

# The Municipal World

Published Monthly in the Interests of Every Department of the Municipal Institutions of Ontario—  
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Vol. 4. No. 4.

ST. THOMAS, ONTARIO, APRIL, 1894.

Whole No. 40

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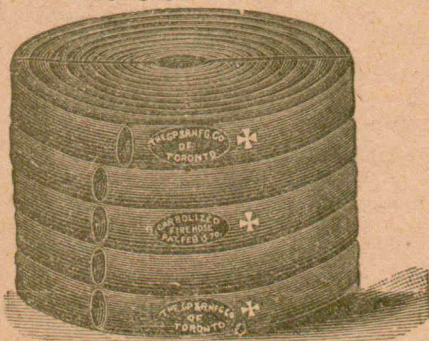
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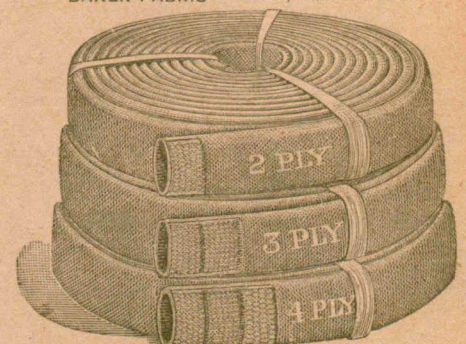


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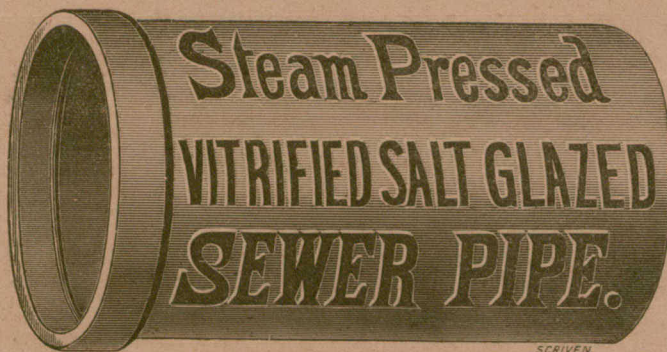
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## CALENDAR FOR APRIL AND MAY, 1894

### Legal, Educational, Municipal and Other Appointments

- APRIL.**
1. Return by Clerks of counties, cities, etc., of population to Department, due.—P. S. Act, Section 129.  
Clerks of counties, cities and towns separated from counties to make return of population to Educational Department.—Public Schools Act, Section 129.  
Last day for Free Library Board to report estimates to the Council.—Free Library Act, Section 6.  
Last day for petitions for Tavern and Shop Licenses to be presented.—License Act, Sections 11 and 31.  
Last day for removal of snow fences erected by Councils of townships, cities, towns or villages.—Snow Fences Act, Section 3.  
From this date no person compelled to remain on markets to sell after 9 a.m.—Municipal Act, Section 497 (6).  
Last day for Boards of Park Management to report their estimates to the Council.—Public Parks Act, Section 17.
  7. Last day for Treasurers of Local Municipalities to furnish County Treasurer with statement of all unpaid taxes and school rates.—Assessment Act, Section 145.
  8. Last day for Collector to return to Treasurer the names of persons in arrears for water rates in Municipalities.—Municipal Waterworks Act, Section 21.
  2. High Schools open (third term).—High School Act, Section 42. Public and Separate Schools in cities, towns and incorporated villages open after Easter holidays.—P. S. Act, Section 173 (2).—S. S. Act, Section 79 (2).
  20. Last day for non-resident land holders to give notice to clerk of ownership of lands to avoid assessment as lands of non-residents.—Assessment Act, Section 3.
  25. Last day for Clerk to make up and deliver to assessor's list of persons requiring their names to be entered in the roll.—Assessment Act, Section 3.
  30. Last day for completion of roll by assessor.  
Last day for non-residents to complain of assessment to proper Municipal Council.—Assessment Act, Section 77.  
Last day for License Commissioners to pass regulations, etc.—Liquor License Act, Section 4.
- MAY.**
1. Last day for Treasurers to furnish Bureau of Industries, on form furnished by Department, statistics regarding finances of their municipalities.—Municipal Act, Section 252.  
Last day for passing by laws to alter School Section boundaries.—Public Schools Act, Section 81.  
County Treasurers to complete and balance their books, charging lands with arrears of taxes.—Assessment Act, Section 152.

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K. W. MCKAY, EDITOR,

Box 1252, St. Thomas, Ont.

ST. THOMAS, APRIL 2, 1894.

The maintenance of high schools and Collegiate Institutes, under the present system, is far from satisfactory. A gentleman, who has given the matter careful consideration, suggests the following changes in the High School Act :

(1) The compulsory imposition of fees on all pupils in the advanced forms; those pupils in the lower forms taking up work similar to the fifth form work of public schools to be exempt from fees. (2) An increased legislative grant. (3) Uniformity, respecting districts. Either have all districts abolished, or have every municipality of a county compose a part of some district. (4) The schools to be regarded as county institutions, and to receive county grants, levied upon the whole county. (5) Schools in cities and towns, outside of the jurisdiction of the county, to receive aid for county pupils.

We consider that all districts should consist of the municipality in which the school is situated, that all pupils attending a high school should pay a fee of at least \$1 per month; that each school should have a claim on the county for the actual cost to the school, over and above the fees paid, and that pupils attending from another county than that in which the school is situated should pay an amount equal to the cost for each pupil attending said school.

\* \*

In St. Thomas Collegiate Institute it was recently discovered that 22 pupils from adjoining counties were in attendance, and were receiving their education free. Pupils from municipalities adjoining the city were charged \$1 per month, the county council paying the balance. Whether this is the fault of the High School Act or the local authorities we do not know, but we do know that it is poor management or an unjust law that allows such a state of affairs to exist.

\* \*

Ex-Warden Kidd, of Carleton, at the last session of the council at Ottawa presented the county with a nicely framed collection of photographs of the County councillors of 1893. Each photo has the name and date of the member's election. The central pictures are one of Mr. Kidd and one of the court house.

### Municipal Education.

A question of great importance is referred to by W. A. Tyler, B. A., I. P. S., Guelph in a paper recently published in the Educational Journal, wherein he suggests that the public schools should be utilized, to give our young people some idea of the relations of the citizens to the state in which they live; of the machinery of government; the rights, privileges and duties of citizens, the nature and extent of the powers of the various departments of public and official life, and the thousand and one questions which arise in the mind when we approach this subject. Our children are being trained in the various subjects which are intended to make them useful members of the community, this important department of their future life should not be altogether overlooked. The State, recognizing that an ignorant community is a menace to the public safety, has wisely provided that no child shall be deprived of some rudiments of training in literature and art. Should this state not also provide for the instruction of the future citizens of the nation in the important duties that every one of them will have to discharge?

Nowhere could we be better situated than in our own province for opportunities for thus training our youth in the rudiments of practical civics. Our municipal system, in its close relation to the people and its prompt and effective response to the popular will, is unsurpassed by that of any other country. This is especially true of our rural districts, our townships, villages, and smaller towns. It is doubtless true that, when we consider the local government of our cities, we find the results less satisfactory. But with this, so far as our present subject goes, we need not much concern ourselves. For all our schools there lies at our doors an extensive and convenient field for exploration and study.

Take the case of a rural school. Many of the pupils receive within its walls all the scholastic training that they are ever to receive. Is it not within the bounds of reasonable expectation that, before they leave school, they should learn some little about their school section and its government, the duties and privileges of the taxpayers, the official powers and duties of the trustees, the manner in which they come to occupy their position, the method of raising the funds necessary to carry on the work, and many other points on which it is extremely desirable that those who control the machine and supply the motive power should have extensive and accurate information? For we must not forget that in a few short years those who are now pupils in the class-room will be the rate-payers, the electors, the trustees of this or some other section.

The action of county councils in encouraging by grants of money the publication of information relating to the origin, growth and development of their respective

municipalities, is from an educational stand-point of the highest importance. At its last session, the Elgin county council granted \$100 to the Local Historical Society. Five copies of the work to be published, will be placed in library of each school in the county, where they will be available for many years to come.

### Oxford Clerks' Association.

The municipal clerks of the county of Oxford have an association, and in this they are encouraged by the county council. The following extracts are taken from a report of their last annual meeting: Copies of the assessment rolls and voters' lists of the several municipalities were examined and compared, and it was found that the method of compiling these is now more uniform than it was previous to the holding of the clerks' meetings.

The acts passed at last session of the legislature amending the Municipal, Assessment and Voters' Lists Acts were examined and changes made thereby were noted and discussed, and some of the provisions of the drainage laws were also discussed.

The secretaries of school sections in townships often neglect to furnish the clerk with the addresses of the trustees and teachers as required by by-law, and as a rule, schools are closed and teachers away for holidays when the voters' list are ready for distribution. Either circumstance often makes it very inconvenient or practically impossible for clerks to comply with the requirement of the Voters' List Act in respect of mailing to teachers copies of voters' list. It was therefore decided to endeavor to bring about such a change in the Voters' List Act as will do away with the necessity of mailing copies of voters' lists to school teachers, and substitute instead, a requirement that copies of the list shall be mailed to the postmaster of every postoffice within two miles of the township, as well as to those within the township, and also to require the candidates at last provincial and dominion elections, and the sitting members as well, to furnish clerks their post-office addresses in order to entitle them to copies of the voters' list. These changes are sought for the purpose of enabling clerks to strictly comply with the law respecting distribution of copies of voters' lists.

A number of other matters connected with the duties of clerks and other municipal officers were discussed informally, this was found to be a useful means of information and for settling differences of opinion regarding the interpretation of the law, and tends to bring about uniform methods of performing the duties imposed upon clerks and other officers.

