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# THE MUNICIPAL WORLD

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

Vol. 10. No. 10

ST. THOMAS, ONTARIO, OCTOBER, 1900.

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## Calendar for October and November, 1900.

### Legal, Educational, Municipal and Other Appointments.

#### OCTOBER.

1. Last day for returning Assessment Roll to Clerk in cities, towns and incorporated villages where assessment is taken between 1st July and 30th September.—Assessment Act, section 58.
- Last day for delivery by clerks of Municipality to Collectors, of Collectors' Rolls, unless some other day be prescribed by by law of the municipality.—Assessment Act, section 131.
- Notice by Trustees of cities, towns, incorporated villages and township boards to Municipal Clerk to hold Trustee elections on same day as Municipal elections, due.—Public Schools Act, section 58 (1).
- Night Schools open (session 1900-1901).
5. Make return of deaths by contagious diseases registered during September, R. S. O., chap. 44, section 11.
- Copy of Roll, or summarized statement of the same, as the case may be, to be transmitted to County Clerk.—Assessment Act, section 83, Assessment Amendment Act, 1899, section 7.
10. Selectors of Jurors meet in every municipality.—Jurors Act, section 18.
31. Last day for passing by-laws for holding first election in junior townships after separation.—Municipal Act, section 98.

#### NOVEMBER.

1. Last day for transmission by local clerks to County Treasurer of taxes on lands of non-residents.—Assessment Act, section 132.
- Last day for transmission of Tree Inspector's Report to Provincial Treasurer.—Tree Planting Act, section 5.
10. Last day for Collector to demand taxes on lands omitted from the roll.—Assessment Act, section 166.

### NOTICE.

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# The Municipal World

PUBLISHED MONTHLY

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

K. W. MCKAY, EDITOR,

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

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ST. THOMAS, OCTOBER 1, 1900.

## The Assessment Commission.

The impression created by the extract from the *Globe* published in our last issue, was that the Assessment Commission would limit its inquiries to the taxation of Electric, Telephone, Telegraph and Railway Companies, departmental stores and exemptions, and that other matters in which municipalities generally are interested were not included. The official instructions recently issued show that this is an erroneous impression. The commission is to enquire into and report upon:

1. The operation of the laws now enforced relating to the assessment of different classes of property for the purpose of municipal taxation in the province of Ontario, the collection of taxes and the sale of lands for arrears thereof, and the duties of municipal officers in relation thereto.

2. The assessment of lands and the improvements thereon respectively.

3. The most equitable methods of assessing stocks and other property of mercantile firms and corporations.

4. The most equitable mode of assessing companies operating public franchises under statutes in force in this province, or under agreements with municipal corporations, such as companies for the supplying of water, light, heat and power to municipalities and the inhabitants thereof, telegraph and telephone companies, and companies operating railways, street railways and electric railways.

5. Improvements in the Assessment Laws of Ontario suggested by legislation of recent years in other countries.

6. The statutory exemptions from taxation now in force and as to what, if any, changes should be made therein.

7. The rearrangement, revision, amendment and consolidation of the provisions of the Assessment Act and the amendments thereto, and to prepare such amendments as may appear to be advisable.

8. And to enquire into, hear and consider and report upon any other matters connected with assessment and taxation of property which may be brought to the attention of the said commissioners, or which may appear to them to be proper subjects for consideration.

We will be pleased to receive from readers of the *WORLD* opinions in reference to changes that should be made in the Assessment Act. The Commission recently appointed will soon commence its duties and all communications received will be considered.

That defects are to be found in the present laws, every one will admit, and municipal councillors and officers of the Province who are administering these laws, are in the best position to offer practical suggestions that will remedy the defects and assist the commission in reporting an equitable system of assessment and taxation.

## Cattle Tag By-Law—Courts Uphold It.

In the case of Ross vs. township of East Nissouri, Mr. Justice Rose recently gave judgment on a motion to quash by-law 367 of the township of East Nissouri, substantially on the grounds that the corporation has no power to require a license fee from the owner of the cattle therein referred to. By-law 308 prohibits the running of cattle at large, and the by-law 367 amends the former and provides that milch cows, heifers and steers, under two years, may graze on public highways subject to an annual fee of \$2, and having a tag securely attached bearing a registered number. The by-law was passed under section 546 of the Municipal Act. Held, that if the license fee had been imposed for revenue purposes it would be difficult to sustain (see cases cited in Biggar's Municipal Manual, page 344,) but if limited to the necessary expense of issuing the license and expenses, etc., incurred, it may be sustained, and there is nothing in evidence to show that the fee is excessive. Cattle may be allowed to run at large, and if so, they may graze on the sides of the highways, nor is this a letting out to pasturage of the lands of the corporation. Motion dismissed with costs.

The foregoing decision bears out the opinion given by us on several occasions, that a tax cannot be imposed upon the owner of cattle running at large as can be done in the case of dogs.

A fee sufficient to cover the expense of a tag, issuing a license, etc, may, however, be charged as was done in this case. In this case there was no evidence that the fee charged was imposed for revenue purposes; or that it exceeded the expense of the tag, issuing license, etc., and there-

fore the court refused to quash the by-law. We have also expressed the opinion that the council has no right to lease a highway or part of it for grazing, purposes but a by-law, permitting cattle to run at large though the effect of it is to make grazing on highway lawful, is not the same thing as leasing the highway or a part of it for pasture.

## The Ideal City.

(Rev. Charles M. Sheldon.)

What makes the city great and strong?  
Not architecture's graceful strength,  
Not factories' extended length,  
But men who see the civic wrong,  
And give their lives to make it right,  
And turn its darkness into light.

What makes a city full of power?  
Not wealth's display nor titled fame,  
Not fashion's loudly boasted claim,  
But women, each in virtue's dower,  
Whose homes, though humble, still are great  
Because of service to the State.

What makes a city men can love?  
Not things that charm the outward sense,  
Not gross display of opulence,  
But right, that wrong cannot remove,  
And truth, that faces civic fraud,  
And smites it in the name of God.

This is a city that shall stand,  
A light upon a nation's hill,  
A voice that evil cannot still,  
A source of blessing to the land;  
Its strength not brick, nor stone, nor wood,  
But Justice, Love and Brotherhood.

## Fee v. Township of Ops.

Judgment in action tried at Lindsay brought by land owners to recover damages for negligence of defendants, and their failure to maintain the drain along the boundary of plaintiff's land, and for a mandamus or mandatory injunction to defendants to repair and maintain the drain. Leave to plaintiff to plead the absence of an engineer during the construction of the drain as evidence of negligence refused. Held, having regard to the rough character of the drain in 1881, to the extent of the work, and to the amount of money allowed, that all that was to be reasonably expected was top drainage of a superficial character, and, also, having regard to the length of time elapsed and to the fact that defendants have only just been authorized to, and are proceeding upon, a new and general scheme of more effective drainage, that the action should be and is dismissed with costs.

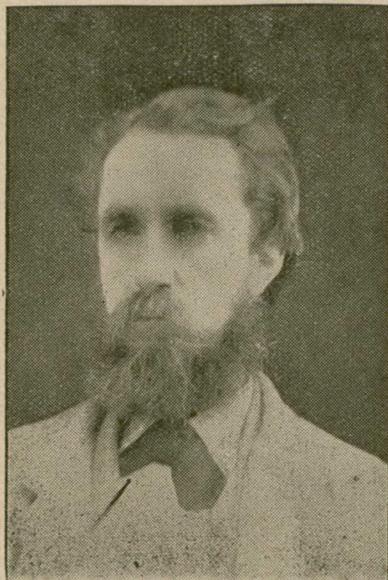
## An Oratorical Study.

"You never studied oratory?"  
"No," answered Senator Sorghum.  
"I never cared to be a speaker."  
"What is your idea of a true orator?"  
"An orator, sir, is a man who is out trying to get votes without paying for them."—*Washington Star*.

# Municipal Officers of Ontario.

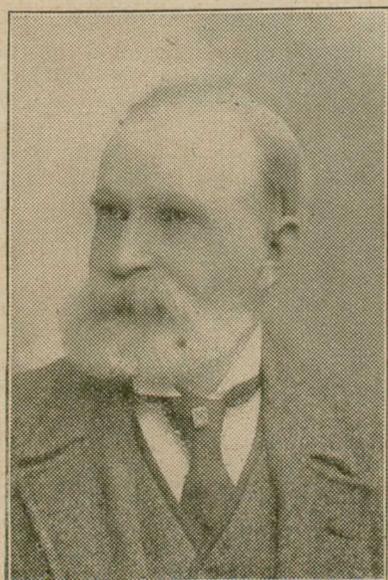
Clerk Township of Jocelyn.

Mr. Reesor was born in the township of Markham, York County, in July 1840, of Pennsylvanian German parentage. He



MR. J. G. REESOR.

received his education at the public and a German school in his neighborhood. He was a member of the Markham council in 1870 and of the council of the village of Stouffville in 1876. He moved to St. Joseph's Island in 1882. He was reeve of the township of Jocelyn on its formation for five years, was assessor for



MR. JNO. MCKENZIE.

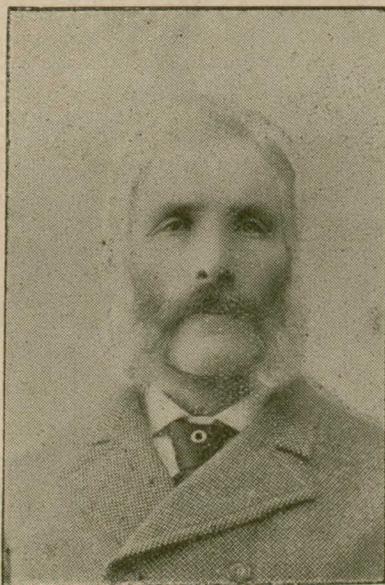
two years and was appointed clerk in 1897. Mr. Reesor is also a Justice of the Peace.

Clerk Township of Sarawak.

Mr. McKenzie was born in Punslinch township, in the county of Wellington in the year 1837, and moved to the county of Grey in 1861. He was councillor for the united townships of Keppel and Sarawak in 1863 and reeve in 1864 and 1867. When Sarawak became a separate township in 1868 he was its first reeve and also filled that position in 1875 and 1876. He was appointed clerk in 1889. He has conducted an extensive shipping business for many years and is the present proprietor of the Presque Isle summer resort.

Clerk Township of Amaranth.

Mr. Hamilton was born in the township of Bathurst, Lanark county, in 1844, and came to Amaranth with his parents in



MR. E. W. KITCHEN.

1854. He was educated in the public schools in his neighborhood and attended business college for one term. He has been at different times engaged as a harness maker, telegraph operator, carpenter and builder and farmer. For seven years he was collector of the township and afterwards a councillor, deputy reeve and reeve. He was appointed clerk in 1897.

Clerk Township of Matchedash

Mr. Kitchen was born in the county of Westmoreland, England, in the year 1839, and came to Canada in 1873, locating first in London and removing shortly afterwards to the township of Matchedash. He took an active interest in obtaining the separation of this township from the township of Orillia and was appointed its

first clerk and treasurer in 1888. He was made postmaster at Lovering in 1886. Mr. Kitchen is a practical farmer and stock raiser, a Justice of the Peace and director of the Matchedash Agricultural Society.

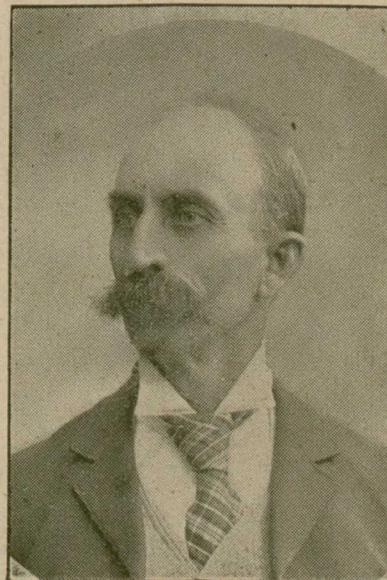
Clerk Township of Nassagaweya.

