

Under a suitable head, and in ample quantity, as provided for public use, it often, in a single instance, prevents an amount of loss by fire alone equal to the entire cost of its supply, to say nothing of the countless other comforts and blessings that an abundant quantity of water affords.

No expense by city, village, town, public institution, mill or factory owners, or families generally, can be more satisfactorily or economically incurred than for the provision of an abundant and ready quantity of pure and wholesome water, for health is an inestimable boon, and "cleanliness is next to godliness."

Besides these considerations, the introduction of public waterworks invariably enhances the value of real estate and other property, by rendering residence more desirable and thereby attracting occupants, as also affording better facilities and advantages for manufactories and various classes of business. The necessity and desirability of public water supply is being sadly overlooked, in many places where it should receive immediate attention and introduction, as one of the greatest considerations relating to health, comfort, luxury, convenience, safety and profit. Therefore, the quantity, quality and means of supply of this much-needed element, becomes an interesting question to all, and should receive the prompt and careful consideration of those who are delegated to attend to the means of its provision. It is the official and moral duty of physicians, health officers and authorities of cities, villages and towns to instruct the people and agitate the subject relating to the necessity of providing public waterworks as an additional means of health, security and prosperity.

#### Notes.

##### The Galt and Dundas Road to be Bought.

GALT, NOV. 18.—A meeting was held in the council room at the town hall, consisting of representatives from the various townships and municipalities interested in the purchase of the Waterloo and Dundas macadamised road. Several of the representatives had interviewed Mr. Harcourt, of the Provincial Government, a week ago, who intimated to them that the road could probably be bought for the sum of \$7,500 by the townships and municipalities through which the road runs, on the condition that it be made free. After much discussion over the proportion of the cost of purchase that each should bear, the matter was narrowed down to a difference that Galt and Dumfries should decide. The delegates of these two places retired and a settlement was come to between them. A resolution was then put to the meeting that the proportion which each municipality or township should bear towards the purchase of the road should be as follows: Flamboro, \$2,100; Beverly, \$2,100; Galt, \$1,350; Dundas, \$1,150; Dumfries, \$800; total, \$7,500. Each municipality and township will keep in repair and improve the road lying within its limits.

The Dundas *Banner* says the County Council should follow up the action taken in regard to the Dundas and Waterloo road and make the rest of the roads in the county free. This would be a move in the right direction. Both Dundas and Hamilton would be benefitted if the tolls on the roads leading into those places were abolished. Many years ago the County of Wellington was among the first to abolish the tolls on her system of gravel roads, which were then, and are now, the best in the Province, and the county greatly benefitted



thereby. Toll gates are a relic of the past, and in this enlightened age ought to be done away with.

When the people can be made to understand that it actually costs more in time and money to travel over a poor road than it does to travel over a good one, they will be less inclined to begrudge the expense of good roads, and will be willing and anxious to put the road-making into the hands of intelligent men who understand the business. Poor roads are expensive things and curse a country district.

#### A Commendable Example.

The City Council, of Allentown, Penn., have taken steps to lessen the local fire waste. The ordinance being adopted provides that, the chief engineer of the fire department shall inspect all new buildings as to their safety and protection against fires and others where defective construction is likely to increase this danger. The chief is authorised to enter any yard in the city for the purpose of examining heating and lighting apparatus, to see whether any woodwork is in danger of igniting, and to examine the heaters, chimneys, steam pipes, gas brackets, electric wires of all kinds, oil lamps, ash bins, rubbish piles, and all such other things as may increase danger of fires. Whenever the engineer shall find anything in or about any building or premises, which may tend to increase the danger of fires, or any obstruction in or about any building, which might interfere with the firemen from freely entering such building, through any door or window, in case of fire, he shall notify the owner or occupant, whose duty it shall be to immediately remove the danger of obstruction, or in case of refusal or neglect, he shall, upon conviction, be fined, not exceeding \$50.

