

TO THE

.. Municipal Councillors and Officers of Ontario ..

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Calendar for January and February, 1896

Legal, Educational, Municipal and Other Appointments.

JANUARY.

1. New Year's Day.
By-laws for establishing and withdrawal of union of municipalities for High School purposes take effect.—H. S. Act, Section 7 (1).
Trustees' Annual Report to Inspectors, due.—P. S. Act, Section 40 (13).
By-law establishing Township Boards takes effect.—P. S. Act, Section (54).
Separation of Junior Township takes effect.—Mun. Act, Section 28.
2. Polling day for Trustees in Public and Separate Schools.—P. S. Act, Section 102 (3); S. S. Act, Section 31 (2).
6. High School open, second term.—H. S. Act, Section 42.
Public and Separate Schools open.—P. S. Act, Section 173 (1); 173 (2); S. S. Act, Section 79 (1).
Trustees' Report on Truancy to Department, due.
Election day.
10. Last day for Clerks to make return to Bureau of Industries under Debentures Registration Act, R. S. O. Chap. 186.
Clerk of Municipality to be notified by Separate School supporters of their withdrawal.—S. S. Act, Section 47 (1).
14. Annual Reports of Boards of Trustees in Cities and Towns to Department, due.—P. S. Act, Section 107 (12).
Names and addresses of Separate School Trustees and Teachers to be sent to Department.—S. S. Act, Section 28 (12).
Annual Report of High School Boards to Department, due.—H. S. Act, Section 14 (12).
Names and addresses of Public School Trustees and Teachers to be sent to Township Clerk and Inspector.—P. S. Act, Section 40 (10).
Annual Reports of Separate Schools to Department, due.—S. S. Act, Section 28 (18); Section 32 (9).
Minutes of R. C. S. S. Trustees' Annual Meeting to Department, due.
15. Applications for Legislative apportionment for inspection of Public Schools in cities and towns separated from the county, to Department, due.
Last day for making returns Births, Deaths and Marriages, registered for half-year ending 31st December.—R. S. O., Chap. 40, Section 6.
Last day for Treasurers of Municipalities indebted under Municipal Loan Fund Act, to make return of Taxable Property, Debt and Liabilities to Provincial Treasurer.
First meeting of Public Schools in Cities, Towns and Incorporated Villages.—P. S. Act, Section 106 (1).
20. Councils of Townships, Villages, Towns and Cities to hold their first meeting at 11 o'clock a. m.—Mun. Act, Section 223.
Trustees of Police Villages to hold their first meeting at noon.
By-law withdrawing from Union Health District takes effect.
Members of Free Library Boards to be appointed by Councils in Cities, Towns and Villages.—Free Libraries Act, Section 3.
Councils to appoint Members of Local Boards of Health.—Public Health Act, Section 40.
Appointment of High School Trustees by Municipal Councils.—H. S. Act, Section 11 (3).
28. County Councils to hold first meeting at 2 p. m. at County Hall or Court House.
County Treasurer to submit to County Councils Report of the State of Non-Resident Land Fund.—Assessment Act, Section 220.
31. Last day for all Councils to make returns to Bureau of Industries of the debt of their corporation.—Mun. Act, Section 382.

FEBRUARY.

1. Last day for Railway Companies to transmit to Clerks of Municipalities statements of Railway Property.—Assessment Act, Section 26.
Last day for Collectors to return their Roll and pay over Proceeds.—Assessment Act, Section 132.
Last day for County Treasurer to furnish Clerks of Local Municipalities with List of Lands in Arrears for Taxes for three years.—Assessment Act, Section 140.
5. First meeting of Board of Education at 7 p. m., or such other hour as may have been fixed by resolution of former Board at the usual place of meeting of such Board—Public Schools Act, Section 106; High Schools Act, Section 13.

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The Municipal World.
ST. THOMAS.

The Municipal World

PUBLISHED MONTHLY

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

K. W. MCKAY, EDITOR,

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

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THE MUNICIPAL WORLD,

Box 1252, St. Thomas, Ont.

ST. THOMAS, JANUARY 1, 1896.

The county council of Wellington at their last session commuted the fees payable to the Clerk of the Peace at \$1,700 per annum.

* * *

Changes in school sections should be brought before the council as early in the year as possible. This is necessary to fully consider the changes applied for and pass by-law before the first of May.

* * *

The Deputy-Minister of Education has notified county clerks that the audited school amount is no longer required to be sent to that department, as the information reaches them in another report. Sub-treasurers of school moneys will not be supplied with the special from this year.

* * *

In appointing officials for 1896, do not consider first the lowest amount for which any one applicant will perform the duties required of him. Aim to secure efficient administration of local affairs by appointing good men at a salary sufficient to encourage them to properly perform the duties of their office. A poor official is dear at any price.

* * *

The Commercial Traveller's Association recently requested the Ontario government to appoint a sanitary inspector of hotels. This is a duty that should be attended to by the license inspector and officials of the local board of health. Hotels are a necessity to most of us when travelling and it should be one of the first duties of a local board to order a regular inspection of hotel buildings and premises and the enforcement of such sanitary regulation as may be necessary.

The appointment of high school trustees and the question of extra grants the schools are to receive will occupy the attention of most county and other councils at their first meetings. It is generally understood that the school act is to be thoroughly revised at the coming session of the legislature and rumor states that it is the intention to make high schools more self-sustaining than at present by collecting fees from pupils attending the schools. Members of councils desiring particular amendments to the act should bring the same before their council and have a petition prepared for presentation to the legislature.

* * *

Floating debts so-called are an anomalous condition of the finances of a municipality. Councils are required each year to levy a rate sufficient to pay off all liabilities; if in any one year the expenditures should exceed the receipts, the council for the succeeding year is in duty-bound to include the amount in their estimates in addition to the expenses for the year.

Councils carrying over large sums from year to year would have some difficulty in collecting a floating debt assessment from those acquiring property after the debt should have been paid. Councillors should be personally liable if they neglect to raise an estimate sufficient to cover all expenses and liabilities of their municipality each year.

* * *

The first duty of county councillors is the election of warden. In many counties a by-law provides for the appointment of warden and other officials by ballot. This is no doubt illegal. A municipality cannot invest itself with any powers beyond those conferred by statutory authority or common law. The law of Ontario is so specific in all cases that if the use of the ballot in the election of warden was intended, it would have been so expressly set forth. Open voting is only recognized by common law, and by parliament in the selection of speaker.

The county council of Wellington at their last December session repealed the by-law, providing for appointment by ballot and hereafter the warden and other officials will be appointed by open vote.

* * *

It seems to be the desire of some councillors to continually find fault with the officers and committees appointed to look after the business of the municipality. Many are not satisfied with making their complaints at the council board or in committee, but resort to the public press and other means, to lay their grievances before the public, with the idea that they will be looked upon with favor at the next election. A perfect municipal officer or committee has yet to be appointed, and it is the duty of councillors, not so much to find fault with, but to assist and advise the executive committees and appointed officers with a view to securing the most efficient administration of the affairs of their municipality.

In this issue we announce a change in connection with the question drawer, which we believe will be appreciated by subscribers and municipal officers generally. In the future whenever requested questions submitted by subscribers will be answered free by post, providing they are accompanied by a stamped-addressed envelope; precedence in the dispatch of replies will be given to paid subscribers. The questions and answers will also appear in the following issue of the paper.

This means a large amount of additional correspondence, and will make THE MUNICIPAL WORLD the most valuable special publication in Ontario. We trust that councillors will show their appreciation of this change by taking advantage of our club-rates, to supply each member and official with a copy of THE MUNICIPAL WORLD.

* * *

Township councils will find it of great assistance to them in determining the expenditure necessary for the year. If, when sending pathmasters notice of their appointment, they include a blank schedule to be filled up and returned by the pathmasters, showing first, the location of his division, the number of culverts, bridges, etc., requiring to be built or rebuilt during the year, and the number of rods of road required to be graded or gravelled. These reports should be in the hands of the council a month or more before the statute labor begins, and before money grants are made; the council would then be in possession of information necessary to answer effectively all applications for unnecessary expenditure of money in different parts of their township. They can easily estimate the amount of plank and other material required to make the necessary repairs to the roads and bridges, and should be able to economically expend the funds available for this purpose.