Mr. Cameron was born in Puslinch township and was educated at Rockwood



MR. COLIN CAMERON.

Academy and Waterdown high school. He began teaching in 1876 and continued in that occupation for seven years. He was appointed clerk in 1885. He is also secretary treasurer of the Halton Insurance Company and of the Eramosa Agricultural Society, and a Justice of the Peace.



MR. E. HAMILTON.

The council of the township of Foley pay their collector, by way of salary, three per cent. of all tax moneys, collected by him.

Oxford Clerks' Association—County Council  
Reform.

COUNTY MUNICIPAL ASSOCIATIONS  
ADVOCATED.

The annual meeting of the clerks and treasurers of the municipalities comprising the county of Oxford, was held in the court house, Woodstock, on the 19th September.

Mr. E. L. Sutherland, clerk and treasurer of West Zorra, occupied the chair.

Those present were :

R. J. Henderson, Blandford ; M. F. Ainslie, Blenheim ; Alex. Bell, Dereham ; W. E. Anderson, East Nssouri ; Alex. McFarlane, South Norwich ; R. Seldon, North Oxford ; F. G. Jackson, E. Oxford ; W. G. Francis, W. Oxford ; Jas. Anderson, E. Zorra ; E. L. Sutherland, W. Zorra ; Jno. Morrison, Woodstock ; W. R. Smith, Ingersoll ; A. E. Raynes, Tilsonburg ; E. Cody, Embro ; Wm. Fairley, Norwich ; Wm. Clarke, Blandford ; Samuel Grigg, Dereham ; D. Lawrence, E. Nissouri ; Thos. Walker, N. Norwich ; Walter S. Schell, E. Oxford ; A. Miller, E. Zorra ; W. S. Law, Tilsonburg.

County Clerk James White, read the following exhaustive paper on the county Councils Act which was much appreciated and for which he received a hearty vote of thanks.

THE COUNTY COUNCILS ACT.

For nearly half a century the law that gave the county its council had been but slightly, and in no radical sense, changed. By it the council was composed of the reeves and deputy-reeves of the minor municipalities. The deputy-reeves were limited after the local municipality had reached five hundred ratepayers to multiples of that figure, until the number limit of the township council had been reached. This made it possible in a county, comprising (as does Oxford) sixteen municipalities, for the council to reach a membership of eighty men. The council of Oxford had, as will be remembered, in the year 1896, reached a membership of thirty-seven, having increased in number from the date of its constitution, in 1850, when it only numbered sixteen (from exclusively township municipalities and only four of whom were deputy-reeves.)

The new County Councils' Act was passed in 1896, and the first election under the new Act was held in January, 1897. This county, Oxford, because its population was less than 60,000, was entitled to fourteen representatives, coming from seven divisions, in the formation of which municipal boundaries were not necessarily respected. And so we have in the first place a change from municipal to district representation, and a body of representatives elected to their special work by a direct vote of the ratepayers, and (although the district is larger in extent

and population than the municipality) a marked decrease in the number of representatives. Then we have also the municipal life of the county councillor increased from one year to two years. No new powers were granted, and no old privileges were taken away, but under the new order local prejudices stood a fair chance of becoming gradually, if not rapidly, obliterated, and broader, healthier views of public questions becoming the rule and method of all.

No person had the temerity, I judge, to look for sudden changes of method or improvement in practice or work, because the councils first elected under the new Act proved, "as was anticipated," in most cases throughout the province, to be simply a reduction in number without much change in composition. And the change in the law which had been radical and sudden, and, possibly, not fully studied by those most deeply interested, in all its bearings in active municipal life, was, as might fairly have been expected, somewhat dazing and partially paralyzing to their activities. However, it was soon found that the alterations, which had been made in the law were after all not very disturbing to the work of county councils, as such, and now the machinery moves with perfect smoothness, and the altered conditions are no longer a barrier, but rather a help to municipal activity, and county councillors are seldom now found speaking or acting on the narrow lines of local boundaries and sectional prejudices, but freely speak and act on lines of the public county interest.

The law, in respect of the county council, is in the judgment of many, not yet perfect, and some changes that might be made, "which, in my opinion, would be an improvement, are as follows :

1. No person should be eligible as a county councillor who has not served in a local council for at least a couple of years. This would have the effect of improving, by maintaining increased interest in the local councils, and would largely disarm adverse criticism on this line.

2. One member from each district should retire each year, and so an election for county councils would be held each year. This would keep the public more continuously in touch with county work, and add materially to the interest taken in local elections, and also ensure a good proportion of men in the council accustomed to the work.

3. The reeves of the several municipalities including the mayors of towns, should be granted the privilege of meeting together in the county council chamber at least one day in each year, at the county's expense, to discuss changes made from year to year in the Municipal and Assessment Acts, as well as their relation to the municipal government of the county as a whole. This would keep the councils of the minor municipalities constantly in touch with the work of the county council and the Provincial legislature ; encourage, if not

secure, uniformity of methods, and would prove a strong educational force in the municipal life of the province. These changes are not in any sense radical, and do not interfere with the principle of the County Councils Act, which, I conceive to be correct, and which, while I believe it may in its worthy details be advantageously elaborated and improved, should not be changed.

County councils, are, as constituted to-day, composed of an even number of members, and as a consequence, tie votes, in the work of the council are of frequent occurrence. In view of this difficulty, as well as for other reasons that may suggest themselves, the feasibility and advisability of electing the warden by a popular vote, is worth consideration. While my own mind is not perfectly clear on this point, I fail at present to see how any harm could arise. In conclusion, I have only to say that so far as I have had the opportunity of watching its workings, the County Councils' Act of 1896 is a decided improvement upon the Act which it replaced, and I am very strongly of the opinion that whatever changes may be made in the future the basic principles of the Act, viz., district representation and direct vote of the ratepayers will not be departed from.

It is a well-known fact that there are scores of municipalities in Canada where not more than forty per cent. of the total vote is really polled at any election. In some places the percentage is even less. And in a very few municipalities indeed, do the votes reach seventy-five per cent. of the total number on the list. We venture to say that such a thing as a full vote—100 per cent.—has never been polled in any municipality in the Dominion. This shows that a great many people do not take sufficient interest in public affairs to vote. We have known men who boasted that they had never voted in their lives. They seemed to think it was something to be proud of. In our opinion every man should be compelled to poll his vote, sickness or death being the only valid excuse for not doing so. When we have compulsory voting bribery will not be so common, and surely that is something worth striving for.—*Leader and Recorder.*

The town of Parry Sound, by a vote of 201 for to 16 against, has passed a by-law granting a bonus of \$20,000 to the James Bay Railway.

\* \* \*

The council of the township of South Elmsley have passed a by-law dispensing with the levying and collection of dog-tax in that municipality.

\* \* \*

At the recent assizes in Barrie an action brought against the village of Beeton by one McGill to obtain redress for the diverting of water on his land by the municipality, was dismissed by consent.

The Ontario Municipal Association.

The first annual meeting of this association was held in the city hall, London, on the 11th and 12th days of September last. In view of the importance of the objects of the association and of the subjects to be discussed at the meeting, the attendance was not as large as might have been expected. The following cities and towns in the province sent representatives: Toronto, Hamilton, London, St. Catharines, Brockville, Guelph, Cornwall, Port Hope, Ottawa, Niagara Falls, Chatham and Paris. The president, Mayor J. V. Teetzel, Hamilton, occupied the chair, and Mr. S. H. Kent, assistant city clerk of the same place was the secretary. The following resolutions were presented to, discussed and adopted by the members of the Association:

1. That a separate ballot be provided for mayors, where the aldermen are elected by general vote. The idea is to prevent an undue number of spoiled ballots.
2. In cities and towns not adopting the local improvement system under section 682 of the Assessment Act, that notwithstanding any petition against the laying down of any sidewalk as local improvement, the council should have power to proceed with the work, if, in the opinion of the city engineer and two-thirds of the whole council such work is desirable or necessary in the public interest, and to provide for the cost thereof by special assessment on the property benefited.
3. That the provision relating to the assessment on farm lands in cities be repealed.
4. That, as a principle, real and personal property be assessed at its fair value.
5. That Assessment Act be so amended as to distribute the burden of taxation more equally, and with this end in view, the assessment of personal property should be made without regard to the debts owing on account of it.
6. That provision be made in Assessment Act that real property belonging to or in the possession of any person or incorporated company, and extending over more than one ward in any city or town, may be assessed together in any one of such wards at the option of the assessor, or that the assessment of the property may be apportioned among two or more of such wards in such manner as he may deem convenient, and that in either case the property shall be valued as a whole or as an integral part of the whole.
7. That the personal property of incorporated companies, other than chartered banks, should be liable to assessment to the same extent as that of any private individual or partnership, and that subsection 2 of section 39 of the Assessment Act should be amended accordingly.
8. That no sale of land for taxes in any city or town should be invalid by reason of there having been goods or chattels

within the county belonging to or in the possession of the person assessed for the lands or goods or chattels upon such lands, liable to seizure for the taxes, and of no levy of distress having been made upon any such goods or chattels for the payment of taxes due in respect of the lands.

9. That the board of registrars should define the polling subdivisions for elections to the Legislative Assembly, and all the voters should register with the board of registrars under the Manhood Suffrage Registration Act.

10. That the Industrial Schools Act be amended so as to compel parents or guardians to pay for the keep of children committed.

11. That councils be given power to demand the capacity of all baskets and boxes in which fruit or vegetables are sold otherwise than by weight shall be plainly marked thereon.

12. That the Act requiring candidates for alderman to file a statutory declaration of qualification be extended to all cities, towns and villages.

13. That councils have power to fix the salary of police magistrates where the municipality pays the said salary.

14. That all expenses in connection with an election of members to the Legislative Assembly be borne by the province.

15. That council be empowered, in the case of the property of any indigent person applying for sustenance and receiving aid, to allow the taxes to stand as a lien against the property.

16. That the legislature be asked to define and limit the meaning of the words "non repair of highways."

17. That the Free Library Act be amended by eliminating the rate of a half-mill, the present statutory limitation and giving discretionary power to the council to increase the grant to an amount not exceeding the present limit.

The election of officers resulted as follows: Mayor Keating, St. Catharines, President; Mayor Nelson, Guelph, First Vice-President; Mayor Payment, Ottawa, Second Vice-President; S. H. Kent, Hamilton, Secretary; J. T. Hall, Hamilton, Assistant Secretary. Executive Committee—E. G. Reynolds, Brockville; Thomas Caswell, Toronto; Mayor Slater, Niagara Falls; C. A. Kingston, London.

Mayors and ex-mayors attending the sessions were elected honorary members.

St. Catharines was chosen as the meeting place for next year's convention, to take place during the second week of September.

The council of the township of McKellar recently passed a resolution instructing their clerk to demand of the person to whom it has been paid, \$15 for repairs to a cemetery fence, threatening suit for recovery if not paid by the 17th September last. If the dispute results in a lawsuit, the decision will be awaited with considerable interest.

As to the advisability of placing and keeping the views of the Ontario Municipal Association before the recently-appointed Assessment Commission, Permanent Auditor W. H. Cluff, of Ottawa, in the course of an exhaustive account of the proceeding of the last meeting of the association, in the *Ottawa Journal*, writes as follows:

Among the many subjects discussed, the question of the most effective way of placing the views of the association on the subject of the proposed amendments to the Assessment Act, before the Commission appointed by the Ontario government, was considered of very great importance. It was felt that in regard to what is generally known as the "scrap-iron" assessment, there was no doubt but that the different electrical and other companies would combine and be continuously represented by the best legal and expert talent to be obtained in Ontario, and that if the commission follows the usual course of such bodies and holds meetings in different cities, it was very important that some one or more legal gentlemen should in the interest of the rest of the ratepayers, keep constantly in touch with the proceedings by attending all the sessions of the commission and thus be able to materially assist and advise with the local city solicitor wherever the session may be held.