#### Ontario Drainage Commission.

The Drainage Commission held sittings at Chatham to take evidence on December 18, 19, 21 and 22. During the month of January sittings will be held at Leamington, Essex Town, Amherstburg and Windsor, in Essex County; at Tilbury Centre, Ridgeway and Wallaceburg in Kent County; at Sarnia, Petrolia, Alvinston and Forest in Lambton County; and during February and March sittings will be held in other parts of the Province.

#### Georgetown Waterworks.

GEORGETOWN, Nov. 27.—The system of waterworks for supplying the Village of Georgetown was completed, with the exception of a few details, last night, when the water was let into the pipes at the reservoir. The contractors are Messrs. Garson & Purser, of Hamilton, and the price is in the neighborhood of \$30,000. The water is supplied by springs from the limestone ridge running from Hamilton. The reservoir has a capacity of 320,000 gallons, and gives an average pressure of 87 lbs. to the inch.

The Edison Company have been granted the franchise for the electric railway in Peterborough.

ARNPRIOR, ONT.—The residents and council are discussing the project of obtaining their water supply from a neighboring spring. The scheme would cost about \$30,000.

CHATHAM, ONT.—The council are considering the construction of a sewerage system.

The council of an Ontario town recently sent inquiries to nearly all the cities and towns of Canada as to the yearly cost of each electric lamp in use for street lighting. The lights are paid for from 200 to 365 nights per year. The figures are Montreal, \$146; Toronto, \$108.59; Hamilton, \$102.10; Ottawa, \$80; Halifax, \$79; London, \$94.05; Kingston, \$65.80; St. Catharines, \$77.10; Brantford, \$105; St. Thomas, \$102.20; Windsor, \$80.30; Peterborough, \$60; Stratford, 66; Belleville, \$105; Woodstock, \$56.50; Brockville, \$101.50; Berlin, \$60; Galt, \$66; Cornwall, \$17.

#### A DEADLY STREET SWEEPER.

##### How Microbes are Sent to the Nostrils of Citizens.

At the Toronto University Saturday, Nov. 21st, Prof. Ramsey Wright lectured on "Koch and his Cure for Tuberculosis." After giving a resume of the progress made by bacteriological science in the hands of Prof. Koch, the lecturer expressed himself severely regarding the hygienic conditions of the city of Toronto. The prevalence of typhoid fever and diphtheria he pronounced a disgrace. The present method of sweeping the streets he condemned strongly. The thoroughfares he held should be cleaned every twenty-four hours, at a time when people are supposed to be in bed. The present habit of doing the work in the day time or early evening gives the citizen an excellent opportunity to imbibe the disease germs stirred up and sent floating about through the air. The meat supply of the city needs looking after. If absolute safety in this respect is to be obtained public abattoirs must be provided and a rigid system of inspection established. Notwithstanding the almost universal disrepute into which Koch and his cure have fallen Prof. Wright warmly supported its efficiency and possibilities.

#### Individualism and Highways.

Single taxers are individualists, not Socialists. They are utterly opposed to the assumption by government of private business. Most of them, however, protest against the continuance of the practice that transfers to private individuals and corporations the transaction of public business and the performance of public functions, and they demand that the government shall resume its proper functions and cease to farm out the taxing and other powers to private individuals to be used for their personal advantage and profit. On this general principle they are all agreed, though they may be differences as to detail. For instance, they are all agreed that the maintenance of public highways is a function of the state, but many insist that highways thus maintained shall be operated by private enterprise, while some (mistakenly, we think,) regarding this as impracticable, insist that the state shall not only own the roadbed, but that it shall operate its own rolling stock on railways. All are, however, agreed that the principle involved is that private parties shall not own and monopolize public highways. If this is called socialism it ought to insist on the sale of the St. Lawrence and other rivers to private parties, who would doubtless pay the federal government an enormous sum for the privilege of exacting tribute from all craft sailing on their rivers.—*Social Problems.*

#### Prison Reform Conference.

TORONTO, Nov. 27.—About 150 delegates from the various philanthropic organisations of the province and from the various public institutions met this morning as the Ontario Prison Reform Conference. Dr. E. A. Meredith presided, and W. H. Howland made the opening address. The subject of Saving Children from a Criminal Career was the sole subject of discussion at the morning session, it being stated that this was the foundation of the whole question. A resolution introduced by J. J. Kelso, of this city, and seconded by Rev. Thos. Geoghegan, of Hamilton, was adopted approving of the recommendation made by the recent prison commission regarding children. Addresses were delivered by Sir Daniel Wilson, Rev. Canon Dumoulin and others.