The Orillia Public School Board have memorialized the Minister of Education asking that there be two entrance examinations a year as formerly.

## QUESTION DRAWER

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

J. H.—A resident of this municipality is assessed on the resident roll for more than one hundred town lots, refuses or neglects to pay taxes on the same. Said lots are returned to the county treasurer as uncollectable, entailing an enormous lot of extra work on the clerk and treasurer. After three years said lots are returned to the clerk to be put on the collector's roll to collect the arrears due. Supposing said party refuses or neglects to pay said taxes when demanded, are they to be again returned to the county treasurer, and again returned to the municipal clerk and so on to the end of time? What redress has the corporation in such case?

The taxes referred to must be again returned to the county treasurer under the circumstances mentioned by our correspondent, and when in arrears for more than three years preceding the current year should be sold for said arrears pursuant to section 160 of the Consolidated Assessment Act.

Section 163, of said Act, makes special provision for the case you mention by authorizing the treasurer to sell lands, the arrears for which had been placed on the collection roll of the preceding year and are again returned unpaid and are still in arrear.

Clerk. 1. Has an audit to be published in newspaper of municipality in Algoma?

2. Has a council power to pass a by-law allowing five per cent. discount on all taxes paid on or before the 14th day of December in any year?

3. Has an order on the treasurer from the reeve to be endorsed by the one it is in favor of?

4. Has all municipal money to be kept in a bank when there is none in the district?

5. Is a land sale legal published in *Ontario Gazette* for four weeks, and thirteen weeks in local newspaper, or has it to be published once a week for four weeks in such paper printed in city of Toronto as the Lieutenant-Governor in council may designate?

1. Section 265, of the Consolidated Municipal Act, provides that the auditors' abstract and report, if any, and the detailed statement shall be published in such form as the council directs. It is usual to publish the audit in pamphlet form—about two hundred copies. If the council direct the publication in a newspaper we do not see that it would be illegal.

2. Section 53, sub-section 1, of the Consolidated Assessment Act, 1892, authorizes the councils of cities, towns and townships or incorporated villages to pass a by-law or by-laws to require the payment of taxes and of all local improvement assessments, including sewer rents and rates, to be made into the office of the treasurer or collector by any day or days to be named therein, in bulk or by instalments, and may, by such by-law or by-laws, allow a discount for the prompt payment of such taxes, assessments, rents or rates, or any instalments thereof, on or before the day or days on which the same shall be made payable.

3. An order on the treasurer in favor of the person to whom the municipality is indebted should be endorsed by the person in whose favor it is made payable before the treasurer pays him the money, and if payable to his order must be so endorsed. This gives the treasurer a voucher or receipt for the money paid.

4. Sub-section 5, of section 5 of the Municipal Amendment Act, of 1893, requires every municipal treasurer to open an account in the name of the municipality in such of the chartered banks of Canada, or at such other place of deposit as shall be approved of by the council, and to deposit all moneys which shall be received by him to the credit of such account. This may be amended by a by-law of the Council of the municipality. The treasurer should in all cases keep the municipal moneys in as safe a place as the circumstances will permit or council direct. Councils should in all cases decide where the moneys of the municipality are to be kept, whether on deposit or otherwise.

5. The advertisement must be published once a week, for at least four weeks, in such paper published in the city of Toronto as the Lieutenant-Governor in Council may designate. See section 34, Chap. 185, of the R. S. O., 1887.

Reeve.—In making a sale of land for taxes overdue for three years is it necessary to pass a by-law or a resolution?

Section 33, of chapter 185, of the Revised Statutes of Ontario, 1887, being an act respecting municipal institutions in districts provides that arrears of taxes due to any municipality in any of the districts therein mentioned, which includes the district of Nippissing, shall be collected and managed in the same way as like arrears due to municipalities in counties, and the treasurer and reeve of such municipality shall perform the like duties in the collection and management of the arrears of taxes as in counties are performed by the treasurer and warden thereof. And the various provisions of law relating to the sale of land for taxes or deeds given therefor, shall, unless otherwise provided by such act, apply to said municipality and the sales of land therein for arrears of taxes due thereon and the deeds given therefor. Section 160 of the Consolidated Assessment Act provides that where the arrears of taxes on any land has been due for, and in the third year, or for more than three years preceding the current year, the treasurer of the county shall, unless otherwise directed by by-law of the county council, submit to the warden of such county a list, in duplicate, of all the lands liable under this Act to be sold for taxes, etc. Section 161 of the said last mentioned Act provides that the council of a county, city or town shall have power from time to time to extend beyond the term of three years the time for the enforced collection by sale of non-residents taxes by by-law passed for that purpose. It would therefore seem that a by-law of

your council is necessary in making a sale of land in your municipality for taxes overdue for more than the time specified in said section 160, but if only overdue for the time in said last mentioned section set forth, the proceedings laid down in said section are necessary, substituting the word reeve for warden.

Clerk.—The council order two hundred copies of the auditor's reports to be printed and distributed among the ratepayers. Is it legal, or has the auditor's report to be printed in the newspaper?

2. Consolidated Municipal Act, duties of auditors, section 263, sub-section A., "auditors shall make a report upon the condition and value of the securities given by the treasurer for the due performance of the duties of his office and such report shall show what cash balance, if any, was due from the treasurer to the municipality at the date of the audit." Does the date of the audit mean the 31st day of December, or the day on which the audit is made?

3. Can a liability, incurred after the 31st December, and before the audit is made be put in a liability in the audit of 1893?

1. Section 265 provides that the clerk shall publish the auditors' abstract and report, if any, and shall also publish the detailed statement in such form as the council directs. Thus, if the council in your case directed publication in the newspaper we do not see that it would be illegal. The usual way of publishing the report is in pamphlet form as suggested by our correspondent.

2. The date of the audit means the 31st day of December of the year preceding the appointment of the auditors.

3. No.

R. A.—Can a person legally hold the office of mayor of a town and still hold the office of secretary-treasurer of both the high and public school boards in the same town?

The mayor of our town is also secretary-treasurer of both the high and public school boards, and there are many complaining that it is inconsistent. He, as secretary of the board makes application to the town council (to himself) for money to pay the salaries; signs the note to raise the money in the bank. He appoints one of the auditors to audit his own accounts, and if the council is a tie on the appointing the other auditor he has the casting vote; which in this case he really appoints both auditors, and in the election of one of the high school trustees he has a voice, which trustee in return appoints him secretary-treasurer of the board.

We certainly think that one and the same person cannot at the same time hold the office of mayor of a town, and secretary treasurer of both the high and public school board of the same town.

H.—1. Will you please point out to me the act allowing municipalities to take a lien on the property of indigents whom they may assist?

2. Also inform me as to what course a council should pursue after paying funeral expenses of an indigent who has left property in the shape of books, watch, etc., sufficient to pay the expense. And what should be done with balance if any? No heirs in this country. The person in possession of the property does not object to hand it over to municipality.

1. Section 13, of chap. 35, of the Ontario Statutes passed in the 56th year of the reign of Her present Majesty, (1893), provides that where the municipal corporation advances money by way of charity or relief to a person who, al

though in destitute circumstances, is owner of or interested in any land, the retention whereof is necessary for a dwelling for the person receiving such relief, it shall be lawful for such corporation to take a conveyance of or security on such land to cover the amount of such charity or relief, and on the death of the person in receipt of such charity or relief or the surrender of said land by such person to the corporation, the corporation may sell or dispose of said land and apply the proceeds in payment of the amount so expended in charity or relief, with interest thereon at 6 per cent. per annum together with realizing on said land. The balance of such proceeds, if any, shall go to the next of kin or devisee of such person.

2. We infer from the the language used by our correspondent that the deceased, either had or may have had lawful heirs in some other country than this. If so they are entitled to the property of deceased. We think, however, that the council would be safe in taking possession and realizing on the property of deceased to re-imburse themselves the amount of the outlay on behalf of the deceased.

J. M. M.—Have the township auditors, in their audit, power by statute to demand access to all the treasurer's books particularly the ledger? A treasurer refused to place his ledger in the auditors' hands, or allow them access to it; stating it was his own private property. Hence the above question.

In the simplest systems of accounting, a ledger is a necessity, and we do not know of any municipality whose treasurer does not keep one the property of the municipality. The Municipal Act, as it at present exists, refers particularly to a cash book and journal; the ledger is not mentioned.

To show that the ledger is a necessity, we will only consider one account, that of the collector. The duty of the clerk in certifying the roll to the collector, is to notify the treasurer of the total amount of taxes levied. This should be made the subject of an entry in the treasurer's journal, charging the collector with the amount of the roll; and be carried to the treasurer's account in the ledger, and placed on the Dr. side. All accounts before being entered in the ledgers should go through the journal. The cash book required by the Municipal Act, is a journal for cash entries only. As the treasurer receives payments from the collector he should enter them first in the cash book and credit the treasurer with the amount of the ledger account. In the treasurer's final settlement with the collector, as mentioned in section 136 of the Assessment Act, the collector is entitled to be credited with the amount mentioned therein, not realized so as to close the account.

This is only one case of the many to which we could refer in which we think it is clearly shown that the ledger is required. If the treasurer remains obdurate, and refuses the demand of the auditors it should be reported to the council, and it

is within their power to order that the treasurer keep a ledger the property of the municipality, and to produce it whenever requested by the auditors, and any treasurer who refuses to carry out the regulations of the council in this respect, or who does not keep a ledger the property of the municipality, should be dismissed forthwith.

X. Y. Z.—When councillors are appointed commissioners should they make declaration of office as commissioners, notwithstanding that they have made declaration of office as councillors, before commencing their duties as councillors? Some hold that the one declaration is sufficient.