By thus keeping tabs as to the rulings, scope of evidence, cross-examination, necessary for rebuttal evidence, etc., etc., the work would be more effectively performed than if each city was left to its own resources for means of presenting its case and the meeting formulated a scheme by which it is to be hoped that the proceedings will be carefully followed and every effort made to see that such amendments as may be recommended will as far as possible guard the interests of the municipalities.

The doctrine that a city does not owe to a bicycle rider any greater or other duty in respect to the condition of its sidewalks than it owes to pedestrians has been reasserted by Presiding Justice Adams, of the Appellate Division of the Fourth Department, in the recently reported case of Minnie Morrison against the city of Syracuse. It seems that the right to ride a wheel on the sidewalks of some streets in Syracuse may be acquired by the payment of a small registration fee. The plaintiff, while in the enjoyment of this right, was thrown from her wheel and her arm was broken. The accident was caused by a depression of four inches in the middle of a plank sidewalk four feet wide. There was a verdict of \$500 against the city, which the Appellate Division has set aside, because it is "firmly of the opinion that the plaintiff, in the circumstances of the case, would have escaped injury if she had been on foot."

### Sinking Fund Accumulation and the Desirability of Their Abolition.

Read by Geo. F. Jewell, Esq., F. C. A., City Auditor, London, before the Ontario Municipal Association, at its meeting on the 11th Sept., 1900.

The principle which underlies the system of sinking fund provision is that the debts created for municipal or other purposes should not necessarily be of a permanent character, but should gradually be reduced so that it should become possible from time to time to raise the necessary moneys for further desirable works and improvements without unduly increasing the total of the general indebtedness, and this principle I unhesitatingly endorse.

There is, however, much that appears to me objectionable in the manner in which the principle is usually applied, viz., by setting aside a certain sum as named in the by-law creating the loan year by year during the currency of the debentures to which it has relation, which amounts, together with the interest they may earn upon investment, shall equal the full value of the debentures at the time of their maturity, the result being predicated upon the basis of a certain rate of interest upon the investments, which rate may or may not be maintained, the municipality having to invest or deposit at interest the periodical accretions to the fund and being under the recognized risks of variation in rate of interest and of the custody of the securities for such investments and of the condition of the market where such securities have necessarily to be disposed of to meet the obligations of the fund—the interest on the original amount of the debentures is paid, half yearly or otherwise, to the debenture-holders, but the amount which is to eventually pay the debt remains in the custody of the municipality until the debt matures.

Now, I claim that these accumulations are not only objectionable, as I have stated, but unnecessary, inasmuch as the entire debt could be met by a series of repayments, each of which should include not only the interest but also a portion of the principal, and which would equal the two separate amounts which, under the existing system are provided, first, for the annual interest on the debt, and second, for its eventual extinction; each of such repayments being represented by a bond or bonds to the amount of the entire levy of each year in respect of such debenture issue. This would much simplify the whole procedure, reducing the labor and responsibility to a minimum and while the principle of the gradual extinction of the debt would be most effectively observed, there would be no Sinking Fund accumulations, with their cumbrous machinery and anomalies, and the debt would be shown as having been positively reduced.

It may be said that the end sought to be attained is now accomplished by the mode in which certain municipal debentures are now prepared, viz., in series of debentures of different amounts of which

one debenture matures in each year while the interest is provided for in the shape of coupons, but this form of debenture would not be generally acceptable or practically applicable in the case of loans of considerable magnitude while it still retains all the necessary detail as to the interest coupons.

I quote from our Municipal Auditors' Report, in which they have brought this matter under our notice, as follows:

"The entire system of Sinking Fund accumulations needs revision and are as far as similiar results can be otherwise arrived at should be superseded, and we think that the time has come when it is well to broach this subject in order that its bearing upon financial interests may be considered and understood, and that in due time such legislation as may be found necessary or advisable, may be procured. In explanation of our meaning we will take our own Consolidating Issue of 1891, as it is, and as an issue for the same purpose might be under conditions such as we consider desirable, as example: To provide for the payment of the annual interest, and to create a fund for the retirement of the entire series of debentures, \$2,000,000, in forty years on a four per cent. basis, it was necessary to levy every year since that period, the sum of \$101,047, which included \$21,047, a sum which if annually invested and producing an interest at four per cent. per annum, would in forty years amount to \$2,000,000. In order to reduce as far as possible the burden and risk of exceptionally large accumulations, it was arranged that the debentures might be matured in groups, so that the particular Sinking Fund relating to them might be periodically used up, but there is still sufficient difficulty in financing the fund during the periods of five years intervening between the maturities so as to avoid loss, and through the whole term we have to face the responsibility of the custody of the securities, the possible loss by fluctuation of the interest earning power of money, and the risk of market when the securities must be converted, besides the half yearly payment and registration of the coupons for interest.

If education and legislation upon such matters had both sufficiently advanced, it would have been possible to issue bonds, without coupons, \$101,047 of which should mature every year for forty years, the indebtedness incurred by the city would have been identically the same as in the actual consolidation; the amount raised in each year would have been directly applied in payment of the bonds then maturing, say 100 of \$1,000 each, and a single bond of \$1,047, and there would have been the end of it; no coupons, no sinking fund, no risks of investments, interest rates, and what not; a pleasing prospect, but unavailable, from the fact that such an issue of bonds, though actually representing the same indebtedness, would appear on its face as \$4,041,880

instead of \$2,000,000 and would be beyond the limit assigned to the city in respect to its borrowing powers.

There should be no serious difficulty in procuring legislation which would remedy the objectionable features of the present system, and would authorize the representation of such bonds as a present indebtedness from time to time at their actual value, the Acts and by laws relating to their issue, stating upon what basis such value should be calculated and determined. Large blocks of municipal debentures are sought for largely by corporations and financial institutions who do not so much desire the return of interest by periodical payments as a permanent investment for a definite period, and would apply similar calculations from time to time to arrive at the value of their investments."

I think that such a gathering as the present furnishes exactly the opportunity needed for the full discussion of the foregoing subject, and feel that a matter of such general municipal interest deserves careful investigation, as the result of which I hope for much simplification and improvement in system.

#### Influences That Make Live Towns.

A live town was never the result of an accident. That is true. It is always the creation of the pluck, energy and enterprise of the men who build its factories, shops and residences. No progressive town or city was ever shaped and fashioned by men afraid of their own shadows. A community constantly employed in the betterment of its public institutions, in the consideration of problems affecting the welfare of the individual, reflects the aims and aspirations of its citizens, who cannot in the nature of things have anything in common with the grumbler and growler whose chief purpose in municipal life is bound up in an unyielding devotion to the cause of the pessimist.

A live town is an aggregation of forceful personalities. It could not advance and be anything else. It always sees a goal ahead, to attain which it is ever on the move. Who would not prefer living in a town dominated by such aspirations and under the influence of progressive spirits than in a place where the pessimist rules and life is one continuous yawn. A town is just what its men and women make it.

#### Municipal Ownership.

Municipal ownership long ago passed out of the stage of theory and experiment, if, in fact, it ever belonged there. Centuries before America was discovered public ownership of public utilities was highly developed. The city of Rome 2,000 years ago possessed its splendid public baths, its superb aqueducts and other utilities owned and managed by the government.

## Engineering Department

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

### Street and Road Improvement.

Evidence of the activity in the movement for better roads is everywhere apparent, and the work which is this year being done in the villages, towns and cities of Ontario is simply surprising. That this young country should so readily awaken to the benefits of such improvement is due to the superior intelligence of the people. That they should be in a position to so speedily organize to carry out this work, clearly demonstrates the perfection of our municipal system. And further, it illustrates how closely municipal authorities are studying the principles of economy in administering the affairs entrusted to them by the citizens.

These splendid streets and sidewalks are not the result of a new discovery, nor are they being obtained in response to an extravagant clamor for something more pretentious. They are the outcome of changed conditions and a careful consideration of existing methods, which have not kept pace with other developments. From the very founding of these places the necessity for streets and sidewalks has been appreciated. They have been made out of such materials as could be most readily obtained and utilized in the least expensive way to serve existing needs. A single plank walk and a little grading of the roadway at first sufficed, and with the growth of the place these were improved to meet the demand. The single plank was doubled, multiplied or otherwise laid and extended. Sidewalks grew so much in popular favor that to day they must lead to every urban home.

As with sidewalks, so also with streets or roadways, they were commenced in a very primitive way, rude ditches were made to carry away the water and the soil cast in the centre to make the grade or crown. Over this, later on, was scattered gravel, broken stone, brick-bats and other coarse material in an attempt to stiffen the surface and form a crust to carry the wheels. And in the vain hope of accomplishing this object, repeated applications of these materials were made only to be swallowed up in their turn. This practice forms the greatest portion of the history of roadmaking in parts of this country for upwards of a century, and, unfortunately, still holds in some sections where better should be expected. Much unprofitable speculation has been undertaken with other materials and the most perfect asphalt pavement in our cities is but the result of the evolution. Our streets are not bad because we have not contributed money for their improvement, as a careful examination of our municipal expenditures will show, but because we have been following largely the primitive methods of those who only adopted them as a temporary expedient.

That we should have so persistently followed these plans without examining their merits or interpreting the reasons for their adoption does those pioneers an injustice and discredits our progressiveness.

The present agitation for better streets has clearly revealed these things. It has shown that these primitive and faulty methods are incapable of producing good results.

That so long as they are followed only temporary work can be expected.

That temporary work on streets and sidewalks is never satisfactory, but the outlay is continual.

That durable work in a term of years is no more costly, and maintenance is reduced to a minimum.

That there are principles in street construction which must be observed if good results are to be expected.

That good results on streets can only be secured from good material and careful workmanship.

That plank sidewalks are perishable, their life is only about ten years, during the last five of which repairs are required,

That the cost of artificial stone walks is about twice that of plank and should last fifty years without repair.

That proper implements are as necessary in building a good street as in building any other work. That modern implements are essential to making streets quickly, profitably and cheaply.

That the work of streets and sidewalks should be carefully planned according to the requirements, having due regard for expansion of traffic within a reasonable time, and that the cost of the work should be consistent with the traffic.

### Road Reform a National Question.

President McKinley in his last message to Congress, directs attention to the road question, as follows: "There is a widespread interest in the improvement of our public highway at the present time, and the Department of Agriculture is co-operating with the people in each locality in making the best possible roads from local material and in experimenting with steel tracks."

These are the first words directed to Congress by any president, since railroads came as a rapid transit necessity, to meet the growing demands of travel and commerce.

A few months later, as a ringing supplement to the President's message, an appeal comes to all the people from the Republican National Convention at Philadelphia, which is destined to have far greater influence and create deeper interest in road improvement, than any action ever taken any by political party in this country. It is the first time a great

national political party has incorporated a Good Roads Plank in its national platform. It is therefore a great victory. Strong efforts were made to have the Democratic Convention incorporate a section for Good Roads in its platform, at Kansas City, but they failed. We therefore feel fully justified, in giving the republican party the highest credit for its action taken at Philadelphia. The following resolution was unanimously made a part of the platform.