#### Something New.

The County Council of Leeds and Grenville at their session November 26, 1891, accepted conditionally a proposition of Mrs. Rivers, of Brockville, to loan her collection of valuable paintings to decorate the council chamber.

The following was received from the Deputy Minister of Education in reply to a question submitted by the secretary of the Thorold school board.

EDUCATION DEPARTMENT,  
Toronto, Dec. 10th, 1891.

DEAR SIR,—A public school trustee, if not a member of a board of education, may be a member of the municipal council.

Your obedient servant,  
JOHN MILLAR,  
Deputy Minister.

The "board of education" to which Mr. Millar makes allusion has reference to cities or towns where the public and high schools are under a joint board.

By order of the council the bell on the town hall at Listowel is now rung at 9 o'clock every evening as a warning for all boys under 15 years to get to their homes. Any lads under this age found on the streets after 8 p. m. unless accompanied by their parents, will be taken charge of by the constable.

The payment of all county officials by salaries instead of fees is still being advocated in many municipalities.

The Norfolk County grand jury in their presentment at the December sessions favored the continuance of the grand jury system. It is noticeable that although the judges are pretty divided evenly on the question, grand juries almost invariably report in favor of its retention.

The editor of the Norfolk Reformer says this is noticeable but not at all curious considering that a generous country pays its Grand Jurors two dollars per diem.

No County Council should neglect the appointment of a student to attend the Agricultural College at Guelph.

The County of Simcoe law association is to have a library. It is to be in the court house, Barrie, where the legal fraternity of the county are most wont to assemble.

The Torrens system of land transfer is receiving considerable attention throughout the province. The Councils of Wellington, Middlesex and Elgin have taken the first steps towards introducing it into their respective counties.

The change in the Municipal Law relating to bridges of 100 feet in length and over, crossing rivers and streams, provides that under certain circumstances, a percentage of the cost of construction and maintenance shall be borne by the counties. In determining this question, the keenest vigilance on the part of township representatives at the coming sessions of County Councils will be required.

The audit of County Registrar's fee books is something for councils to consider. In many counties this is not necessary, but from frequent reports this will be appreciated in many counties, if, as the result of the audit, they are enabled to obtain the amount of surplus fees past due.

The County Council of Charlton is considering the advisability of lighting the gaol by electricity.

Mr. Ira Morgan, ex-Warden of the County of Carleton, was killed recently by an electric street railway car at one of the principal crossings in the City of Ottawa.

Middlesex County Council has withdrawn its support from the Model School in the City of London. In future the only County Model School in Middlesex will be at Strathroy.

Hon. Alex. Vidal, Treasurer of the County of Lambton for the last 38 years, resigned at last session of the County Council. As an official he has always displayed rare ability and an intimate knowledge of our municipal system. His son, Emrie A. Vidal, who has managed the office for the past few years, was appointed to succeed him.

Mr. John A. Murphey, Governor of the Haldimand County Gaol, is a law student, and recently passed the intermediate law examination. He stood first out of a class of 30 candidates.



## LEGAL DEPARTMENT.

H. F. JELL, SOLICITOR, EDITOR.

In assuming the management of this department of the MUNICIPAL WORLD I am fully aware of the magnitude of the undertaking and of the importance of the subjects to be dealt with therein. Many municipal officers are engaged in other pursuits and have but a limited time to devote to their official duties. From personal experience I can fully appreciate the value of convenient sources of information and will endeavor to compile for insertion in these columns all decisions of our courts or other competent authority in any way affecting municipal corporations. Other subjects of interest suggested by subscribers and within the province of this department will receive attention.

## Treasurer and Collector One Official.

The following question has been submitted by a municipal officer, "Are the Offices of Treasurer and Collector Incompatible?"

