The Municipal World

PUBLISHED MONTHLY IN THE INTERESTS OF THE MUNICIPAL INSTITUTIONS OF ONTARIO

Vol. 9. No. 9. ST. THOMAS, ONTARIO, SEPTEMBER, 1899. Whole No. 105

SUPPLY DEPT. THE MUNICIPAL WORLD, ST. THOMAS.

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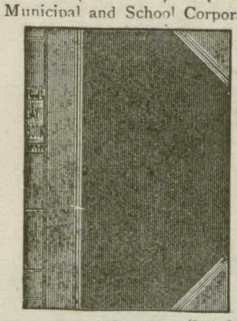

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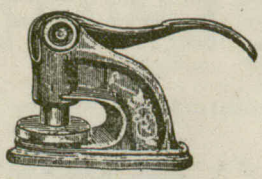

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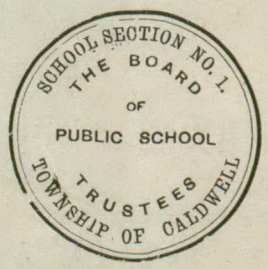

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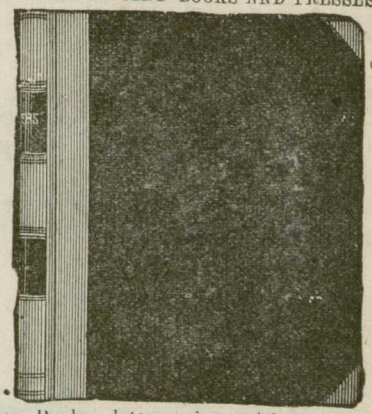

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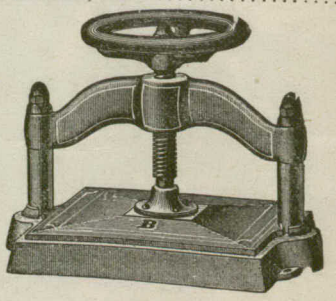

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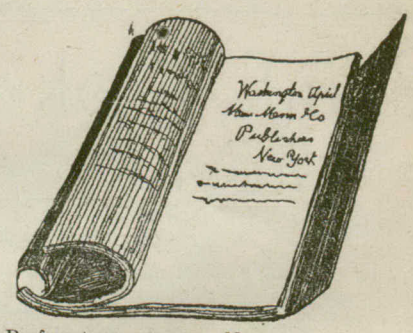

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THE MUNICIPAL WORLD

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

Vol. 10. No. 9. ST. THOMAS, ONTARIO, SEPTEMBER, 1899. Whole No. 105

CONTENTS

Calendar for September and October, 1899.

Legal, Educational, Municipal and Other Appointments.

SEPTEMBER.

1. High Schools open first term.—High Schools Act, section 42. Public and Separate Schools in cities, towns and incorporated villages open.—Public Schools Act, section 91 (2); Seperate Schools Act, section 81 (2).
4. Labor Day.
5. County Model Schools open.
5. Make return of deaths from contagious diseases to Registrar General.—R. S. O., chap. 44, sec. 11 (4).
5-6 Municipal convention meets at Hamilton.
15. County selectors of Jurors meet.—Jurors' Act, section 13.
Last day for County Treasurers to return to local clerks amount of arrears due in respect of non-resident lands which have become occupied. Assessment Act, section 155 (2).
20. Clerk of the peace to give notice to Municipal Clerks of number of Jurymen required from the municipality.—Jurors' Act, section 16.

OCTOBER.

1. Last day for returning Assessment Roll to Clerk in cities, towns and incorporated villages where assessment is taken between 1st July and 30th September.—Assessment Act, section 58.
Last day for delivery by clerks of Municipality to Collectors, of Collectors' Rolls, unless some other day be prescribed by by-law of the municipality. —Assessment Act, section 131.
Notice by Trustees of cities, towns. incorporated villages and township boards to Municipal Clerk to hold Trustee elections on same day as Municipal elections, due.—Public Schools Act, section 58 (1).
Night schools open (session 1899-1900).

NOTICE.

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The Municipal World

PUBLISHED MONTHLY

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

K. W. McKAY, EDITOR,

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

TERMS.—$1.00 per annum. Single copy, 10c.; Six copies, $5.00, payable in advance.

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ST. THOMAS, SEPTEMBER 1. 1899.

A Municipal Convention.

The councils of urban municipalities in the Province, and more especially cities and towns, have been invited to send representatives to a convention to be held in Hamilton on the 5th and 6th days of September. The first day will be devoted to the consideration of the Assessment Act with the object of securing amendments to do away with anomalies that exist respecting the assessment of street railway, telephone, telegraph and other like companies on the scrap-iron basis, also the assessment of personal property and income of individuals and partnerships. The second day will be taken up with the consideration of the Municipal Act.

* * *

The assessment of street railways, electric lighting and other companies enjoying a franchise entitling them to the use of the streets of a municipality is an important question, and one that should have been considered when the franchises were granted and agreements entered into with the municipalities. In most of the larger towns, companies of this character have been enjoying the use of the streets for many years, and some received a bonus to encourage the investment of capital in what are now looked upon as great public conveniences. Very often these companies were at first conducted at a loss, others at a comparatively small profit. Owing to the increase in population and the adoption of many practical inventions, we find to-day that in many towns, and more particularly cities, public companies which a few years ago were almost bankrupt are in the hands of the most progressive citizens and are looked upon as first-class investments, so much so that those who had not sufficient confidence in the future of the municipality to invest their capital at a reasonable rate when an opportunity was favorable, are now jealous of the stockholders of these corporations. As a result we find in nearly every community a feeling that these great public conveniences are being conducted at an exceedingly large profit, and that legislation should be passed to divert a portion of these profits to increase the municipal revenues. If there is good reason for believing that the revenues of these companies are excessive, will a municipality benefit materially by the passage of an act allowing the taxation of the plant in proportion to the revenue derived therefrom by the company?

* * *

The City of Toronto offers the best example of the proper adjustment of a valuable municipal franchise. In dealing with the original street railway company the city procured special legislation, purchased the franchise and leased it to the present company, subject to conditions which are most favorable to the city, the most important of which is that the city receives a percentage of the gross receipts. In this way, Toronto was enabled to protect its own interests as far as the street railway company was concerned, and if other municipalities are similarly situated they should endeavor to solve the problem within themselves, and seek such legislation as will increase the sphere of local activities. There should be no encroachment by the legislature upon the function of the municipalities, as it would only result in the impairment of the independent life and usefulness of these bodies. To ask the legislature to do what the municipalities should be able to do, shows want of faith in the power of municipal bodies to manage their own business. If the councilmen are unfit for their places let their constituents select others who are competent, and if the people will not take the care and trouble to do this, by all means let them suffer, and let them suffer it in their pockets, oftentimes the most sensitive part of the human organization.

* * *

One of the best results of the meeting of the League of American Municipalities at Detroit last year was the unanimous approval of municipal ownership of all such monopolies excepting street railways where the leasing of public owned tracks was preferred. If this is enunciated as the first principal and suggestions are offered that will enable municipalities to purchase these monoplies, the convention will solve most of the vexed questions that are at present engaging the attention of councils throughout the world. In England municipalities are taking over waterworks, lighting and tramway plants as rapidly as possible, and the experience there is that they prove as good if not better investments for the municipalities than they were for private shareholders.

* * *

An owner of real or immovable property, that is lands and buildings, is not able to pay taxes unless he can induce personal or moveable property to locate on his premises—and in considering the question of taxation, "Do not adopt any system that has a tendency to drive away movable property, but on the contrary adopt a system that will attract it, for we are worth nothing without it and the movable property man may go elsewhere and do quite as well."

"Never tax anything that would be of va'ue to your municipality, that could and would run away, or that could and would come to you."—*Enoch Ensley.*

* * *

A number of councils have already appointed delegates to attend this convention, and we hope that these gentlemen will recognize the importance of their mission and endeavor to arrive at proper conclusions in reference to the various important subjects to be considered. In the United States meetings of this character are looked upon as important social events and large sums are expended by municipalities for the purpose of entertaining their guests. This is often carried to such an extent that the consideration of business is a secondary matter and the delegates can only report that they had a delightful time.

Statutory Rights of Telephone Co's.

The Ottawa City Solicitor has given an opinion in regard to the conditions that surround the use of the streets by the Bell Co. He says the charter of the company authorizes it to construct its lines in the public highways, provided the rights of travellers are not interfered with, and "provided that in cities, towns and incorporated villages the location of the line or lines and the opening up of the streets for the erection of poles or for carrying wires underground shall be done under the direction and supervision of the engineer, or such officer as the council may appoint, and in such manner as the council may direct, and that the surface of the street shall in all cases be restored to its former condition, by and at the expense of the company." From this he draws the conclusion that the company has the right to place its wires underground on any of the streets in the city, and to open up the streets for that purpose, but in so doing must not interfere with the public right of travelling on or using such highways, and must locate its underground wires in such portions of the street as the council may direct, and must carry on the work of opening up the streets and placing its wires underground also in such manner as the council may direct under the supervision and direction of the city engineer.—*Peterborough Review.*

Hon. W. B. Viall, state highway commissioner of Vermont, in his instructions to town road commissioners, states that all permanent roads should be not less than thirteen feet wide and graded so as to descend from centre to gutter at least one-half inch to the foot.

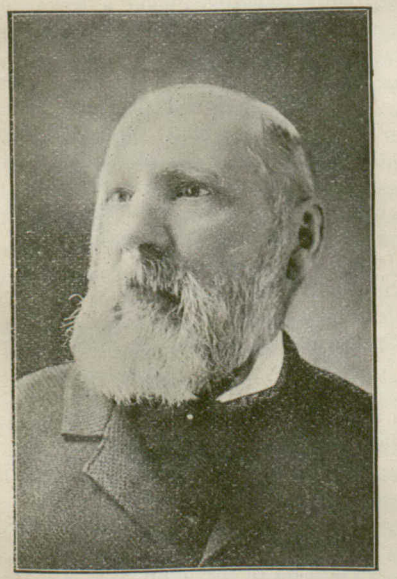
Municipal Officers of Ontario.

Clerk Township of Mayo.

Mr. Ramsbottom was born in the county of Lanark in 1848. In 1874 he removed to the township of Mayo, then

MR. R. RAMSBOTTOM.

united with the township of Carlow. He has since taken an active part in the municipal and school matters of the locality, being several years a member of the municipal council, and having been appointed to almost all the municipal offices. He was appointed township clerk in 1894, which position he still holds.



MR. RICHARD CODE.

Clerk Village of Alvinston.

Mr. Code was born in the county of Lanark in 1842. When very young he developed an aptitude for learning, and at the early age of 14 years he commenced a successful term as teacher of a rural school, in which profession he was engaged until 1874. He located in Alvinston in 1872, and in 1880 when the village was incorporated he was appointed clerk. Mr. Code has also been clerk of the local division court for the past twelve years, and performs the duties of both offices in a manner highly creditable to himself.

Clerk Township of Turnberry.

Mr. Burgess was born in the town of Lockerbie, in the county of Dumfries, Scotland. He was educated in the public school, and came to Canada in 1850. For some years he was engaged as commercial traveller and a railway employe. He moved to Bluevale in 1865 and engaged in farming, and when the Wellington, Grey & Bruce Railway was opened up he bought grain. He was for several years township and county auditor, and was appointed township clerk in 1889. In addition to his municipal offices Mr. Burgess is secretary of various local organizations.

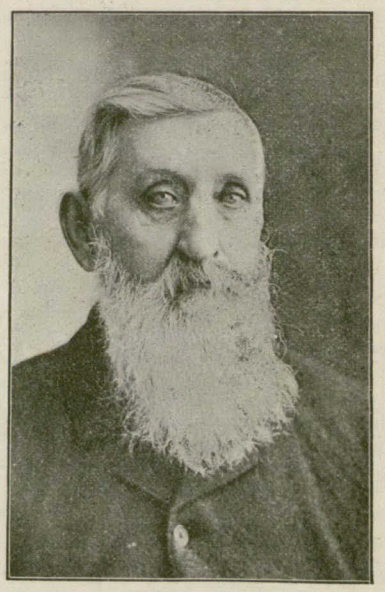
MR. G. M. BAIRD.

Clerk Township of Harwich.

Mr. Baird was born in the village of Morpeth, county of Kent, Ont., in 1852, and afterwards removed with his parents to the town of Blenheim, Harwich township. He received his education at the public school, the Toronto Normal school and London Commercial College. He taught school for three years and afterwards engaged in farming. In 1885 he entered a private bank, being engaged as assistant cashier for five years. His first municipal experience was as collector of Harwich for three years. In 1888 he was appointed treasurer of the same township, which office he filled until November, 1898, when he was appointed clerk, in place of Mr. W. R. Fellows, resigned.