Sec. 271 of the Consolidated Act of 1892 requires every member of the municipal council, and every clerk, treasurer, assessor and collector, engineer or clerk of works and street overseer, or commissioner appointed by a council before entering on the duties of the respective office to make and subscribe the declaration of office in the said section set forth. We therefore think that the persons referred to by our correspondent should make declaration of office both as councillors and commissioners.

J. M.—What includes the real property of a railway as provided by the Assessment Act? sub-section 2 of section 29. And note (q) in the Municipal Manual says: "It is only the land occupied by the road, not the super-structure that is liable to assessment." What includes the super-structure?

By section 2, of the Consolidated Municipal Act of 1892, sub-section 9, the term land or real property, includes all buildings or other things erected upon or fixed to the land, etc. And thus we think that the station house and other buildings on the railway land or lands, belonging to the railway, would be liable to assessment, not so, however, the rails and ties, which would be included in the term, super-structure.

J. N. C.—1. Can a council legally contract a debt to be paid in instalments, say in 6, 12, 18 and 24 months, for which no provision has been made in the estimates for the year in which they hold office?

2. Are councillors personally liable for a debt contracted by them for which provision has not been made? Give authority.

1. Section 413, of the Consolidated Municipal Act, enables municipal councils to borrow money through its head and treasurer under the seal of the corporation from any person or bank, such sums as may be needed to meet the then current expenditure of the corporation until such times as the taxes levied thereunder can be collected. And the council shall by by-law regulate the sums to be so borrowed, and the promissory note or notes, covenant or agreement to be given in security therefor.

Section 340 of said act enables municipal councils to pass by-laws under the formalities required by law, for contracting debts by borrowing money or otherwise, and for levying rates for payment of such debts on the ratable property of the municipality for any purpose within the jurisdiction of the council, providing such by-

laws are in accordance with the restriction, and provisions set out in said section.

2. As municipal councils are the creatures of the government, they can incur no liabilities or responsibilities, binding on the corporation, which are not authorized or permitted by the legislature. Any debt, therefore, contracted by such councils without the authority of statute, would be, or amount to private contracts between the individual councillors and the person or persons to whom the debt is payable, and the liability to the last mentioned person or persons, if any, would be the personal liability of the individual councillors.

TOWNSHIP.—A school teacher in this municipality has been in receipt of an income or salary of four hundred dollars for two years past. This year it is proposed to assess him for income and M. F., but as the exemption covers his income, the assessor does not propose to enter any amount opposite his name. If thus entered would he be entitled to a vote at municipal elections, and if so, what guide has the clerk in placing him on part one of the voters' list. He would not have to pay any taxes.

The teacher is not entitled to be entered on the voter's list unless assessed for income, \$400. See section 8 of the Consolidated Assessment Act, and section 79 of the Municipal Act.

N. D.—Will you kindly inform me in your next issue if it is legal for a municipal council to appoint one of their number on commissions?

Yes. See section 479, sub-section 2, of the Con. Mun. Act, 1892.

W. H.—1. Has the council power to grant residents (who have to leave home through the summer season to work out) to do their work (statute labor) at any time during the summer, or if they are away when the pathmaster warns them out, can they do their statute labor, say at harvest time? How should the council proceed?

2. At what time should the council advertise for the sale of lands, viz., non-resident and unpatented lands?

3. Has the council no authority to advise the assessor in the way they require the assessing done, or is he alone to be guided by the assessors' guide?

Section 100, Consolidated Municipal Act, requires pathmasters to return the Statute Labor Lists to the clerk of the municipality prior to the 15th of August in each year; between the date when the pathmaster received his list, and said date, the time as to when the parties on his lists are to perform their statute labor rests in the discretion of the pathmaster.

2. This question is very indefinite, and we cannot answer it without some further particulars being given. We cannot tell whether the object of your enquiry is to ascertain what time during the year the sale is to take place or what length of time is necessary for advertising the sale. Our correspondent might explain in a future issue.

3. The assessor in making his assessment, should be guided by the statutes in that behalf as embodied in the Assessor's Guide.

**ENGINEERING DEPARTMENT.**

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**Municipal Councils and Engineers.**

Wonder has often been expressed at the lack of definite statistics showing the mode of construction, strength, cost and durability of the different materials used in the construction of pavements, sewers and other municipal work, but the cause is apparent when municipal methods are considered.

In this country, civil engineers have achieved a world-wide reputation for the boldness and originality of their designs, the skill exhibited in their execution and the economy shown in attaining results. Great industrial establishments have been built, lines of transportation with all the works appertaining thereto, have been by them located and constructed and they are accredited with being well toward the progress and development of the country. In all such works facts have been collected and compiled so that reliable data is available. Manufacturers are willing to guarantee a given mileage for their steel rails or car wheels, or a given strength for their iron and steel, from data made available by engineers, but in municipal matters the conditions or the results are in no way similar. The total amount of money annually expended by the municipalities of the country in opening, improving, cleaning and repairing streets and highways is an enormous sum exceeding that applied upon all other public works in an equal length of time. The greater part of this fund is nominally disbursed under the supervision of engineers, but the results are not such as to add materially to the renown of the profession, or to supply exact data for their guidance in present or future work of this character. One reason for this appears to be found in the fact that these funds furnish the greatest of the existing causes of activity in local politics. Municipal statesmanship is developed in levying, watching and disbursing this money. Councils and commissioners, supervisors and directors, councillors and barristers have been called to govern the work, guard the public interest, acquire fame, and enjoy the advantages accruing to exalted official position.

One authority will make an improvement and another will dig it up, while one will repair it because the courts have not decided the question as to which fund shall be drawn upon for meeting the expense in cases of that nature. Volumes of annual reports from the heads of the sovereign departments and chiefs of departments assure a confiding public that since the advent to power of the present incumbent the affairs under his control have been conducted upon strictly business principles, thus enabling him to

grant more permits and file a larger number of papers than had ever before been handled by similar officers in a corresponding length of time. Under such regulations no very considerable amount of engineering is required. A chief engineer of suitable complexion is chosen to sign the necessary papers to whom matters not well understood by other parties can be referred and reported upon and who can be blamed when it becomes absolutely necessary to locate responsibility some place and who is willing to allow officials and other influential parties to appoint his assistants, clerks, rodmen and superintendents. Men who have acquired skill and experience in the construction of works under different regulations seldom take kindly to this order of things and the field is left free to such as enjoy the surroundings. And it is a credit to this department of the city of Toronto for the past few years that it has had at its head a man that will not permit any interference on the part of those who are elected to the council to marshall the claim of some certain faction or class, but who are so gigantically ignorant as to think that unless he is interfering with some official in the discharge of his duties that his importance is not being felt with the gravity which it should deserve.

Many careful and painstaking men are engaged in city work who would make excellent records were they not handicapped by the regulations governing them, and almost the entire number are like the parents of heroes "poor but respectable." Having little to stake except their integrity, that is manfully cherished. Occasionally an erring brother may fall but he merely drops from the ranks which close in his place. The ammunition of the enemy which is most daeagerous, especially to those of limited experience, is flattery. Not one person in ten thousand of those having experience upon public works would ever approach an engineer with money or a valuable consideration for corrupt purposes, but if the insidious agent can induce him to believe that his genius is apparent to all and that the world, especially the official part of it, will soon be shouting his praises, such influence may soon cause the young man to make himself ridiculous. When people induce the law-makers to repeal the thousand and one statutes which now exist, and enact a plain concise code of rules, and not amend it, which will place the direction of public works under a single independent department with uniform regulations; placing the designing and management in the corps of engineers, who should acquire position and promotion by the records of their achievements and not by reason of race, creed, or previous condition of partizan servitude or influence, and who being untrammelled, as in the world at large, would succeed or fail by merit alone. The principle of natural selection or the survival of the fittest would soon place the

direction of such works in systematic order under competent control. Then would streets and roads be built to remain undisturbed as the bottom layers or drains and pipes would first be put down and carried to property lines, then would the character of the pavement be adapted for the uses for which it will be subjected. Contractors would construct streets and guarantee them to remain in proper form and repair until a specified traffic tonnage should have passed over them. Manufacturers would furnish materials under like conditions. Order and uniform system would exist where chaos now reigns and legislative interference would cease to trouble executive business.

**Water Supply.**

In providing a water supply for public or private purposes, two problems are presented for solution, one, the quantity of water available during a period of extreme drought, and the other, the quality or portability of the water, and the probabilities of the source remaining forever free from pollution.

Usually, when the quantity of water has been assured, the second and more important problem, "quality", is left to solve itself, very frequently at a cost of human life, or with an appalling amount of human suffering,

While earnest and unremitting attention has been bestowed on reservoirs, stand-pipes, pumping machinery, water mains and the numerous other adjuncts of water supply, but little has been done toward the improvement of the quality of water furnished for domestic consumption. We are not unmindful of the fruitful labors of boards of health, of the efforts of several local sanitary boards to prevent pollution of local streams by prohibiting the discharge of defluent sewage into them, but when the efforts of engineers in the construction of massive masonry dams, colossal impounding reservoirs, elaborate systems of supply main, and ponderous and highly economical pumping machinery are compared with the efforts of the same engineers to improve the quality of water supplied to the communities which they serve, the truth of the assertion that small progress has been made in securing water for public supply from sources of known purity will be apparent.

One of the prime requisites of health is pure water. Every detail of waterworks construction has been so fully exploited that little remains to be supplied in the direction of new principles of design, save in the field of increased purity of water furnished. And when it is considered that the use by a community of a polluted water will certainly kill not all, but some of its citizens, and to save and develop human life is one of the noblest occupations of man, how very important does it then become in selecting a source of water supply for public uses to see that this source shall be beyond the reach of pos-

sible contamination. And how few cities can boast of a source of supply which fully answers the requirements of a wholesome water.

Many towns and cities have lakes, ponds and streams which are used for public water supply, the only information upon which is usually a few disconnected and incompetent analysis, and in some cases, even this limited test of the potability of a water supply for public use has only been made before construction of works.