The office of collector is no longer profitable or necessary in township administration except from a legal standpoint. The question as to whether one person can legally hold the offices of clerk and collector, treasurer and collector, or clerk, treasurer and collector of a municipality at the same time, is gradually becoming one of considerable importance, and is worthy, we think, of discussion in the columns of THE MUNICIPAL WORLD. It is well known that in a large number of municipalities the collector is a temporary official, annually appointed and often changed, and whose place of residence in rural municipalities is generally in a remote corner of a township. The clerk and the treasurer, on the contrary, are at least to an appreciable extent, permanent officials accustomed to and well trained in general office work, whose places of business are usually located in some town or village centrally and conveniently situated, and the ratepayers would in most instances find it more convenient to pay their shares of the annual levies to either of the latter, than the former official. In this paper we will devote our attention to the compatibility of the office of treasurer and collector. A careful perusal and consideration of the municipal and assessment acts, particularly of those clauses relating to the duties of the treasurer and collector, we think, warrant us in arriving at the conclusion that one and the same person cannot legally hold and perform the duties of the two offices. We cannot find that our legislators have in some words positively forbidden the holding of these two offices by one and the same person, but the spirit of the act is decidedly against it. We must draw the inference from the reading of the several sections that the offices in question are, and are intended to be, separate and distinct. Special and particular duties are assigned to each of these officials which cannot be consistently performed by the same person. For instance when a collector has found it necessary to distrain for taxes and at the sale of the property distrained surplus has been realized in excess of the sum necessary to pay the amount of the taxes and the cost of seizure, in the event of a dispute as to the ownership and such surplus, Sec. 130 of the assessment act provides that "such surplus money shall be paid over by the collector to the treasurer of the local municipality who shall retain the same until the respective rights of the parties have been determined by action or

otherwise." It is manifest that the legislature in enacting this section intended that the treasurer should be a third and disinterested party to whom the surplus money in question should be paid by the collector, who "would be thereby discharged or relieved from acting at the suit of the rival claimants or either of them." As Mr. Harrison states in his Municipal Manual (note C. to the above section) is the fair intendment of the section. Again, Sec. 132 of the same act enacts that the collector shall return the roll and pay over all moneys collected by him to the treasurer of the municipality within the time and in the manner therein specified, and shall also "make oath before the treasurer that the date of the demand of payment and transmission of statement and demand of taxes required by Secs. 123 and 125 in each case has been truly stated by him on the roll." It will be observed that the oath in question must be made before the treasurer. This is a positive enactment which cannot be disregarded, and the collector cannot therefore take the oath in question before any other person or official. The treasurer therefore must certainly be an official distinct from the collector as he could not possibly administer an oath to himself. But, we think, the strongest point in favor of our contention is to be found in Sec. 231 of the assessment act, which defines the summary proceedings to be taken against a collector who "refuses or neglects to pay to the proper treasurer or other person legally authorized to receive the same, the sums contained in his roll or duly to account for the same as uncollected." In this event the section in question enacts that, "the treasurer shall, within twenty days after the time when the payment ought to have been made, issue a warrant under his hand and seal, directed to the sheriff of the county or city (as the case may be) commanding him to levy on the goods, chattels, lands and tenements of the collector and his sureties, such sum as remains unaccounted for with costs, and to pay to the treasurer the sum so unaccounted for, and to return the warrant within forty days after the date thereof." Now, by way of comment, if, when the emergency suggested in the above section should arise, the same individual filled the offices of treasurer and collector, the treasurer would be compelled to issue the warrant against himself, which is on the face of it an absurdity, and when the sheriff shall have realized the amount not paid over or accounted for he is directed to pay over the same, and return the warrant to the treasurer, who as collector has already proved himself a defaulter and unworthy of confidence. In view of the foregoing it is quite unnecessary to further particularize instances in which the duties of the two officials as defined by the acts in question would clash. It only remains for us to add that the general idea and intention of the legislature on this subject is that one of these officials (the treasurer) should be a check on the other (the collector), and that the duty thereby imposed on the collector of making his payments and returns to the treasurer should be a safeguard against fraud, neglect and mistakes. We are of opinion that if one and the same person were appointed to both these offices as the law now stands, the object of the legislature on the subject would be in a great measure defeated.