Clerk Township of Murray.

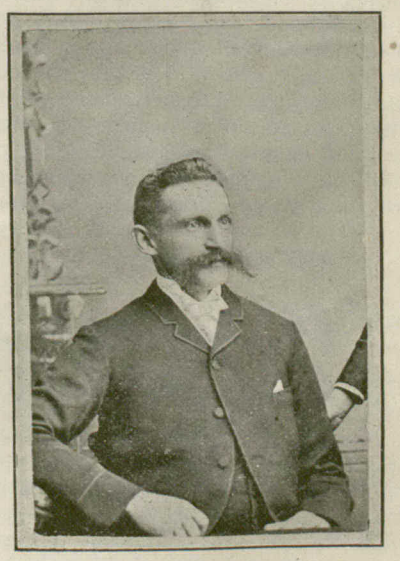
Mr. Garratt was born in the township of Murray, of United Empire Loyalist parentage in 1845. He was educated at a public school and at a school conducted by the Society of Friends near Picton, after which he taught school for three years. From 1869 to 1871 he was collector, and from 1872 to 1877 assessor of Murray. In 1878 he was appointed township clerk, in 1883 clerk of the Division Court, and in 1896 postmaster of Wooler. He is in politics a Liberal, and always an enthusiastic advocate of the interests of his native township.



MR. JOHN BURGESS.

Recent insurance statistics show that if the wife dies first the husband, on an average, survives nine years; while if the husband dies first, the wife survives eleven years.

The farmers may know how to build good roads but, in many localities, they've made a failure of it after a trial of 100 years.



MR. T. R. GARRATT.

"Harry," said Mrs. Treadway to her husband at the breakfast table, "I am quite out of money, and I want to spend the day shopping. Let me have sixty cents." "What do you want sixty cents for?" "Ten cents for car fare and fifty cents for luncheon."

LEGAL DECISIONS.

Niagara Falls Park & River R. W. Co. vs. Town of Niagara Falls.

Assessment and Taxes—Railway Co.—Right of Way—License to Use—Assessment of Possession—55 Vict. c. 96 (o).

A license to use is a liberty to occupy and a precarious occupation is quite sufficient.

The plaintiffs having a license to use a right of way through the Queen Victoria Niagara Falls Park for their electric railway under an agreement confirmed by 55 Vict., c. 96 (o).

Held, that there was an actual, visible, continuous and exclusive possession of the railway for the profitable use and operation of the railway for a term and that company was liable to taxation for the roadbed as an occupant is assessed in respect of property; but the property itself being in the Crown or held by the public was exempt and could not be sold to make good the tax. Judgment of the county court of York reversed.

Caston vs. City of Toronto.

Assessment and Taxes—Failure to Distrain—Enforcing Payment in a Subsequent Year.

Where during all the time the roll is in the collector's hands there are goods and chattels available to answer the taxes but the collector fails to distrain, the amount due cannot be added to the taxes for a subsequent year and then be levied by distress upon the goods of the tax debtor.

The provisions of section 135 of R. S. O., (1887) c. 193 (R.S.O., c. 224, s. 147), requiring the collector to state the reason for his failure to collect taxes and to furnish a duplicate of his account to the clerk are impe ative, and if they are not observed the amount due cannot be added to the taxes for a subsequent year and then levied by distress upon the goods of the tax debtor. Judgment of a divisional court, 30 O. R. 17 affirmed.

Wilson vs. Manes.

Municipal Elections—Returning Officer—Refusal to Give Ballot-Paper to Voter—"Wilful Act"—Absence of Malice or Negligence—Consolidated Municipal Act, 1892, s. 168.

A returning officer at a municipal election refuses at his peril to give a ballot paper to a person claiming the right to vote, and if that person is in fact entitled to vote the returning officer's refusal is a wilful act within the meaning of 168 of Consolidated Municipal Act, 1892, and renders him liable to the voter for the statutory penalty without proof of malice or negligence. Judgment of a Divisional Court, 28 O. R. 419, affirmed, MacLennan, J. A., dissenting on the ground that on the evidence there was no fusal of the ballot-paper.

Reg. vs. Toronto Railway Company.

Street Railways- Dominion Railway Act not Applicable to Municipal Control—Persons in Charge of Street Car.

Defendants were convicted of operating cars in the city of Toronto which had no vestibule protection for conductors as alleged to be required by a city by-law, which provided that all cars were to be provided with "vestibules to protect the motorman and persons in charge of such car from exposure, etc." On appeal to the county judge from a conviction made by the police magistrate.

Held, 1. An electric street railway does not become a Dominion railway or work, and as such removed from the legislation control of a local legislature, by reason of its tracks crossing the tracks of two Dominion railways.

2. A conductor of a street railway company is a "person in charge of a car" within the meaning of the by-law.

Meehan vs. Pears.

Assessment and Taxes—Taxes of Former Years—Tenant Primarily Liable—R. S. O. ch. 224, sec. 26.

By the Assessment Act, R. S. O, ch. 224, sec. 26, any occupant may deduct from his rent any taxes paid by him if the same could also have been recovered by the owner, or previous occupant, unless there is a special agreement between the occupant and the owner to the contrary.

Held, that under the above section a tenant is not at liberty to deduct from the rent and to compel his landlord to pay taxes for which the tenant and others were jointly assessed for a year prior to his existing tenancy.

Heyden vs. Castle (1888), 15 O. R., 257, discussed.

In re Leak and the City of Toronto.

Municipal Corporations—Arbitration and award—Lands injuriously affected—Compensation—Damages—Interest.

Compensation for lands injuriously affected in the exercise of municipal powers is in the nature of damages, and interest should not be allowed thereon before the time of the liquidation of the damages by the making of the award. Judgment of a divisional court, 29 O. R. 685, reversed.

Dalton vs. Ashfield.

Di ches and Watercourses Act—Failure to Comply With Award—Action—Purchaser from Party to Award.

No action lies to recover damages because of failure to comply with an award made under the Ditches and Watercourses Act; the remedy, if any, being under the Act itself. The purchaser of land from an owner who was a party to proceedings under the Act is entitled to enforce the award. Judgment of a divisional court reversed.

Polson vs. Town of Owen Sound.

Municipal Corporations—By-Laws—Exemptions from Taxation—Manufacturing Establishment.

Held, that R. S. O., c. 184, s. 366, giving municipal councils power to exempt manufacturing establishments from taxation, could not authorize such exemption when such establishments cease under liquidation to carry on business, and a by-law authorizing exemption under the statute would thereupon cease to be operative.

Joint Assessments.

A number of questions have been sent us recently, answers to which involve construing the meaning of section 92 of the Municipal Act. The difficulty seems to be, to obtain a satisfactory answer to the inquiry, "When (if ever) can an owner and a tenant be said to be *jointly* assessed or rated for the premises of which the one is owner and the other tenant. The meaning given to the word "joint" in Wharton's Law-Lexicon is "combined; shared amongst many; in the same possession." In view of this, an owner and a tenant cannot be rated jointly for the same premises. Their possession of and rights in the property are of a totally different nature. The mere bracketing of their names together on the assessment roll, thus Jones, John, O }
Smith, Wm., T }
would not constitute a joint assessment, as it would if they were both rated as owners or tenants. In preparing their voters' lists municipal clerks frequently meet with entries of this nature in their assessment rolls, where, according to the municipality (whether it be a township, village, etc.,) and the valuation placed, by the assessor, opposite the premises, he is called on to decide which (if any) of the names of the persons assessed, he should enter in his voters' lists. The following example will, we think, prove a safe guide (assuming that the Assessment Roll, in which the names of the parties are entered is that of a township municipality):

(1) Jones, John, O }
Smith, Henry, T } Asses'd value, $150

(2) Jones, John, O }
Smith, Henry, O } Asses'd value, $150

(3) Jones, John, T }
Smith, Henry, T } Asses'd value, $150

If possessed of all the other requisite qualifications, in the first instance, both names have a right to be entered on the voters' list—Jones as owner and Smith as tenant. In the latter two instances neither party is eligible to be entered on such list. (See section 93 of the Municipal Act.)

Evil spirits I am quite unable to accept. Evil is generated from mortal, fleshy bodies alone; there is nothing spiritual that is or can be malignant. Of this I have become convinced the more I have studied what is called "occult lore" and the wonders of science.— Marie Corelli.

ENGINEERING DEPARTMENT.

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

Arch-Culvert of Masonry.

Reference has frequently been made in the columns of the MUNICIPAL WORLD to the advantages of more durable culverts. Arch-culverts of concrete are in generel to be recommended for durability, ease of construction, fewer demands for repairs, and cheapness. There are circumstances no doubt, in which municipal councils will wish to avail themselves of a plentiful suppy of suitable stone within easy reach, for stone masonry work.

The following specification will indicate the character of masonry most suitable for coursed rubble stone or broken range work, and is adapted to highway culverts up to a considerable span :

SPECIFICATION FOR ARCH-CULVERT.

The culvert shall be built in accordance with the dimensions indicated upon the drawings hereunto attached and forming part of these specifications.

The masonry shall consist of coursed rubble or other approved stone laid in cement mortar. No stone shall be less than six (6) inches in thickness, unless otherwise directed by the engineer. No stone shall measure less than twelve (12) inches in its horizontal dimension, or less than its thickness. At least one-fourth of the stone in the face shall be headers, evenly distributed throughout the wall. The stones shall be roughly squared on joints, bed and faces, laid so as to break joints and in full mortar beds. The face shall be "rock face" with edges pitched to line, with no face projections exceeding two (2) inches. All vertical spaces shall be flushed with good cement mortar and then be packed full with spalls. No spalls will be allowed in the beds. Selected stones shall be used at all angles, and shall be neatly pitched to true lines and laid on hammer-dressed bed ; draft lines may be required at the more prominent angles. The foundation shall be of large sound stones, roughly squared, no stone to measure less than two cubic feet.

The top of parapet wall shall be capped with stones extending entirely across the wall, and having a front and end projection of not less than six (6) inches. The steps of wing walls shall be capped with stone, covering the entire step, and extending at least six (6) inches into the wall. Coping and step stones are to be roughly hammer dressed on top, their outer faces pitched to true lines, and shall be of such thickness (not less than six inches), and have such projections as the engineer may direct.

Care shall be taken that all stones are laid on their natural bed ; that they are brought to an even bearing ; that there shall be no vertical openings between the stones. Mortar shall be used throughout the structure and the practice of using mortar only on the face and back of the walls shall not be permitted. The inside of the wing and side walls, that side on which the earth rests, shall have a frost batter of one (1) inch to the foot.

Arch-stones must invariably extend through the entire thickness of the arch and have a minimum thickness of five (5) inches on the soffit. Each stone is to be well and closely fitted so as to give half inch joints and to break joints with its fellow 9 to 7 inches. The whole must be laid in thin cement mortars, and each course well grouted immediately after being laid.

The face stones of the arch are to be as nearly uniform in depth as possible, of large size, and neatly incorporated with the perpendicular face of the masonry. The keystones are to be 10 or 12 inches on the soffit, to have a chisel draught around their edges, and to project beyond the face of the wall 2 or 3 inches.

The extrados of the arch shall be flushed with cement mortar two (2) inches thick, levelled up and rounded to a moderately even and smooth surface.

All outside joints shall be raked out to a depth of one (1) inch and neatly pointed with a mortar made of one part Portland cement and one part of sand.

Each course of masonry as laid shall be grouted with a mixture of one part of Portland cement to two parts of sand, no more water being used than that necessary to give the required plasticity.

The waterway of the culvert between the sidewalls and to such distance between the wing walls at both ends as the engineer may direct, shall be paved with stones not less than three feet long, eight inches wide and four inches thick. The stones shall be cut and squared so as to form close joints with each other and with the walls of the culvert. The stones shall be laid on a bed of gravel two (2) inches thick, the joints to be filled with cement mortar.

All cement furnished must be some well and favorably known brand of Portland cement, and shall be approved by the engineer. It shall be delivered in barrels or equally tight receptacles, and after delivery must be protected from the weather by storing in a tight building or by suitable covering. The packages shall not be laid directly on the ground but shall be laid on boards raised a few inches from it.

The water employed for mortar shall be fresh and clean, free from mud or other objectionable matter.

Mortar shall be composed of two parts of sand and one part of cement, mixed thoroughly dry and tempered to the required consistency. It shall be used as soon as made, and any mortar that may have taken a "set" while unused shall be wasted. No variations from the above proportions will be permitted unless to make the mortar richer when required in special cases. The thorough mixing and incorporation of the materials will be insisted upon. The dry cement and sand shall be turned over and mixed with shovels by skilled workmen not less than (10) times before the water is added ; after the water is added, the paste shall be again turned over and mixed by skilled workmen not less six (6) times before it is used. Mortar shall be mixed on flooring to be provided by the contractor.