* * *

The council of the city of Chatham have passed a by-law dealing with the question of assessment of corner lots for local improvements, the provisions of which are as follows:

"In making assessments to defray the cost of the construction of sidewalks or drains done or constructed under the provisions of the act and by-law relating to local improvements, the engineer or other officer, who, for the time being is charged with his duty, may, subject to the Board of Works, make a side allowance not to exceed one-third of the depth of the lot, for corner lots, and triangular or other irregular shaped pieces of land situated at the intersection of streets; but in no case shall more than fifty feet be allowed off any lot, and in making such allowance he shall have due regard to the situation and superficial area of such lots, as compared with the adjoining lots, and prices of land assessable for such improvements; provided always that any person feeling aggrieved at the assessment made by the engineer or other person, may have the right to appeal to the court of revision appointed for that purpose. Any allowance made in pursuance of this provision shall be assumed as a portion of the city's share of the cost of such local improvement."

The by-law applies only to such works and improvements as may be reported on at some meeting of the city council held subsequent to the passage of the by-law.

A Home for the Destitute in Leeds and Grenville.

(Brockville Times.)

The Leeds and Grenville House of Industry at Athens, which was on the 29th November last formally opened, is a monument attesting the advancement of humanitarian ideas. In its handsome, substantial architecture it speaks for the material prosperity of the united counties, but its chief significance is in its purpose—the provision of a shelter for those infirm and aged persons, who by the unkindly force of circumstances are cast upon the charity of the community.

When the project first took practical shape, the ninety-acre farm of Dr. Giles, near Athens, suggested itself as a most suitable site. The farm was purchased at

ment, two stories and an attic, the foundation being of white sandstone and the upper portion of brick. There are thirteen rooms in the basement, twelve on the first floor, and sixteen on the second floor, with bath rooms, closets, etc., in addition. The kitchen is 30 feet square.

In addition to the main building there are the outbuildings, a barn, a pig house and a hen house. The institution is provided also with an excellent well and with a cess pool. The total cost was about \$21,000, exclusive of the furniture. The cost of the main building being about \$12,600; the plumbing and heating contract \$2,885; the outbuildings, etc., about \$2,200.

Accommodation can be provided for one hundred inmates. At present there are thirty-three beds in the institution.

House of Industry Statistics.

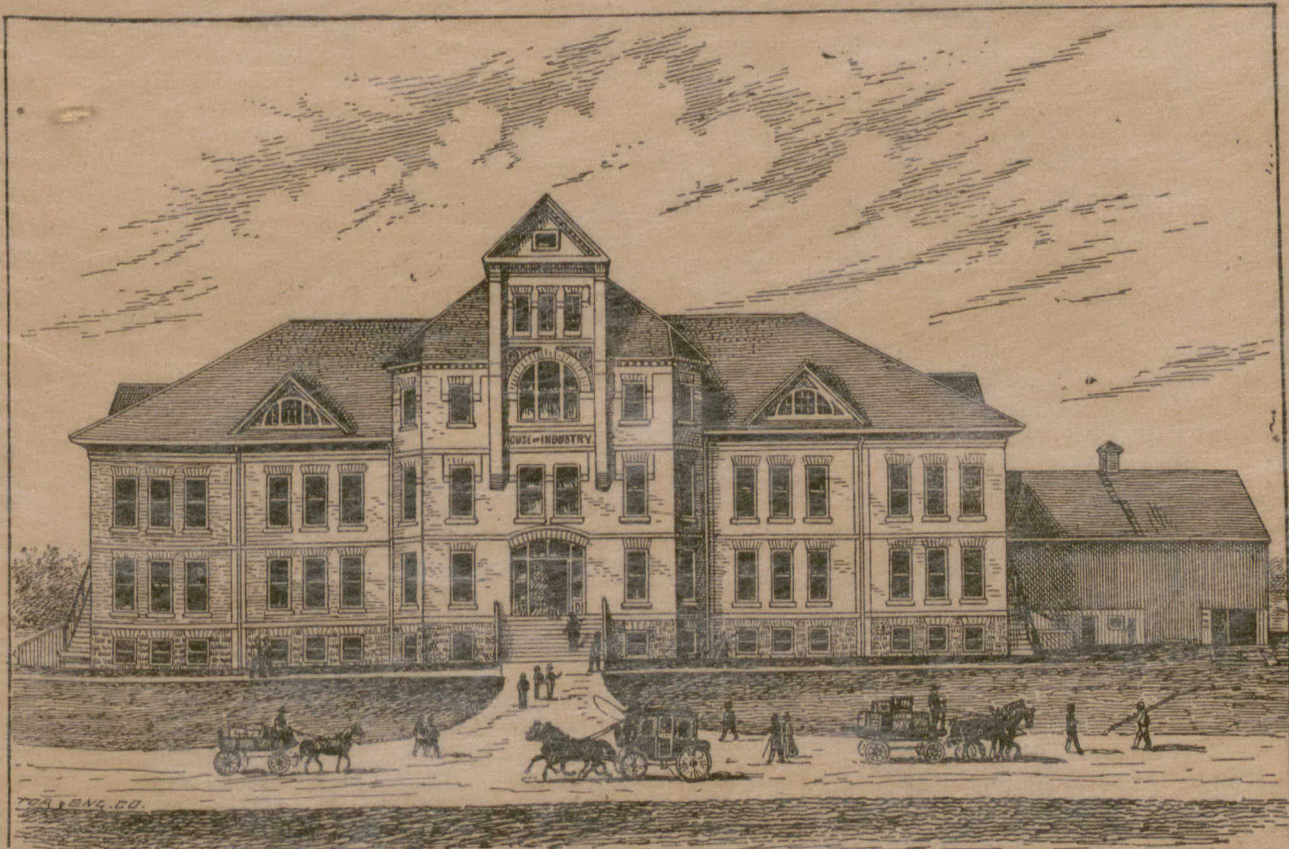
COUNTY OF WATERLOO—28TH ANNUAL REPORT—

I. D. Bowman, inspector Berlin - for year ending 1st December 1895:

Number of inmates in house.....	103
Number admitted during the year..	55
Number of weeks' board of inmates, etc.	5,716
Net amount expended for support of inmates and institution.....	\$7,227.17
Average expense per week for each person	1.26½
“ “ “ year “ “	65.69

COUNTY OF WELLAND 7TH ANNUAL REPORT.

Number of inmates in house 1st December, 1895	45
Number of inmates admitted during the year.....	22
Number of weeks' board of inmates, etc.	2,689
Net amount expended for support of inmates and institution.....	\$3,606.31
Average expense per week.....	1.34
“ “ “ year.....	69.68



a cost, it is understood, of \$3,600. The building arrangements were given in charge to a committee of the Counties' Council made up of Mr. R. L. Joynt, Reeve of Augusta; Mr. R. J. Jelly, Reeve of Elizabethtown; and Mr. J. B. Saunders, Reeve of the Rear of Yonge and Escott. These three gentlemen have discharged the duties of the public trust confided to them honorably and well, and the House of Industry, as it stands to-day, is in itself the best tribute to their faithful service.

The work of construction throughout has been thoroughly done, and speaks for itself in the edifice, as it now stands, complete.

The building as can be seen from the engraving printed above, is a solid and handsome edifice. Its dimensions are 120 feet by 45 feet. It consists of a base-

The architect, Mr. George A. Allan, of Brockville has ample ground for satisfaction in the finished structure which has grown from his plans.

The opening proceedings were in charge of a committee of the citizens of Athens, who took advantage of the occasion to tender a reception to the County's council, between five and six hundred people were present—refreshments were provided, and His Honor Judge McDonald had charge of the program. Dr. Chamberlain, inspector of prisons, congratulated the council upon their enterprise and wisdom in erecting the pioneer charitable institution between Toronto and Montreal. A small admission fee was charged and as a result a handsome sum was raised to assist in procuring a library for the Institution.

COUNTY OF WELLINGTON—18TH ANNUAL REPORT.

J. Beattie, inspector, for year ending 1st Dec., 1885:

Number of inmates in house.....	84
Cost per inmate per week.....	1.34

COUNTY OF ELGIN—20TH ANNUAL REPORT.

K. W. McKay, inspector, for year ending 1st November, 1895:

Number of inmates in house.....	58
Number admitted during the year....	29
Number of weeks' board of inmates, etc.	3,114
Net expense for support of inmates... \$4,024.99	
Average expense per week per inmate	1.29
Average expense per day per inmate..	18.37

This amount is made up as follows:

Salaries0487	cents.
Meat, 5.5-7oz.....	.0203	“
Bread, 13.1-7 oz.....	.0154	“
Groceries0165	“
Provisions.....	.0120	“
Heating0271	“
All other expense.....	.0442	“

CORRESPONDENCE.

This paper is not responsible for opinions expressed by correspondents.

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

Collectors' Rolls, School Rates, Nominations, Etc.