The analysis should be made as full and competent as chemical science permits, and at least two or three times a year.

How often it happens in adopting a source of water supply for a town that quantity instead of quality is sought, and this found, no attention is paid to wholesomeness of the water, until the question is raised by local sanitarians, and then the investigations are usually crude and very unsatisfactory, either from unwillingness of the custodians of the waterworks to have such matters fully investigated or from lack of means to properly conduct such investigations.

There are several large, and no doubt a multitude of small towns, pumping or otherwise supplying water to its citizens, which is unfit for domestic use, and the continued consumption of which as drinking water means typhoid epidemics and many lesser ills which are directly traceable to polluted water supply. Rivers that heretofore have carried in their channels a supply of water acceptable for domestic uses have by the development of their drainage grounds become large open sewers, contaminated with human wastes and the refuse of factories. The growth of the city, and the multiplication of towns is followed by this contamination of lakes and streams, which sooner or latter must become the sources of supply for these and other towns, and unless prudent methods of operation and rigid statutes for the disposal of sewage in some other manner than by its delivery into running streams and currentless lakes shall be adopted and enforced, it is only a question of time until water for public supply obtained in a wholesome condition at its source, will be a rare and costly commodity.

The modern mechanical filter, and the improvements which the ingenious will make in this as occasion demands, render it less important now than heretofore that sources of water supply be kept free from injurious contamination. But we believe in a liberal factor of safety of water supplies for domestic uses, and while the mechanical filter is a necessary adjunct of modern waterworks construction it is not right to require too much of it. The best plan is to bring the water to the distributing plant in the best possible sanitary condition, and then use the filters for the

purpose for which they are intended. No system of waterworks taking their supply from pond, lake or stream, is complete without a system of mechanical filters. The water in streams, even those fed by springs, after travelling for a short distance becomes charged with earthly powders, as clay, lime, and a mixture probably of mineral matter of all kinds, which give it a turbid appearance. Parts of animal and vegetable matter will likewise be found in a state of mechanical suspension. This is where the work of filters proves of importance, to clarify and eliminate the small particles, and the infinitude of micro-organisms that are translated and are translating the organic impurities into their own reproduction in what is known superficially as fermentation and decay. In speaking of the efficiency of their system of mechanical filtration, the city engineer of St. Thomas said in his report to the water commissioners at the close of last year: "After another year's experience with our system of mechanical filtration, I might say that I consider the service and utility of our system clearly shown from the decided and beneficial results of chemical and bacteriological analysis of the water before and after filtration as quoted in this and other reports made by me to your board." Surely these proofs must convince those who at one time were opposed to the system on the ground that it would not clarify water and obstinately denied the claim that soluble matter or morbid germs could not be filtered out of water, and even now it is possibly useless to present to such men, existence of the facts which they have so long forbidden with the whole of their professional and official authority. But there are always a few men who though morbidly cautious and conservative have no insuperable objection to give up an error after it has been forcibly displaced by the contrary fact. It is to these men we must look for hopeful results by producing this evidence, and I have no hesitation in pronouncing from the already ample and accumulating proofs that chemico-mechanical filtration properly provided and managed is now an art that can be relied on, to produce from a contaminated stream a practically pure grade of water, free not only from suspended, but from soluble, and even living ingredients, and that not in limited quantities merely, but in water already tolerable to the senses.

The American system of conducting municipal elections on political lines is objectionable for many reasons—one is, that newspapers, which are always important factors of parties in elections, call upon the members of each party to stand by their organization, and as a result the average voter is aroused to a feeling of great antagonism against the opposite party, and is hardly in a frame of mind to distinguish between politics and municipal matters.

#### Road Improvement.

Roads cannot be built without money; money cannot be raised without taxation; taxation cannot be levied without legislation; and no legislation could be of any permanent avail unless demanded and sustained by public sentiment. To create this sentiment is the first necessity of the hour. The people of the province must be convinced first that improved roads are good things, and second, that they can afford to put their hands in their pockets to pay for them. So far as the first two points are concerned but little remains to be done. There is not one man in ten in the province of Ontario who does not know that good roads would be a blessing to himself and the whole community. We read a great deal just now about the necessity of educating the farmer, but as I believe, without good reason. Our farmers, as a general rule, are an intelligent and wide-awake set of men. Though as a class they may not be able to figure out in dollars and cents the precise annual loss which they sustain by reason of bad roads or to apply the most efficient remedy, they are generally very thoroughly convinced that good ones would be a boon to them. Indeed, we are inclined to think that no class of men is more fully aroused to the necessity of road improvement than the farmers. At this season, when some of our roads are axle deep in mud and a number of them almost impassable, no class laments their condition more than the farmer. They know that first-class roads mean to them the ability to go to market at any time in the year; to take advantage of the best prices and the best markets and to put the difference in their pockets; to haul double the load in half the time and thus save a large amount of labor and time, to be applied with profit to their farms, to get along with fewer horses and save in purchase price and cost of keeping them; to introduce a more varied and profitable husbandry by cultivating garden truck and other perishable product, instead of low-priced grains to which they are now confined. They know, too, what is of even greater consequences than merely pecuniary profit—that good solid roads mean the breaking of the blockade of mud which now shuts them and their families up in their houses during much of the year. They mean the ability to attend their churches and farmers' clubs and social gatherings or to visit a neighbor or to go to a concert or lecture in town whenever they feel like it. They mean daily mails and free delivery and larger school districts and better teachers and better grade schools from which their children will not be kept away one-fourth of the time by the depth of the mud. They mean all those intellectual and social enjoyments, the absence of which is the crowning evil of rural life, and more than anything else is driving so many of our farmers' sons and daughters to the cities.



Why, then, do we not have good roads? Because the people know that uniformity of system is essential. That without a general plan and specification to ensure the work being properly done there is little use of commencing. They know that such roads will cost a lot of money, and that they are not in a position to build and pay for them on completion. That bad roads are a great evil, but excessive taxation to secure good ones would be still greater. What we want is legislation with a uniform system, proper plans and a means of extending the payments over such a number of years as to place the cost within their limited ability. As to these and other details there will be much difference in opinion and much need of wise counsel. Especially will it be necessary to avoid running into extremes, either as to the amount of work to be done or as to the material to be employed. The work of construction might be extended over a number of years, and the payment should be extended over a long term, say forty years. All the benefits will descend to our posterity and there would be no injustice in asking them to pay part of the cost. The system need not be uniform as to material used, but we should consider the convenience and relative value of the materials at hand for effecting the improvement. All culverts, bridges and abutments should be made as permanent and durable as practically possible. All work should be done under written contract with the chief part of it by proper measurements in the hands of and supervised by a competent person. All repairs should be made by section men after the principle adopted by railways, except that the work should be paid for at a rate per mile. The contract and specification should be concise, and the statute should make all adequate provisions, and penalties to guard against the cunning of officials and contractors in corrupt jobbery by which the public is so often defrauded, both in the quality and amount of work done.

The agitation for the improvement of country roads is fast gaining in favor, and will soon be crystalized in definite form, but in any event it will be some years before all, or even a majority of our country roads will be improved by graveling or macadamising, but in the meantime it is necessary to urge the adoption of some means to keep the ordinary dirt road from becoming impassible for a few months during the wet season of the year. One important move in this direction would be the use of broad tires on all vehicles used for hauling heavy loads. The only difficulty in the way of this is to get farmers and teamsters to discard the narrow tires and substitute the broad. It seems that Michigan law-makers have realised this fact, and not willing to put the farmers and others to compulsory expense, have made a law, the drift of which

is that a man who will use on his wagon tires of a certain width shall have a rebate in his road tax of one-half. In buying a new waggon the difference in cost is slight, as the wider tires may be thinner, and the added strength in the wider rim makes the stronger wheel. To take from the wagon already in use the narrow rims and tires and replace them with wider ones, only costs about \$15. Farmers who have had experience in broad tires tell us that in a corn field where thirty bushels was considered a good load on narrow tires they can haul fifty bushels with greater ease on broad tires. When hauling stuff to market, the load, with wide tires, can be increased from twenty-five to fifty per cent. It has been discovered that in localities where a considerable portion of the inhabitants use broad tires the decreased tax keeps the road in better condition than the whole tax when narrow tires prevail. We believe, from our own knowledge and the advice of men who are in a position to know, that when broad tires are universally used on highways of all kinds from city pavements to the poorest dirt road; may be kept in better repair than at present with one-fourth the cost. The greatest improvement for the least outlay is what the present generation is most likely to realize on and, while we are strong advocates of the good work now being done in the matter of road improvement, we believe that no road will ever be built that can stand narrow tires under heavy loads. Legislation looking toward the general adoption of wheel tires proportioned in width to the maximum load to be carried is something that should be taken hold of at once. Such a law made universal would greatly improve present roads, and as fast as they are made better would tend to keep them so. The great objection to the adoption of broad tires by degrees, and the use of them as at present is that wagons fitted with them run hard over a road where the narrow tires are mostly used, but when all wheels are what they should be we will not find deep ruts cut in our roads as with a sharp instrument. We have often within the past few years, heard teamsters say that they would be glad to use broad tires, and would willingly go to the expense of making the change if everyone was compelled to do so. Make wrong-doing in this direction illegal, and at the same time show to the wagon owner, who is not already in this matter, that it is directly profitable to him to comply with the law. A man willingly becomes a law-abiding citizen when he can make money out of it. The money now expended for roads would be twice as effectual if it were not for the constant abuse inflicted by narrow tires, and this will continue until the question is settled by the Legislature. We believe that if a law of this kind were adopted to take effect, say two years after its passage, the people would at once agreeably commence to make the change, and by that time no hardship would be felt.