The centring must be well formed, an exact semi-circle, of ample strength, securely placed in position, and in every respect conform to the requirements of the engineer. The ribs must not be placed further apart than three feet (3). The lagging shall be three (3) inches thick ; the supports of centres shall be substantial and well constructed. Centres shall not be struck without permission from the engineer.

The London Strike.

For some months past the city of London, Ontario, has been experiencing a strike of the Street Railway Employees with the result that the business and convenience of the citizens has been seriously interfered with. Recently mob rule has governed the streets in a few instances and has required not merely police force, but military as well to subdue it. The property of the Street Railway Company has been destroyed to the extent of several thousands of dollars, and a number of private citizens have been seriously injured.

The situation is far from creditable to the city as a whole, or the parties concerned. It has degenerated, merely, into a struggle for victory between company and employees. The citizens have stood by in fear and trembing, each dreading the possibility of a boycott in spite of the fact that public sympathy is far from being wholly on the side of the strikers.

Two lessons may be drawn from the circumstances of the case. That which most impresses itself upon the municipal student, is that the means of public transportation should be retained wholly within the control of the public. That so great a loss is possible compels the conclusion that municipal ownership of so powerful an influence upon the public welfare should not be subjected to the control either of selfish private corporations or irresponsible labor unions.

That the individual strikers can be subjected to so great a loss sheds a doubt upon the value of labor unions. They appear to act chiefly as a levelling instrument, bringing the first-class workman down to the level of the third. The labor union which can excerise so great a power, is probably, a boon to the workman of third-rate ability. It can scarcely be called a benefit to the man of second rate power. But for the man of first-class skill in the trade, who can at all times command labor and a good wage, it is apt to be a positive evil.

Woodbridge is experimenting with hard brick street crossings.

Concrete Sidewalks.

Experience is no doubt a very thorough school and the instruction which it gives is generally of great value, but an education received entirely within its walls is apt to be very costly indeed. A number of municipalities are just now beginning to learn from experience, that the construction of cement-concrete sidewalks is not a matter which they can afford to slight in any particular. There is no better material for sidewalks than cement-concrete if they are rightly laid, and they are a decided improvement upon plank, in points of usefulness, appearance and cost. Badly-laid concrete walks, as with any other shoddy work and material, are a source of dissatisfaction and expense.

The first cost of plank walks is about five cents a square foot. The life may be extended to about fifteen years, but for the last ten years repairs will have been many. Each repair requires that a man be sent with material so that the patching process is very expensive in proportion to the first cost. The result is to about double the original cost of the work for a term of fifteen years, making the cost ten cents a square foot.

Cement concrete walks are being laid for eleven and twelve cents a square foot, although the circumstances of some cases, the difficulty of obtaining broken stone, gravel or sand, may require a slightly increased outlay. The life is indefinite for we really do not know how long concrete work will endure, but do know that concrete structures of the Romans, built 2000 years ago, are still in existence. It is not too much to expect that the concrete walks now being laid will do service for fifty years if laid as they should be. The cost after a term of fifteen years is very little more than that of plank walks; so that the greatest economy arises from the fact that, their life beyond a term of fifteen years is a practical saving to the municipality.

Too much stress cannot be laid on the necessity for good material and workmanship. They are commonly laid by contractors, however, who furnish their own specifications and agreement. A clause will be found in the agreement providing that the contractor shall keep the walk in "good repair for a term of five years" at the end of which time it is to be handed over to the town in "good repair," a final settlement is then made and the contractor's liability is to cease.

The municipal councillor rarely knows anything about the composition of concrete, and he is assured by the contractor that the five years' guarantee clause covers everything, that concrete which will survive five years or indeed one year, is sound, and will constantly increase in hardness and durability; that, further, the contractor has a reputation to maintain and he therefore cannot afford to do defective work.

Theoretically, this is all very sound reason. But in practice we frequently find that there is in it more sound than reason. The contractor deliberately scamps the work in order to make the greatest possible profit. He interprets the guarantee clause to mean that he is simply to patch wherever decay appears doing as little even of that as possible, and at the end of five years he hands over to the town a work ready to crumble to pieces and demanding almost immediate re-construction.

And the contractor's reputation! The fact is that comparatively few people in a town outside of the council know the name of the contractor, or where he comes from; and few councillors know what is happening in the neighboring towns. The result is by no means ruinous to the contractor.

The best guarantee which a town can have is a properly prepared specification, with an experienced and reliable inspector employed to see that they are carried out; not merely "an inspector," but one who is "experienced and reliable." A member of the council, or an ex-councillor, will not do, unless he is further qualified as being one who is experienced in the construction of cement-concrete walks, unless he is firm in enforcing his knowledge of such work, and unless his loyalty to the town cannot be bought over by the contractor.

The guarantee clause in the agreement is of no service unless the financial position of the contractor remains such that a judgment against him would be of value. And even then it should specify in the most stringent terms that the walks shall be kept in perfect condition, order and repair, so that at the end of the term of guarantee the walks shall have given satisfactory evidence of their proper construction and durability. The guarantee clause should not be such that it can be construed as merely a promise to patch and repair for a certain period, but it should be inserted in order that the proper construction of the walks may be determined by the only satisfactory test —wear and exposure to the climate—and their durabilty fully determined.

Culvert Pipe.

The most inevitable result of carelessness in the use of cement, and making of cement-concrete, is failure. A number of municipalities have recently bought moulds for the manufacture of tile for culvert purposes. But something more is necessary than merely buying moulds and sending a man to a gravel pit to make tile. It is necessary, in the first place, that a right man to carry on the work should be chosen. Some councils have thought themselves free from responsibility in this regard when they employed a mason. But the fact is that cement mortar cannot be mixed and handled like common lime mortar, and the experience of cement experts is that a mason accustomed to lime mortar is a most unsuitable man to work with cement, for he is apt to follow his own idea of lime mortar, in spite of all instruction to the contrary. Cement experts very frequently prefer to choose a man of good judgment, instruct him in regard to the use of cement, and better results are more likely to follow. Townships, however, will find it profitable to employ, if possible, a man experienced in the use of cement concrete.

Again, a suitable man being chosen, he must be provided with proper material. He must have good cement, otherwise good results cannot be produced. He must have good, clean gravel free from clay and other earthy matter; and he must have clean sharp sand, and water which is clean, not merely a degree removed from mud.

A man who is experienced and who has proper materials will be able to prove to a council the value of cement concrete tile for small culverts. He will, if necessary, screen the gravel so as to obtain a clean supply of stone. He will mix the cement and sand, first dry, then adding just enough water to moisten. Then he will spread this out and add the stone in the proper proportion, mixing thoroughly so as to surround each stone with mortar. He will, after placing the concrete in the moulds, ram it down thoroughly in order to firmly unite the particles composing the mixture, and drive out all air bubbles. When the tile are removed from the moulds he will see that they are allowed to stand a sufficient time before being used.

Two points referred to perhaps require explanation. Pipe should not be used immediately after it has assumed what is apparently a sufficient degree of hardness, but should be allowed to season. The length of time depends upon the nature of the cement, but pipe may be regarded as "green" for at least one month after removal from the moulds; and it would be better if municipalities would make a summer's supply one year in advance.

Again, the screening of the gravel is necessary much more frequently than is commonly supposed, and it would be better if it were invariably done. Concrete should be mixed in certain fixed proportions of cement, sand and stone. When cement and sandy gravel is used, it is apparent that this rule is apt at all times to be violated. There will be either too much stone and too little sand, or too much sand and too little stone in proportion to the cement. Gravel is apt to be pockety, with sand at one time predominating, at another stone being in excess. The only reliable way, therefor, to make concrete, is to remove the sand from the gravel, and afterwards mix the three uniformly in the proper proportions. Concrete is becoming one of our most useful agents, but must be made intelligently, not by "rule of thumb."

The Provincial Auditor, Mr. Laing, has appointed Mr. McCosh, of Paris, to make an audit of the accounts of the town of Bothwell. The accounts are not exactly shipshape.

Road Expenditure.

Statute labor should be worth one dollar a day. This is a low estimate for a day's work, and there are few men who would not be ashamed to sell their time for so small an amount in the open market. The recent strike of trackmen on the Grand Trunk Railway grew out of this very rate of wage, and the sympathy of the people was everywhere with the strikers. And yet there are men who protest against the commutation of statute labor, or its abolition, for a tax amounting to half this rate or fifty cents a day. Indeed, where it has been proposed to commute for twenty five cents a day there have been those who oppose the change, preferring to work on the road for a day, in order to retain so small an amount.

The farmer whose work on his farm in the summer season, is not worth more than twenty-five cents, fifty cents or one dollar a day is not likely to make a success of farming and should seek some other sphere of usefulness.

The farmer whose work on the farm is not worth one dollar a day is not likely to be worth that amount in statute labor, and opposition to commutation of statute labor at that rate, is to a great extent, one of the best reasons for adopting such a commutation system, indicating as it does that the roads are not receiving the amount of honest labor which it was intended should be placed upon them. Roads are of much too great importance to be slighted in any degree.

With the purpose of comparing the present annual expenditure upon roads of the Province, with the amount needed to keep roads in good repair, money and labor spent by townships and counties has been collected under county totals. With these it is interesting to compare the expenditure upon the Hastings County Roads of 370 miles kept under a management admirably suited to the needs of every county. These Hastings roads cost in 1896 an amount equal to $49.82 per mile; or deducting the expenditure on bridges which is included in this sum, the roads proper cost, it is estimated, about $35 per mile.

An analysis shows that there are two counties, York and Wentworth, which show an expenditure exceeding $60 per mile; the former, to be more exact, $69.87, and the latter, $61.34. Three counties show an expenditure of between $50 and $60; Elgin $51.25, Middlesex $51.20, Oxford 56.23. Seven counties show an expenditure of between $40 and $50; Essex $45.32, Lambton $40.52, Perth $47.84, Wellington $41.17, Waterloo $41.57, Lincoln $45.07, Hastings $40. Fifteen counties spend between $30 and $40. Eleven spend between $20 and $30. Only three, Frontenac, Renfrew and Haliburton fall below $20.

Out of thirty-eight municipalities, thirty show an average expenditure per county of $39.46; while of these the expenditure of five exceeds that of the county of Hastings, on their county road system. The roads of Hastings, as a whole, it has been stated, cost $40 per mile, an amount which certainly compares most favorably with other sections of the Province, in view of the condition of the roads.

These estimates, it may be pointed out, consist of all expenditure upon roads within the several counties; that is, the township money appropriations, county money appropriations, and statute labor at the value provided by law, one dollar per day. These statistics are deserving of careful consideration, and point out that a straightforward, business-like policy with regard to roads is no more costly than the present unsystematic methods in common use, that good roads are no more expensive than bad roads in actual monetary outlay if right principles are adopted for their management, and in addition, bad roads mean the many losses which bad roads necessarily entail, and the absence of the benefits conferred by good roads.

Improving Sand Roads.

A degree of moisture is necessary in the summer season in keeping sand roads or roads over sandy ground in their best condition. Drains are necessary but they should not be deeper than will provide suitable drainage in spring and fall. Under-drains, if they are needed at all, should be shallow.

One of the most lasting and beneficial improvements to sand roads, is the planting of rows of trees on each side of the road, and close enough together to provide continuous shade. They will prevent, in part, the drying effect of the winds, as well as intercept the rays of the sun. For this purpose the elm with its arching branches is most serviceable, and will add many times to the appearance of the country.

Contract vs. Day Labor in Toronto.

The *Toronto Globe* of a recent date says:

"Reference was made some time ago to the fact that two identical pieces of paving were being done on adjoining streets in ward one, the first by day labor, the second by contract. It was shown that the cost was in favor of the former by nearly one thousand dollars. The two jobs are now completed and aldermen and others interested in roadmaking should not fail to visit the two. Langley Avenue which was constructed by day labor, and for a thousand dollars less than Victor Avenue, is a splendid specimen of macadam road. Victor, which was done by contract and was finished but the other day, looks as if it were constructed with dust or any old stuff that happened to be on hand. It is to be hoped that the engineer will also take a look at the two."

Necessity for Intelligent Maintenance of Sewers.

It is the too general rule that when a town has constructed a system of sewers it considers its duty done, and permits any kind of connection to be made with them, by anybody, and in any way, and takes no more thought of its sewers until compelled to do so by some obnoxious condition therein. This is all totally wrong, and even criminal. While it is not probable that any well-designed and well-constructed sewerage system will ever become "worse than no system at all" or an "elongated cess-pool," it will not work at its best efficiency and free from objectionable conditions if unattended to, any more than would any mechanism.