To the Editor of THE MUNICIPAL WORLD:

SIR.—Like your correspondent, "A Clerk for 25 Years," I was very much interested in Mr. McFarlane's paper on making up the collectors' rolls, especially as he described my own method, except in sending the trustees the amount of their section assessments, which I think is a good idea. I do not understand "A Clerk of 25 Years'" method of detecting mistakes in copying from his school rolls into the collector's roll. Of course, it is quite easy to check the additions, and so forth, in making the school rolls, but in copying a mistake might occur, and the only method I have found of detecting such is after adding up the total school rates in the collector's roll, to see if it corresponds with the total of all the school sections. If "A Clerk of 25 Years" has a shorter and a surer method I would be pleased to have him give fuller particulars. There is another matter touched upon by your last correspondent that I think requires amending by the legislature. That is: A union section united with an incorporated village does not participate in the general township school rate. I cannot see what difference it makes to a village by what method the township part of the section raises their portion of the school rate. There is no necessity of levying this as a special rate only in townships having sections united with incorporated villages, and in such townships the clerk must subtract the assessments of such union section or sections from the total of the assessment roll and levy the township general school rate as a special rate on the remainder. Another matter discussed in your last issue is in connection with the effect of Section 116 of the Municipal Act. I have always contended that this section requires amending by striking out the words "and if a poll is demanded, etc." You say that, of course, it is the clerk's duty to adjourn the proceedings and hold a poll whether a poll is demanded or not. I would like to have you point out where the clerk gets his authority for so doing. My opinion is that if he should do so and any ratepayer were to sue him for the expenses incurred, the judge would have rather a knotty question to decide. The clerk would certainly have incurred the expenses without any authority in law. Then as to taking a show of hands. He has no authority for that course, either, and if he should do so and declare the candidates having the most votes in that way elected, they would not be legally elected. There is no authority for that, either. The only way out of the difficulty is to have some elector demand a

poll until such time as the legislature amend the law. No doubt your opinion, "that an election by ballot should be held whether a poll is demanded or not," is the sensible way, but I notice that when any question of law comes before a judge he is very particular to hold to the wording of the law, and not to what it ought to be. He will say, "It is not for me to say what is or is not intended, but to take the law as I find it."

Yours truly,

A CLERK OF ONLY FIVE YEARS.

Assessors.

Assessors are the most important officials to be appointed at the January session of local councils. On the correctness of their work a great deal depends. They must value all the assessable property within the municipality on an equitable basis, so that no one will be imposed on in the payment of taxes.

* * *

In addition to this, assessors should pay particular attention to securing a correct return of the population. If this is overlooked the municipality loses probably an amount equal to the assessor's salary in the matter of the legislative school grants, which are apportioned in proportion to the population. Again, the assessor must be careful to put on the roll the names of all who are qualified under the Manhood Franchise Act, as well as all owners, tenants, householders, farmers' sons, etc. If this duty is neglected the council is put to the expense of courts of revision of the assessment roll, and more especially the voters' list, a few complaints against which will cause expenses sufficient to pay the usual salary of three or four assessors.

* * *

Another duty is to be sure and enter a correct description of all lands assessed in the roll, whether resident or non-resident. This is more important where the original lots have been subdivided into town lots, as many of them are generally vacant, and if returned to the county treasurer for non-payment of taxes, with an imperfect description, he is unable to enter them up in his books until this omission is attended to, and in some instances this also results in a payment to the clerk or other official for extra services.

* * *

The dogs must not be omitted, and unless the assessor is careful to give no notice of his arrival, he will overlook many of man's "most faithful friends," who have been consigned to the cellar or other secure place by those who delight in defrauding their municipality out of the dog tax.

* * *

There is still another important matter that assessors generally never think of. Section 42 of the Assessment Act authorizes them to demand a statement in writ-

ing from any person assessable in respect to personal property in the municipality. It is a general complaint that many wealthy people now escape payment of taxes on income, money, etc. They are generally the influential residents, who have no difficulty in securing a continued assessment at "last year's rates." They will think twice before giving the assessor an incorrect statement in writing, as Section 45 provides a penalty for so doing.

* * *

Many of the complaints of inequality of assessment may be remedied if assessors would avail themselves of the authority conferred by the Act. Councillors acting in the best interests of their municipality will appoint a competent assessor. It is not necessary to appoint a man simply because he made application for the office. Encourage the most competent man you can find to apply for the position, and we think sufficient reasons have been given to show that he should be appointed at a salary sufficient to pay him for the time necessary to discharge his duties carefully.

* * *

The duties of assessors are so numerous and varied that it is impossible, in these columns, to explain all their duties. In order to enable assessors and municipal officers to avail themselves of the fullest information in reference thereto, we have had prepared a complete Assessor's Guide, which will be ready for distribution about the 20th of this month. For further particulars see our advertising columns.

Rotation in Office.

Looked at in any way, rotation is a perpetually occurring menace to the stability of our government. It is a prop of a falling part and an instrument of fraud. It is a constant temptation to politicians to use public salaries as a fund with which to pay private debts, thus compelling the people to furnish the means for their own corruption and to defeat their own will. It wrecks the lives of tens of thousands of young men by offering as a bait to cupidity high wages which outbid the market. It makes idle expectants of the industrious, starves the few it feeds, and lures the mass to vagrancy. It subverts the true ideal of office, transforming public servants into private henchmen and partisans into camp followers. It degrades skilled labor and makes the government an almshouse. It breeds parasites, markets citizenship and suborns public opinion. To sum up, it makes of administration a chaos, of politics a trade and of principle an interest.—*Oliver T. Morton.*

Difference.

"And did he say he remembered me when I was a girl?"

"No, he said he remembered you when he was a boy."

ENGINEERING DEPARTMENT.

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

Sewers.

The methods employed in assessing for sewers in different cities and towns vary greatly, and the problem of making a sewer assessment that shall be exactly just to each one assessed is one that perhaps may never be solved.

But if we cannot fully solve the problem, we should still endeavor to adopt a plan of assessment that shall be as fair and equitable as possible.

Among the many plans the following are perhaps the most prominent for assessing the costs of sewers:

1. In proportion to the benefit received by the adjoining property.
2. In proportion to the value of the adjoining lot.
3. According to the area of the adjoining lot.
4. According to the frontage of the adjoining lot.

To these might be added the plan of spreading all or a part of the cost on the general tax-roll.

In considering the various methods of assessment it must be remembered that a properly planned and constructed sewer is a permanent improvement and that a piece of property may receive a benefit from the sewers several years after construction even though it may be of no particular advantage to it at the time of building.

The objection to an assessment according to the benefits received lies in the difficulty of determining just how much each adjoining property is benefitted, and in the fact that the benefits may vary from year to year.

The judgment of different persons will differ so greatly as to the benefit each property receives that a great deal of dissatisfaction and ill-feeling will be engendered no matter what amount is decided upon. The difficulty of assessing according to the value of the lot lies in the fact that lots in the suburbs or residence portion of the town are worth only a fraction as much as those in the business centre, and perhaps receive just as much benefit. Again the value of a lot changes from year to year. Also the sewer is apt to cost just as much on a street in the outskirts of a town as in the very centre. When only one method of assessment is employed the plan of assessing in proportion to the area of the lot drained is a very equitable way of imposing a tax for sewer purposes.

The entire cost of the sewers for the district to be drained including cost of outlet, main sewers, lateral sewers, and any other items that may occur should be taken and the cost assessed against any lot should be in proportion to the area of that lot to the total area of district sewered.

Assessments made in proportion to the frontage is the simplest and possibly the

most equitable system; the same plan as above is followed with the exception that the frontage of the lot is taken instead of the area. Here an injustice arises on account of a difference in the depth of the lots, the irregular shape of such lots and because some lots are on a corner. In the case of a corner lot, the unfairness can be adjusted by assessing against only one-half of the frontage, limiting the size of a corner lot to within certain dimensions. Probably the most satisfactory results can be obtained by judiciously combining two or more methods as local conditions may require, thus correcting any injustice that might arise from using any one method singly. Especially is this true of a combination of the plans of assessing according to the area and frontage of the adjoining lots.

The above methods of assessing apply particularly where the sewers for the whole district are built at the same time.

Where the sewers are built piecemeal the plans and estimates should be made for the whole town or district to be drained. A sewer fund could then be created by either a general or a special tax for enough to build the outlet and the main sewers. As the lateral sewers are built, the remaining part of the estimated cost could be assessed against the adjoining property. The remaining part of the cost due from the property adjoining the main sewers could be assessed when the mains are built, when the property is connected or when the whole system has been built.

In designing a system of sewers very often deep cuts are necessary in some places in order to accommodate other portions of the district.