"Public movements looking to a permanent improvement of the roads and highways of the country, meet with our cordial approval and we recommend this subject to the earnest consideration of the people and of the legislatures of the several states."—*The State's Duty.*

### The Smoke Nuisance.

The commissioners of the Brockville Waterworks Department have issued their first printed report, which includes tabulated statements of revenue, expenditure, and expansion for the seven years prior to Oct. 31st, 1899. This report is an excellent one and will be of value to all who are interested in municipal problems. One matter to which reference is made, the smoke nuisance, exhibits an enterprize that deserves the attention of many cities where the ill effects of smoke are more severely felt than in Brockville. The commissioners say:

"We have been extremely anxious to abate the quantity of soot and smoke discharged from the chimney of the boiler house. This, as we well know, is very disagreeable and unpleasant for those residents who reside in close proximity to the works. With that end in view we have made a thorough inspection of various smoke consuming apparatus which are in operation in different places in Canada and the United States. As yet we have not found one which is entirely a success, although some of them greatly lessen the smoke emitted from the chimney. Last year this board was about to introduce a system of smokeless stokers, but deferred doing so in the hope that the Brockville Peat Co. would be able to furnish us with a class of fuel which would make no smoke and thereby relieve us of the necessity of going to any extra expense in order to consume it. However, this board fully realizes the offensiveness of the smoke, and before another year expires if we cannot procure some fuel which is smokeless or nearly so, which we are now endeavoring to do, we will be obliged to procure some mechanical means of getting rid of the smoke."

The council of the township of King passed a by-law at a recent meeting, providing for the payment of a bounty of \$4 to any resident of the township, other than the owner of the offending canine, for the destruction of any dog caught in the act of killing or worrying any sheep or lambs within the municipality.

### Tar Macadam.

Among the consular reports recently published by the United States Department of State, is one on tar-macadam pavement in Hamilton, by U. S. Consul Shepard, residing in that city. Mr. Shepard says:

After years of experiment, this city is laying a pavement that for excellence, durability and cheapness is commended for examination to those in charge of similar work in the United States.

The possibility of making good roads at a reasonable cost has been demonstrated, and tests extending over a number of years on business streets prove that tarred macadam makes not only a smooth and solid roadway, but one that can be kept in perfect repair at nominal expense.

The first cost in this city, where limestone is abundant and near at hand, is from 70 to 86 cents per square yard; and the engineer estimates the cost of repairing on heavy-traffic streets at less than one cent per yard per year, while asphalt costs over three cents.

The addition of tar renders the roadway impervious to water, frost-proof in winter, and prevents mud and dust in the summer. It is easily repaired and does not require scraping, thus avoiding much wearing of the surface.

One block of tar macadam laid more than a year ago on a business street where there is heavy teaming shows no perceptible wear to-day. In residential streets, these pavements have been in use eight years without any repairs and are still in good condition.

The success of this method of road-making depends on care in its execution, as in the case of all composite work of this character, and I submit for the information of those interested the substance of an interview with the engineer of public works, Mr. E. G. Barrow, covering details of the processes in use here.

Either stone or cement curbing should be placed before beginning the roadway. Cement costs here fifty cents per linear foot and is six inches thick, twenty inches in depth, and laid on broken stone or gravel. Corners are rounded and an iron plate imbedded for protection. On business streets stone is preferable.

An essential in roadmaking is a hard and compact foundation, which can be secured only by the liberal use of heavy rollers, twelve to sixteen tons, while the base is being prepared.

The grade and camber should be so designed as to carry water off the surface quickly, and all earth above the sub-grade should be removed so as to conform to its level, twelve inches below the natural surface, which sub-grade should be thoroughly rolled and all soft spots filled with stone.

The foundation must be compact, a solid bed of stone not less than six inches in thickness. If the soil is of a spongy nature, large flat stones are preferred. All interstices should be filled with small

stone and gravel, well rolled in. Over this a coating of gravel should be rolled hard and then a layer of tar-saturated stone, not extending over two inches in diameter. These stones being mixed with boiling tar, eight to twelve imperial gallons to the cubic yard, must be thoroughly dried, either in the summer sun or by exposure on heated plates, until all moisture is expelled.

After a thorough rolling, another strata of tarred stone of the same dimensions and thickness is added, rolled and covered with a layer of gravel, and quarry chips, also mixed with tar, one inch in thickness, to be rolled down from three-fourths to one-half an inch. A top dressing of screenings is then added, and if a light color is desired it may be obtained by adding cement.

Most of the stone used here is machine crushed, but during the winter season, it is broken by hand labor and paid for per cord, to furnish employment in lieu of alms to the needy.

Limestone is used because it is abundant, but granite or flint stone would absorb less tar and stand more pressure and wear.

### Sewage Treatment.

The frequent change in opinion of engineers as to the best methods of treatment is a notable feature of the development of the last few years. Since the subject was first reported upon, the actual developments in scientific discovery have been considerable; yet it cannot be said that they are conclusive in any case. It is plain to either engineer or laymen that if a quantity of sewage be disseminated in a body of water large enough, the harmful elements will disappear. Equally obvious is the fact that if the sewage be spread on a sufficient area of land and be mixed with earth in large proportion, the natural agencies will operate to purify the sewage. Or, we can take a quantity of sewage and pass it through ample beds of coarse sand and have an effluent which is sufficiently clean to cause no public nuisance and to do no harm to fish-life. Or, we can go a step further and prepare artificial filtration beds of small sized coke and get a straining and aeration which may do better than the sand, if the area be well adjusted and sufficient rest is given between the applications. Or, it may be practicable to pass the sewage through filter-beds and by forcing air through filters get additional aeration, saving space and keeping up the efficiency of the filtering material.

Great sums of money have been spent upon chemical precipitation and treatment but this system has been generally abandoned on account of its expense and the difficulty of caring for the matter when precipitated, the sludge.

A method of treatment which is now receiving more attention from sanitarians and engineers than any other is that commonly known as the septic tank system, or purification by bacterial action. Here

the sewage is confined in large tanks from which air and light are excluded, and rapid bacterial action is developed, the natural processes of decay being enormously accelerated. The effect is not only to take from the sewage those parts which would cause a nuisance, but to actually consume a large portion of the solids. The discharge from the tank is passed through coke filter beds, and it is claimed that the experiments have shown the final effluent to be free from deleterious properties. Tests have now been in progress for some time, especially in England, and the reports this year are increasingly favorable, not only as to effectiveness, but also as to economy. It is yet too early to decide definitely as to the merits of this method, but it appears to be along the lines of natural development, and it seems certain to provide one new method of meeting special cases.

Nearly all of these systems of treatment are applicable with economy and success only to house-sewage, and here is encountered one of the chief difficulties of providing suitable treatment locally, as the combined system of sewers which includes surface drainage so floods the fields or the machinery as to destroy the efficiency of the system.

Besides the more intricate methods of treatment, it has been found advisable in many cases to discharge crude sewage with the out-going tides; or to provide tanks where, by slow flowage, the sewage would deposit solids, these to be removed by mechanical means, only fluids escaping. The views of engineers are almost as varied as their number, but it is safe to say that the wisest and best of their profession hesitate to prescribe any single remedy until elaborate investigation, and that they are then often inclined to use more than one of the methods, all depending upon the necessities of the individual case.

Constant improvements and sometimes radical changes have been necessary in all the large works, and this applies to London, Manchester, Paris and Berlin, and scores of other European cities in some degree, as well as to cities of this country. And in all the necessity for the more complete purification of waste is becoming generally recognized. The great difficulty in this country has been to awaken the public to the necessity of efficient work, and until there is a fair realization of the impossibility of carrying away waste without expending money in the carriage and disposal, the requisite health measures will be delayed. The city of Chicago is now spending the last of thirty two millions of dollars in an effort to remedy its foul conditions, and while the system adopted has been criticized, the courage of the public in pursuing a remedy at so great a cost commands admiration.

Mr. G. L. Hobson, county treasurer of Welland, died at his home in the town of Welland on Aug. 31st last, aged 59 years.

### The County System in Michigan.

Kalaska county is but an average of Michigan's municipalities in the natural condition of its country highways. A few localities being well supplied with good road material while in others it is entirely wanting. As a result the roads of the county are equally varied in their conditions.

For a number of years agitation of the question of better roads was persistently kept up by a few citizens who had some little knowledge of the benefits accruing from good roads. As a result of this agitation it was thought best by those who had it in charge to adopt the system known as the "county road system." The announcement of this decision and the circulation of the necessary petition brought out a storm of opposition very largely from the farming communities. It was urged that the present township system was good enough, that the proposed plan would be too expensive, that higher taxes would be impossible to bear, that the cities and towns would get all the benefits, that it created another county board to be supported out of the general taxes, and more than all else, the county system was new and untried, giving no experience and no precedent to follow. But after repeated trials the board of supervisors were induced to submit the question to the people. By the small majority of seven in the total vote of the county, the people adopted the system and later elected a board of road commissioners, thus setting in motion what has proved in this county after six years' experience, to be a very popular and efficient system of road improvement.

That our people are well satisfied is evident in their constantly increasing demands for improved highways. The only objection to the amount of taxes is that the law does not permit them to raise as much as is desirable for this particular purpose. This is not the opinion of a bare majority but almost a unanimous sentiment. Careful comparison of the county system with the present township system shows conclusively the superiority of the former for all the main arteries of travel. It gives uniform and permanent roads, with less grades, better drainage, at about the same cost and oftentimes less than a common road under the township system.

Now what is it that influences public opinion and has brought about so radical a change in so short a time as six years? I met a certain farmer on the road not long since and, stopping him, asked, "Mr. Jones, why was it you so bitterly opposed the adoption of the county system some years ago?" "Why, I did not know anything about it, and I thought some of you fellows had a scheme on to fleece us farmers with high taxes. I thought the safest way was to have nothing to do with it." Well, now, Mr. Jones, I wish you would be just as candid and tell me why

you changed your mind? "Simply because there was money in it?" For whom? "Farmer." How? "Why, since you fellows have built that road out my way, my farm is worth at least twenty-five per cent. more than it was before, besides in time, wear and tear, and horse-flesh, I am only half as far from the post office, market and grist mill. I used to think I'd rather live in town, the sand, mud and corduroy made me sick of the farm, but I've changed my mind; I wouldn't trade the old farm for the best house in town if I had to live in it.—*The Roadmaker.*

### Radial Railways.

The electric radial railway idea is each year growing in prominence throughout Ontario, and nearly every city, and a number of towns have schemes of greater or less magnitude before them. Electric railways are undoubtedly destined to play a most important part in the development of agricultural districts, with a consequent benefit to the larger centres of population. One of the most recent projects is that at present being urged by Ald. Lamb, of Toronto, who has addressed a circular letter to all the municipal councils within a radius of seventy-five miles of that city, and sent them maps of the proposed routes, calling their attention to the advisability of constructing a system of radial railway lines throughout Central Ontario, and asking them to give the matter their consideration. The proposition is that the towns and townships through which the lines will be constructed shall aid in constructing them, under the powers of the Electric Railway Act. They would not be called upon to contribute any money, but to guarantee the bonds, or subscribe for stock. The lines of railway shown in the map are only prospective, and have not been permanently decided on, so that changes may be made at any time in the future, and the railways carried through all such towns and townships as will assist in the undertaking.

It is the intention that there shall be six main routes, with branch lines, the standard railway gauge being adopted. This system is to be equipped with vestibule cars, at least 75 feet long, having a separate compartment for mail and another for parcels and baskets. There is also to be a smoking apartment. The passenger part is to be fitted up with the most comfortable cushioned seats. There will also be small and suitable freight cars provided, which will be found very convenient to shippers for farm produce, etc. It is proposed that at least 500 miles will be constructed within five years—100 miles per annum.

An Act of Incorporation is being prepared for a company—the Toronto and Central Ontario—with a capital of \$5,000,000, to construct and operate the system in conjunction with the different municipalities:

### Suggested Legislation.

The Ontario Municipal Association, at its recent convention in London, made but comparatively few recommendations for legislative amendment which had direct bearing on the engineering department of municipal government. Clause 2 of the report of the legislative committee, as adopted, reads:

"In cities and towns not adopting the local improvement system under section 682 of the Assessment Act that notwithstanding any petition against the laying down of any sidewalk as local improvement, the council should have power to proceed with the work, if in the opinion of the city engineer and two-thirds of the whole council such work is desirable or necessary in the public interest, and to provide for the cost thereof by special assessment on the property benefited."