Moreover, a considerable expense has been incurred to provide sanitary sewerage for the citizens, but if careless or penurious landlords or plumbers, or ignorant householders are permitted to construct between the sewer and the house, or in the latter, cheap and unsanitary house connections, —drains and plumbing — fixtures, the health of the citizens is endangered and complete return for the outlay for sewers is not received. No dread of paternalism should interfere with the proper performance by the council of its manifest duty to require that all "sanitary" piping and fixtures shall be sanitary, and the sewers should be in the charge of an experienced officer who is responsible for their cleanliness and efficiency.

Village Councils.

Villages in general are what their councils make them. With a go-ahead council, not afraid of a vote, who will have an unwinking eye as to what the town needs, and then go into the thing in their shirt sleeves until the good work is accomplished, a town will come to the front in leaps and bounds.

On the contrary where a council plods along at their own private affairs, unmindful of the village wants, or, when the spirit moves them to take hold of the municipal plan, hesitate before they have done anything to find out whether it will be popular, we may expect to see the place retrograde into the position of a country farm and the wayside inn.

A man in business who would hesitate to do anything until he would see how the neighbors would like it, could not possibly succeed. It is only the hustler, the man of energy, of decision, of promptitude that succeeds. It is so with councils. The adage that the one who hesitates is lost is no more applicable to women than to municipalities.

It may be objected that men can not be expected to neglect their own affairs to attend to those of the public. That may be true enough; but the man who has not time to look after the wants of a town should not seek election.— *Cardwell Sentinel.*

Municipal Salaries.

In a recent pamphlet of Judge Ardagh, of Barrie, on municipal affairs, His Honor, among other things, says :

"It is quite true that totally inadequate salaries are paid by the great majority of municipal corporations to their officials. This is a subject that I have frequently called the attention of municipal bodies to, during the past quarter of a century. It is an old saying that "a fair day's work deserves a fair day's wage," and any farmer will find it difficult to get a day's work in harvest done without paying a fair wage therefor, even if he fails to remember, as a moral ground, that "the laborer is worthy of his hire." Why, then, should an aggregation of farmers—of whom a council is composed, in rural municipalities—combine to obtain services to be rendered to their municipalities, for an inadequate remuneration ? It certainly must be a very strong sense of what is owed to his constituents that causes a councillor to do what he would not, and generally could not, do in his individual business. It is lower ground, of course, to say that where the money does not come directly out of his own pocket a member of the council should not be so keen to get "something for nothing," or at least, for what is far less than its worth. But there is another side to this question, and one which might reasonably be supposed to be well worth considering, and that is the shortsightedness of a corporation acting in this way. Who would take his watch, for instance, to a blacksmith to be repaired because his charge would be so much less than a watch-maker's ? The charge, no doubt, would be less, but what about the result to the watch ? Now the duties of a municipal clerk are such as require first of all a fair amount of education, next intelligence—that is, the ability to make a proper use of the knowledge acquired at school or college. Then comes industry, to ensure the due performance of his duties, and last, but not least, integrity and steadiness of life and conduct. It may be said that it will be very difficult to procure the services of anyone possessed of all these qualifications—and no doubt it will, even for the highest possible salary—but it may well be asked, if the possession of all or any of them is ever made a requisite in procuring the services of such an official as we were speaking of ?

Is it not a fact that the chief requisite in an applicant for such an office is a willingness to accept a very small salary ? And do municipal corporations realize that in making lowness of salary the chief qualification in such a case they are really "penny wise and pound foolish"—that while they are carefully considering the spigot, they are leaving the tap open ? Is it not notorious that often a single mistake or neglect of an incompetent clerk causes more loss than his salary many times over ? And yet the mistake may be one wholly due to the exercise by the clerk of duties which, for economy's sake, are cast upon him, instead of the advice or opinion of some competent counsel being relied upon. In the country and sometimes even in towns, the clerk is expected to draft a by-law, and to give advice to the council on difficult, and often on legal points ; and a reference to our law reports will show to what an extent heavy costs are incurred by the quashing of such by-laws, at the instance of an aggrieved ratepayer—or by rectification of the action of council upon the improper advice of a clerk, though given in good faith, and to the best of his "knowledge and belief." Now do the members of the council realize that the duties to their constituents require them as trustees to engage no man who is incompetent for it to do their work ? Is it any excuse, when loss results from his incompetence, to say that his salary was very small ? They are there to see that the work of the municipality is done, if not in the very best possible manner, yet as well as might fairly and reasonably be expected. As a general rule of law, every person or company, knowingly employing an incompetent man to do that upon which the lives or interests of others may depend, is liable for the consequences of his neglect or incompetency. The writer, however, has not noticed any case, if such there be, where a ratepayer has obtained satisfaction from his council for the loss he had sustained by reason of their employing incompetent officers. Such a case might, however, arise."

Windsor's Schools.

Windsor enjoys the distinction of being the only city in Canada where all the schools are under the supervision of one board. This mode of government has proven eminently satisfactory. There are seven schools in the city and the same text books are used in them all. Two schools were, by mutual agreement, set apart for the Catholics. Catholic teachers are employed for these schools, and Secretary Black says all of them hold second and first-class certificates. In the Catholic schools short religious exercises are held, but they do not interfere with the other work. Fifty teachers constitute the teaching staff of the public schools and collegiate institute. Each public school teacher begins at a salary of $300 and receives an increase of $25 per year until the maximum amount of $400 is reached. — Observer.

The Reeve of the township of Euphemia has written to the Good Roads Department stating that a new way has been found for doing away with statute labor. The labor was computed at 25 cents a day, and not a farmer did his road work, preferring to pay a fine. The fine money was taken and with it more work was done than ever before by the old system.

Court of Revision Taught Appellant a Lesson.

Mail and Empire : The last of the appeals for Ward 6, division 1, were heard yesterday at the Court of Revision sessions in the old city hall. One hundred and four cases in all were dealt with, and the only reductions made were of a trifling nature, but there was one case which came out somewhat different from the way the appellant thought it would. A certain gentleman had been assessed on income, having to pay on $400 after his exemption of $700 had been taken out ; he had told the assessor that his salary was $1,100. This same man pays the taxes on the house he lives in, and thought that he had to pay a little more than his due share of taxes, and to plead his cause he engaged the book-keeper of the firm he belongs to. The amateur pleader made the best he could out of a hard case, and then Chief Clerk Forman, of the assessment department, began to cross-question the book keeper with regard to his client's salary. The young man was rather reticent about telling what he knew, but being under oath he had to answer the questions put to him. Mr. Forman and other members of the court were not long in getting the bookkeeper to state that the appellant's salary was $1,500 a year instead of $1,100, as the assessor declared he had been told. That capped the climax, and the man who appealed was at once put down to pay taxes on $800 instead of on $400.

The seriousness of giving assessors wrong information of this kind is that persons doing so are liable to a fine of $20. The young man was told that if the man appealing did not like the treatment he received recently, he could appeal to the county judge, but the assessment department do not expect more trouble from this source. A greedy man sometimes grasps at too much and loses all.

Assessment Appeal.

The Great Northwestern Telegraph Company, we observe, is sending out to various towns in the Province notices of appeal against the assessment made on their offices and plant. This action has been taken, no doubt, because of the recent decision of the court that the belongings of the company should be rated only as scrap. Galt has been favored like other towns with such a communication, the company giving notice of appeal here from an assessment of only about $200 to the ridiculously low figure of $45.56 At this valuation the company's provincial plant is not worth as much as a country hardware stock.

A frightfully bald customer has just begun his dinner, when he suddenly calls the waiter, and points to a hair in the soup. "Where did that come from ?" "It must be monsieur's." The customer evidently much flattered, replied—"No doubt, my good fellow, no doubt."

QUESTION DRAWER.

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

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

Communications requiring immediate attention will be answered free by post, on receipt of a stamped addressed envelope. All questions answered will be published, unless $1 is enclosed with request for private reply.

Contractor's Liability—Error in Specifications Signed.

364.—D. A. S. –At a public meeting of contractors specifications for changing the course of a creek, were read aloud and signed by the contracting party, to whom the clerk was instructed to hand a copy which he did but unintentionally left out the words, "The new channel must be cut to the level of the creek bed" and, in which as well as in the original are the words "the contractor is not to take advantage of any oversight in these specifications".

Is the contractor bound by the paper he signed, or by the copy he received? He declares he never heard the requirement stating the depth of the new cut.

The contractor is bound by the paper he signed in the absence of fraud.

Bonus by Exemption from Taxation.

365.—J. E. S.—Can the council of an incorporated town grant to any individual or company free water or reduced taxes for a term of ten years without a vote of the ratepayers? This is in the matter of Lang, Ritchie & Co,, having a handle factory and planing mill in our town, are asking for free water and reduced taxes for ten years.

Section 25 of chapter 26, Ontario Statutes, 1899, (the Municipal Amendment Act, 1899) repealing section 411 of the Municipal Act, in sub-section (a), enacts as follows: "Every municipal council may by by-law exempt any manufacturing establishment, etc., in whole or in part, from taxation, except as to school taxes, for any period no longer than ten years, and to renew this exemption for a further period, not exceeding ten years." The above includes water rates as well as other municipal rates. Sub-section (b) provides that no such by-law shall be passed until the assent of the electors has been obtained in conformity with the provisions of the Municipal Act in respect of by-laws for creating debts. The remaining sub-sections will give you further information in the matter. As to voting on by-laws see sections 338 to 374 of the Municipal Act.

Levy Rate for Drainage Deficiency on Lands Benefitted.

366.—T. C.—Some years since on the petition of certain ratepayers whose lands were supposed to be benefitted by the deepening and cleaning of the channel of a certain stream.

After all the formalities in connection with the same were complied with as laid down in the Drainage Act, and the levies made by the engineer on the different lands to be benefitted, etc., the council let the contract. It was expressly stated in the terms of agreement the manner in which the work was to be performed also as to the way in which disputes or differences should be settled, etc

The council complied with their part of the agreement to the letter in doing which they were put to considerable expense. The amount levied will not cover all expenditure (the work is now finished.)

1. Who should pay this?
2. Should it be levied on the whole township, or on the lands benefitted by said drainage work whose owners petitioned for said work to be done?
3. Would the council be acting in a legal manner were they to levy on the whole township for the balance of the amount required.

1. The owners of the lands assessed in the original by-law for the deepening and cleaning of the stream, pro rata.

2. The council should pass an amending by-law pursuant to section 66 of the Drainage Act, R. S. O. 1897, chapter 226, and assess the additional sum required pro rata against the lands benefitted by the drainage work, and mentioned and described in the original by-law.

3. No.

Hotel-Keeper or School Trustee.

367.—C. R.—Is it lawful for a hotel-keeper to be a trustee for a public school.

We know of no reason why an hotel-keeper should not be elected and act as a school trustee, provided he is a British subject, 21 years of age, and a ratepayer resident in the school section, for which he is elected school trustee. See section 2 of the Public Schools Act, R. S. O., 1897, chapter 292.

County Councillor not Township Officer.

368.—W. P.—A is a county councillor for township D, in county L. Can A act as a township collector for township D, having to collect township and county rate?

No.

Debentures Due—Sinking Fund Deficient.

369.—J. M. R.—Our corporation has a debenture indebtedness of $18,500. At the time each individual debenture debt was created commencing in 1879, debentures to run 20 years, the provisions cited in by-law to meet it was by means of a sinking fund.

Those provisions were not carried out until 1893, when statute imposed a penalty for neglect to levy for sinking fund. See 54, V. C. 42, s. 12.

Since that time council has levied each year for the amount required by each debenture by-law to be levied for in each and every year and have now to the credit of sinking fund $3,700.00, but this is not sufficient to meet each debenture as it matures by reason of neglect of council to levy for sinking fund from 1879 to 1893. One debenture of $3.000 matures December, 1899.

Is it lawful for council to draw from sinking fund account on deposit sufficient to pay this debenture?

We are of opinion that only the proportionate part of the $3,700 on deposit to the credit of your sinking fund levied and collected to meet the $3,000 debenture, maturing in December next, can be applied towards the payment of this debenture—the balance required to pay it off your council will have to include in their estimates, and levy and collect this year. If it is going to be oppressive to pay the amount required for the purpose in one year your municipality must apply to Legislature for authority to issue debentures upon which to borrow money to pay off the debt. Previous to the passing of Chap. 79, 62 Vic. (Ontario Statutes, 1899) the town of Simcoe seems to have been in precisely the same position as your municipality is now. The act quoted granted them the necessary relief, and a perusal of it will inform you as to what is best to be done. For further information on the subject we would refer you to question No. 207 in the May issue (1898) and No. 308 in the July issue of this paper for the same year.

Arrears of Taxes and Sales in Districts.