In assessing for the connecting sewers by which is meant that portion of the house-drains lying in the street, it is manifestly unjust for those adjoining a deep cut to pay more than those for whose benefit the deep cut was made, but who perchance adjoin a shallow cut. Either the average cost of a connecting sewer should be assessed against each property connected, or the average cost per foot should be taken and the cost assessed according to that.

In the latter case the length of the connecting sewer should be reckoned from the centre of the street on which the sewer is built; this is to equalize matters when for some reason the main lateral sewer is thrown to one side of the street.

There are many other plans of sewer assessment which are perhaps, according to some people's judgment, fully as good or better than those mentioned above.

The above methods must be taken in a general sense, and they may be modified or altogether changed by local circumstances.

In many places there is a very good practice in vogue of dividing the total assessment into several parts and spreading them over a series of years making one part payable each year; of course, charging interest for the parts carried over the

first payment. By this means those whose income is small are enabled to easily pay their assessment, which might be quite a hardship if they were compelled to pay it all at one time.

If any one wishes to pay the assessment at once and thus save interest he is allowed to do so.

Salvage Corps.

The bustle and excitement incident to a fire create a need for something besides water and fire apparatus. Cool heads, and ability rapidly to organize all available assistance in removing or protecting endangered chattels, with a knowledge how best to act, are of great value. These advantages can be best obtained by previous preparation, and by creating a salvage corps connected with or independent of a fire department.

Such an organization, independent of the other department, is undoubtedly the best in large towns; but if the authorities do not provide for it, then the department itself, even if it consists only of one company, ought to detail a squad of its own members, whose duty it should be to give particular attention to this branch of the service. They should be men of character, so that they may influence or control those who may be present; and they should be familiar with the best mode of handling furniture and other property of weight and value, and should possess ability to decide promptly and retain their presence of mind. They should be clothed with special police authority, and should have absolute control of the imperilled property, and should have power to call upon and direct such other citizens as may be needed to give their service.

Such a corps, if it has no appliances, but simply the brains and hands of its members, will be invaluable; but in addition, it shall be furnished with a light wagon or cart loaded with apparatus and tools, its ability and value will be largely increased. It should have a supply of common axes and pickaxes, crowbars, handtrucks, pails, lanterns, short ladders, step-ladders, and plenty of rope with stakes to form a cordon around property removed or across streets. Especially should it be provided with rubber, canvas or oil-cloth covers varying in size from twelve to thirty feet square. At least one of these blankets should be about twelve feet square, of canvas bound with small rope and with a number of looped handles, thus forming a catch-all both for person and property. One or two chemical extinguishers may be added for use in the absence of the other department of the service.—*Canadian Fire Light and Water.*

In France, wagon tires are from three to ten inches wide, usually from four to six, depending upon the weight of the load. In Germany, the law prescribes that wagons for heavy loads must have a width of tire of not less than four inches.

County Roads.

At a meeting of the Executive Committee of the Ontario Good Roads Association held in the city of Guelph on Wednesday, the 11th day of December, 1895, the following resolution was passed:

Moved by J. F. Beam, seconded by Allan Macdougall,

1. That we recommend the county roads system as best adapted to advance road improvement in the Province of Ontario.

2. That county roads should form a system connecting all local municipalities in a county.

3. That the basis of assuming county road mileage in local municipalities should be that of equalized value.

4. That county roads when assumed should be maintained by general county rate.

This is the first recommendation adopted by the association, and in presenting it for consideration the attention of municipal officers and the public generally is directed to the following information relating to some of the county roads in the Province of Ontario and systems recently adopted in the United States:

COUNTY ROADS IN ONTARIO.

In addition to statute labor and local expenditure, some county councils have assumed and maintain leading roads. In other counties grants are made each year to assist local municipalities in road improvement, and in that way equalize the road expenditure.

One third of the counties do not expend money for road improvements, one-third maintain county boundary lines, and in the remainder annual grants are made for the maintenance of roads, in the county, or the council has assumed and maintains certain leading roads.

PERTH.

In Perth the Huron gravel road is in charge of the county inspector. The maintenance of this road is paid, in the first place, out of the county funds and charged to the adjoining municipalities. This is paid with the county rate, not as a part of the rate, but paid at the same time.

WELLINGTON.

The County of Wellington maintains 148 miles of gravel road, and expends \$50 per mile per annum for maintenance.

HASTINGS.

The County Council of Hastings has control of and maintains nearly 400 miles of county roads. Some of these were first constructed as toll-roads, and afterwards purchased by the county.

The annual expenditure in this county for road maintenance and construction is from \$12,000 to \$15,000 per annum. The work is done systematically. A superintendent of gravel roads is appointed at a salary of \$700, he paying his own expenses. A gravel road committee is appointed by the County Council. Two or more gangs of men are engaged, the foremen of each getting extra wages. The work is put directly in charge of the superintendent, who reports monthly to the committee all details as to men, wages, work, etc. The strong points of this system of maintenance are:

1. The whole work, through the committee, is directly under the control of the Council.

2. The work is well done, as there is no inducement to scamp it.

3. It is done where most required at the best time.

4. The ratepayers are in touch with those performing the work, and for any man to shirk his work will soon reach the superintendent.

5. By employment of good men continually at the work, they become experts and capable of doing more than inexperienced hands.

The cost per mile of maintenance is about \$40 annually.

The basis of assuming county roads in Hastings is that of equalized value, care always being taken in assuming a road that it connects with the system in the adjoining municipality. The cost of maintenance of the roads is levied as a general rate to apply on any part of the system as found to be required.

THE HASTINGS SYSTEM INVESTIGATED.

The County Council of Peterboro', at its June session, appointed a special committee to investigate into the system of construction and maintenance of the public roads in the county of Hastings. This committee made a tour of the county, and have prepared a lengthy report, giving particulars received from the ratepayers and officials interviewed, all of whom were unanimous in recommending a system of county roads. The concluding sections of the report read: "We travelled through the townships of Marmora, Madoc, Hungerford, Thurlow, Sidney, Stirling, and Rawdon, a distance of about ninety miles, through sections of country as varied as it is possible to find in our own county. We made diligent inquiry from public officials and private individuals, and there were no exceptions or differences of opinion in respect to the expenditure of the money that has been expended on the roads, and in view of this and what we have seen for ourselves, we have agreed to the following presentment: 'Having viewed the roads, we are thoroughly convinced that the system of construction and maintenance of roads as adopted by the county of Hastings is good, and meets with our approval, and we would recommend, if thought advisable, that this system be adopted by the county of Peterboro'."

SUMMARY OF STATE LAWS.

In the United States we have examples of different authorities controlling the construction and maintenance of highways.

In California, where the township system is optional, the County Council constructs and maintains all roads.

In Indiana the roads are maintained by the townships, but the County Council may assume control of particular roads when so authorized by vote of electors of municipality interested—the local municipalities paying all expenses.

In Massachusetts we find a combined system of county and state roads.

In New Hampshire the Township Councils control and maintain all roads.

In New Jersey, where it is said the greatest advance has been made in road-making, we find the townships in charge of the roads, while the County Council may select certain roads for improvements, at the joint expense of the state, county and township.

In New York the county and township authorities maintain the roads, each providing for the expense of the roads under their control. Statute labor is abolished in all local municipalities when a road is assumed by the county.

In Wisconsin all roads are controlled by the township authorities. Statute labor is abolished, although it may be performed any year if a majority of the electors by vote so decide.

In all States the tendency is to abolish statute labor and divide the roads between county and township authorities.

THE ONTARIO LAW.

The Municipal Act, Section 532, authorizes County Councils to assume roads with the consent

of the council of the local municipality in which the road is situated, and Section 533 authorizes the maintenance of township or county boundary lines. Section 534 provides that when a County Council assumes by by-law any road within a township as a county road, they shall, with as little delay as reasonably may be, cause the road to be planked, gravelled or macadamized.

In a county system, roads maintained by paid labor come in immediate comparison with those maintained by statute labor. Where the basis of assuming county road mileage is that of equalized value all municipalities benefit alike, and contribute their proper proportion of the expense. The roads are under the constant supervision of a County Commissioner, who brings to bear his experience in securing uniformity of road construction and efficient maintenance throughout.

Statute Labor.

In Ontario we find Townships in which statute labor is performed and others where commutation is compulsory at from 35c. per day upwards, and in some sections the system has been entirely abolished.

In about fifty per cent. of the Townships statute labor is performed and may be commuted at the rate of \$1.00 per day; forty per cent. have reduced the rate to 75 cents per day, and in others the rate varies, being in some instances as low as 35 cents per day.