In view of section 677 of the Municipal Act, which gives councils of all cities and towns this power with respect to plank sidewalks, it is not fully apparent what object was entertained by the convention. It may have been intended that this power should be extended to permit concrete or other permanent material as well as plank.

Clause 16 of the report, "That the legislature be asked to define and limit the meaning of the term 'non-repair' of highways," will meet with pretty general commendation. The vagueness and uncertainty which has attended the word "non-repair" has been the cause of endless, costly and unsatisfactory litigation. While it is becoming more and more the conviction that unnecessary legislation and such as adds to the extent of verbiage surrounding our laws, should be avoided, yet this is an instance which certainly should justify a more extended definition. A strict and literal interpretation of the law as it now stands does not justify the existence of open drains at the roadside, and as these are a practical necessity in nearly all cases, in this respect particularly, there should be a prescribed standard, or standards adapted to varying conditions of traffic.

Port Arthur is this year laying granolithic sidewalks on their main street. If Port Arthur cannot afford to use plank for this work surely those places in older Ontario, out of the timber region, still clinging to the old practice, must be very extravagant.

Says the *Beeton World*:—There is no sense in the annual visits of Grand Juries to the House of Refuge, but they cost the ratepayers a goodly number of cents. The juries have a nice pleasant jaunt and no doubt are invigorated by the healthy atmosphere of this section, but they cannot accomplish any good for the county or the House of Refuge. The frequent inspection by the county councillors, the inspector and doctor should surely be sufficient to give the public all the information regarding the House of Refuge.

## Annual Reports.

Municipal bookkeeping is a matter which has, during the past few years, received greater attention than formerly in Ontario largely through the appointment of a municipal auditor for the province. Uniform and suitable systems of accounting have been established for the general financial business of the municipalities, and proper inspection has been provided for, thereby rendering loss through dishonest, careless or unintelligible bookkeeping less likely to occur.

Another step in advance which should be urged, is a uniform and more detailed system of accounting with respect to waterworks, electric lighting, paving, sewerage and the other municipal works of less importance. A number of municipalities throughout the province publish annual reports showing very clearly the cost of these works in their various details. Others, however, present merely a list of accounts which have been paid during the year, without any attempt to classify the expenditures under the works to which they belong. This is true of many municipalities, whether townships, villages, towns or cities.

No council should allow this year to pass without doing something towards pacing before the ratepayers, an intelligible report, showing in detail what work has been done, and what has been the cost. Such a report if published annually will afford a means of comparison from year to year, it will indicate where weaknesses in municipal management lie, and will be a stimulus to councillors to secure for their record the best results possible. There are inconveniences connected with the publication of such reports, but they do good in every case, are a profitable investment for the municipality, and no council, anxious to perform their duty towards their constituents can reasonably object to the publicity thus given to their year's work.

The agitation in favor of better roads has reached British Columbia, and a meeting was held on the 27th of September, for the purpose of forming a Provincial Good Roads Association. Many of the leading men of the province are interested in this movement, and F. J. Deane, M. P. P., for North Yale has for some months back been actively engaged in creating a sentiment favorable to organization.

The town of Welland which had succeeded in working up a reputation for bad streets can very soon be placed among the best paved towns in Canada. About \$46,000 is this year being spent in granolithic sidewalks and macadam roadways with the result that the appearance of the town has been completely transformed. All the sidewalks on the principal streets will be laid with granolithic, and the principal thoroughfares will be macadamized. Broken stone for macadam is shipped by rail from Hagersville.

## Good Roads Congress, to be Held in Topeka, Which Mr. Campbell May Attend.

The Provincial Highway Commissioner and the President of the Ontario Good Roads Association have been invited to attend a States Good Roads Congress at Topeka, Kansas, from the 25th to the 28th of this month. Circular letters calling the meeting come from the Governor of the State, the President of the Commercial Clubs, of the Good Roads Association, the League of American Wheelmen, and other bodies. Two members of the National Administration are to be present, along with the Hon. Martin Dodge, director of the office of Public Road Inquiries at Washington, and Mr. E. C. Harrison, the road expert connected with that office. Delegates are expected from many States. The fact that the Congress will last for three days indicates the importance of the meeting, and the way in which our American neighbors are taking up the movement for good roads. It is to be hoped that Highway Commissioner Campbell will be able to represent Canada on the occasion, as he did at the recent gathering at Port Huron.

## Something New.

An eminent Canadian lawyer is said to have given an opinion lately, which, if proven to be correct, will revolutionize a large portion of municipal law. It is, in short, to the effect that the owners of cattle doing damage to property are liable, no matter in what condition the fences are or indeed whether there is a fence at all. This opinion is not without reason. If Smith owns an unfenced field and sows it with grain, and Jones' cattle come and eat it up, surely it is not unreasonable to say that Jones should foot the bill, if he chooses to have cattle he should keep them on his own property. He has no more right to go free of the damage because of there being no fence around the field than a thief would after robbing a house because the door was off its hinges.—*Cardwell Sentinel*.

After a month's absence in New Ontario, Mr. A. W. Campbell, Provincial Road Instructor, has returned to the Parliament Buildings. He has been up in the new country superintending the construction of new colonization roads. Mr. Campbell reports that the roads now being opened up by the Government are very materially aiding in the filling up of the country with new settlers. The growth of population in the new districts, though not phenomenal, is steady. The new settlers are generally well satisfied with the country, although this year the weather has not been favorable to good crops. It was very dry during the early part of the summer, but during the last month there was too much rain. However, the new settlements are thriving in nearly every instance.

## Municipal Improvement Association.

The property owners of North Toronto held a meeting last month for the purpose of organizing a Municipal Improvement Association. An organized effort on part of ratepayers to procure better roadways, better sidewalks, better sewers, better water supply, better parks, to plant shade trees, to stimulate an interest in the beautifying of lawns and private property, can hardly be too strongly urged. Such associations encourage a more liberal knowledge among citizens of municipal affairs. They organize for support of progressive councilors and weed out those who obstruct the advancement of the general good. There is no more certain sign of municipal health than to find the citizens in this way showing their interest in the public welfare. Such associations have done a most praiseworthy work in the United States, and it is most encouraging to find them making their appearance in Ontario.

Municipal ownership, which has been tested and found generally successful in Great Britain, is being introduced in Canada and is bound to become popular. The people are reading and thinking, and one of the features of our public life in the 20th century will be a demand, strong in its catholicity for the national ownership and control of railway, telegraph and telephone lines and similar enterprises, as well as our great natural resources in timbers and minerals. Our mineral wealth is vast and can hardly be estimated. Why should all this wealth pass into the hands of a few private individuals when the output of the mine could be made to swell the coffers of the national treasury and provide for the needs of the people and also lighten their burdens? Municipal ownership has received a very strong endorsement in Brockville, where the by-law to raise \$100,000 to purchase the electric and gas plant of the Light and Power Co. of that city was carried by a large majority. The city of St. Thomas is considering the advisability of operating its own street railway, and other Canadian municipalities are moving in the direction of civic control in their respective localities just as the people of the nation are progressing by a process of evolution, slow it may be, towards the idea that people should control the great resources of their own land and that legislation should have for its aim the greatest happiness for the greatest number. Hugh John Macdonald was wise in his day when he declared himself so emphatically on the railway question in Manitoba a few months ago.—*Dundas Banner*.

The council of the County of Waterloo, at its June session, appointed a special committee to draft a memorial to the Ontario legislature regarding the improvement of public highways and the establishment of a uniform system for the expenditure of statute labor.

# Question Drawer.

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

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

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

### Non-Repair of Highway—Liability for Accident.

**367.—RATEPAYER.**—The overseers on the town line between the townships opened a gravel pit on the roadside to within three feet of line fence and about eight or ten feet deep. A ratepayer had his cattle running at large and while driving them home two of his cows went on bank between fence and pit and fell in and one was killed. Are the townships liable since they were in his charge at time of accident, both townships having by-laws prohibiting cattle running at large?

At the time the accident occurred the road was in a dangerous condition and the cattle were lawfully on the highway, being driven home in the charge of their owner. We are of the opinion, therefore, that the adjoining municipalities are liable, if they have been served with the notice mentioned in subsection 4 of section 606 of the Municipal Act (62 Vic., Ont. stats., chap. 26, sec. 39) and if the action be brought within three months from the happening of the accident. (See sec. 606 of the Municipal Act, subsection 1)

### Entry of Statute Labor Defaulters on Collector's Roll.

**368.—C. H. S.**—In our township it has been the rule to ask the overseers of highways to make their returns of statute labor unperformed by the first of August of each year and the clerk who preceded me always entered it on the roll the same year. Now I find that is not according as the statute directs as the overseers have until the 15th November to make returns, and the unperformed labor must be entered on the roll the next year. Would you advise me to adhere to that? If I do there will be no statute labor entered on the roll this year.

The law at present is that all statute labor lists shall be returned to the clerk of the municipality prior to the 15th day of August in each year, (see sec. 10, subsec. 1 of the Assessment Act, as amended by sec. 9 of chap. 27 of the Ont. stats. 1899, 62 Vic.), and that the clerk shall enter the commutation for statute labor against the names of the defaulters in the collector's roll for the year following that in which they were returned. (See subsec. 1 of section 110 of the Assessment Act, latter part). As the law now is, the commutation cannot lawfully be entered on the collector's roll until the year following the return of unperformed statute labor.

### Cellar Drainage in Village.

**369.—G. H. B.**—The village council are putting down a new drain on William street to replace one that has filled up and become too small. Have the council power to assess the residents on the said street for draining their cellars into the new drain? The old drain was put down partly by subscription and partly by the municipality.

Parties using and benefited by the construction of this drain can be assessed

for a portion of the cost of the construction, equal, in the opinion of the engineer having the work in charge, to the amount of benefit derived by each of them respectively, provided the council passes a by-law for the doing of the work and assessment of the cost pursuant to section 664 and following sections of the Municipal Act.

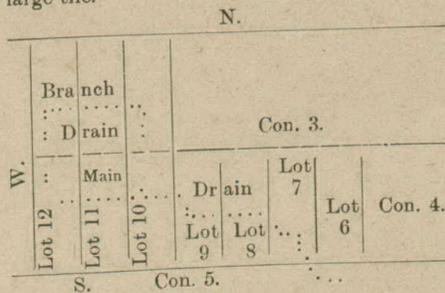
### Council Should Not Buy Road for Private Individuals.

**370.—W. J.**—There are three families who have bought lands in a backward place where land can be bought for \$1 per acre, and all the land in that place is only assessed for \$800 or \$900. They have come to the council asking them to build them a road. It is impossible for us to follow the concession only part of the way. They have brought in a petition asking us to buy the right of way across certain lands which would cost the township about \$2,500 or \$3,000 to buy and build the road. Are we obliged to give them a road?

Unless the necessities of the locality or public convenience requires the purchase and opening up of the road (which your question does not indicate) the council should not provide a road for these parties, but should leave them to provide one at their own expense. (See question No. 342, 1900, September, page 145)

### Parties to Drainage Petition.

**371.—F. G. J.**—Below you will find a diagram of a proposed drain in our township. Those at the lower end of the drain do not care about having it put through, while most of those at the upper end are anxious to have the whole drainage work performed. The drain below the forks will be open and probably part of that on the main drain above the forks. Where the branch drain now is there is an open ditch and those on the branch wish the whole constructed as it will give them an outlet which they are in need of. Have those on the branch an equal right to sign the petition with those on the main drain? The branch will be tiled with large tile.



We assume that the drainage works you describe are to be constructed under the provisions of the Drainage Act (R. S. O., 1897, chap. 226). If the engineer, upon making an examination and survey of the territory proposed to be drained, finds that some of the persons assessable are liable

for outlet liability only, such persons cannot be counted for or against the petition. See subsection 4 of section 3 of the Drainage Act.