370.—CLERK, NIPISSING.—Re arrears of taxes and sale of lands in districts, chap. 225, commences with including Nipissing (see section 1, page 2892, R. S. O.,) but in section 53, relating to the power to sell land in arrears mention is made only of Rainy River and Thunder Bay, can you explain why Nipissing should not be included, or is it your opinion, taking the full context of chap. 225 relating to districts, that all sections would apply to Nipissing.

We have examined section 53 of R S. O., 1897, chapter, 225 and we cannot find that Rainy River and Thunder Bay are therein mentioned, section 51 refers to the above districts exclusively. The words "said districts" in the second line of sec. 53 refers to *all* the districts mentioned in section 1 of the act.

Payment of Expenses Joint Vote on By-Law and Election County Councillors.

371.—H. J. B.—Last January at the election of county councillors in a certain village there was no poll required for the election of members of the village council, but a by-law was voted upon. Should the expense of the election be borne by the county or by the village? Sub-sections 1 and 3 of section 205 of the Municipal Act seem to conflict.

Sub-section 1 provides in the first place that the expense in and about the election of county councillors, shall be borne by the county, except where a poll is held for the election of a member or members of the council of a local municipality at the same time as the election for the county council. In this case no poll was held for the election of members of the council of the local municipality. There may be just as good reason for relieving the county, voting on the by-law taking place on the same day, as there would be if an election of members of the council of the local municipality had been required, but the statute does not exempt the county to any extent on this account. Sub-section 3, if it stood alone, would perhaps relieve the county council in this case, but we think it must be read along with the other sub-sections of section 205, and that it is limited to elections of members of the council of the local municipality. The county council is not liable for the cost of the ballots used in voting on the by-law, or of anything not required for the election of county councillors.

Tenant's Statute Labor and Collector's Roll—Nominations.

372.—I. C. T.—1. A tenant refused to do statute labor in 1897. The pathmaster returned the list, August 18, 1897. Can statute labor arrears be charged against tenant in the Collectors's Roll in 1899?

2. I hold that a clerk presiding at Municipal Nomination Meeting, must receive the resignation of every person nominated, if handed him in accordance with the Municipal Election Act, am I right?

1. Section 110, of the Assessment Act, contains the law regulating this matter. The section says the clerk "*shall* enter the commutation, etc., in the collectors' roll of the following year." There is no statutory authority to enable the clerk to enter it on the roll at any subsequent time.

2. Yes.

Re Length of County Bridge.

373.—X. Y. *Z.*—Your answer to question 359 does not meet my ideas of the matter, and therefore write again. The old bridge as it now stands, about two hundred feet long, was pronounced by the judge to be a county bridge and that the two counties should build it.

1. In view of this decision, who is liable in case of an accident?

2. If the two counties, then they are certainly responsible for its maintenance and rebuilding, are they not?

3. If so, how can they shorten it up to thirty feet, so as to leave a lot of work to be done by the local municipality?

You have not furnished us with a copy of the judgment of the court and therefore we do not know whether the court decided that a particular bridge was a county bridge or that the stream over which the bridge stood was a stream which it was the duty of the county municipalities to bridge. Our impression, however, is that the court only decided the latter point, and if that is the fact the decision does not assist you in determining what length of bridge the united counties must maintain. We cannot answer your questions with any degree of satisfaction because an accident might happen under various circumstances, and, moreover, any answer which we might give would not necessarily determine the real point now under consideration. If, for example, the counties should build a bridge much longer than the law required them to build and it was allowed to get out of repair and an accident happened they would probably be held liable, even though the accident happened at a point on the bridge beyond the limit to which they were bound to build. If an accident should happen now while the old bridge is standing the counties would probably be held liable because the bridge has been used as a bridge over a stream which both counties were bound to bridge and the bridge having been used as a county bridge they would not now be allowed to say that they were not liable. In conclusion we have to say that unless the judgment of the court determined the length of the bridge which the counties were required to build they are only bound to erect such a bridge as will comply with the law as laid down in our former answer.

Payment of Poll-Tax When Otherwise Assessed.

374.—G. W. T.—A number of M. F. voters working for a saw-mill company in township have property outside township, and in such a case they are of the opinion they do not have to pay poll-tax. Kindly give your opinion upon the question.

If the voters you refer to are assessed for the property outside the township, they cannot be compelled to perform statute labor, in the township in which they are working. See section 100 of the Assessment Act.

Time for Requisition of Engineer—Compromise with Defaulting Treasurer—Retention in Office.

375.—X. Y. Z.—1. Section 28, Ditches and Watercourses Act, is amended by section 3 Drainage Amendment Act, 1899. If engineer is not requested within six months, is the award of no account afterwards, or can no proceedings be taken to have award maintained?

2. A person who is clerk and treasurer becomes a defaulter to the extent of several thousand dollars; whose duty is it to prosecute him—the reeve, county constable or Crown attorney?

3. When said person is short in his accounts, is it legal for the council to compromise for say half, and keep the same in office as clerk, but appoint another person treasurer.

1. The fact of the engineer not having received a written request to inspect a drain within six months after the expiration of the time limited in the award for its completion, will in no way affect the validity of the award. If the award is made in accordance with the provisions of the Ditches and Watercourses Act the maintenance of the drain can be enforced thereunder as and when the same is necessary.

2. It is the duty of the reeve and council to see that all their officers (including the clerk and treasurer) perform their duties faithfully and honestly, and in the best interests of the municipality. If an officer does wrong the council should see that he makes reparation, if possible, and that he is punished for his wrong-doing. If the reeve or the council do not prosecute, any person may institute proceedings when the offence committed is a criminal one.

3. If the council deem it to the advantage of the municipality to settle with the clerk, in the way you mention, we cannot see why they should not do so, so long as they are not compounding a felony.

The clerks' retention in office rests with the council and if you think he ought not to be retained the only remedy which you have is to secure the election of a council of the same opinion.

Municipal Officers Exempt from Jury Service.—Voters' Lists and Non-Resident Tenants.

376.—J. M. M.—The revised statutes of Ontario, 1897, chap. 61, section 7, page 747, states that every reeve, justice of the peace, and every other member and officer of any municipal corporation, are hereby absolutely freed and exempted from being selected by the selectors of jurors to serve as a grand and pettit juror in Her Majesty's inferior courts, and none of the names of such persons shall be inserted in the rolls from which jurors are to be taken for such purpose.

1. Does this include township auditors, ex-officio members of the township board of health, road overseers, fence-viewers, poundkeepers and deputy-returning officers? If so, this would exempt nearly two hundred of the resident ratepayers of Arran township between the ages of twenty-one and sixty years, counting those who are more particularly exempted by the Ontario Jurors' Act, out of say five hundred.

2. Are non-resident tenant ratepayers' names to be entered on the township voters' list? If so, in which part of the same are they to be placed?

Please give statute upon which you base your decision?

1. We are of the opinion that the officers you mention with the exception of deputy-returning officers whose appointments are of a temporary nature, are exempt from service as jurors.

2. If a tenant is otherwise qualified he ought not to be left off the Voters' List, because he is at the time of making the list a non-resident. Unless this course is adopted many persons may be disqualified. The oath requires a tenant to swear that he was on the day of the final revision of the assessment roll, a tenant. He is not required to swear that he was at that time a resident, but only that he has been a resident for one month next before the election. He should therefore be put upon the list, so that if he should afterwards become a resident for one month before the election, he would be entitled to vote.

Assessors Pay for Equalization of Union School Sections.

377.—J. R.—I notice in answer to question 331, August, 1898, that school sections are liable for expenses in connection with equalization Union S. S. Would there be anything illegal in the council adding (say $3.00) to the levy required by such sections and retaining this amount to pay the assessor? Many school sections suppose this should be paid from the funds of the township and hence the assessor has trouble in getting his pay.

(Kindly state the simplest way to proceed in the matter.)

We are of the opinion that the council cannot legally add the $3.00 you mention to the amount required by the trustees to be levied on lands in the U. S. section, levy it, and when received pay it to the assessor. All levies made by the council for the purposes of the U. S. section must be paid to the secretary-treasurer of the board of trustees of the U. S. section on or before the 15th day of December, in the year when levied and collected. The assessor must look to the trustees for his fee. If they neglect or refuse to pay him within a reasonable time after he has demanded same from them, his remedy is to take the necessary proceedings against them to enforce payment.

Private Farm Crossings Over Road Ditches.

378.—J. E. C.—Is the corporation of a township liable to prosecution for any of their pathmasters in the faithful performance of their duties as such, failing to put back in good repair any private culverts leading to adjoining fields along the highway, necessarily thrown out to improve and ditch the road?

No. The right of landowners to build approaches, or bridges or culverts across ditches on the road side, from their lands to the highway, is subject to the right of the council or its officers to cut through them if necessary to maintain the road in

a proper state of repair. If a council or its officers finds or find it necessary for that purpose to cut through an approach, and they do so, the land-owner must at his own expense, bridge over the cut or provide some other approach. See questions 306 and 315 in the July issue of this paper.

Councillor's Contract With Council.

379.—H. B.—The firm of K Bros. run a saw-mill and gravel pit in this village; one of the brothers is a member of the village council. The firm have been in the practice of selling lumber and gravel to the corporation, and Councillor K sits at the council board, moves and votes that these accounts be paid.

1. Can a councillor sit at the council board and move and vote for the payment of the accounts of the firm of which he is a member?

2. Can the council legally pay such bills, or can the firm collect them?

3. Does such transaction with the corporation and its officers disqualify Mr. K. from the office of councillor, and can he be unseated on account of such dealings?

Section 83, of the Municipal Act, provides as follows: "In case a member of the council of any municipality, either in his own name, or in the name of another, and either alone or jointly with another enters into a contract of any kind, or makes a purchase or sale, in which the municipality is a party interested, the contract, purchase or sale shall be held void, in any action thereon against the municipality."

1. Yes.

2. No. The council can legally pay, but the firm cannot collect.

3. No, if Mr. K was duly qualified at the time of his elec ion, or, if disqualified, and the proceedings prescribed by law were not taken within the proper time to unseat him. We would also refer you to section 324 of the act above cited, and to question No. 327 in the July issue of this paper.

Impounding Animals Unorganized Township.—Special Audit.

380.—D. C. F.—1. What is the law in regard to impounding animals in an unorganized township (District of Parry Sound.)

2. Would it be illegal for township auditors at the suggestion of some of the councillors to go back two or three years over collector's roll and treasurer's book, and if they find errors in either or both, to make report of same to the council.

3. Would these two officials (now dismissed) be liable to the township for money not accounted for say, $200. They (collector and treasurer) refuse to pay their arrears to the township.

4. What is the proper mode of procedure? Would you call it embezzlement?

5. What steps are necessary to bring on a Provincial auditor?

1. Section 94 of chapter 109, R. S. O., 1897 (the Unorganized Territory Act) provides as follows: "No damages shall be recovered in respect of injuries committed in any of the said districts upon any land by horses, cattle, sheep, or swine, straying upon such land, unless the animal so straying was running at large contrary to a municipal by law in that behalf; and where no by-law prohibiting or regulating the running at large of the class of animals to which the animal trespassing belongs is in force in the municipality, township or place, then no such damages shall be recovered unless such animal has broken through or jumped over a fence then being in reasonably good order and of the height of four and one-half feet; but this section shall not apply to breachy or unruly animals."

2. The treasurer's books and collector's rolls are the property of the municipality and the auditors, in their private capacities, or any other person, either by his own motion or at the request or suggestion of a councillor or other person, may examine such books or rolls in the hands of the proper official custodian thereof, and at any reasonable time. After such examination the results of the same may be brought to the attention of the council who should then consider the advisability of having an investigation made by the Provincial Auditor.

3. Yes, the officials and their sureties.

4. The ex-officials and their sureties should be sued by the municipality for the amount of arrears, judgment recovered against them, and the amount thereof realized, if possible, by the seizure and sale of the property of the defendants. We would not care to express an opinion as to the criminal liability of the ex-collector and treasurer until we were made more fully acquainted with the facts.

5. Section 8 (sub-section 1) of chapter 228, R. S. O., 1897, provides that "the Provincial Municipal Auditor may, at any time of his own motion, or whenever requested by any two members of a municipal council, make an inspection, examination or audit of the books, accounts, vouchers, and moneys, of any municipal corporation in the hands of the treasurer or collector thereof, and when required by a requisition in writing signed by thirty ratepayers resident in the municipality, and directed to the Lieutenant-Governor-in-Council he shall make such inspection, examination or audit."

Mayor's Vote.—Poll Tax.—Dog Tax.

381.—SUBSCRIBER.—1. Can the mayor vote on all motions as a councillor, and then give casting vote if a tie?