A number of the Townships have adopted a system whereby statute labor may be commuted before a date fixed by by-law at a lower rate than afterwards. This is done to encourage the payment of commutation money to pathmasters before statute labor begins. In other townships the rate is reduced if commutation money is paid to the pathmasters at any time before he makes his returns to the clerk.

In the township of Sarawak the statute labor of two wards is commuted at seventy cents per day, the benefits are so apparent in the extra amount of work performed, and the style and manner of road construction that the difference between commutation statute labor and the old system will not bear any comparison whatever. The conclusion there is that the old system of statute labor has served its usefulness, and that better results could be obtained at a commutation of 25 cents per day.

In the Township of South Grimsby, the commutation system has been in force in the unincorporated Village of Smithville for some time. The authorities recommend the commutation of all statute labor, especially in unincorporated villages.

In the township of Niagara one-half the statute labor is commuted at 50 cents per day.

In the township of Barton statute labor has been abolished and the rate of commutation varies from 35 to 50 cents per day according to outlay.

The Ontario Good Roads Association trusts that having issued the foregoing information in the form of a bulletin it will be of value to municipal councils and ratepayers throughout the country with whom road improvement is a feature of vital interest.

Water.

One of the most important of the many modern subjects affecting the principle administration of large municipalities, which undertake many interests for the welfare of its citizens, is that pertaining to the economical management of the public water supply.

Within the past ten or fifteen years no branch of public administration has been developed to so great an extent as that of systems of water supply to cities and large towns. It is not so many years ago that only the larger cities could be enumerated in the list having this improvement. It is now quite the exception to find a city or town that has not within its limits some system of public water service. In many instances these towns are supplied by private water companies owning the right of franchise for such purpose; in others the supply system is owned and controlled by the town or city as one of its branches of municipal administration. In either case, or by whatever system the town or city is supplied with water, many and perplexing questions of detail in such supply system come up for adjustment in order that fairness and justice may prevail—especially as these new questions are developed by continued experience. One of these is the very large increase of water used in all towns where public systems have been introduced. This is one of the very first and most natural of all points to be considered. For when one has an abundance of any commodity entering into the consumption of the every-day affairs of life, how easy a thing it is to use a quantity of it, whereas before the supply was limited by many natural and unchangeable conditions it would be used sparingly. Thus, if a man has to go across the yard and draw all his water for use by a hand-pump he will consume much less than he will if he can have all he wants by turning a faucet in his sink.

The public uses of water include its consumption by cities for their public buildings, street sprinkling, flushing of sewers, fire purposes, schools, ornamental and drinking fountains, etc., and for hospitals and public institutions. Into an estimate of water for these uses many elements occur. Thus the need of water for fires is much less than might be supposed, as the statistics covering this item for the leading cities place it at only one-half of one gallon per day for each inhabitant. But taking all the above named public uses together, the annual consumption of water for these purposes foot up a maximum of seventy-five gallons per day to each inhabitant actually required with no allowance for waste.

After all these necessities are met there comes in the very important factor of waste and loss. In the scientific study of the water question even this part of it has been carefully classified, such classification embracing sources of waste from defective

plumbing, defective mains and sewers, the waste to prevent freezing of private services during the winter, and chiefest of all, the careless use, or rather the thoughtless waste of water.

The use of water meters establishes the true quantity of water consumed, and reduces the discrimination that must always exist under the general assessment plan. In most cases their application is intended for public rather than individual use. Or in other words, their attachment to each residence and individual inspection is not generally intended, their use being most essential at public buildings, hospitals, markets, stables, fountains, yards, hotels, and in all places where elevators are operated or machinery driven. In each they are the only means of rendering certain an economical consumption of water.

An Excellent Earth Road.

Greatly improved results in road building or repairing may be attained by any device that will prevent earth and water from mixing on the road bed, and much may be done in the way of improvement by a proper admixture of suitable earthy material. The requirements of the material, says engineer Haupt, are that it shall not be readily affected by moisture, temperature or pressure, which are the three principal destructive agencies. Clay is very sensitive to water and temperature and has a high ratio of absorption. Sand has little coherence and yields readily to pressure. Gravel has great mobility, due to its spheroidal form, but by mixing these in the proportion of sixteen parts of clay, twenty-two of sand and sixty-two of gravel, and impervious roofing may be laid, which, if underdrained, will make an excellent earth road. The macadam and telford roads when correctly made are excellent, but as built by most supervisors in this country they are pseudomorphs, unworthy their names.

When in the march of science the time comes for segregating the aluminum contained in the clay road into a hard, smooth, resisting medium covering its surface, we will then have a road metal, both in fact and name, which will solve the problem of the clay pit and give us a medium of transportation which will surpass even the railway in cheapness and convenience.—*Missouri Road's Improvement Journal.*

The roads of Europe are the growth of a hundred years. Napoleon began those in France for military purposes; those of Germany largely grew out of the same causes, while Italy had only to keep up the ancient but splendid highways of the early Roman conquerors. In England good roads generally have arisen in the last fifty years.

"Good roads and bad roads, their advantages and disadvantages," should be a much discussed subject at farmer's institutes this winter.

Street Ornamentation.

More attention should be paid by engineers to the ornamentation and finish of the better class of sub-division improvements. Nothing can be more attractive than a well built up street with houses set at regular intervals apart, and at a fixed distance from the street with well-kept lawns and beautiful shade trees. However useful in preserving good neighbors' rear fences may be, fences should never appear in front. Nothing will indicate the good-fellowship of a street more than their absence. Their existence in front dwarfs the beautiful effect of the lawn, shrubbery and architecture; their absence gives a park effect on a well-kept street. Placing the houses uniformly on one side of the lots, the drive being on the other side insures a wide space on both sides of the houses, thus preventing one house from shutting off the light from another one. To prevent one lot-owner from monopolizing the street view, limit the distance a house may approach the street. Architectural embellishment will be secured by the limit that no house shall cost less than a given sum. All these requirements should, of course, appear in the land contracts and deeds to purchasers. Much taste can be displayed in the selection of shade trees. Trees should never be placed nearer than thirty feet from one another, and they should always be planted in holes large enough to receive all roots without cramping. A large per cent. of healthy trees are killed by cruel stamping in of roots under workmen's boots. Each layer of roots should be carefully packed by hand in good soil.

If the street shade trees be placed just inside of the lots they will be protected from destruction from having horses hitched to them. In a narrow street this arrangement would have the advantage of giving the effect of a much wider street.

Village Councillors.

The *Elora Express* in speaking of the election for municipal councillors, deplors the fact that good men will not stand. It says: Many good men for the office are in the village, but many of them for various reasons will not take office. The chief reason, we believe, is that it takes too much time to attend between twenty-five and thirty council meetings a year, besides losing much time attending to outside work and getting nothing but fault-finding in return. Bro. Craig, M. P. P., would make a popular move if he would introduce an act to amend the Municipal Act so that village councillors should be paid for their services the same as the municipal councillors, as it is not to be expected in these days of keen business competition, that men can afford to neglect their own business for that of the public and get only abuse for pay.

Poor drainage and narrow tires are the chief road destroyers.

LEGAL DEPARTMENT.

JAMES MORRISON GLENN, LL. B.
Of Osgoode Hall, Barrister-at-Law.
EDITOR.

Hawkers and Peddlers' Act.

We published in this paper in January, 1895, sub-section 3 of section 495 of the Municipal Act, relating to hawkers and peddlers, showing, in italics, certain proposed amendments which the county council of Elgin considered necessary to render it of some use, hitherto it has been practically almost a dead letter. We believe that efforts have been made from time to time to induce the Legislature to amend the act, so as to affect the object, which was intended when it was originally passed, but with the exception of two unimportant amendments, to which we shall refer, nothing has been done.

The object of the Legislature in passing the act was to protect, on the one hand, fair traders, particularly established merchants, resident permanently in towns and other places, and paying rent and taxes there for local privileges, from the mischief of being undersold by itinerant persons to their injury; and on the other hand to guard the public from the impositions practiced by such persons in the course of their dealing who, having no known or fixed residence, carry on a trade by means of vending goods conveyed from place to place by horse or on foot.

The means of evading the act was soon discovered, for we find in 1884 one of these itinerant traders succeeded in having a conviction quashed upon the ground that he did not come within the letter of the act.

The words of the act are "bearing or drawing any goods * * * * for sale * * * * or otherwise carrying goods * * * * for sale."