#### Burnt Clay.

Burnt clay has not as yet been very extensively used in building roads and therefore experience has not proven its merits as a road material. Railroads have used it for ballast with great satisfaction, and a great many competent engineers, after studying the question, believe that it will make a road equal, if not superior to macadam or gravel, at a much less cost. Wherever it has been used for road purposes, it appears to be giving very good satisfaction. The distinguishing characteristics of it are such to make us believe that it is a good thing for a road. Clay for this purpose, of course, must be carefully chosen, free from sand.

The process of manufacturing is to make long rows of the clay, with soft coal mixed, much like the coke oven. The rows are fired and tended so that they burn uniform, and that when the fire goes out the clay will have been completely burned. The material is porous and highly absorbant, and can be easily settled into a firm mass without being packed as stone or other materials. It will not support vegetation, and if properly laid with a crown it will not allow water to stand upon it. It will stand a great deal of wear, and will not deteriorate; it is to a certain extent flexible, and resists crush to a remarkable degree, and we believe that if twelve inches of this material were placed on the top of a well-drained and properly made dirt foundation, it will make an excellent road. It certainly will require careful attention in order that ruts may not be formed, and a stock of the material should be kept at hand so that any breaks in the surface may be readily filled. While this is necessary, we do not believe that the material will rut any quicker than gravel or macadam, but the effects of water standing in the ruts may be more destructive. In the western part of this province where there is plenty of clay suitable for the purpose, a road can be made very cheaply as the cost of transportation would be small.

The economic value of sanitation may be strikingly set forth in relation to all forms of disease. Human life should be considered as having an actual cash value. The annual savings of a given number of lives of the population of a county represents a positive increase to the wealth of that county. Hence the degree of health enjoyed by individuals, determines in a large measure their productive value and thus bears directly upon the prosperity of the community. So great an authority as Sir Spencer Wells, President of the Sanitary Institution of Great Britain, once said: "Assuming that in fifty years 2,000,000 of the population had been saved by sanitation and medical work, their economic value was at least £300,000,000 and that a clear gain." Yet how few sufficiently regard this question of the economics of sanitation.

## Sanitation in Houses.

A house in best sanitary condition is where a maximum volume of warm air is carried into the rooms and ducts are in constant use for ventilation. Thus the air is renewed at short intervals as in summer when through open windows the pleasant breezes pass through the house. For health it is required that the air should be pure, abundant and mildly warmed. Pure air can be had in abundance about almost any dwelling in a healthful district. Pipes of large capacity should be used that will carry a sufficient volume of air with slow movement. The warming of the air had best be done by a hot water heater in an air chamber, and provision made for conducting the air from this chamber to the rooms. The temperature of the water in the coils in the air chamber may be regulated according to the temperature of the external air required to be heated, so that the same amount of air will be placed every hour in the rooms at a regular temperature.

Perhaps an illustration would make this clearer. The water coil in the air chamber is of sufficient capacity when the water in it is 170 degrees fahr., and the outer air at zero that all air passing through it to rooms will be heated to 85 degrees. If the temperature falls to 5 degrees below, the raising the water to 175 degrees will still keep the moving air 85 degrees. If it falls to 10 degrees below, place water at 180 degrees. If to 20 degrees below, then water to 190 degrees, and so on above or below zero. As the temperature of the weather changes, change the temperature of the water correspondingly, and a regular warmth of the rooms may be obtained. Water is best for this purpose as the temperature may be much more easily maintained in the boiler that with steam. This method is the best in the world for the heating of school rooms and residences where regularity of temperature is very necessary.

A variation of this system may be had by the coils of the air chamber being placed in pairs and made with cut-off valves. The temperature of the water being kept constant 200 degrees, the different sections of the service pipe could be cut off or added to the heating force as the outer temperature required to keep the air going to the rooms at a constant temperature. This could be made by a change of every five degrees. By this system no register would ever have to be closed, temporarily stopping ventilation, and it would be better than the open fire-place which is always adopted by the aggressive sanitarian because no draughts of cold air are allowed in the rooms.

We speak thus about the warming and ventilation of the house because the foulness of the air cannot be seen or otherwise be sensibly known. Bad water and poor food are more readily ascertained and the quality remedied, but there being

nothing to show the air in a room to be impure, we are less inclined to believe it, and make the changes necessary to correct the difficulty.

There are several things that combine to vitiate the air of houses and make ventilation a necessity. The chief source is with the beings themselves who enjoy its freshness and purity, and for whom the house and all its comforts are planned and constructed. Each individual is a moving stove constantly giving off from his body the products of combustion, also filling the air with warmth and moisture. So far as effects are concerned, to have people dwell in a house is the same as to construct a charcoal fire in it with a vessel of water constantly boiling above it. Other sources of contamination may be removed and should be removed or alleviated, but this cannot, but must be provided for by ample ventilation.

The drainage of the house has its influence on the air breathed by the inmates. If the plumbing is perfect, the air of the house remains as if there were no plumbing in the house at all. If the plumbing is bad, the air becomes infused with the gases arising from the drainage. Of all the effects pure air is subject to, the most injurious to health is the fusion of noxious gases from house drains. As a precaution, the room with the principal plumbing apparatus should be well ventilated. The injurious gases should be carried off from the room instead of slowly finding their way into the adjoining apartments.

It cost Akron, Ohio, in cash outlay, \$10,000 to deal with sixty-eight cases of smallpox, in addition to the loss to business, which would increase the cost many times over this amount.

The township of York is divided into thirteen divisions, and a commuted statute labor commissioner appointed for each. These officials are paid at the rate of 8 per cent. of the statute labor money expended by them.

The matter of closing the schools during the presence of diphtheria and scarlet fever is one that calls for intelligent and considerate action. We should not yield to the heedless clamors of excitable people nor should we refuse to do that which would be for the best interests of the community.

People generally are of the opinion that cemeteries pollute the soil, air and water in their neighborhood, and are detrimental to health. Careful and frequently repeated experiments show that active bacteria deposited in a grave in a short time lose their activity and become inert, and it is now a well-understood fact that properly located and well managed cemeteries are not liable to create any unsanitary conditions in their neighborhood.

It has been suggested that Arbor Day, now observed in the public schools for planting trees, etc., be changed to Sanitary Day, that all business should be suspended on that day and the time occupied in a general renovation of yards, cellars, etc.

The removal and proper disposal of house refuse in large cities is a problem which has troubled the municipal and sanitary authorities for many years, and the man who shall devise a way whereby it can be successfully solved, without detriment to health or the creation of a nuisance, should be regarded as a public benefactor. Of late years the question of incineration or cremation has occupied the attention of the best sanitary experts, and a number of different systems have been employed in various cities of the United States and Europe with more or less success. By combining into one, the best features of all these different methods, a perfect system of garbage disposal ought to be reached.

The continued prevalence of zymotic diseases in any community is an opprobrium. Cases of diphtheria, scarlet fever, measles, etc., do not occur sporadically. When imported to a locality they can be limited or entirely rooted out by the prompt application of the improved sanitary measures of modern civilization. The efficiency of these safeguards can always be relied upon in preventing the spread of contagious and infectious diseases. They are *isolation, quarantine, disinfection, sanitation*. Owing to the dread of smallpox, the public demands that the severest measures be taken to prevent its spread. Modern sanitary science demands the same precautions on the part of health authorities with reference to diphtheria, scarlet fever and other communicable diseases.

With reference to the most useful chemical disinfectants, two or three are to be recommended on account of their reliability and comparatively low price. Ordinary lime wash is a very valuable disinfectant. Experiments have been made which show that the various disease germs mentioned are destroyed by milk of lime within a short time, and this agent may be used for the disinfection of the excreta of cholera or typhoid patients. For this purpose, a thick milk of lime should be added in the proportion of two or three times the quantity of material to be disinfected. Carbolic acid is also a valuable disinfecting agent, and may be used for the same purpose in a 5 per cent. solution. Another very valuable disinfecting agent is the chloride of lime, when fresh and preserved in close packages. It soon loses its value, however, if exposed to the air. Six ounces of fresh chloride of lime added to a gallon of water will give you a disinfecting solution for excreta, the sputa of patients having diphtheria, etc.

## Question Drawer

MEMBER OF COUNCIL.—Has the reeve, clerk and treasurer of a municipality the right to charge or require pay to prepare the annual statement of assets and liabilities of the municipality?

The reeve is entitled to a reasonable allowance for performing the services referred to by our correspondent, and so are the clerk and treasurer of the municipality, unless it be provided in a by-law appointing the two latter, that the salary mentioned therein shall respectively cover all services of any kind to be performed by such officers for the municipality whether under statute, by-law, or resolution of council or otherwise howsoever.

W. M.—I see by the January number of the WORLD that you are in favor of the treasurer acting as collector, or that all taxes be paid him at his office. I can't see it in that light. I would like to have your reasons in favor of such plan in the WORLD.

The question of the advisability of amending the Municipal Act so that one person may be appointed to fill the offices of treasurer and collector is gradually becoming one of considerable importance. It is well known that in a large number of municipalities, the collector is a temporary official, annually appointed. His place of business or residence in rural municipalities is not always convenient to the ratepayers, many of whom, and very often those who are least able to afford the time, make long journeys to the collector's residence to make their payments. Treasurers are generally permanent officials, whose office or business is centrally located in some town or village. The ratepayers would find it in most instances more convenient to pay their taxes to the latter than the former official. The security of the treasurer would cover his liability as collector, and relieve the council of the necessity of enquiring into the collector's sureties annually. If the act is amended, it should be optional with the councils to appoint either one or two persons to perform the duties of treasurer and collector.

H. C. G.—In a township in which there are polling sub-divisions the clerk is the returning officer at municipal elections. Can he act as deputy-returning officer in one of the sub-divisions also?