2. What is necessary to legally collect poll tax? If notice is posted up or given each person must they pay in at treasurer's office? We have two men here all year until now, they have stepped across the boundary line, and work in the next, an unorganized township. Can we summon and compel payment before a J. P.? Give all law and practice on the matter. In this same matter, one man refuses; says I am not of age; prove it; another says I am a tenant. This is a nice point. A company owns all the lands and buildings. They pay all the tax and rent buildings to their employees at a uniform small monthly rental. One tenant objects to pay poll tax. Says am a tenant on assessment roll on company's land. Another says I won't pay poll tax. I am, it's true, not assessed as a tenant, but Henry Smith is, and I am in with him as a tenant in the building. Please make the law clear.

3. Should not a by-law to prohibit dogs running without tags provide a fine and imprisonment the same as for not paying poll-tax?

4. Is it necessary, under municipal by-laws, where a conviction is made, to go to all the trouble of *a distress before imprisonment*? In a mining country half the men could get out of the country through such an awkward and lengthy process.

5. When a mortgage on land is sold and assigned to another party, and partial payments have been made prior to assignment, what is the legal way to ascertain correct amount to assign?

6. What is the correct law regarding the taxing of dogs, fees, penalties and tagging?

1. The mayor can vote on all motions with the other members of the conncil, but only once. Section 274 of the Municipal Act provides that "the head of the council or the presiding officer, or the chairman of the meeting of any council may vote with the other members on all questions; and any question on which there is an equality of votes shall be deemed to be negatived."

2. The council should, by by-law appoint some person to collect the poll tax (see latter part of section 97 of the Assessment Act.) The person so appointed should, at the proper time, make a demand on all parties in his municipality liable to pay the tax mentioned in said section 97. In case any party neglects or refuses to pay the same within two (2) days after such demand the collector should proceed to collect the same in the manner provided in section 107, sub-section 1, of the Assessment Act. It is the duty of the parties you mention to prove to the collector by certificate from the proper person or otherwise that they are not liable to pay any sum in the nature of poll tax. As to who is liable to pay such sum, see section 97 of the Assessment Act.

3. No. The by-law may provide for the seizing, impounding, selling or killing of dogs running at large contrary to the by-law. See section 540 of the Municipal Act.

4. Yes. See section 705 and following sections of the Municipal Act.

5. This is not a question pertaining to municipal matters, but a simple arithmetical calculation should enable you to arrive at the amount due on the mortgage at the date of the assignment.

6. This question is somewhat indefinite We will refer you, however, to section 540 of the Municipal Act and chapter 271, R. S. O., 1897.

Percentage Chargeable on Arrears of Taxes.

382—E. D.—What effect has section 170, chap. 224, R. S. O., from "but" on fifth line to end of section on section 169, sub-sections 1 and 2? There is an apparent difference as to percentage to be charged on taxes remaining unpaid on the 1st of May in each year. The words "in every municipality," in section 170 seem to annul section 169 as to rate of percentage or interest to be charged. If the word "such" were inserted in the latter clause of section 170 to make it read as follows—"but in every *such* municipality, etc," then it would be clear that it had reference to cities only of 100,000 population or over.

Section 169, sub-section 2, appears to provide for all local municipalities and to be in effect the same as section 170—the total percentage to be added under both sections is the same.

These sections were enacted at different times, the former in 1894 and the latter in 1896, which may account for the oversight. It is, however, apparent that section 170 was intended to apply to cities having a population of 100,000 or more, only.

General Public School Rates.

383.—G. G. A. (a) A rural public school with one teacher is kept open from first March until the end of the year (exclusive of vacations). (b) Another rural school with one teacher is opened on first school day after midsummer vacation, 1898. What proportion of the township grant of $150, under section 66 (1) of the Public Schools Act, should each of these schools receive? How are the proportionate parts of this sum or grant arrived at?

In calculating amounts due school sections under section 66 of the Public Schools Act, vacations are not considered. In case (a), the school was closed during two teaching months and would be entitled to ten-twelfths of $150, or $125. In case (b) the school was open during the whole year and the section is entitled to the full grant. The grants under section 66 are based on the time the school was kept open during the year previous to the levy being made.

Culverts on Farm Crossings—Tax for Fire Protection.

384.—J. J.—1. Is it the duty of the corporation to build culverts over ditches on the highways so as to give entrance to ratepayers to and from their property? There is one case of a ratepayer who owns and keeps a hotel on the townline between Carrick and Culross. In front of his property there is a deep ditch, and many years ago the two corporations put in a culvert about 110 feet long, and covered it up the whole length of culvert, so that he has a fine level front before his hotel. The wooden boxes put in the culvert are now rotten, and the two corporations are building a stone culvert of the same length as the old one, at a cost of about ninety dollars.

Do you think the corporation is legally bound to make culverts for crossings of this kind?

2. Do you think the corporation is legally bound to give ratepayers crossings of say twelve feet wide, from the highways over ditches to their gates?

There is quite a diversity of opinion here about the matter, and as a large majority of the farmers have made their own culverts over ditches between their gates and the highway, I have been asked to get your opinion about it.

3. Mildmay, a large unincorporated village, has purchased a fire engine and other appliances to protect property from fire. Debentures have been issued to raise money to pay for this fire protection. Some of our ratepayers are assessed for income, and they claim that they should not be rated on the income for this fire protection.

I wish to know if income assessment is exempt from such fire debenture tax?

1. No.

2. No.

3. We presume the council of Mildmay passed a by-law for purchasing the fire engine and appliances, pursuant to section 544 of the Municipal Act (sub-sec. 1) and that the debentures issued to pay for the same were issued in conformity with section 386 of the said act. The sub-section above cited provides that "the by-law shall define what real property is to be benefitted and charged with the cost of fire protection. In any event, income assessment cannot be taxed or charged with any part of the amount necessary to redeem the debentures.

Payment for Supplies to House Quarantined.

385.—ARGUS—A man's family had a contagious disease—was placarded. He demanded a person to attend to him twice per day, which was supplied him by the local board under section 92 of the Public Health Act. The chairman and secretary of the local board gave the attendant an order on the treasurer for the amount.

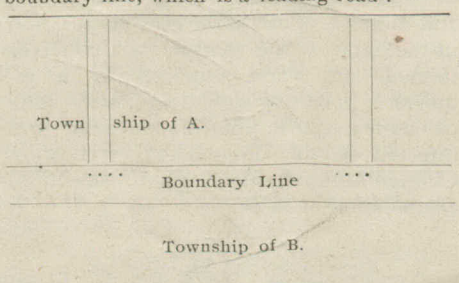
How can, or what steps will the municipality take to recover, providing he refuses to pay?

We presume you mean to cite section 93 of the Public Health Act, not 92. Section 93 provides that the supplies, etc., mentioned therein may be furnished by the local Board of Health to a person whom such board may deem it necessary to isolate, under the act, at his own cost or charge, or the cost of his parents or other persons liable for his support, *if able to pay the same, otherwise at the cost and charge of the Municipality*. If the man you mention cannot pay the amount, the municipality will have to bear the burden. If the man can pay, but will not, he should be sued, and after judgment obtained the amount should be realized by seizure of all his available property under execution.

Liability for Culverts on Side of Town Line Where Roads Join.

386—A. R. R.—Is a municipality liable for half cost of culverts at the end of roads ending on boundary lines?

Should "B" share cost of construction of culverts shown by dotted lines, when said culverts are outlets for the roads of "A" to the boundary line, which is a leading road?



The culverts you mention are located wholly on the the township "A" side of the boundary and are practically culverts across the roads of the township "A" effecting a junction with the boundary where the same are located. We are of opinion that township "B" is not responsible for any part of the cost of the construction or maintenance of these culverts.

Changing Union School Sections in Districts.

387.—INQUIRER.—The inspector of this district appointed a meeting to be held on the 14th inst., and sent a post-card to the reeve to that effect. The meeting was for the purpose of considering a petition regarding the changing of union school sections, the reeve and inspector to be arbitrators. The reeve did not receive said post-card (through a blunder in the post-office) till the evening of the 15th inst. The reeve went at once to see about it but the inspector had left town, he wrote to him the reason he did not attend said meeting and received a post-card in reply that he would have nothing to do with the petition. Now what I want to know is this:

1. Was the meeting, as held, legal, and what is my best course in the matter?

2. Can the reeve demand another meeting?

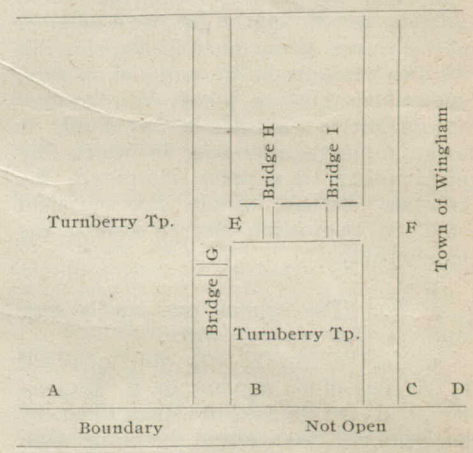
3. Has the reeve a right to consult a lawyer on these matters without passing council board?

1 and 2. What the inspector and reeve appear to have done is of no consequence. You will find the procedure for changing union school sections in sections 43 to 48, both inclusive of the Public Schools Act, 1897.

3 We would not advise the reeve to consult a lawyer in this or any other matter, until he has been authorized so to do by resolution of his council; otherwise he might be called upon to personally pay the lawyer's fee.

Maintenance of Boundary Line Divided.

388.—M. L.—Bridges G and H and I are county bridges assumed by the county, although bridge H was in a sense a private bridge over the mill-race.



EAST WAWANOSH TP.

A B C D is the boundary between Turnberry township, town of Wingham, and East Wawanosh. The township of Wawanosh makes and maintains from A to C their half as a boundary. But in order to reach the town of Wingham the road from C to F is impassable owing to the river, but the county assumed the road from B to E and from E to F in lieu of the boundary B to D. The townships have still to maintain from B to C. East Wawanosh refuses to help maintain road from E to F., they have never made or maintained any of it as yet, they claim it is not a deviation because of a road B to C which must be maintained as a boundary. From C to F was a road, but as the old bridge was not rebuilt it has become a back street

Is East Wawanosh liable for maintenance from E to F?

You say that the road from B to E and from E to F has been assumed by the county council. We presume this assumption of the road by the county council was by by-law, in accordance with the provisions of the Municipal Act in that behalf. This being the case, it is a county road, and should be maintained by the county. If the county has not assumed the road, we think it should be regarded as a boundary within the meaning of section 622 of the Municipal Act, and that the bridges should be maintained by the county and the road itself jointly by the adjoining municipalities.

Date for Equalization Union School Sections.

389.—D. M.—The assessors did not equalize union school section assessments until the 3rd day of July. Which award should be used in apportioning school taxation this year?

The award made on the 3rd day of July should be used. The fact of its having been made after the 1st day of June does not render it inoperative, and there is no authority for using any prior award. The machinery of municipal government assumes that certain things are done by certain days in the municipal year, so that other things may, in their order, follow. Municipal officers cannot, therefore, regard provisions as to time with too much strictness. But if the thing required to be done within the time limited be not done, it does not follow that it cannot afterwards be done. It is, no doubt, important that it should be done within the time limited, but Pollock C. B. remarked in the case of Hunt vs. Hibbs (5 H. & N. 126), "It is still more important that it *should be done*; and, therefore, if, owing to some uncontrollable circumstances, it is not done on the proper day, it ought to be done on the next or some other.

Township Property in Village on County Road—Liability for Sidewalks—School Grant.

390.—G. J. M.—1. Our township property (the agricultural fair grounds) fronts the county road and is in the centre of an unincorporated village which has, under township by-law, been commuting statute labor and applying the same to the construction and maintenance of sidewalks. The sidewalk in front of the township property is now rather dilapidated and the villagers have petitioned the council for assistance in putting it in proper shape. Would it be legal for the council to grant money for such a purpose?

2. Should an accident occur through the present condition of the sidewalk would the township or county be liable?

3. A young man was drowned in a pond in our municipality. The man upon whose farm the pond is, instructed by the County Crown Attorney, has billed the township council for damages to crop, hire of horses, meals to men engaged in the search for the body, etc. No inquest was considered necessary. Is the township or the county the proper corporation to pay this acconnt, or either?

4. Would it have made any difference if there had been an inquest?

5. Under section 66, page 3353, R. S. O., a school section which has two teachers and which received but $200 from the general township funds, in 1898 has applied for the $50 additional to which they say they are entitled. Now, as that school section received the full amount of their application in 1898, although this $50 extra was levied upon themselves, is the township compelled legally to comply with their demand?

1. No.

2. You do not say who built the sidewalk in front of the township property originally. The county having jurisdiction over the road would, we think, be liable should any accident happen, owing to the defective state of the sidewalk, without regard to who built it, provided it had notice of the defect and was negligent in not having either torn it up or repaired it.