This person was a tea dealer, who carried samples with him and took orders for tea; he forwarded the orders to his employer, who sent the tea to him and he filled the orders by subsequently delivering the tea. This case, though not within the act, as it then stood was certainly within the mischief aimed at, and the legislature ought to have at once amended it, as the hawker's act was amended in England as long ago as 1861, by the addition of the words "*On carrying and exposing samples or patterns of any goods, etc., to be afterwards delivered.*" Instead of amending the act so as to prevent any hawker or peddler evading it in this manner, the legislature in 1885, by 48 Vic. c. 40, Sec. 1 enacted the following: "The word 'hawkers' shall include all persons who being agents or persons not resident within the county, sell or offer for sale, tea, dry-goods, or jewelry, or carry and expose samples or patterns of any such goods to be afterwards delivered within the county to any person not being a wholesale or retail dealer in

such goods, wares or merchandise," and by 55 Vic., chapter 43, section 36, it was further amended by inserting the words "Watches, plated ware, silverware" after the words "dry-goods" in the above amendment.

Now when these amendments are examined closely and in the light of a number of decisions it will be found that they are of very little value. They effect no change whatever in the act except in the case of the particular goods mentioned, so that the hawkers may take orders for any other class of goods to be delivered afterwards in pursuance of such orders with impunity. And even in the case of the goods mentioned, the hawker cannot be convicted unless it can be shown that he is "agent" for persons "*not resident within*" the county. A person who is trading on his own account is not within the amendments, and is therefore at liberty to take orders and afterwards deliver goods without rendering himself liable in any way. The member of a firm, though agent for the firm, is not agent within the meaning of this section. Another objection which we have to point out, is that these amendments do not appear to apply to cities or towns. The council of a city or town is empowered to pass by-laws, to license and regulate the hawkers and peddlers, but the word "county" only is mentioned in the amendments. Since this matter was before the council of the county of Elgin we have learned, that another method has been resorted to by some hawkers, which we have no doubt has been adopted, to evade the act as amended. It is this: The hawker calls on a farmer and leaves a caddy of tea with him; afterwards he calls on the farmer, and if he finds the tea has been consumed, he asks for and receives what it is worth, if he should be prosecuted on this state of facts, he would no doubt contend that he did not violate the act, because he did not offer the tea for sale, nor did he solicit an order and afterwards deliver the tea, within the letter of the act.

From what we have shown, it must be conceded that this act in its present shape is of little of any value, and ought to be amended so as to effect the object which we have stated was intended, and we would suggest that it be amended by repealing the amendments made in 1885 and 1892, and substitutes in their stead the following."

"This sub-section shall apply to, and include all such persons as aforesaid (except those expressly exempted) who sell or offer for sale goods, wares or merchandise, or carry and expose samples, or patterns of, or take orders for, any such goods, wares or merchandise to be afterwards delivered within the county, city or town, not being a wholesale or retail dealer in such goods, wares or merchandise, or who deliver any goods, wares or merchandise to any person within the county, city or town not being a wholesale or retail dealer in such goods, wares or merchandise, and who subsequently receives payment therefor."

In the case of Regina vs. Coutts, the opinion was expressed, that the defendant could not be convicted as a "peddler" for the reason alleged, that there was no such word in the statute.

While entertaining the greatest respect for the opinion of the learned judge, who expressed this opinion, we think the act did at that time, and does now apply to "peddler." It is true that the word "peddler" is not found in the body of the section, but it appears in the heading or caption which is "Hawkers and Peddlers," and we submit that it and the general words in the body of the section must be read together to ascertain what the intention of the legislature was. To remove any doubt, however, upon the point, we would suggest that the word "peddler" be inserted after the word "Chapmen" in the body of the section.

Our object in publishing this article in the present issue of THE WORLD, is that the matter may be considered by county councils at their first session, and that the legislature may be petitioned to amend the act as proposed, or at all events to amend it in such a way that it may be of some practical value.

LEGAL DECISIONS.

UNION SCHOOL SECTION VS. LOCKART.
Public School—Union School Section—Alteration of—Petition of Ratepayers—Award—54 Vic. chap. 55, sections 87, 95 (O)

The petition for the formation, alteration or dissolution of a Union school section under 54 Vic. ch. 55, sec. 87, sub-sec. 1 (O), must be, in all cases, the joint petition of five ratepayers from each of the municipalities concerned, otherwise the award based upon it will be void *ab initio*, and section 96 validating defective awards where there has been no notice to quash given within the time prescribed has no application.

When the award in such case is that no action be taken, the restriction in sub-section 12 of section 87 against new proceedings for a period of five years does not apply.

Chief Justice Meredith in giving his judgment in the above case refuses to follow the decision of the chancellor in re union school section, East and West Wawanosh, in which case the chancellor held that no new proceedings could be taken for five years where the award was that no action should be taken.

FISHER VS. WEBSTER.

Deed—Construction of—Grant of Road—Easement—Right of Way.

Where a deed, after granting certain land described by metes and bounds, continued, "also a road forty feet wide," adding to the description thereof "and not included in the above quantity of land.

Held, that by the conveyance of the road, the fee in the freehold therein did not pass to the grantee, but merely an easement of the right of way over the land.

BROUGHTON VS. THE MUNICIPAL CORPORATION OF THE TOWNSHIP OF GREY ET AL.
Municipal Corporations—Drainage By-law—Obligations of Initiating and Contributory Townships respectively—Consolidated Municipal Act, 1892—55 Vic. chap. 42, sections 569, 579, 580, 585 (O)

Where a township municipality passed a by-law, purporting to be under section 585 of the Consolidated Municipal Act 1892, for the purpose of making certain alterations and improvements in a drain, and served an adjoining municipality, which was to be benefited by the work, with a copy of the engineer's report, etc., showing the sum required to be contributed by the latter, as directed by section 579, and the by-law of the initiating township was irregular and invalid. Held—per Meredith, C. J., the contributory township was nevertheless not only entitled, but bound, within the four months prescribed by section 580 to pass the necessary by-law to raise their share of the estimated cost.

Held, per Rose, J., the contributory township could not be required to pass a by-law raising its share, until the initiating municipality has passed a valid by-law adopting the report providing for the doing of the work, including, provisionally, measures for the raising of its proportion of the funds.

Held, per MacMahon, J., the contributory township had no power to pass a by-law for raising its share of the proposed expenditure, until the initiating municipality had passed its by-law for the construction of the works.

Held, however, MacMahon, J., *hesitante*, that in this case the portion of the by-law of the initiating township providing for the construction of the work was a sufficient compliance with section 569, and severable from the other portion of it, providing for the raising of the funds.

Where the council for one municipality assumed under the supposed authority of 55 Vic. c. 42 section 585 (O), in a by-law for the improvement of a drain, to assess lands of the plaintiff situated in another municipality.

Held, that such assessment was wholly nugatory and void, and the plaintiff could not be bound by it, and was therefore not entitled to a declaration declaring it illegal and invalid.

THE CORPORATION OF THE TOWNSHIP OF MORRIS VS. THE CORPORATION OF THE COUNTY OF HURON.

Statutes—Repeal of an Act—Exception—Interpretation Act—Effect of—Cons. Mun. Act, 1892, 55 Vic. chap. 42, section 533a (O)—57 Vic. chap. 50, section 14 (O)

The saving provisions of sec. 14 of the Municipal Amendment Act, 1894, 57 Vic. ch. 50 (O), do not operate so as by implication necessarily to exclude the application of the interpretation Act, R. S. O. ch. 1, sec. 8, sub-sec. 43, and

A township corporation which had obtained an award against a county corporation under sec. 533a of the Consolidated Municipal Act, 1892, for part of the cost of the maintenance of certain bridges were, notwithstanding the repeal of section 533a by section 14 of 57 Vic. ch. 50 (O)

held entitled to recover the amount expended on the same up to the date of the passing of the latter Act.

REGINA EX REL. CAVANAGH VS. SMITH

Municipal Corporations—Municipal Debt—Special Rate—Wrongful Diversion of Fund—Disqualification—55 Vic. chap. 42, section 373 (O)

No special appropriation is necessary in order to create a special rate applicable to payment of principal and interest of a municipal debt; if the provisions of the Municipal Act are observed such separate rate, and the sinking fund as part of it, arise as the taxes are collected; and where no such appropriation having been made, one of the municipal council voted for defraying certain of the current expenses of the municipality out of the amount attributable to that fund, his election as reeve was set aside, and he was declared disqualified from any municipal office for a period of two years pursuant to 55 Vic. chap. 42, section 373.

When without any such appropriation so much of the year's income of the municipality has been expended as to leave no more than sufficient to cover such sinking fund, the balance is impressed with that character, and to apply it otherwise is a diversion within the meaning of the above enactment.

FERGUSON VS. TOWNSHIP OF SOUTHWOLD.

Municipal Corporations—Negligence—Want of Repair—Overhead Obstruction—Liability—Fining of Jury—Contributory Negligence—Damages.