Yes. There is no statute requiring the appointment of separate persons for the positions mentioned. Section 155, of the Consolidated Municipal Act, 1892, sub-section 3, refers to the duty of a deputy-returning officer where the clerk of the municipality is not himself performing the duties.

SECRETARY SCHOOL BOARD.—Can a ratepayer in a township where a school board exists be compelled to pay school taxes when there is no school within four miles of his residence.

Yes. There is no exemption except in an unorganized township, where the residence is more than three miles from a school house.

W.—Is it legal for a member of the council to take a contract to supply a certain amount of stove wood to the schools of the municipality in which he has been elected; part of the wood being

used by the high school, and the other part by the public school. Can he do so, and retain his seat?

There is judicial authority for saying that the member of the council, referred to by our correspondent, cannot legally hold his seat in the council at the same time being a party in the contract in question. His case is somewhat similar to a case which comes under our notice where the member of the council, being a baker, supplied bread to fulfill a jail contract held by another person in his name but which was looked upon as really the contract of the former. In this case the former was held to be disqualified.

E. W.—1. Should names of persons having sufficient assessment in this municipality, but not resident therein, be marked as jurors in voters' list, and considered by juror selectors?

2. Candidate elected councillor last annual election, learning that his property qualification is insufficient, declines to make declaration of qualification, and puts in disclaimer of right to office. Unsuccessful candidate with highest vote called on to take the seat, but refuses to do so. It is claimed by some that he has no right to it, having failed at the nominations or when the result of the election was declared, to publicly protest against return of first candidate. Is he entitled to the seat?

3. Must council order election to fill vacancy? When would they be justified in ordering election to be held now? Council assumed office 15th January.

1. No.

2. Section 203, of the Consolidated Municipal Act, of 1892, provides that where there has been a contested election the person elected may at any time after the election, and before his election is complained of, deliver to the clerk of the municipality a disclaimer in the form mentioned in said section, which is as follows:—"I do hereby disclaim all right to the office of (as the case may be) for the township of — and all defence of any right I may have to the same," said disclaimer to be duly signed by the party disclaiming. Section 204 provides that such disclaimer shall relieve the party making it thereof liable to costs, and were the disclaimer has been made in accordance with the preceding section it shall operate as a resignation and the candidate having the next largest number of votes shall then become the councillor or other officer as the case may be.

3. In case the party having the next highest number of votes refuses to accept the office and no other candidate at the election in such position will accept the office, the head of the council for the time being, and in case of his absence or of his office being vacant, the clerk, or in case of his absence or if there be a vacancy in the office of the clerk, one of the members of the council shall forthwith by warrant under the signature of such head clerk or member, if procurable, require the returning officers and deputy-returning officers appointed to hold the last election for the municipality, etc., to hold a new election to fill the place of the person neglecting or refusing as aforesaid, or to fill the vacancy. See section 181 Con. Mun. Act, 1892.

A SUBSCRIBER.—What can ratepayers do to get a school site? The present schools are too far from many of the children so they cannot attend—some four and a half miles. The other schools do not want to let a part of their supporters go, and we have had no satisfaction from the inspector to whom we have appealed. All parties are at present school supporters.

By section 54 of the public school Act of 1891, it is provided that before any steps are taken by the trustees for to secure a site on which to erect a new school house, or for changing the site of a school-house, they should call a special meeting of the ratepayers of the section to consider the site selected. And by section 34 of said Act, sub-section 5, it is the duty of the secretary-treasurer presiding to call a special meeting of the ratepayers on a petition of ten of them. In the case of difference between the majority of the ratepayers and the trustees as to the suitability of the site selected by the trustees, provision is made for arbitration in the matter by section 65 of said Act and following section. In case the selecting of a new school site necessitates the forming of a new school section the provisions of section 81 and following sections of said Act should be observed and followed.

X. Y. Z.—A stream has been enlarged at the upper end by by-law, but at the lower end where the stream is thought to be large enough nothing was done. Driftwood floats down and lodges in the natural stream below. 1. Has the council or creek inspector power to go down and remove driftwood at the cost of the lots on which the driftwood is found? If not, how should council proceed?

2. A road ditch is filled up and backs water—If the farmer putting it there will not put in a culvert, at whose cost should this be removed, and how should council proceed? The ditch was dug by the corporation, and the farmer's only object in filling the ditch was that he might get on the road without driving through the ditch.

We do not think the creek inspector or the council has power to remove the driftwood mentioned by our correspondent at the cost of the lots on which the driftwood is found, but should pass a by-law for removing such obstructions in the stream below, and for enlarging the said stream so as to permit of the free flow of the water that passes through the same, pursuant to the drainage clauses of the Municipal Act.

2. The farmer has no right in making his crossing over the ditch mentioned, to fill it in so as to prevent the flow of the water through the same, but he should leave some opening through his crossing so as to permit of the water going through freely. The council should notify the person filling in the ditch that it is not a duty of the municipality to make crossings from each man's property to the street, and that he will be liable for any damages arising, directly or indirectly, from the obstruction placed in the ditch. Municipalities have the same rights as private parties in reference to *Ditches* on highways.

J. H. M.—1. Is there any Municipal Act, whereby the municipal council can pass a by-law which will compel the ratepayers to pay their taxes to the township treasurer if notified by the township clerk? If so, please explain.

2. If a boundary road is to be opened, what is the proper course to pursue?

3. A pathmaster on the boundary road, we will say between township No. 1 and township No. 2. Township No. 1 always appointed the pathmaster for this place and has done so this year, and so also did township No. 2 appoint one for the same place. Which is the legal one, and if neither, who is the legal one to appoint pathmasters on a boundary road?

4. Would you please tell where we could obtain a copy of the Municipal Act of Ontario and how much it would cost?

1. No.

2. Section 557, of the Consolidated Municipal Act, of 1892, provides, that in case where all the township councils interested neglect or refuse to open up and repair said lines of roads (viz, township boundary lines not assumed by the county council) in the manner similar to the other local roads it shall be competent for a majority of the ratepayers resident on the lots bordering on either or both sides of such line to petition the county council to enforce the opening up or repair of such lines of road by the township councils interested. On receipt of such petition, section 558 and the following sections of said act empower the county council to deal with the matter as is in said sections set forth.

3. In the absence of an agreement between townships Nos. 1 and 2, they having joint jurisdiction over the boundary road between them the respective councils would each have the right to appoint path masters in the road divisions on said township boundary, but the councils of both townships should enter into an agreement whereby they would appoint pathmasters alternately on the said road divisions.

4. You can obtain Harrison's Municipal Manual, which is recognized as one of the best authorities on the Municipal Act of Ontario, by sending your order for same to THE MUNICIPAL WORLD, price \$7. We also supply the Consolidated Municipal and Assessment Acts, 1892, price \$1.25.

J. W. K.—Three lots were in arrears for taxes five years, and were sold last August at land sale, and bought by the municipality. Since land sale, property was sold by former owner to another; this purchaser cut and removed timber to lake shore near by. How should municipality proceed to recover taxes? One of these lots is deeded, the other two are not, and have been cancelled by government. Can timber that was cut on deeded lot be held for taxes on the three, and how shall municipality proceed to recover them?

A treasurer after selling any lands for taxes is required to give a certificate under his hand to the purchaser. Upon receipt of this certificate the purchaser becomes the owner of the land so far as to have all necessary rights of action and powers for protecting the same from spoilation and waste until the expiration of the term during which the land may be redeemed, but the purchaser shall not knowingly permit any person to cut timber growing upon the land or otherwise injure the land, nor shall he do so himself. If he knowingly permits the land to be

injured, no doubt he would be responsible to the owner in the event of the land being redeemed. The municipality could take criminal proceedings against the party removing the timber. The right to take these proceedings would cease from the time of the tender to the treasurer of the full amount of redemption money required to pay the taxes and costs. See sec. 173, 174, 175, Consolidated Assessment Act, 1892.

A. W.—1. A municipal council has been organized for about thirteen years, during which time there has accumulated quite an amount of non-resident taxes owing to there never having been a tax sale. As there was no by-law passed at the expiration of the first three years, and as there never has been a by-law passed postponing the sale of lands for taxes, would it now be lawful to charge all arrears of taxes against such lands and sell them for the same, or can the municipality only sell this land for the last three years' taxes which appear against it?

2. Would it be legal for the clerk or any member of the council to buy such land at time of sale?

1. The provisions of the Municipal Act as to the sale of land for taxes do not appear to have been complied with by your council, and in case the lands referred to be now sold for all the arrears of taxes against them in case of objection to the legality of such sale, we are of the opinion that the proceedings to sell could be set aside.

2. We see no reason why the clerk or member of the council could not buy such lands or any of them at the sale.

W. C.—A township issues debentures at the request of a school section, to build a school house for the payment of which, an annual rate is levied on the assessed value of the section. In the event of the council passing a by-law altering the boundaries of said school section by taking from it a portion of territory and adding it to an adjacent section where it is proposed to build a new school house by another issue of debentures, will this portion be liable to a double debenture rate? or will its liability for first issue cease to exist?

Section 115, sub-sec. 4, of the Public School Act, 1891, provides:—Notwithstanding any alteration which may be made in the boundaries of any school section, all taxable property situated in the school section at the time when such loan was affected shall continue to be liable for the rate which may be levied by the township council for the repayment loan. Section 83 of the same Act provides that on the formation, dissolution, division or alteration of any school section in the same township in case the trustees of the sections interested are unable to agree, the county inspector and two other persons appointed by the township council as arbitrators, shall value and adjust in an equitable manner, all rights and claims consequent on such formation, division, dissolution or alteration between the respective portions of the township effected and determine in what manner and what proportions or by whom the same shall be settled, and the determination of the said arbitrators, or any two of them shall be final and conclusive.

L. K.—A owns different parcels of land, X, Y, and Z, on different road divisions in the same township, but resides at X.

1. At which place may A do his statute labor?

2. Can the path-master at Y, or Z, compel A to do any or part of his statute labor in that road division, if A wishes to do the same at X where he resides?