3. We are of opinion that neither the county or township is liable for the amount of this account.

4. Had an inquest been deemed necessary and held, all legitimate costs and expenses, as certified to by the Coroner and county crown attorney, would be payable by the county. See chapter 97, R. S. O. 1897.

5. Yes. We are of the opinion, that the trustees are entitled to receive this $50, and the council should levy it over the whole township and collect it this year. Section 67, sub-section 3 of the Public Schools Act, gives any municipal council power to correct any error in school assessments, at any time within three years after it has been made.

391.—B. F.—The statute labor in an unincorporated village is set aside per by-law as a township statute labor beat and labor commuted and money therefrom to be applied for building sidewalks, etc. The main street in said village is a "county" road and said township owns property along side of this county road about 100 yards in length. The ratepayers in said village petitioned the council for a grant twice to repair and build some new sidewalks where old walks are rotten in front of said property. Council made a conditional grant first time, but conditions could not be complied with. Now some of the councillors say that they will make a grant to build some new sidewalk in front of their own property if it is legal for them to do so. Will you please state whether it is or not?

No. See question number 390 in this issue.

Notices for Repairing Drain — Joint and Several Assessments.

392.—INQUIRER.—1. Should I give notice to all parties assessed for the repair or extension of a drain immediately upon receiving the engineer's report? I do so although I cannot see the advantage of it, as each party receives copies of the first two issues of the paper containing the by-law, and it frequently happens the clerk gets the report a day or so before the by-law is adopted and the parties do not get their notices before the paper. Even if they did, what use would it be? See sub-section 2, section 12, chap. 226, R. S. O., page 2809, and sub-section 7, section 9, chap. 226, R. S. O., page 2821.

2. Would you fully, by example, explain what you understand by jointly and severally assessed.

In No. 350 of question drawer, August No. of W. J. G. S., are they three different assessments or one? (Does being bracketed together as J. G. S. and some others in their questions say, make them jointly assessed), or to be jointly assessed would they have to be assessed in the same right? That is, both as O or both as T and to be severally assessed the one as O, the other as T, even although bracketed. How would you put the following names on the vaters' list?

NAME	COL. 6	CON.	LOT	ASSESSMENT.
A.	F.			
B.	T.	1.	1.	$400—
DO.	T. C.	1.	2.	400—
DO.	F. M. F.	2.	3.	400—
D. OCC—	M. F.	1.	1.	

There are no brackets.

1. Sub-section 7 of section 9 was repealed by section 5 of the Drainage Amendment Act, 1899, and the following was substituted therefor: "(7) Forthwith upon the filing of the engineers report with the clerk of the municipality the clerk shall by letter or postal card, notify the parties assessed of such assessment and the amount thereof. In case more than one municipality is interested in the proposed work, the clerk of such other municipality or municipalities shall forthwith, upon the filing of a copy of the engineers report in their office, notify the parties assessed of such assessment and amount thereof." You will therefore have to follow the course laid down in the statute.

2. Section 92 of the Municipal Act provides that: "In case both the owner and the occupant of any real property are severally but not jointly rated therefor, both shall be deemed rated within this act. The following will indicate where the persons you mention should be placed on the voters' list.

NAME	COL. 6	CON.	LOT	ASS'T	PLACE ON VOTERS' LIST.
A	F				PT 2
B	T	1	1	400	
do.	T C	1	2	400	PT 1
"	FMF	2	3	400	
D dec.	MF	1	1		PT 3

(See article in this issue entitled "Joint Assessment.")

Bees-By-Law to Prevent Bringing into Township.

393.—E. K.—Bees moved from one county to another in honey season.

We have had many complaints from our bee-keepers in this township of bees being moved from the adjoining county in the honey season, and as they pay no tax our bee-keepers feel that they should be protected. They move in to one place from 50 to 100 colonies. They have appealed to us to pass a by-law to prohibit them from moving their bees into the township. Have we any authority to pass such by-law or what action can we take to protect our bee-keepers.

We know of no authority enabling your council to pass the by-law you mention, and are not aware of any way of protecting your bee-keepers.

Purchase of Real Estate by Corporation.

394.—SUBSCRIBER.—Can a Municipal Corporation buy real estate by resolution in council, and pay out current funds? and if so is there any particular form of deed required? We propose buying a lot for town hall site.

Section 534 of the Municipal Act provides that the councils of counties, townships, cities, towns and villages, may pass by-laws "for obtaining such real or personal property as may be required for the use of the corporation; and for erecting, improving and maintaining a hall and any other houses and buildings, required by, and being upon the land of the corporation; and for disposing of such property when no longer required" the council must act by by-law not by resolution. An ordinary statutary deed, with covenants, from the vendor to the municipal corporation making the purchase, is all that is necessary.

Local Improvements and Frontage Tax.

395.—S. S.—Our council find difficulty in working out section 686 of the Municipal Act.

1. Would you be so good as to explain how it can be worked out equitably so that those benefitted may pay in proportion to benefit?

2. Does the word "resident owners" mean persons actually on the street to be improved,

or does it include those engaged in business on that street so improved ?

3. Is the frontage tax an equal rate per foot of actual frontage ?

4. Do occupants of an upper flat have to pay share? if so, how adjusted ?

5. Is railway property liable to this tax ?

6. Does "a" of sub-section 1 of section 664 apply to street watering service paid for by local rate ?

Sub-section 1 of section 686 provides for two dfferent modes of assessing the value or cost of sweeping, lighting and watering streets against the real property benefitted, thereby, namely: (*a*) according to the frontage thereof, or, (*b*) according to the assessed value thereof when only such latter system of assessment sh ll have been adopted by a *three-fourths* vote of the *whole* counc l. In the former case every f ot of the frontage of real property benefitted must bear and pay an equal portion of the total cost of the work ; and in the latter case, every dollar of the assessed value of the real property benefitted must bear a d pay a proportionate part of such cost.

2. We are of the opi ion that it includes persons engaged in business, provided their names appear upon the last revised assessment roll as freeholder or tenant.

3. Yes.

4. The tax is chargeab'e against the real property benefitted according to the frontage or assessed value (as the case may be) and has no reference to the occupancy of the property.

5. Yes, provided it can be shown th t the railway will be benefitted thereby.

6. No.

Stole a Million.

James Colquhoun, city treasurer, of Glasgow, Scotland, and one of its most prominent citizens, is in jail, charged with embezzlement. A criminal warrant was executed charging him with embezzling £5,500 of his clients' money entrusted to him for investment. Other embezzlements bring the total up to £200,000, and it is believed that this will be extended.

For several years Colquhoun had been concealing his defalcations by paying interest on alleged investments which he never made. Many widows had entrusted their entire property to him, because of his high public position. His fellow councillors at first thought of subscribing the amount to conceal the scandal, until they learned the vastness of Colquhoun's embezzlements and the wreckage of his fortune. He has a wife and family.

It is stated that some years ago he won $2,000 at Monte Carlo, and since then gave way to the gambling mania. He secretly and repeatedly visited the Continental resorts, especially Ostend, and played for the highest stakes that the rules permitted. The case is expected to be one of the most remarkable criminal trials in Scotland for a generation.

A man is known by the company he keeps, but a woman is never herself before company.

The Limits of Municipal Enterprise.

BY PROF. WILLIAM SMART, PROFESSOR OF POLITICAL ECONOMY AT THE UNIVERSITY OF GLASGOW.

[Continued]

2 —RATEPAYERS.

(2) The Ratepayers.—In Imperial finance the poor man pays his taxes every time he smokes a pipe or drinks tea or something stronger. But as yet there is no indirect municipal taxation. So far as has come to the knowledge of the public, the goods supplied by the corporation are sold at cost price, and do not contain any tax. Thus the whole of the income for the municipal housekeeping is provided dire tly by the ratepayers. And in any other business it would be acknowledged that those who provide the money have some claim to be consulted as to the spend ng of it. But there are two distinct relations in which the ratepayers stand to munic pal undertakings.

(*a*) They contribute an annual sum to be spent annually on universally recognized municipal s rvices. Police protection, cleansing, l ghting, provision for the prevention of disease, and the like, are modelled after the Imperial services. The tax is a payment for a general benefit, whose value to the individual cannot be assessed to the individual. The policeman, for instance, *aequo pulsat pede pauperum tabernas regumque turres ;* but it would be impossible to say how great is the service which he renders to any one of us. Therefore the measure adopted is that of ability to pay, and ability to pay is measured by amount of house rent.

(*b*) They are pledged to the payment of interest, and to the replacement of capital borrowed. All municipal undertakings, ind ed, require to borrow money for capital purposes ; but there is a sufficient difference between two classes of borrowing. The burden of building streets, sewers, police chambers, and the like is spread over two or three generations by an annual sinking fund paid from the rates. But the burden of providing capital for what I have called the municipal industries is borne by the consumers of the ar icle purveyed, and the ratepayer merely stands in the background as guarantor. Of these municipal industries there are three classes. (I.) There are some which are meant to pay their way, and be no burden on the ratepayers, such as gas, water, tramways, where the corporation can make its own price without much fear that this price will not be paid. (II.) There are some which are, indeed, meant to pay, but where considerations of public safety and health justify the running of some risk. Of these the model lodging houses are the best type. (III.) There are others where there is little or no consideration of public health or safety, but where there is considerable risk that the enterprise will not pay ; and this is the class which we must subject to the closest scrutiny. It may very well be the case that the corporation, with the best intentions, may undertake an industry under the delusion that, being a municipal undertaking, it *must* pay, and with no idea that it is making a very questionable use of the ratepayers' money.

Our councillors run into debt with a very light heart. They have been heard to argue that it is not incurring debt at all when the money spent is all represented in fixed forms of capital—as if private persons ran into debt only for spendthrift purposes. A public debt does, indeed, differ from a private one in that it is borne on many shoulders and is more easily incurred ; but it has the same bad qualities as a private debt, in that it has to be repaid, and that circumstance may make the repayment a burden. In the case of gas, for instance, the capital was subscribed by rich people who found it a profitable investment, and this capital is being replaced by a sinking fund paid by the consumer in the price of gas. Thus when we pay our 2s. 2d. per 1,000ft. of gas we are paying for the capital sunk in the gas works as well as for the making and distribution of the gas ; and it is argued that there is no burden on the citizens generally. But it does not follow that the consumer will always pay the price required. Suppose there weresome mismanagement in the manufacture—as, for instance, there was with the private company in 1859, when it was discovered that there had been an annual loss of nearly 25 per cent. for some years. No doubt the price of gas would be raised in future to repair this loss. But suppose the rise in price were to shut off the growing demand and send the consumers on to oil or electricity, then we might be reminded some day that the community is pledged for the repayment of the capital as well as for the interest.

As regards this borrowed money, then, the ratepayers seem to stand very much in the position of shareholders in a public company where the work is carried on with borrowed money and all the capital is uncalled. And this brings us back to the interest previously considered, that of the consumers. It seems quite right that the community should give this guarantee and underwrite this responsibility if the good provided is a universal one. But it seems to sin against ordinary canons of business that any class should bear the burden of guaranteeing the capital to manufacture a good of which that class gets no advantage. This escapes our notice in taking gas as an illustration, for we naturally think that the gas-consumers do not get any advantage over other people who do not use gas, inasmuch as they pay the full price for what they use. But *is* it full price ? Is it not the case that the gas-consumers get their gas at cost price—that is, under the price at which any private company could afford to produce it ? This is very much

the same as if the public was obliged to guarantee the capital for a co-operative store where a certain class of consumers get the goods at cost price (assuming that the co-operative dividend represents the profit of the ordinary retailer). In the case of a universal commodity like gas, I say, this is of no moment ; but it seems a different matter when the whole body of the ratepayers guarantee the capital for selling goods at cost to a particular class ; as, for instance, in building houses for artisans and shops for retailers. And it is an aggravation of this if the guarantee ing of this capital not only gives a benefit to one class, but cuts the feet from the business of another class. And this brings us to the third interest.

CLASSES AFFECTED.—III. RIVAL PRODUCERS

(3) Rival Producers.—Once the elementary idea is grasped that the corporation is not a beneficent body giving us something for nothing, but a committee of ourselves who guarantee the capital for two or three special industries, and undertake to buy the goods these purvey, it seems clear that there is an *a priori* argument against the corporation taking over any new undertaking without special examination and a special mandate from the citizens—always assuming that we are not socialists, who approve of all or any co-operative enterprise as a step towards a reorganised system of industry. Arguments, for instance, which contrast the old tramway company as a body of capitalists working for "private gain," with the corporation running cars for the "public service," are misleading, and mischievously misleading. Why pillory dividends as "private gains" any more than the wages of labor or the salaries of clergymen? Every factor of production, whether land, labor, capital, or organization, is paid for work done—goods produced or services rendered ; there is no more reason for speaking of the "lust for dividends," than of the "lust for wages." It is in rendering services to the public that private individuals make their living. If the old tramway company made a "private gain." it was the wage earned by shareholders for a new, difficult and risky business. If the corporation now runs a better service at lower fares, it is due to the economy of large production and possibly because the management is better. But, in either case, the running of the cars was, as it is, a "public service."