MOONEY v. SMITH.—This case shows the degree of integrity to be observed by the treasurer of the county who has occasion to sell lands for arrears of taxes. It was shown in evidence that as the time of the sale of certain lands belonging to the defendant for taxes, the plaintiff's husband was treasurer of the county in which the lands sold were situated—that the plaintiff had instructed a third person to bid in the land in question for her, and had informed such third person that she would furnish the money, take an assignment of the tax collector's certificate and pay him for his trouble. It was also given in evidence that the moneys furnished by the plaintiff for the purpose aforesaid were in reality the moneys of her husband, the treasurer. The third person having purchased pursuant to plaintiff's instructions. It was held

that the position of the treasurer prevented him from becoming a purchaser at the sale, and that the sale and conveyance to the plaintiff under the above circumstances were void.

MCCORMICK ET AL. v. MUNICIPAL CORPORATION OF THE TOWNSHIP OF PELEE.—A public highway running along the west shore of Pelee Island had by the action of the waters gradually become submerged by the waters of Lake Erie. This was an action for an injunction to compel the defendants to re-open, repair and keep in repair the highway in question. Since the remedy claimed by the plaintiffs could not be given them without requiring the defendants to restore or reconstruct the highway in question, and thereafter to keep the same in repair by building expensive embankments to resist the action of the water, which the law as it now stands does not call on them to do, the plaintiffs' action was dismissed.

HEPBURN v. TOWNSHIP OF ORFORD AND OTHERS.—The engineer appointed by the Township of Orford, for the purpose, had made and filed with the clerk his award on a certain ditch or drain in the said township under the provisions of the "Ditches and Watercourses' Act, 1883." The several parties to this action were interested in the said ditch or drain and to each of them was assigned the construction and maintenance of a certain portion thereof on the said award. The plaintiff alleges that defendants had not completed their respective portions of the said drain in accordance with or within the time mentioned in the said award, instituted these proceedings to have defendants ordered to make complete and maintain the said drain and for damages. The plaintiff's action was dismissed on the ground that he had as the remedy against the defendants, under the circumstances, those provided by Sec. 13 of the act respecting ditches and watercourses, 1883.

BEER v. STROUD.—This case is interesting to show what is meant by a natural watercourse. It was instituted by the plaintiff against the defendant for an injunction to restrain defendant from banking up earth on his land in such a way as to prevent water running away from plaintiff's land as it had formerly done. It was held that the plaintiff was entitled to the relief asked for, as it was shown in evidence that the earth placed by defendant had obstructed a well defined watercourse from the plaintiff's land, and although the water flowing through the course in question did not come from a living spring, but was simply surface water, it did not affect prejudicially the plaintiff's right to relief—the channel in question having been formed from natural causes.

ROSE v. TOWNSHIP OF WEST WAWANOSH ET AL.—The council of defendants had passed a by-law purporting to be in pursuance of sub-sec. 8 of Sec. 550 of Chap. 184, R. S. O., to empower "their pathmasters and other employes to enter upon any land within the municipality when necessary to do so, save and except orchards, gardens and pleasure grounds, and search for and take any timber, gravel, stone or other materials necessary for making and keeping in repair any road or highway in the said township, etc." This action was instituted by the plaintiff to restrain the said township and their employes from removing gravel from his land under the authority of the above-mentioned by-law. The defendant was held to be entitled to the relief sought on the ground that the by-law in question did not show the necessity for taking the gravel, etc., to exist, nor did it describe the particular parcel of land from which the gravel was to be taken.

## A Good Idea.

Ottawa corporation will clear the snow off the sidewalks this winter and charge the expense to the general funds. This is a good plan for any city or town to adopt. It would be the means of furnishing a few days' work for idle laborers during the winter months, at a time when work is sorely needed.