### Height of Legal Fence.

**372.—W. S.**—What is the height of a legal fence? I mean how high must a fence be between lots? Two farmers are not agreeing about line fence between them, so they have called on the fence-viewers and they need light on the case.

Unless the council of your municipality has passed a by-law pursuant to subsection 3 of section 543 of the Municipal Act, the fixing of the height of the fence is the duty of the Fenceviewers. Subsection 1 of section 7 of the Line Fences Act (R. S. O., 1897, chapter 284) provides that their award "shall specify the locality, quantity, description, and lowest price of the fence it orders to be made" and subsection 2 enacts that "In making the award, the fenceviewers shall regard the nature of the fences in use in the locality, the pecuniary circumstances of the persons between whom they arbitrate, and generally the suitability of the fence ordered to the wants of each party." If the council has passed a by-law pursuant to subsection 3 of section 543 of the Municipal Act, the fenceviewers should be guided by its provisions in regulating the height of the fence.

### Money By-Laws.

**373.**—There are in the town of Thorold several quarries. The owners of same are desirous of getting railway connections by the means of a siding so as to save long teaming of their stone. They offer to sell to the town of Thorold 1000 cords of stone for \$2500 (twenty-five hundred dollars), said stone to be used for street purposes, said money to be paid to the railroad by the town on completion of said siding and stone delivered.

1. Can a by-law be legally submitted to the ratepayers to raise said money for said purpose in the way described?
2. If so, under what head must said by-law be submitted?
3. What numbers of votes will be required to carry said by-law, the number of freehold voters on roll being 450?

If we understand the purpose of the proposed scheme the question is whether the town council has power to purchase 1,000 cords of stone for \$2,500 for the purpose of repairing its streets. As the corporation is bound to keep the street in repair, it must impliedly have power to purchase material to enable it to do so. Section 384 of the Municipal Act gives the council power to pass by-laws for contracting debts for any purpose within the jurisdiction of the council. The assent of the electors must, however, be first obtained in the manner provided by section 338. See also section 389 of the Municipal Act. For the persons entitled to vote on such a by-law, see sections 353 and 354 of the Municipal Act. If the by-law receive the assent of a majority of the votes polled that will be sufficient.

### Drainage Act Amendments, 1900.

**374.—O. J. W.**—I noticed in the July number of THE MUNICIPAL WORLD the amendments which have been made in the Drainage Act and

I may say that there has been a great difference of opinion in our council as to how those two sections (namely 77a and 10a) would apply. Would you outline the meaning of those two sections?

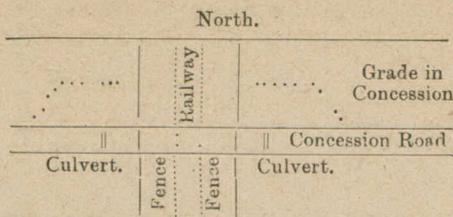
There is a drain in our township which has been brought under the Drainage Act where three parties form the drainage area, namely, A, owner of 100 acres, B, owner of 100 acres and the township. We have been notified by A that this drain is in a bad state of repair and that he holds the township responsible, etc. The preliminary expenses would be about \$90, while \$50 would relieve A. We have met A and B with a view to each party doing a portion of the drain without bringing on an engineer, but B refused. Would section 10a apply to such a case, or would the drain first have to be repaired with money, and a provision in the report that after it is repaired so much would be A, B and township's share as laid out in report?

We must confess that the sections you refer to are somewhat difficult of construction and application, in the absence of judicial interpretation of their meaning, and connection with the other sections of the Act. However, we are of the opinion that when a petition for the construction of a new drain is presented to the council, or it becomes necessary to repair or improve an existing drain under section 75 of the Drainage Act, a by-law may be passed providing for the future maintenance and repair of the drain, by owners assessed for benefit "to the extent and in the manner or proportion and for the distance determined by the engineer," pursuant to section 77a, and that the engineer in his report for the construction or cleaning out, repair, etc., of the drain, as the case may be, should state the proportion of drain which shall be, by each owner assessed for benefit, etc., cleaned out and kept clean, etc." Proceedings must first be commenced for the construction or cleaning out, repair, etc., of a drain, before the provisions of these sections can be invoked. In the case in hand the engineer must make an examination and report under section 75, and the engineer may, in his report, invoke the powers contained in sections 77a and 10a and the council may then pass a by-law under the powers of these two sections giving effect to the engineer's report.

#### Opening Road Across Railway.

**375.**—W. R. M.—We are opening a concession across railway track; the land on either side of the railway is low and the railroad track is raised up by filling in. There will be two culverts required one on each side of railway. These culverts would be outside of railway's line fence but close to the fence and under the grade made to cross over the railway track. The railroad roadmaster says the company will put in one on the west side of tracks and the townships will have to put in the one on the east side.

1. Whose duty is it to put in these culverts?
2. Can the railroad be compelled to put in both?
3. Is there a legal grade that railway companies must follow in making crossings over their tracks?
4. If there is, what is it?



1. The duty of the municipality, unless the railway company agrees or consents to do the work or part of it.

2. No.

3 and 4. Yes. See subsection 3 of section 207, R. S. O., 1897; chapter 241, R. S. O., 1897, and sections 184, 185, 186 and 187 of the Railway Act passed by the parliament of Canada on the 22nd May, 1888. These provisions do not appear to apply to this case because the highway was not opened up for public travel at the time the railway was constructed. These provisions appear to apply to a case where the railway is constructed along or across a highway *de facto*, that is, one which has been graded up and made fit for public travel.

#### Subway for Cattle—Road By-Law.

**376.**—A. R.—Our council wishes to allow a man to make a subway for cattle under the road. Will it have to be advertised the same as opening a road? What steps should be taken?

2. Our council in 1869 passed a by-law opening a line of road commencing at the shore of the lake and continued on across lots and parts of three lakes. The people understood that it was intended for a winter road only, but by-law does not say anything about winter road. An agreement is found from the person whose land the road crosses (or part of it) and receipt for \$— in full for damage for land taken, but to be used for winter travel. The road has never had any work or statute labor done thereon. Can the council be compelled to put said road in repair or can it be closed up?

1. The council should pass a by-law pursuant to subsection 5 of section 637 of the Municipal Act. It need not be advertised.

2. The language used in the by-law as passed by the council must govern, and the road can be closed only by by-law passed by the council, under the provisions set out in section 632 of the Municipal Act. As long as the road remains open, it must be kept in repair and in a safe condition for public travel by the council.

#### Who Pays the Surveyor.

**377.**—J. B. M.—A certain public road being a concession, having never been opened for public travel, being too rough. At our last meeting of the council one or two of the farmers living adjacent applied to the council to have the road surveyed so as to give them the right line on which to build their fences. The council objected, saying they would have to employ the surveyor at their own expense. Were they justified in so doing, or would the township have to employ the surveyor and pay him to find the right line for these farmers?

The council does not appear to be interested in this matter in any way, and acted properly in refusing the request of the farmers. If the employment of a surveyor is necessary to ascertain the

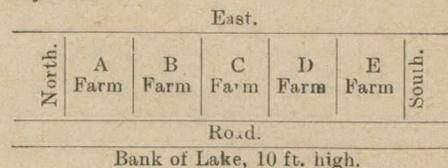
boundaries of their farms, they should employ and pay him themselves.

#### Expropriation of Land for Widening Road.

**378.**—ENQUIRER.—1. A, B, C, E have built breakwaters down to the water's edge and caught the sand that comes up out of the lake and thereby prevented the water from washing away the road in front of their farms. D has not done this and the water has washed away the road in front of his farm until it is no longer safe for travelling. Can the council compel D to give sufficient land from his farm to widen the road?

2. If so, how?

3. If the council have to buy the land from D and he asks more for it than they feel disposed to give him, how can the price be adjusted?



1 and 2. If it is necessary for the safety and convenience of the public that the road should be widened opposite D's land, the council may, after passing the necessary by-law, enter upon, take and use such portion of D's land as may be necessary for the purpose. See sub-secs. 1 and 2 of section 637 of the Municipal Act.

3. If the price to be paid for the land so taken cannot be mutually agreed upon between the council and D, it should be determined by arbitration under the Municipal Act. See the latter part of section 437. As to the appointment of arbitrators, see section 448 and following sections of the Act. As to the mode of procedure of the arbitrators and the method of conducting the arbitration, see section 458 and following sections of the Act.

#### Cattle at Large on Railway.

**379.**—R. A. S.—1. Is there any Act in force which would make corporation liable to railway company for any damage done by cows running at large? This question came up as follows: A few days ago a cow running at large attempted to cross one of the railway cattle guards and in so doing got her foot caught in the guard. Had the cow got caught a few minutes earlier she would have been run into by the train and might have caused considerable damage to the company's property. This brought up the liability of the corporation. The station agent contended that the corporation would have been liable to any damage sustained by the company through the cow being on the track. In looking up the Railway Act of 1888 I find that no cattle are allowed to run within one-half a mile of railway crossing or track, but can find nothing making the corporation liable. We have a by-law in force which allows cows to run at large on the streets under certain conditions as to the hours they are to run. Would this by-law make the corporation liability any greater?

2. I see by the R. S. O., vol. 2, page 3211 re pounds (2) which reads as follows: "The owner of any animal not permitted to run at large by by-laws of the municipality, etc." Would this mean that if this municipality did not pass a by-law permitting cattle to run, that under the Pounds Act cattle could not run? I would like to know if such is the construction you put on the Act.

1. We are of opinion that the municipal corporation would not have been liable to

the railway company if damages had been occasioned by reason of the cow being on their track, under the circumstances stated.

2. No. This section provides that, in the absence of such a by-law, "the owner or occupant of any land shall be responsible for any damage caused by any animal under his charge and keeping, as though such animal were his own property, etc."

Incorporation of Village into Town—Arrears of Interest on County Rate.

380.—A. Z.—1. What course must the council of a village take for the incorporation into a town?

2. Is it legal for the county treasurer to appropriate taxes, collected for a certain municipality, in payment of a debt of interest owing the county for the past ten years?

1. The proceedings necessary will be found fully set forth in section 20 and following sections of the Municipal Act

2. Yes. See sections 267 and 268 of the Assessment Act.

Voter's Land Wrongly Described.

381.—P. S.—In a voters' list a voter is entered for the wrong lot.

1. Does it prevent him from voting?

2. Is it sufficient ground for appeal to a judge?

3. In case of no appeal and the certified copy being made by the judge would the list be quite legal even if the wrong lot had been entered opposite the name of a voter?

1. No. An error in the name or description of the voter does not prevent him from voting, provided, if objected to, he can take the oath which requires him to swear that he is the "person named or intended to be named on the list of voters then shown to him. See section 112 and following sections of the Municipal Act, and Forms 6 and 16 and following forms appended to cap. 9, R. S. O., 1897.

Local Improvement By-Law.

382.—J. M.—We have a local improvement by-law passed under sections 664 and 665. It is a general by-law, pursuant to section 667. The by-law was not submitted to the electors under section 682. It is not, therefore, compulsory, but simply optional. The language of the by-law is "From and after the 1st day of May, 1899, all future expenditures in the village of Chesley for the several classes of works, improvements and services hereinafter mentioned for which special provisions are made in section 664 of the Municipal Act, that is to say, (then the improvements are mentioned and include sidewalks and macadamizing roads) may be by special assessment on the property benefited, etc. The by-law provides for petition for the work and for notice of intention to be published by the council, and generally all the machinery necessary for a local improvement system.

1. Can we pass a by-law under section 678, as amended by Act of 1900, to raise 40 per cent. of cost of granolithic sidewalk or on work of macadamizing principal business street?

2. Can we be said to have "adopted the local improvement system" within the meaning of the section, unless we have made it binding under section 682?

3. Is there any authority for inserting a clause in a local improvement by-law, providing for a payment of part of the cost of macadamizing the principal business street by the municipality generally?