This would be clearer if we always analysed what is meant by a municipality "replacing" private undertakings. What happens in such a case is generally no more than changing the heads of the business. If the corporation borrows money from its citizens, in order to run the cars at two and a half per cent., the citizens put their money in a perfectly safe security, and the safety is reflected in the low rate of return. If they invest in a private tramway company they take the risk of profit or loss, and the risk will be reflected in the dividend. In either case it is the citizens' money, and, if the corporation had taken over the business of the old tramway company bodily, it would have been the same capital borrowed from the same citizens. The workers, again, are the same in either case, except that one good manager takes the place of another good manager. The sole difference lies in the fact that a body of half-a-dozen directors, earning a salary of perhaps a couple of hundreds each, is replaced by an unpaid committtee of the town council. This is the extent of the saving, and it throws some needed light on the claim that a corporation charges only "cost price." It is c rtain that, unless in some special undertakings, management by committee is about as bad a form of management as could be conceived, and, outside these special undertakings, the attempt to replace private employers giving their whole time and work by unpaid councillors who give the leavings of thcir time from their own businesses, is quite likely to be a very expensive experiment for us. If it be remembered, then, that the ratepayers also are men making their living by "serving the public," serious cause must be shown before a municipality enters into direct competition with any trade, otherwise we may have the illogical spectacle of a certain class being compelled to guarantee capital to undersell themselves, and so make their own trade unprofitable, at the same time as these ratepayers do not share in the privilege of buying the cheap goods purveyed. A ratepaying builder, for instance, who, by reason of comparative affluence, is debarred from renting a corporation dweiling, is in this position.

If it be answered that the corporation does not undersell, it stands convicted of violating its own principles of purveying goods at "cost price." Borrowing at 2½ per cent., its cost should be lower than that of private builders ; if it is not, it does not say much for corporation management.

What might be added, however, is that, if the corporation proposes to supply goods which private enterprize has failed to provide, the question stands on an entirely different footing. It is said that it will not pay builders to build nor capitalist to hold new property to compete with the "ticketed houses." This is not altogether true, for it pays the workmen's dwelling company to do so. That company does so, however, only because it carefully selects its tenants among the respectable poor, and works with resident caretakers. But outside lie the wasteful and vicious classes who destroy the pro perty and flit by moonlight. They are at present housed in rookeries and slums. These slums are decreasing, thanks to our new ideas of sanitation ; as they get scarce rents rise. The position is a very serious one, and most people, I imagine, would welcome an earnest attempt of the corporation to solve the problem.

To be continued.

The Municipal System of Sterilizing Milk in Paris.

By Edward Conner.

The *Assistance Publique* or city charity board receives over 40 millions of francs annually out of the municipal taxation for the curing of the sick and poor of the metropolis. It has a few, but lesser side resources also of revenue. It is out of that collective fund that the hospitals, asylums and other charitable institutions are maintained. The administrative organization for catering for the wants of these eleemosynary establishments is very complete. One example, because relevantly typical. The charity board purchases wheat, grinds its own flour, and converts it into excellent bread, at its own central municipal bakery. The idea suggested itself to some level-headed authorities. Since the bad supply of milk and its inefficient preparation for consumption contribute a good deal to the city's mortality, "is it not possible to manipulate the milk for the wants of infants, the aged, the indigent, and the sick—and later on for general outsiders of our establishments, securing at once genuine raw milk direct from the farmers at cheaper rate, and present it technically exempt from disease germs, to be consumed? We handle the bread question successfully, why not now take up that of milk?"

The happy idea caught on. A commission was appointed accordingly, and met for the first time in December, 1896. It consisted of 49 members, comprising leading municipal councillors, hygienists, eminent physicians, chemists, agriculturists, dairymen, and representatives of learned societies. The object of the commission was, to assure in Paris, the sale of pure milk, cheaper, healthier, and more nutritive for children and the poor. It demonstrated that contagious diseases such as typhoid fever, scarlatina, diphtheria, and tuberculosis were readily transmissible by impure milk. In fact, it is calculated that of the 60,000 children annually born in Paris, 40,000 are reared in their families, and from 7,000 to 8,000 die before the end of the first year, from the effects of diarrhœa, and other such diseases that can be traced back to objectionable milk. The commission concluded its task on the 10th July 1897, and unanimously formulated views for securing sound milk, cheap, and of good keeping quality, for the use of infants, sick people, and the aged of Paris.

Milk is at once a food and a medicament, and its composition can vary, following the race, feeding, and state of health of the cows. In 1857, a commission analyzed the composition of a litre, 1¾ pints of milk, sold in Paris ; in 1,000 parts it contained the following ingredients : 870 of water ; 40 of butter ; 50 of milk sugar ; and 40 of caseine and salts. In June 1897, the municipal laboratory analyzed samples of milk taken from the 20 *arrondissements* or wards ; 6

contained more than 30 grammes of butter; 14 less; and descending to 15 grammes. The latter in addition had been adulterated with water. All the milk had 10 per cent. of the cream removed, which was sold separately; some to the extent of 60 per cent. An inquiry privately undertaken in the poor quarters of Paris, among the mothers of children insufficiently fed, revealed that they paid 25 to 30 centimes (100 centimes equal one franc) per litre or 1¾ pints; the richness in butter being but ½ an ounce. An infant would thus require to imbibe double the quantity of milk, to secure the lowest supply of buttery matter, necessary for its sustenance. Hence, the present classification:—"Very good milk" ought to contain 40 grammes of butter, nearly 2 ounces; "good" 35 to 40; and "mediocre" or medium 30 to 35. All milk containing less, is hygienically unsuitable for nutrition. Milk may be rich in cream; yet dangerous from disease—pathogenic microbes, derived from the cow, the attendants, improperly cleansed vessels, and the fraudulent addition of bad water. Hence, the origin of many ailments, and in the case of children, of infectious diarrhœa, and infantile cholera. In Paris, they are the intermediaries, or retailers in the milk trade, who in their cellars, cream the good milk which they sell apart, and add impure water.

It is calculated that each Parisian consumes 85½ litres of milk annually, according to the 1895 statistics. In that year the city of Paris had 5,900 milch cows, having the greatest number in June, the fewest in October. The daily milk yield of each cow was 10 litres. The total annual supply of milk for the capital was 210 million litres; one ton of milk represents 750 litres contained in cans having a total capacity of one fourth of a ton. The total land required to supply the city with milk is 6¼ million acres, which is the raw milk supply radius, less the out-put of Paris, and the suburbs. France has a total of 6,700,000 milch cows, producing forty times the annual quantity of milk consumed in the capital. The average price paid to the farmer is 12, 16, and 20 centimes per litre. In Paris the price of milk varies from one-fifth to one franc per litre—a wide margin certainly. The milk is most plentiful in May, and least so, in September. The Chemin-de-fer de l' Ouest, or Great Western Railway, of France, that serves Normandy, carries 43 per cent. of the total milk supplied to Paris; the Great Northern, 17; and the great Eastern 11; the remainder is conveyed by lesser lines. The cost of transport of one ton of milk per the Great Western Railway, costs 14 francs, 40 centimes, from Neuchatel-en-Bray, 95 miles distance from Paris; while on the Great Northern line, it is 28 francs, 20 centimes per ton, for 70 miles, from Ailly-sur-Noye to Paris. The rates can vary with the rapidity of transport, and the scales of charges so much per ton, per kilometre, but decreasing with distance. There are regular milk trains, these wagons carry 2½ tons of milk each, in tin cans of 4½ gallons which are sealed and leaded; or in special glass bottles of one litre in capacity, carefully closed, and packed in cases. They are the senders and the receivers of the milk who load and unload the wagons. Only the Great Eastern Railway will accept a minimum expedition from one individual of half a ton to one ton. On all the other lines the lowest quantity accepted is 2½ tons.

Unless *genuine* means existed for conserving the milk fresh, till required for consumption, it was quite useless thinking about sterilizing the supply for the wants of infants, the sick and the aged. The law, as well as the medical profession, oppose the employment of chemical preparations in every form, intended to preserve genuine milk fresh. Veterinary Professor Nocard desires to see a notice suspended up in every school room to the following effect: "Do not drink milk until it has been first boiled, as that will save you from serious diseases." Now heat is the only agent capable of effecting the preservative end. In the maternity hospitals and the *creches*, the milk is duly boiled in a *bain-marie* of 100 degrees centigrade, during three quarters of an hour; that plan kills the microbes for one day. This process is known as "*pasteurization*." The bottles are of various capacities so as to suit the ages of the infants, and are ranged in cases to have contents boiled. If the milk be intended for a longer period of preservation—say a few weeks—the boiling must be carried at *110* degrees *C*. This latter process is known as *sterilization*. That destroys the spores or seeds of the microbes. Children given milk thus prepared, escape diarrhœa, infantile cholera, and thrive well. But only genuine cow's milk, and freshly taken from the cow, is to be thus heated and treated. Then the nutritive value of the milk will be assured. In the case of poor mothers, the doctor alone should prescribe the dose of milk to be supplied only at the mayor's office, or municipal dispensaries, for their children up to two years of age. Doctor Budin, head *accoucheur* at the Maternity Hospital, lays down that milk ought to be the exclusive nourishment of infants, and that it is only after the first teething, that other alimentary substances are necessary.

The scheme of Doctor Bordas, and that the Commission of Enquiry has unanimously approved of is, to establish a central Municipal Station, to sterilize the milk, destined for the use of hospitals, asylums, *creches*, the indigent, and the aged. That establishment would receive the milk direct from the farmer and thus escape all possible tampering on the part of intermediary agents. Genuine milk could thus be obtained, and sold cheap. He would employ the Danish system of storing the milk as practised by Engineer Casse, of Copenhagen. Frozen blocks of milk, of 22 to 33 lbs., in weight would be frozen, and placed in reservoirs of a capacity of 110 gallons, and hermetically closed. the milk thus stored will keep two or three weeks as fresh as the day when taken from the cow. Then, the refrigerated milk could be drawn off as required, and delivered direct to the consumer. The milk would not be frozen, it would contain tiny icicles, be granulated, but would keep the cream from separating Or the milk can be emptied into vats with the ice blocks in which a worm would play, and thus allow a current of lukewarm water to flow through the pipe and so melt the ice.

On delivery at the Central Station, the milk would be subject to a series of hygienic tests, in accordance with the accepted contract. All not coming up to the technical standard should be at once rejected. The station would deliver the milk in three states: Raw, Pasteurized and Sterilized, following the instructions emanating from the Public Charity Board. Only milk will be accepted from farmers, whose cows and sheds are subjected to continual veterinary inspection. The Pasteurizing could stop at 95 degrees *C*, the sterilizing at 110 degrees *C*. If the former be not all employed within a day, the rest can be sterilized without any inconvenience. Steam would boil the water, while for Pasteurized milk, special stout bottles of a capacity varying from 3½ to 16 ozs., would be made with the patent screw stopper. It is proposed to erect the Central Sterilizing Milk Station at Batignolles, the city goods station of the Great Western Railway, where 43 per cent. of the total milk supply of the capital arrives; the situation is not distant either from the goods depots of the other two principal lines, the Great Northern, and the Great Eastern. It would have to deal with 2,200 gallons of contract milk for its special wants daily. The plans and estimates are being prepared, but relatively speaking the scheme will not be expensive. The establishment in question will be fitted up with every modern plant, and have its own technical and administrative officers; it will also distribute the milk, by its own organized vans, just as readily, as the Central Bakery supplies its daily tons of bread. The establishment too will suppress all the intermediaries, as well as abolish any attempts made to adulterate milk; the municipality will also sell its special milk at a much cheaper price per litre than sold at present. No wonder, then, that the scheme of the council is so very popular, while only the best wishes are being expressed all round for its success.

Mr. Edgecombe Pearse, for 35 years clerk and treasurer of the county of Peterough, died on 18th August.

"Oh, it was fine!" exclaimed the senorita to her American visitor. "I wish you had gone with me. It was a magnificent corrida. The matador killed s x bulls"

"Only six?" replied the American girl. "Why, at my uncle's abattoirs at Chicago they kill a thousand steers a day."

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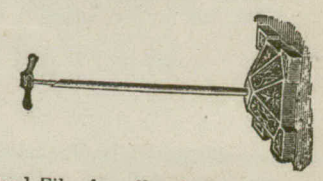

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