*Continued from page 4.*

In all cases of dispute the trustees of the High School shall submit a detailed statement of the receipts and expenditures of the High School for maintenance for each of the preceding years under consideration such statement to be certified by the auditors authorized under this act to audit high school accounts, and also a statement of the names, residence and attendance of resident, non-resident and county pupils for the same time each year of a like period, such last mentioned statement to be certified by the chairman of the board. The chairman shall also certify as to the amount of legislative grant received for the time under consideration and the referee shall deduct the amount so certified from the whole cost of maintenance of each high school in determining the liability of the county for the maintenance of county pupils.

The municipal council of every county shall levy and collect from the municipalities composing the county, the sum or sums for which the county is annually liable for the proportionate maintenance of county pupils as certified to the county treasurer by the high school board.

Section 32. The municipal council or councils of every High School district shall levy and collect each year from their respective municipalities such sum or sums as the trustees of the high school may deem necessary for the maintenance of the high school in addition to that received from the county council and other sources under this act, and a further sum not exceeding \$500.00 in any one year if required by the trustees for permanent improvements, and said sum shall be levied by one uniform rate over the whole district.

As to grant for permanent improvements the act provides that all sums of money required, exceeding \$500, shall be raised by assessment on the ratepayers of the High School district. Provision is also made for an equalization of rates when the district is composed of more than one municipality.

Three classes of pupils attend the high school: 1st, Resident pupils—those whose parents or guardians reside in the district in which the high school, attended by such pupils, is situated.

2nd, County pupils—those whose parents or guardians reside in the county in which the high school, attended by such pupils, is situated.

3rd, Non-resident pupils—comprising two classes—(a) pupils whose parents or guardians do not reside in the county, city or town separated from the county in which the high school attended by such pupil is situated, or (b) pupils whose parents or guardians reside in a high school district of the county, other than the district in which the high school attended by such pupil is situated. The fees of 1st resident pupils are determined by the trustees of the school. Those of county pupils by the municipal council of the county, provided the fees are uniform and do not exceed \$1.00 per month, and continue the same for a term at least of three years, and those of non-resident pupils, by the board of trustees, provided the fees be not greater than the cost of maintenance, or less than the fee imposed by the county council.

The County Council of Oxford have adopted a petition to the Legislative Assembly praying for the repeal of Sec. 30, Chap. 50, Ontario Statutes, 1890, relating to construction and maintenance of bridges 100 feet in length or more. The act is referred to as unjust in its enactments and framed in such a manner as to cause litigation unnecessary expense and embittered feeling throughout the Province. The committee in charge of this matter have decided to interview the legislature while in session and have requested all county councils to consider the advisability of pursuing a similar course.

## BONUSES AND EXEMPTIONS

*Prof. Shortt, of Queen's College,  
Argues Against Them.*

### BONUS ALL OR NONE.

(Kingston Daily News.)

SIR,—I desire in this letter to consider the bonusing question, mainly in so far as it affects the relations of the towns and cities to one another, and thereby the general business of the country.

No doubt many who might be prepared to admit the truth of the general position taken in the last letter, would still find a practical difficulty with regard to refusing a bonus to an industry which is quite capable of supporting itself, and is thus valuable to the city. "No doubt," it might be said, "this industry is quite capable of paying its own way, and in a properly regulated condition of things, should not be allowed to draw an extra profit from the civic purse. But for the very reason that it is able to pay its own way it is a desirable industry, and if we do not bonus it, some other town or city will, and it will be lost to us." Now, there is a core of truth in this difficulty, and the civic corporations which act upon it are not without a show of reason. But, when we look into the present effects and future tendency of such action, we find a condition of affairs which is demoralizing, on the one hand the municipal finances of Ontario (to go no further), and on the other hand the manufacturing industries of the Province.†

The present system of peddling industries up and down the country in order to get the civic corporations to bid against one another, when once introduced and recognized, as we must acknowledge it to be, has no necessary or logical limit short of securing a bonus to every new industry that starts in the country. Moreover, it must lead to the granting of such an amount of bonus as will almost cover the whole value of the industry to the incorporation. So long as there is a margin of advantage left the corporation will consider it to its interests to pay part of that margin in order to secure the rest. Now it does not involve a very heavy drain on anyone's reasoning power to see that the principle is destructive of the very foundations of society.