If something exists or is allowed to remain above a highway which interferes with its ordinary and reasonable use, this constitutes want of repair and a breach of duty on the part of the municipality having jurisdiction over the highway.

A branch of a tree growing by the side of a highway extended over the line of travel at a height of about eleven feet. The plaintiff, in endeavoring to pass under the branch on the top of a load of hay, was brushed off by it and injured.

Held, that the jury having found that the highway was out of repair, and the defendants having had notice of the position of the branch, they were liable, in the absence of contributory negligence.

Embler vs. Town of Walkill, 57, Hun. 384, specially referred to.

The question whether the highway was out of repair is a question for the jury.

Derochie vs. Town of Cornwall, 21 A. R. 279, followed.

It appeared by the evidence that the plaintiff had hauled hay upon this road and passed this particular place not long before; that he and another man, who was on the load with him, when approaching the branch observed the situation, but concluded they could pass in safety; that the other man did pass safely under the branch; and that the plaintiff, instead of lying close to the hay, put up his feet to raise the limb which he failed to do.

Held, that the plaintiff was not called upon to do the very best and wisest thing; and upon this evidence, the court could not

interfere with the finding of the jury that the accident might not have been avoided by the exercise of reasonable care on the part of the plaintiff.

Connell vs. Town of Prescott, 22 S. C. R. at pp. 162-3 referred to.

Held, also, upon the evidence, that the sum assessed as damages, \$1,200, was not excessive as to warrant the court in interfering. *J. M. Glenn*, for the plaintiff. *Osler, Q. C.* and *James A. McLean*, for the defendants.

THE CONSUMERS GAS CO. VS. TORONTO.

In this case which appeared in a former number of this paper, the manner of assessing gas mains and pipes was discussed, but no judgment was given on the point. The Chancellor said, "I do not give judgment on this, but merely express my opinion that the correct method would be to value the concern as a whole, and then apportion rateably to the wards or municipalities, so much of the value as falls to that part of the concern territorially situated in each locality. That seems to fit the statute better than to assess the whole at the central point where the manufacturing operations of the Company are conducted."

Squelched.

It is related that at an inquest recently held in Atchison over the remains of a man killed in the railroad yards one of the jurymen insisted that the inquest should be held at the exact spot where the killing occurred. The coroner informed him that this was not required, but the jurymen refused to proceed at the undertaking establishment where the testimony was to be taken. One of the railroad men, becoming disgusted because of the delay, said: "I suppose if the man had been drowned you would insist on swimming about the spot while hearing the evidence." The laughter that followed could not be suppressed even by the solemnity of the occasion.—*Atchison Globe.*

Political Education.

The study of municipal affairs should become one of the principal studies in the school, and the importance of good clean government and how to obtain it should be thoroughly impressed on the minds of our youths. Toronto is the best governed city on the continent, and municipal politics has for several years been a prominent study in the schools of that city.—*Rev. Wilbur Crafts, Reform League, Washington, D. C.*

In France all carriages are taxed. Those with seats for one or two persons, \$10 a year (in round numbers); those with seats for three, \$15, and for four, \$20; while bicycles and tricycles are taxed \$2 each.

Canadian Fire Life and Water is the title of a new Toronto Journal that has reached our office. It is neatly printed, and contains some valuable information on the subjects mentioned in its title.

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.

Communications requiring immediate attention will be answered free by post, on receipt of a stamped addressed envelope.

Trustee to Teacher—Notice to Quit.

1.—E. B.—Would you be so kind to let me know if trustees of a school section (according to agreement between teacher and trustees are bound to give three months' notice within the year) say first October, or will it do later on so that the teacher would have to quit. If you know of a test case in court let me know or through THE MUNICIPAL WORLD.

Assuming that the agreement is in the form provided by the regulations of the Education Department, the notice may be given at any time, but must be given so as to terminate on the last day of a calendar month. It must be a clear three months' notice. A notice given on the first day of October to quit on the 31st day of December would not be sufficient.

Dog Tax Funds—When to be Paid.

2.—H. A.—In 1891, our council (Portland) levied a dog-tax and collected about \$250, which was applied to the general funds of the township. 1. Can said funds be so applied? We have lately had several claims for sheep killed by dogs presented for payment. 2. Is the council compelled to pay those claims while the \$250 sheep-money or dog-money lasted?

1. Yes, if by-law was passed, as provided for in section 8, chapter 214, R. S. O.
2. Yes, if no by-law was passed.

Loss of Sheep—When to be Paid for.

3.—P. A. M.—Would you be kind enough to say when the loss of sheep should be paid for in any one year. The Revised Statutes, chapter 214, section 18, say that three months' time is given to file a claim. The real difficulty is that some contend that claims are payable when filed and proven, while others contend that dog-tax must be collected and claims all in for the year, which makes it first day in April in following year before the claims can be paid for any one year. It seems to me that it is necessary to wait to see how much dog-tax there is collected, and how many claims upon the fund before any can be paid out, but your opinion will be considered final and acted upon by our council.

If there is sufficient balance to the credit of the fund, the treasurer of the municipality shall pay the amount awarded to the aggrieved party on demand.

Poll Tax—When to be Paid.

4.—Clerk.—Would a man, otherwise liable to perform statute labor or pay poll-tax, be exempt from said poll-tax in an incorporated village who is put down on the assessment roll as owner of property which he has leased, the tenant paying the taxes. The answer also pays \$2.00 dog-tax. If the answer is in the affirmative, is it because he pays the \$2.00 dog-tax or because he is owner of the property or would either exempt him?

The owner and tenant would not be liable to poll-tax. If the taxes on the property amount to \$2.00 or over the dog-tax

is not considered. See section 88 of the Assessment Act.

Re Payment of Poll-Tax.

5.—COUNCILLOR.—I. Do not the words "the tax" in both the second and fourth lines of section 90 of the Assessment Act refer to poll-tax? If so, how can a certificate of the payment of ordinary municipal taxes (not poll taxes) elsewhere, exempt as stated by you?

2. Is not a certificate of having paid elsewhere poll-tax (i. e. the tax in section 88 mentioned) or done statute labor under section 91 (enacted in townships in lieu of poll-tax) that is referred to?

3. Can you refer me to any reported cases on the question?

Section 88 imposes a poll-tax upon every male inhabitant of a city, etc., who has not been assessed or whose taxes though assessed do not amount to \$2.00. The object of the legislature was to make every person whose property did not contribute at least \$2.00 in taxes pay a personal or poll-tax of \$2.00, and he is liable to pay that tax in every municipality in which he may happen to be unless he produces a certificate showing that he has paid the tax elsewhere. Any other construction would in many cases operate unjustly. Suppose two residents of London should move to St. Thomas, and suppose one was assessed in London upon property, the tax upon which was \$2.00, and the other not having any property paid his poll-tax, the former would upon the construction indicated by the above question be liable to contribute another tax while the latter producing his certificate would not be subject to any further tax.

Treasurer's Receipts—Duties—Highway Laws.

6.—H. C. G.—1. Can a township treasurer compel parties receiving money by mail to send receipt for same?

2. Is a township treasurer compelled to send a statement of payments, amount of grants and section rates to secretary-treasurers of school sections on demand?

3. Is there any legal work on roads and highways? Giving legal decisions affecting the same which could be used by municipal councils.

1. No.

2. No.

3. No work dealing inclusively with highways has been published in Ontario. Harrison's Manual contains notes of decisions and is used by municipal councils and the legal profession generally.

Absence of Reeve and Authority of Chairman Pro Tem.

7.—J. F.—The reeve was absent from council meeting on account of being unwell, but still able to do business at his home. A chairman was appointed to preside at the meeting and signed the cheques which were passed. The reeve objected saying that as he was able to sign the cheques the chairman was out of order in doing so. Give us your opinion.

The chairman appointed in the absence of the reeve is the proper person to sign cheques passed at the meeting over which he presided.

Collector—Seizure After 15th December.

8.—R. B. C.—Has a collector power to seize and sell for taxes after the 15th December, without the council extending the time for collecting as long as he has the roll in his possession?

So long as the collector has not returned the roll, he is at liberty to go on and levy where he finds distress. (See note G, section 132, Glenn's Collectors guide.)

Financial Statement—Who Should Prepare.

9.—E. D. C.—Whose duty is it to prepare the statement to be made immediately after the 15th day of December meeting?

The officials in possession of the information necessary may be directed by the council to prepare the statement.

Percentage—Taxes—By-law.

10.—E. D. C.—Is it necessary in adding a percentage to taxes to first pass a by-law appointing the time for the payment of the taxes and then another by-law to add the percentage or will one by-law answer both purposes? See section 53 and sub-sections Consolidated Assessment Act.