3. Has the township council power to pass a by-law compelling A to do his statute labor at Y, or Z, if he prefers to do it at X?

4. Has the township council power to pass a by-law compelling any person to perform his statute labor in any part of the township? This question has no reference to Nos. 1, 2, and 3. I may refer you to the Consolidated Assessment Act, R. S. O., 1892, chap. 48, sec. 100, sub-sec. 2; and also to the Consolidated Municipal Act, R. S. O., 1892, chap. 42, sec. 521, sub-sec. 5.

5. If the township council have not the power to pass such a by-law as mentioned in No. 4, then kindly explain what is meant by the phrase "unless otherwise ordered by the municipal council", Consolidated Assessment Act, R. S. O., 1892, chap. 48, sec. 100, sub-section 2; and also explain the Consolidated Municipal Act, R. S. O., 1892, chap. 42, section 521, sub-section 5.

6. In the Consolidated Assessment Act, R. S. O., chap. 48, section 100, sub-section 2, it says: "not exceeding in the aggregate two hundred acres". If the lots did exceed two hundred acres in the aggregate, what change would there be in the meaning of the statute? How then would the statute labor be rated and charged?

1. At the place where A. resides.

2. The pathmaster has no authority to say where A. can be compelled to do his statute labor, unless he is on the pathmasters statute labor list, under the authority of the council, or of the statutes on that behalf.

3 and 4. Yes. See section 100, sub-section 2, of the Consolidated Assessment Act, and sub-sec. 5, of section 521, of the Municipal Act.

5. The phrase, unless otherwise ordered by the municipal council, means that the party may do his statute labor where he resides or as ordered by the council.

6. If the parcels of land did exceed 200 acres, the excess over the 200 acres should be rated and charged with statute labor in like manner to the 200 acres, and this way a material difference would be made in the amount of the statute labor. We do not see, however, that the meaning of the statutes would thus be changed.

J. P.—If a person gives a false statement of dogs, can he be taken before a justice of the peace in the county, or will such person have to be taken before a justice of the peace in the same municipality?

Section 4, of page 214, R. S. O., 1887, provides for the fining of an owner or keeper of any dog who neglects or refuses to tell the assessor the number of dogs owned or kept by him, whether one or more, said penalty to be recovered with costs, before any justice of peace, for the municipality. We are of the opinion that the justices hearing complaints of this kind or before whom the information was laid need not of necessity be a justice of peace residing in the municipality, in which the offence is committed, as justices of the peace are such officers for the whole county and any part thereof.

M. H.—In a case where back taxes and road work are paid up, must the money received for work be expended opposite the lots on which it is paid, or can the municipal council expend it anywhere they choose on that division?

Section 99, of the Consolidated Assessment Act, requires that in all cases where the statute labor of non-residents, if paid in money, the municipal council shall order the same to be spent where the property is situated or where said statute labor taxes is levied. This, however, applies only to non-residents whose names are entered on the assessment rolls, and whose taxes are paid or levied by the local municipality, and does not apply to non-resident taxes received from the county treasurer. Section 214 of said act would seem to provide that such last mentioned moneys, when paid, would form part of the general funds of the local municipality. Section 101 of said Act provides, that where the resident owners or occupants, who have been entered upon the assessment roll after notice or demand, makes default in performing his statute labor or in paying for commutation of the same, the overseer of highways in whose division he is placed shall return him as a defaulter, etc., and the collector shall, in that case enter the commutation for statute labor against his name on the collector's roll, the same shall be collected by the collector. Sub-section 2, of said section 101, provides that in every such case the clerk shall notify the overseer of highways that may be appointed for such division the following year the amount of such commutation, and the overseer shall expend the amount of such commutation upon the roads in the statute labor division where the property is situated and shall give an order on the treasurer of the municipality to the person performing the work.

W. H. N.—Have municipal councils a right to pass by-laws to prevent people driving on roads, outside the ditches, where sod is injured and material damage is done to said roads by so doing?

Section 496, of the Consolidated Municipal Act, of sub-section 5, provides that the council of cities, towns and incorporated villages may pass by-laws for preventing the leading, riding, or driving of horses or cattle upon the side-walks or other places not proper therefor. Sub-section 4, of section 567, of said Act, gives the council authority to pass by-laws for setting apart so much of any highway as the council may deem necessary for the purpose of a footpath, and for imposing penalties on persons travelling thereon on horseback or in vehicles. In a note to section 531, of said Act, on page 489 of the 5th edition of Mr. Harrison's manual, it is laid down that as a general rule the public are entitled not only to a free passage along the streets, but to free passage over each and every portion of every street.

J. C.—A number of ratepayers in the township of Sydenham have been for years very dissatisfied with the way in which the wards and polling subdivisions of the township have been laid out. The township was originally divided into wards in the

year 1875, and now where the municipality is pretty nearly all cleared up (lots have been taken up and cleared, which at that time, I suppose, were not taken into consideration as they were rough) quite a number of voters have to go through other sub-divisions to get to their own polling places, in fact some have to go from three and four to six and seven miles to vote, while polling places are almost at their doors, but in another ward; they seem to have been laid out very injudiciously at first. Now, the question is, Mr. Editor, can the council re-arrange the wards and polling places to make it more convenient for the ratepayers generally, or must it be done by a petition from the majority of voters? By giving your opinion in next issue you will greatly oblige.

Section 94, of the Consolidated Municipal Act, of 1892, provides, that in case the majority of qualified electors of the township on the last revised assessment roll petition the council to divide the townships into wards or to abolish or alter any then-existing division into wards the council shall, within one month thereafter pass a by-law to give effect to such petition, and if such petition is for division into wards shall divide such townships into wards, having regard to the number of electors in each ward being nearly equal as may be, etc. Section 489 of said Act of sub-section 1 gives the council of every township the authority to pass such a by-law and establish polling sub-divisions and polling places therein and for repealing or varying the same from time to time, under the restrictions laid down in the said last-mentioned section.

W. O.—1. Can a municipal council force a road through unpatented lands in the free grant districts when the locatee refuses permission? The case in point, is this: A. and others have land on a point running out into the lake which they only occupy during the summer, for say two or three months. They pay taxes also statute labor taxes, but have no road leading from their property out to the government road, a distance of from two to three miles. C. is locatee for lands through which said road, if made, must run; he refuses to allow it, nor will he accept any compensation for the road, in plain words defies the council, (says A. has no need for a road, can go by water to any place he needs to go as he only lives on it for a short season in summer) and A. declines to pay statute labor tax as he has no road. The crown land department say, get consent of locatee and we will reserve said road in the deed when issued.

2. B. buys a point on the lake shore, it may be from a private person or from the government. There is no road leading to it. Can B. refuse to pay taxes and statute labor until the council gives him a road? (Point will only be occupied during the summer season a short time.)

1. We do not think the municipal council can force a road through the lands referred to under the circumstances mentioned by our correspondent.

2. We are of the opinion that B. is liable to assessment and for payment of taxes in the case stated by our correspondent.

NOTE.—The *Question Drawer* this month occupies fourteen columns—nearly double the space required in any former issue. This is the best evidence of the confidence placed in THE WORLD by subscribers. For future issues, the paper will be enlarged whenever circumstances require it, so that the Legal and other Departments will appear regularly each month.

## Houses of Industry.

(Continued from March Number.)

A laundry in the basement is particularly objectionable. Whatever may be the arrangement for ventilation, the vapors and offensive odors from this department will, to a greater or less extent, creep upward and extend through the building.

Arrangements for keeping fruits and vegetables elsewhere than under the living part of any of the buildings are essential. The noxious exhalations that arise from decaying vegetables are so subtle, yet dangerous, that supplies subject to decay should be stored where they can do no harm.

On the grounds of every public institution, it is well to provide a yard with a close board fence where all unsightly material may be stored. Some shed room in this yard is desirable, and if it can be arranged so that the workshop will connect directly with the yard it will be more convenient.

### EMPLOYMENT OF INMATES.

A pleasant indoor workroom for women, and for the men a well-lighted workshop, where tools may be repaired and certain kinds of indoor work carried on, are indispensable. It should be a cardinal principle in poorhouse management that every inmate must render, as far as he is capable, some kind of service to the county. This much is due the public, and the welfare of the beneficiary is thereby promoted. No sadder sight can be found than that of idle people in a poorhouse sitting in a row with folded hands, an exemplification of living death. With nothing to engage their minds and thrown back on sorrowful reminiscences, it is but natural that they should become dejected, fretful and querulous. If the ability to labor is a matter left to the judgement of the attending physician, it will be found that many industries can be carried on and much more work performed than is generally supposed. Not infrequently a carpenter will be found who can be made very useful at odd jobs, a tailor who can repair old clothes and make plain garments, or a shoemaker who can repair the shoes of the inmates. Light work may sometimes be improvised which will benefit those employed, though not affording much, if any, pecuniary profit. By the practice of a little ingenuity on the part of those in charge and the giving of slight rewards for services performed, many, if not most, of the infirm women may be induced to undertake light tasks, such as sewing, knitting, patchwork, preparing and sewing carpet rags etc., and the men may be led to perform light work in the garden and the fields, for the purpose of keeping the inmates contented, they must be kept employed. The male inmates can always be made useful on the farm and the females engaged in the laundry, kitchen and other household work. For the purpose of extending employment in winter,

I have known of sheds being erected, which were comfortably warmed, and in which such of the men as could do some work were required to break a certain amount of stone daily. This arrangement greatly reduced the number of inmates in the poorhouse. When a pauper finds that he must, to the extent of his ability, render compensation for his support, though required to do but little, he frequently becomes disgusted with poorhouse life and will manage to earn an independent living.