The economic relations of society are not its only relations. It is not pretended that the money, which is paid for articles in exchange, is the true measure of their importance to the individual or society. Yet, it is their commercial value only which can be justly demanded or granted on economic grounds. It would be an easy matter for the bakers and butchers of this city to prove that their goods are of much more benefit to the citizens than the money which they receive in exchange for them indicates. Such being the case, they might demand that, in addition to the money which they receive in exchange for their goods, they should receive a bonus from the city funds, seeing that without their goods the citizens would perish. But every one who renders a useful or necessary service to the community is in a similar position. The acknowledgement of such claims would mean the making of civic life impossible. No attempt is made to deny the value and importance to a town or city of manufacturing establishments. But to make this a basis of bonus-granting, and especially of civic competition for industries, is fatal to the very grounds of civic life.

Observe further the unnatural effect which this civic competition has upon the location of industries. One of the most important con-

siderations in the starting of a new industry, which may expect to be self-sustaining and a benefit to the country, should be the natural fitness of the place in which it locates for the making of the articles to be produced. Under the civic competition which bonusing produces, local fitness or unfitness becomes a matter of secondary importance, and industries are frequently planted in places where they have no natural or economic right to be. The subsequent killing out of these by industries more naturally situated involves the disturbing conditions of over-production or the final loss to the country of the misdirected capital. Nothing at present leads to so great a waste of the country's resources, both civic and private, as competitive bonusing; and all forms of bonusing lead to this. So soon as the basis of production passes from the want of the people for the goods to the want of the municipalities for the industry, economy is thrown to the winds and there result over-production, disturbance of the labor market, the locking up of capital in unproductive forms, the alternate inflation and depression of real estate values, and, in fact, a general disturbance and insecurity of values which immensely retards the progress and welfare of the country.

Observe too, how this system of bonusing discounts the future at a ruinous rate and leads to the perpetuation of its own evils. As I have already pointed out, every bonus, whether in direct money grant or tax exemption, adds to the rates of the taxpaying citizens. But it would also add to the normal rate of any other industry seeking to establish itself without the aid of a bonus; hence very few industries will be willing to establish themselves in this way. When they ask for a bonus, therefore what can the authorities say? To refuse it is virtually to say to the promoters of an industry: "We will not give you a direct subsidy out of the city funds, nor grant you exemption from taxation, but we will even make you help to pay for the subsidies given and the exemptions granted in the past." Is that sort of treatment likely to attract profitable and self-sustaining industries, or is it likely to encourage those which are already established to extend their borders and increase their taxable property?

I might continue to develop the details of the bonusing evil in its general effects on the country, but surely what I have already pointed out will convince those open to conviction that even though we may seem to be losing by the refusal to grant bonuses in any shape, it is at most but our share of loss due to the prevalence of this evil in the country, and does not give us any claim to increase it by our action. Further, by abandoning this system we shall put ourselves in a reasonable position for the reception in the future of good, sound industries which are able and willing to bear their own proper share in the general expenses of the city, and we shall be placing no obstacle in the way of the normal expansion of such self-supporting industries as we have.

Yours truly,  
ADAM SHORTT.

A committee, appointed by the county council of Middlesex to investigate the irregularities in criminal justice accounts, reported at the December session that they had obtained verbal statements from High Constable Schram, Squire Jarvis and Constables Allen and Graham, and were satisfied that certain accounts contained, without a doubt, grave irregularities. The committee believed that in the interest of the county, legislation should be obtained to remedy the evils, and recommended that steps be taken by the county council to have inaugurated a new system, whereby criminal justice may be more efficiently and economically administered by the appointment of one or more salaried police magistrates. They further recommended that a committee be appointed to wait on the Legislature of Ontario, at its next session, to obtain the legislation required to make the reforms recommended.



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Wellington.

The following proceedings were taken by the Wellington county council in regard to by-law regulating scale of fees chargeable by high schools:

Moved by Mr. Halstead, seconded by Mr. Smith, that the council go into a Committee of the Whole on the by-law, regulating the scale of fees chargeable by high schools for county pupils attending.—Carried.