I observe that a model by-law published in government report on roads for 1897 contains precisely such a clause, and in that case the by-law made all future expenditures compulsory by local improvement.

1. Yes.

2. No.

3. Yes.

Working on Statutory Holiday—Limit of Taxation—Enforcing Payment of Poll-Tax—Early Closing By-Law.

383.—SUBSCRIBER.—1. Is it an offence punishable by fine, to work on a statutory or civic holiday under proclamation of the mayor?

2. The law says 2 cents on the dollar is the limit for municipal councils to impose tax. Has this anything to do with debenture tax? Say debenture tax was 2 cents and municipal 1 cent, in all 3 cents, is that illegal for the year?

3. In collecting poll-tax on whom rests the onus of proving tax paid elsewhere or not being of age? What notice to pay must be given?

4. Under conviction by a municipal by-law, why must one distrain before imprisoning? In some cases it allows the defendant to escape.

5. Is it a violation of early closing by-law to sell bread or necessaries of life?

1. No.

2. If the debenture rate is one chargeable to and payable out of the general funds of the municipality, it is to be taken into consideration in arriving at the two cent limit, but if this debenture were given to secure payment of a debt incurred for local improvement or school purposes, they are not to be included. See section 402, sub-section 1 of the Municipal Act.

3. On the person charged with and presumably liable for the poll-tax. See section 99 of the Assessment Act. A written or verbal demand on the person liable for the poll-tax by the party appointed by by-law of the municipality to collect the same. By section 10 of the Assessment Act, the tax is payable after two days from the demand. See also section 97 of the Act.

4. Because the legislature has so enacted by statute. See section 705 and 706 of the Municipal Act.

5. Yes, unless the sale can be justified under clauses (a) or (b) of sub-section 1 or sub-section 11 of section 44 of chapter 257, R. S. O., 1897.

Impounding of Sheep on Sunday.

384.—SUBSCRIBER.—In our township we have a by-law forbidding sheep to run the road. A's sheep pastured on road most of summer, and got into B's crop through the fence on several occasions. B put sheep in pound on Sunday. A went to poundkeeper to get them out; poundkeeper would not do business on Sunday. He turned sheep on road Monday morning for the reason that they were put in pound on Sunday.

1. Was poundkeeper justified in taking them in on Sunday when B could just as well have pounded sheep on a week day?

2. Is poundkeeper responsible to municipality for turning sheep on road, no damages being claimed by B?

3. Can A have B hauled up for pounding sheep on Sunday, as A threatens to do?

1. Yes.

2. No.

3. No.

Levy of General School Rate—Taxation of Land Owned by Municipality—Place of Meeting of Council.

385.—J. J.—There are five public schools and several union schools in or connected with this municipality. The township clerk for the last three years in raising the general school levy, struck a rate on the assessed value of these five sections lying wholly within the municipality sufficient to raise \$750. Then he struck a separate rate for each particular union section, sufficient to raise the amount called for for that section by the assessor's equalization. Thus the general school rate was not uniform throughout the municipality.

1. Is this the correct way to raise the general school levy? See section 66 (2), P. S. Act.

2. If the rate was incorrectly levied, has the council authority this year to correct the error by levying on and collecting from those sections benefited by the error, a sufficient rate to adjust the matter so that these school sections shall not escape their just proportion of the general levy for the past three years?

3. If a part of the trustees' levy is uncollectable in any year, can the council lawfully increase the trustees' levy for the following year by this uncollectable amount so that each section shall itself pay the full amount of the trustees' levy?

4. Should lands bought by the municipality at the adjourned land sale for taxes be taxed for school purposes? That is, should they be assessed to the municipality and taxed like other property?

5. There are two halls owned by this municipality—one called the town hall and the other the municipal hall. Is it not immaterial in which hall the first meeting of the council is held, as both are township halls?

1. No. The rate should be uniform, levied upon the taxable property of the public school supporters of the whole township.

2 and 3. Yes, provided more than three years has not elapsed since the making of the error. Sub-section 3 of section 67 of the Public Schools Act provides that, "every municipal council shall have power, and it shall be their duty to correct any errors or omissions that may have been made within the three years next preceding such correction on the collection of any school rate duly imposed or intended so to be, to the end that no property shall escape from its proper proportion of the rate, and that no property shall be compelled to pay more than its proper proportion of such rate."

4. No, if unoccupied or occupied for the purposes of the municipality. Sub-section 7 of section 7 of the Assessment Act exempts from all taxation. "The property belonging to any county or local municipality, whether occupied for the purposes thereof or unoccupied; but not when occupied by any person as tenant or lessee or otherwise than as servant or officer of the corporation, for the purposes thereof." Where land is purchased by a municipality at a tax-sale it is liable to be assessed in the same way as previous to the purchase by the municipality, until after the expiration of the time for redemption, after that it is exempt under the sub-section above quoted. See note (§) on page 8, Glenn's Assessors' Guide, (second edition, 1900.

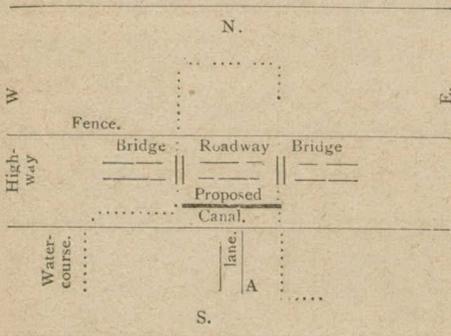
5. Section 265 of the Municipal Act, provides that "all the meetings of every

other (that is other than a county council) council shall be held at such places, either within or without the municipality, as the council from time to time appoints by by-law or resolution on adjourning, and every such resolution shall be entered upon the minutes."

#### Can Water be Taken Out of Its Natural Course?

**386.**—J. H.—Is it legal to change a natural watercourse in case no damages are incurred to any individual?

You will see by the diagram that the watercourse crosses the road twice in a short distance, and the council proposes to do away with both bridges and dig a canal on road allowance but at side of roadway. The difficulty is, A lives on south side of road and objects to having the canal dug, even if the council will build a bridge across the canal to give him a crossing over the same. The watercourse is not a creek running the whole year round, only in spring and fall of the year. The most easterly bridge is at the foot of a quicksand hill and has proved itself to be very difficult to keep in proper repair.



It is a principle of law that a natural watercourse cannot be diverted, but whether this is a natural watercourse or not we cannot say. If it is a course having well-defined banks on either side it is a natural watercourse in law, even though it may be frequently dry. If it is a natural watercourse the council have no right to divert it. On the other hand, if it is not a natural watercourse the council may do what is proposed to be done without incurring any liability beyond entitling A to damages for any injury which he may show he has sustained by reason of the work.

#### Cattle Wrongfully on Highway.

**387.**—H. E. M.—A cow, permitted to be at large upon a highway within half a mile of a railway crossing, no person being in charge, fell through a bridge partly constructed by the corporation on the highway within the half-mile, and was killed. Under a town by-law, cows are allowed to run at large.

I wish to know if section 103 of chapter 207, R. S. O., being the Railway Act applies, or whether said section has only a limited application to accidents taking place at crossings?

The provisions of your town by-law permitting cattle to run at large, are subject to those of section 103 of the Railway Act, prohibiting cattle from running at large within half a mile of the railway. Sec. 103 applies to this case, provided the railway is one that is subject to the legislative authority of the Legislature of the Province of Ontario. (See section 45 of the Act.)

#### Municipal Reform in the United States.

A history of the surprising number of municipal reform organizations that have been inaugurated in the United States, together with the excellent work effected by them, has recently been published in book form in the United States. The volume contains much that will be of the greatest interest to those who are striving so hard to plant municipal reform on a lasting basis in Canadian cities.

Clinton Woodruff, an authority on municipal politics, writing in the publication referred to, says: "When we review the official recognition and protection of vice and immorality in many of our large cities, utilization of public power and office to serve private ends, the prevalence of office blackmail, the prostitution of public offices and contracts to serve mean and selfish ends, the sinister influence of corrupt corporations present a picture at once dark and forbidding, and constitute a problem of serious import and difficulty. The situation, though, is far indeed from being hopeless; for every year now brings new forces into the field to combat the forces of municipal evil. Every year witnesses a development of public sentiment in the direction of higher municipal standards, and advance along definite lines. Widespread municipal corruption cannot long prevail in the face of widespread investigation and efforts to improve."

It is shown that municipal leagues, which were started in 1894, have been steadily growing in strength, while every year since has seen a large number of clubs inaugurated. In three states, civic reform has occupied a prominent place during the past two years. These states were California, Wisconsin and Minnesota. The results in San Francisco have been such as to encourage other cities and states to take active measures to secure civic reform. St. Paul and Duluth have also passed new charters, on reform lines, that promise great things for the future. In Iowa a recent legislative act authorizes the appointment of a municipal commission. In Wilmington, Del., the Board of Trade has continued without abatement determined efforts for a reform charter. The aldermen of Pennsylvania are at work on a new act to improve the civic system now in vogue. During the past year the application of a reform charter in Baltimore was attended by a considerable reduction in taxation and a thorough reorganization of all branches of civic government. The improvements in the police, fire and other departments were especially marked. Equally marked improvements have followed the adoption of reform principles in other cities.

It is stated that in many cities the immediate results of reform movements have been the establishment of public baths, ice plants, municipal lodging houses, additional parks, playgrounds, public squares, and very many similar improvements. The Women's Improvement

Associations are praised for the valuable aid they are giving the civic fathers in bettering the condition of the masses, and improving the civic service.

The aid given by boards of trade and commercial bodies in the work of civic reform, is counted on as one of the most powerful influences of the movement. Their influence is shown to reach an important class which is inaccessible to all other agencies. The efforts of such bodies as the Merchants' Association of New York, the Commercial Club of Indianapolis, the Merchants' Association of San Francisco, the Pittsburg Chamber of Commerce, the Scranton Board of Trade, etc., when they threw their weight into agitations for civic reform, were demonstrated to have effected the most astonishing results. In conclusion it is declared that in any community long continued and conscientious efforts for municipal reform will certainly result in a purer system of municipal administration.

The publication of such information about the success of the reform movement will no doubt lend new zeal to cities already engaged in the work of civic reform, and encourage other cities long saddled with the boodling octopus, to be up and doing to secure an honest expenditure of all civic moneys.

The *Stouffville Tribune*, referring to the recently-appointed assessment commission, says: This is a move in the right direction. There are many anomalies in our present assessment law. It is now a law of shreds and patches, difficult to interpret and is not equitable in its application. Every member of the house seems to think the Assessment Act is a fair subject to experiment upon, and in the absence of anything else to do, starts in to put another patch on the Assessment Act. The changing conditions in a new country, of course, call for changes in our laws to meet them, but hastily considered amendments to such an important law should be avoided. It is to be hoped that this commission will be able to construct an Act that will be equitable, effectual and easily understood and applied.

#### A Sure Thing.

Silas—Hiram says he really expects ter git elected ter de office of constable this time, fer sure.

Joshu—He does? Why, what's his politics? He hain't fer expansion ner free silver.

Silas—Oh! they say he's got a scheme ter make the foreigner pay all the ertainal revenue tax. He sprung it down ter the store the other evenin', an' it took like hot pancakes.—*Puck*.

"I never sold a vote in my life," said the old colored campaigner, "but I hez foun' lots er five-dollar bills a-layin' in de road clost by whar de 'leckshun wuz gwine on!"—*Atlantic Constitution*.

## Legal Department.

J. M. GLENN, Q. C., LL. B.,  
OF OSGOODE HALL, BARRISTER-AT-LAW.

### Bridge Co. Must Pay Taxes.

Judgment has been rendered in the case of Niagara Township vs. the Queenston Bridge Company, which places an assessment on the bridge of \$40,000.

It is a hard throw-down for the scrap-iron assessment and their honors evidently do not consider that the pretty structure spanning the Niagara gorge at Queenston is just so much refuse material.