#### CLASSIFICATION OF INMATES.

One of the great evils in our poorhouse system grows out of an incomplete separation of the sexes. In the investigation made into the causes of pauperism by the New York State board of Charities, it was found that many families of hereditary paupers had sprung from marriages consequent upon acquaintanceship formed between debased persons while inmates of the poorhouses. There are other serious evils springing from this source to which it is needless to refer. I am clearly of the opinion that poorhouses should be so planned that separation of the sexes does not depend upon the administration, but is absolute from the internal construction, and arrangement of the buildings. Means should also be provided for classifying the inmates, as far as practicable, according to their peculiar mental and physical condition. Separate rooms ought to be provided for certain of the respectable and worthy poor, who are sometimes compelled in their old age to seek refuge in the poorhouse. It does not seem right to force this class into constant and intimate association with the degraded and mischievous. Classification of the inmates may be still further maintained by inclosing the yards in the rear of the men's and women's departments with suitable fences.

#### RELIGIOUS SERVICES.

A room in which religious services may be conducted ought to form a part of every poorhouse. To some inmates the opportunity for divine worship is necessary to their peace of mind, and it certainly should not be denied to any. Upon all, its influence is beneficial, and is helpful in the preservation of orderly deportment and good discipline.

#### GROUNDS.

After the buildings are completed the grounds should be properly graded, care being taken to keep the good soil on the surface, also to see that there is a quick descent for a little distance on all sides of the building. The grounds should be planted with a limited number of clear-leaved, large-growing shade trees. These should not be planted so near the buildings as to shade them or obstruct the free entrance into them of sunlight, or prevent the circulation of fresh air. In the treatment of grounds, a few flowers are admissible, as they give pleasure to the families of the officers and to the better class of inmates; but a superfluity of them should be avoided, for they require more or less

attention, and are likely to be neglected at certain seasons. Fine patriarchal trees affording refreshing shade, and a broad, green, well-kept lawn are a good set-off to the plainest buildings, and give satisfaction to every beholder. A grove or belt of evergreens planted in the quarter from which come prevailing winds, will prove not only a protection in winter, but a pleasant retreat in summer. In laying out the grounds and mapping the farm, an extensive orchard with the best kind of fruit should not be overlooked, as also a large vegetable garden, convenient to the buildings, through which might be laid a pleasant center walk bordered with flowers.

#### OUT BUILDINGS.

The barns and outbuildings should be rearward from the men's side of the institution, and the men's side should be towards to town, or the side by which the buildings are generally approached, in order to secure greater seclusion for the women inmates. Too little attention is usually paid to the matter of providing good buildings on poor-house farms for the storage of grain and fodder, for the proper care of stock in winter, for the preservation of farm machinery and tools and for the storing of vegetables and fruit.

We have thus briefly referred to some of the leading principles which may be useful in planning and constructing new poorhouses and in improving old ones, it is one deserving more extended treatment than our columns will permit.

In closing we must refer to an evil that has a most disheartening influence on this subject. It is one that closely affects the public interests, and it should be the duty of every citizen to strive to correct it. However careful we may be in selecting suitable sites for poorhouses, however judiciously we may plan and construct them, unless their affairs are well administered, this careful preliminary work is of no avail. The position of manager of these institutions is one of great responsibility, both in relation to the expenditures of a county and the true interests of the poor. Only such persons as are best qualified for the position should be selected to fill it, and when selected they should be retained in office as long as they satisfactorily discharge their duties.

#### A Model Cash Book.

The Municipal Amendment Act of 1893 directs treasurers to keep a cash book which shall show: 1st. The balance deposited to the credit of the municipality. 2nd. The balance in the hands of the treasurer. In THE MUNICIPAL WORLD for December last, we published a form of cash book showing briefly how the different entries should be made therein by a treasurer, desiring to comply with the statutory regulation. Messrs. Hart & Riddell, of Toronto, with their usual enterprise, are prepared to supply municipalities with cash books in the form suggested by us. Councils should see that their treasurers are provided with these books.

## The Municipal Index

BEING AN

### ALPHABETICAL INDEX

TO ENACTMENTS IN THE REVISED STATUTES OF ONTARIO, 1887, AND SUBSEQUENT STATUTES OF THE PROVINCE OF ONTARIO WHICH AFFECT MUNICIPAL CORPORATIONS, THEIR COUNCILS AND OFFICERS.

By ALLAN MALCOLM DYMOND,

Barrister-at-Law,

Law Secretary to the Department of the Attorney-General of Ontario, and Law Clerk to the Legislative Assembly

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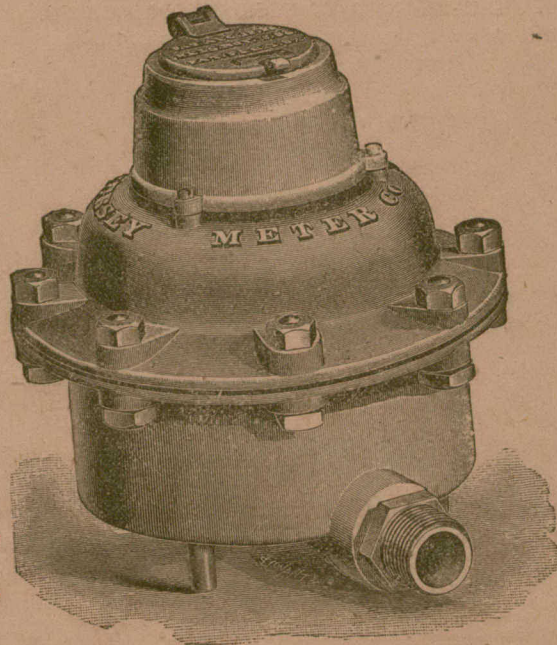
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The cost of Metal Bridges, for a term of years, is less than the cost of building repairing and replacing wooden bridges, and believing the only reason so many bridges are still built of wood to be that those who are charged with the duty of contracting for them are not aware how little difference there really is in the first cost of a good Iron or Steel Bridge and a well-built wooden one, of equal strength, we are at all times pleased for an opportunity to quote prices to officers of counties, cities and townships, so that they may intelligently compare the cost of metal and wooden bridges. To enable us to name prices closely we need information on the following points: Number of spans and length of each span. Width of roadway and number and width of footways and sidewalks. Kind of Lumber to be used for floor joists and plank and its value. Name of nearest R. R. Station and distance of bridge site from station. Depth of water at ordinary level and height of floor above water. Also strength and capacity of bridge required, if any particular strength has been determined on; or a general statement as to the nature of travel over the bridge; whether on a country road, a well-ballasted turnpike, or located in a village or city, and subject to heavy loads.

**WORKS: LACHINE LOCKS, P.Q. OFFICE: 20 St. Alexis Street, MONTREAL, P.Q.**

Address Inquiries in Response to this Advertisement, to

**DOMINION BRIDGE COMPANY, LTD., Montreal, Que.**

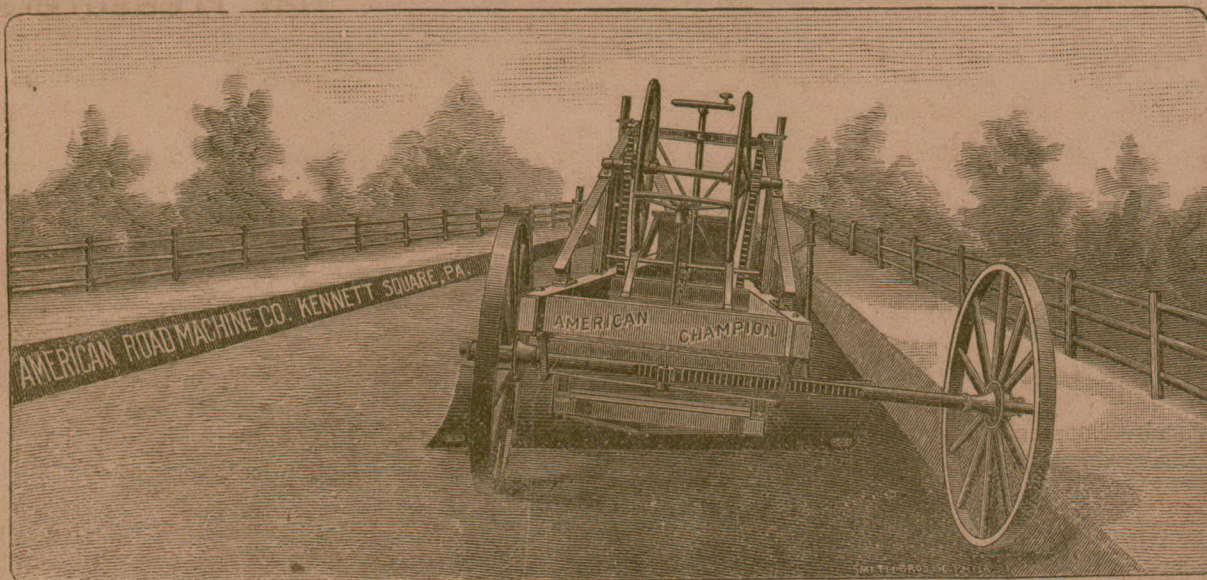
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**WHY?**

No town or township can afford to be without an American Champion Road Machine.

Because it gives you better roads which will enhance the value of your property, and at same time save you money.

"The Road Machine we purchased has given good satisfaction. We graded 190 rods, 48 feet in width, in three days, with three teams, at a cost of twenty-eight dollars and fifty cents, and would recommend it to any Council who may require one."—*Yarmouth Township Council, 1892:*



The above cut shows the rear view of machine at work. We send our machine on trial. Send for catalogue, testimonials, prices, etc. All correspondence promptly and cheerfully answered.

Address all communications to **American Road Machine Co., F. L. Wright, Manager, 124 York Street, Hamilton, Ont.**