The committee went into Committee of the Whole on the by-law, Mr. McGowan in the chair.

After some discussion, in which Messrs. Hobson, McNab, Wissler, Smith, Dr. Johnson and others took part. Mr. Halstead explained that the by-law was intended to make scholars attending the high schools pay the fees, as provided by statute, rather than levy a rate on the county for the full cost of the tuition of the county pupils, the new High School Act having provided that after the Government grant has been deducted from the total cost of the maintenance of the school, the balance shall be rateably borne by the high school district and the county and non-resident pupils. The county pupils can be charged as high as \$1 per month and any shortage in the cost of the tuition of county pupils shall be levied on the county. The blank was filled up with a charge of \$1 a month fees.

The by-law was afterwards read a third time in council.

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J. A. LANGFORD,

Reeve of Harwich Township. Co. of Kent, Ont.  
October 9th, 1889.

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T. BYRON RIDER,

Reeve of the Township of Stanstead.  
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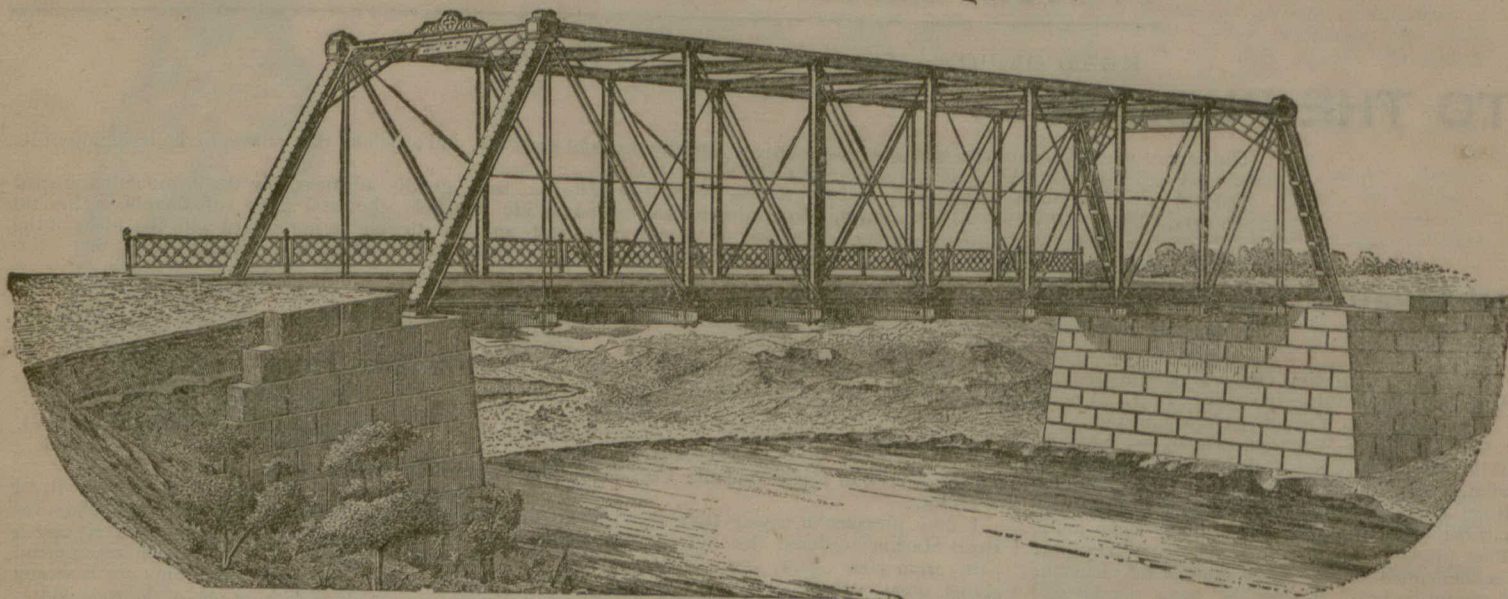
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