It will be remembered that the argument was heard in this town more than a month ago before a special commission composed of Judge Carman of Lincoln, Judge Snyder, of Wentworth and Judge Fitzgerald of Welland. It was a test case of very great importance to the town.

Niagara township placed a nominal assessment on the bridge of \$100,000. The evidence submitted by the Bridge Company was intended to show that the value of the bridge was only what it would bring if torn down and sold for scrap iron.

General will be the rejoicing that the judges have looked at the matter in the interests of the people, and have refused to allow the big corporation to beat the township out of taxes justly due.

Niagara Falls should now see to it that the bridges within the municipality pay a fair assessment.—*Record.*

### Re Reddock and City of Toronto.

This was an appeal from order of Street, J., refusing a motion to quash the by-law No. 3,764, as amended by by-law No. 3,778, passed by the council of the City of Toronto, providing for the closing of shops, butchers and grocers, at 8 o'clock on certain days and at certain times during each year. It was contended for appellant, inter alia, that the by-law was bad as well as being indefinite and unjustly discriminating against certain shops; that it was bad because passed upon a misrepresentation of facts, viz., that a majority of ratepayers had signed the petitions for its passage, whereas as a matter of fact the majority had not signed nor had the committee of council any authority to report to that effect, nor was the report either true in fact or having relation to the provisions of R. S. O., ch. 257, and that, further, the parties interested were not notified and notice of the consideration, the passing and the amendment of the by-law should have been given to them. Counsel for Toronto, opposed the appeal. Held that the council is invested with full power and authority under the municipal act to pass the by-laws in question and their discretion could not be interfered with if they choose,

as in this case, regularly to exercise it. Appeal dismissed with costs.

### Bogart v. Township of King.

Judgment in action tried without a jury at Toronto. Action to restrain the levy of a rate under a by-law of the defendant corporation giving a bonus to the Schomberg & Aurora Electric Railway Company, and providing for the levying of a rate. Held, that the clerk of the defendants was bound by sec. 129 of the assessment act to include the rate in question in the collector's roll; the Council had by the by-law ordered a certain sum to be levied, and the clerk rightly calculated the amount chargeable against the plaintiff, and set it down in the roll; it was not necessary for the Council to do anything further, either because of sec. 402 or otherwise. *Clarke v. Town of Palmerston*, 6 O. R. 616, distinguished. Held, also, that the rate could be levied notwithstanding that the debentures had not all been sold. Held, lastly that the tax could be levied notwithstanding that it had not been collected for the first year. Action dismissed with costs.

### Rochester vs. Corporation of City of Ottawa.

The defendants appealed from judgment of Falconbridge, J., upon the report of the Master at Ottawa, finding plaintiffs entitled to \$450 damages, and directing the defendants to restore a drain known as the Crannell drain, and to provide suitable and proper drainage for the plaintiff's premises, now on Preston street, in the city of Ottawa. The Master found that the plaintiffs had a right to use the Crannell drain, and the defendants, in digging and filling the trenches, when putting in their waterworks system, cut and then blocked the said drain, and that in altering the grade on Somerset street caused surface water to flow on plaintiff's property which had not formerly flowed there and damaged it. The defendants contended that on the law and the facts the plaintiffs have no right to use the Crannell drain; that the contractors, in respect of the waterworks, are liable for damages, if any, and that they were not guilty of negligence in altering the street grade. Appeal dismissed with costs.

Mr. C. B. Bennett, of Port Robinson, a member of the Welland county council, was appointed treasurer of that county to succeed the late Mr. G. L. Hobson, at a special meeting of the council held on the 13th September last.

It is hard to say which is the most helpless, the little baby or the great big man when he is asked to hold it.

### Township of Tilbury West v. Township of Romney.

Judgment on appeal by plaintiffs from order of Rose, J., affirming order of local Judge at Chatham staying proceedings. Action to recover \$7,480.20 (and interest), the shares of defendants in the amount of the cost of the "Big Creek Drain," in the County of Essex, pursuant to the report of the engineer appointed by plaintiffs. The order in appeal stays proceedings in this action pending the appeal to the Supreme Court of Canada in an action of the Sutherland Innis Co. v. Romney, brought by landowners in the township of Romney to set aside a by-law of said township, adopting the said report, and to prevent the assessment of the plaintiff's land to provide part payment for the drain. It was contended for plaintiffs that their action is properly constituted and that they have a valid cause of action; that they are not parties to the action of *Innes v. Romney* and cannot be affected by the results, and that defendants have no defence and are estopped from questioning the report because they have not appealed against it, but, on the contrary, recognized their liability by passing a by-law pursuant to it, and making assessments and levying rates and issuing debentures thereunder, and also standing by while the plaintiff's completed the work and then using the drain, and that at all events a stay should not be granted until after delivery of defence. Held, that plaintiffs in bringing this action are pursuing an undoubted right, and that they are not doing anything of a vexatious character. See *Higgins v. Woodhall*, 6 T. L. R., and *G. N. W. Central Ry. Co. v. Stevens*, 18 P. R. 392. Appeal allowed with costs here and below.

### Town of Whitby v. Grand Trunk Railway Co.

Judgment in action tried at Whitby. Action to recover \$50,000, the amount of the penalty in certain bond agreements made by the Port Whitby & Port Perry R. W. Co., whose successors are the defendants. The amount of the bond was paid to the said railway company by way of bonus to build the road, and the company agreed to establish and maintain its chief workshops and head office in the town of Whitby. The plaintiffs also claim in the alternative damages for the breach and an order for the restoration and user by the defendants of the shops. Held, that the obligation of the bond was cast upon defendants as successors to the Port Whitby, etc., Company except as to head offices, the provisions as to them being superseded by legislation, but the same statute (45 Vic., ch. 67, sec. 37, and sched.) preserves the rights of the plaintiffs to the workshops. Reference directed to fix damages sustained by plaintiffs. Further directions and costs reserved.

### Selecting Jurors.

The mayor, reeve, the city, town, village or township clerk, and the assessor or assessors, if there be more than one, of the respective towns, villages or townships, in Ontario are *ex-officio* the selectors of jurors for every township and village, and for each ward of every such city or town. They are required to assemble annually on the 10th day of October, at the place where the meetings of the council of the municipality are usually held, or at such other place within the municipality, as may, for that purpose, be appointed by the head of such municipal corporation.

Before entering upon the performance of their duties the selectors are required to make and subscribe before a justice of the peace an oath or affirmation, as follows: I, A. B., do swear (or affirm as the case may be), that I will truly, faithfully and impartially, without fear, favor or affection, and to the best of my knowledge and ability, perform the duty of a selector of jurors, and will select from the proper lists the requisite number of the most fit and proper persons to serve as jurors for the year of our Lord 19 . So help me God.

#### SELECTION.

First, the selectors are required to write down on one or more sheets of paper twice as many names of persons appearing by the voters' list or assessment roll to be possessed of the requisite property qualifications or otherwise duly qualified to serve on juries, as have been required by the county selectors to be selected and returned from the township, village or wards of the municipality. The clerk is required to produce for the information of the selectors, the proper voters' list and assessment roll. In selecting the names for the list mentioned, the selectors are required to proceed from letter to letter in alphabetical order, and write down the names consecutively of all those persons qualified to serve on juries, and not exempt by law, and at each subsequent annual meeting the selectors shall begin at the letter next to that at which they left off the proceeding year, and so on until they have gone through all the letters of the alphabet, when they again begin with the letter A. When the selectors have obtained the names of a sufficient number of duly qualified persons, and before they have exhausted the entire number of those qualified in any one letter, they are required at the next annual selection to commence at the beginning of such letter, but shall not select from the names any persons that were written down and selected from, and returned the preceding year. The selectors shall select from the list at least two-thirds of the persons whose names they have so written down, who, in their opinion, are best qualified to serve as jurors and shall place a number opposite each name of the said two-thirds so selected, and shall then

prepare a set of ballots of uniform and convenient size, such ballots shall be numbered to correspond with the numbers opposite the names of the two-third selected, and the selectors shall then proceed to ballot for jurors until the number required from every such municipality by the county selectors has been selected.

#### BALLOTING.

Place all the ballots in a box, which shall be then shaken so as to mix them, and the selectors or one of them shall then openly draw from the said box indiscriminately one of the ballots, and declare the number of such ballot, where upon the clerk or one of the selectors present shall immediately declare the name of the person opposite whose name the corresponding number is on the list, and the name and addition of the person whose name is so selected shall be written down on a piece of paper provided for that purpose, and the selectors are required to continue until the necessary number has been completed. After having made such selections by ballot, the selectors shall distribute the names of the persons so balloted into four divisions, the first to consist of persons to serve as grand jurors in the high court, the second, of persons to serve as grand jurors in the inferior courts, the third, of persons to serve as petit jurors in high court, and the fourth of persons to serve as petit jurors in the inferior courts, and shall make such distributions according to the best of their judgment.

#### REPORT.

The selectors are then required to make a duplicate report, under their hands and seal, of the selection, ballot and distribution, which report is required to be in the form of schedule A, of the Jurors Act. One of the reports shall, on or before the 25th day of October, be deposited with the clerk of the peace for the county in which the municipality lies, and the other duplicate with the clerk of the municipality. The clerk of the municipality is required to keep a book and enter the dates of the meeting of such selectors of the municipality, the persons present thereat, and the letters of the alphabet from which the selections of names of persons are from year to year made.

#### FEEES OF SELECTORS.

For making the selection and distribution of jurors, the selectors are entitled to such sum of money as is authorized by the council of the municipality.

At the recent meeting of the Oxford Municipal Clerks' Association, the cow tag by-law came up for discussion, and, considering that the officials present came from all parts of the county, their views should reflect pretty closely those of the farmers in their several parts of the county. Most of those at the meeting expressed themselves as being thoroughly in favor of cow tag by-laws, as it was a great benefit to farmers, especially during the dry months, when pasture is scarce, and does no particular harm to anyone.

### Municipal Politics and the Tax-Payer.

With the approach of the date for the holding of the municipal elections there should ensue in the community general discussion of the standing of the municipality; its needs; and the class of men best fitted to manage its affairs in the council chamber. Around these points the attention of the voter should be concentrated if he desires to exercise his right as a taxpayer intelligently. What he does will very largely, if not altogether, influence the trend of domestic legislation. It is, therefore, desirable that the man who pays the taxes should bear the citizen's burden in a commendable manner. That he can only do by taking a deep personal interest in civic questions and judge carefully of the merits of the several candidates.

It is pertinent to ask a few questions here.

Can the taxpayer do justice to himself while upholding men of non progressive ideas?

Can the property owner afford to league himself with the forces of decay?

Can the best results be obtained from the use of poor material?

Are old-time methods, popular in the days when it was a case of living from hand-to-mouth, to be allowed to prevail when experience, better teaching and financial considerations bid us build for the future?

Does the intelligent taxpayer think that men at the council board will do good work if they feel that they have a sleepy, indifferent community to serve?

Is it not apparent that a live municipality to be such, must be supported by a live public spirit speaking through civic representatives who are anything but men of narrow ideas?

Does any sensible citizen imagine that any locality can do justice to itself in the hands of councillors who fail to take in the true situation of affairs, who believe in lagging while other communities are deep in enterprises and movements looking to expansion?

These are a few questions the voter should ask himself at the present time, giving to each the consideration that it deserves.

Our own view is that municipal policy should be a policy of progress, the conquest of difficulties and the establishment of the community on such a basis as will render it pre-eminently a desirable place of residence and, if a town an unsurpassed centre for the manufacturer seeking a satisfactory location.

Every municipality fights a continuous and losing fight with the corporations it creates to discharge its functions. Yet, in spite of that experience, the average alderman thinks he can draft or decide the merits of an agreement which will tie the next franchise-seekers hand and foot. There is little hope for those incapable of learning by repeated failures.

**PAGES**

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