One by-law sufficient.

Sidewalks on County Bridges.

11.—J. H.—In case of a county bridge being situated in an incorporated village and the bridge having a sidewalk attached to each side, is it the duty of the county to keep the sidewalks in repair, or is it the duty of the village in which the bridge is situated to keep it in repair?

The sidewalks are part of the bridge. It is duty of the county to keep the sidewalks in repair.

Rates in Collector's Roll to be Separate.

12.—F. J. C.—On page 802 Harrison's Manual in remarks (b) I find these words "I think that though there are very good reasons for the provision in the statute that they (the rates) should be kept separate, still the provision is only directory and under Connor vs. Douglass 15, Grant 456, the omission to keep them separate would not invalidate a sale for taxes. Now, if this is good law how can you reconcile it with Love vs. Webster as given on page 194, second column in October WORLD?"

Harrison is recommended to us clerks as a safe and trustworthy guide in all municipal matters, and when we make out our roll under his contention then comes along another decision and says just the contrary. You may say that Harrison is speaking of the roll in general while Love vs. Webster relates only to the non-resident list; but still they both point to the same fact "a sale for taxes."

It does almost appear that the more we try to do our work correctly the more liable we are to get into trouble. What are we to do, who are not learned in the law, when two such eminent authorities tell us such directly opposite things?

Chief Justice Armour in the case of Love vs Webster followed the principle of the decision of the Supreme Court of Canada in Trenton vs. Dyer. Judgement in the case of Connor vs. Douglass decided in 1868 was not unanimous chief justice, Draper and Vice Chancellor having dissented from the other members of the court.

Nomination—Property Qualification for Reeve, etc.

13.—J. W.—Mr. A. owned considerable property in township B, but resided in adjoining township C. His residence is within a mile of the boundary between the said townships. Last March he was assessed for his property in township B. Since then he has sold the most valuable parcel of his property, which, if deducted from his total assessment would leave his assessment too low for him to qualify as reeve.

Does the fact of his having sold his property make him ineligible for the reeveship of the township of B? Of course his name appears on the assessment roll as owner of all the property.

Yes.

14.—T. P. McG.—I am a member of the town council. My last assessment was only \$1,400, \$800 of it being leasehold and \$600 personal property. Will this qualify me?

No.

15.—J. W.—I. At a nomination meeting am I supposed to take the nomination on a person who is not present?

2. What has a councillor to be assessed to qualify him to hold same or run for the office of reeve or councillor?

1. Yes.

2. In townships, freehold \$400; leasehold for term not less than one year \$800.

Resignation of Nomination as School Trustee.

16.—M. E.—Can a person nominated for school trustee resign on the day following the nomination as a person nominated for councillor?

Yes.

Road—Dedication—By-law.

17.—D. M.—Some years ago a school section was formed and a house built. Three parties offered the council the right-of-way for a road leading to the said school which was accepted. The road was located and surveyed. No deeds were given by the parties and no by-law was passed by the council. Some money has been spent on the road. Now one of the parties threatens to close the road unless he receives some money; the other parties are willing to abide by their gift, but should the council pay the other fellow, then they must also be paid.

1. Can he close up the road?

2. Is it too late to pass a by-law?

Upon the facts above stated we are of opinion that there has been a dedication by the owners and acceptance of the road by the council; that it has become a public highway and cannot be closed except by the council. If the council had, by by-law, expropriated the land for the purpose of a highway without the consent of the owners, they would be entitled to compensation, not having dedicated the land for a highway, we do not think any of them can claim compensation.

Nomination Meeting Illegal—Dunkin Act—Tavern License.

18.—A. M.—I. Our nominations were held to-day. The clerk advertised the hour for meeting, 11 a. m. Was that legal? We kept open the hour; all were elected by acclamation.

2. The Dunkin Act was passed in this municipality some 18 or 19 years ago, (a) Is it law yet? and (b) should there be a vote taken by the people to repeal same, as that has never been done? If so, how many names must a ratepayer have to his petition that he presents to the council asking them to repeal same?

A ratepayer in the township wants tavern license and I do not know whether we should grant them or not under existing circumstances.

1. No.

2 (a) Yes.

(b) Thirty duly qualified electors; see Dominion Statute 1865, chapter 18, sub-section 13 of section 5.

No power to grant tavern-licenses.

Clerk's Duties—Elections.

19.—TOWNSHIP CLERK.—If a clerk is hired by the council at a certain figure to do their business, is it to be supposed that municipal elections (if any) are included, and if not what is the returning-officer's fee for that day?

Clerks are required to perform the duties connected with annual election of councils, the question of remuneration for these services, if not fixed or included in yearly salary, is entirely a matter of account between the clerk and the treasurer, see section 176 Consolidated Municipal Act.

Tags for Cows on Highways.

20.—J. H.—Some time ago I noticed in one of your issues that it was legal for the council of a municipality to sell tags for cows, and rent the public highway in that way for grazing purposes. Would you kindly state in your next issue on what statute you base your opinion?

Section 490, sub-section 2, Consolidated Municipal Act, 1892.

Married Women—No Vote at Municipal or School Elections.

21.—J. K. W.—Mrs. B. owns a house and lot valued at enough to give two votes. Mr. B., her husband and her live together. They are assessed together in brackets. Has Mr. B. a vote at municipal or school trustees elections? Have they both a vote, or has only Mr. B. They are both in the revised voters' list, Mrs. B. to vote at municipal elections only.

Mr. B. alone has the right to vote at both elections

School Arbitrator not to be a Trustee.

22.—SUBSCRIBER.—A person is appointed by a municipal council of a township an arbitrator under section 87, Public School Act, 1891, to form a union school section. And at the next annual school meeting he was elected a trustee of the school section (which would form a part of such union if effected) and has signed declaration of office as trustee.

Can he act as arbitrator in the matter? or is he disqualified as a trustee if he so acts? (Sec. 191 of said Act) and accepts pay for his services as such arbitrator either from the council or from the school board?

We are of the opinion that having accepted the office of trustee, the same person cannot act as arbitrator. The council should appoint another arbitrator.

Owner Assessed Cannot Claim Exemption—Collection of Arrears not Limited to Three Years.

23.—R. E.—I am collector of taxes for the township of Burpee, Manitoulin Island. I got a Collector's Guide from you and cannot understand some points of it although it might seem plain to some. Please answer the following questions:

1. A is owner of a lot of land (100 acres) in the township and is assessed as owner. He is living in the township although not on the place assessed to him. Providing he was seized for taxes could he claim the goods and chattels on page 22 as exempted from seizure for taxes?

2. If the party is actually assessed and living on the property, are the goods and chattels exempted?

3. Has the council power to collect any more than three years back taxes; if so, how much more?

1. Re exemption of property of owner, see latter part of note L., page 8, Glenn's Collector's Guide. He cannot claim exemption.

2. Same as No. 1.

3. After the return of the collector's roll to the treasurer, and the treasurer has

furnished the statement mentioned in section 145 Consolidated Assessment Act 1892, the collection belongs to the county treasurer, not to the council. The right to collect taxes is not limited to three years arrears.

Owner's Sons.—Non Resident Tenants—Qualification as Councillor.

24.—MUNICIPAL CLERK.—I. Have owner's sons any right to vote at municipal elections?

2. Can a person be elected councillor who is assessed as tenant? Does not reside on rented premises, but resides within two miles thereof?

1. Owners sons have a right to vote if their names are on the Voters List and they can take any one of the oaths required to be taken by electors when necessary.

2. A tenant residing within two miles of a municipality, would be eligible for election as councillor if otherwise qualified, as required by section 73 of the Municipal Act.

Qualification of Councillor.

25.—J. A. T.—Can I or any one, if elected, in municipal council for say 1896 accept and hold office if I have in 1895 furnished goods, presented accounts for same, and been passed by 1895 council, said order paid and receipted by me. Am I eligible for office as councillor? Would passing our accounts of 1895 in my own favor debar me?

The fact of your having had contracts with your municipality during 1895, will not act as a disqualification if elected to the council of 1896, provided you are relieved of all contracts and receive payment of all accounts in which you are directly or indirectly interested previous to nomination day. Auditors cannot qualify if they have done business with the municipality during the year previous to their appointment, but the only disqualifications for the office of councillor are mentioned in section 77 of the Municipal Act 1892, as amended in 1893 and 1895.

By-law to Watering Streets, Etc.

26.—F. J. C.—Referring to section 34, chap. 42, Ontario statutes, 1895.

Does this amendment confer the power to pass a by-law for the purposes mentioned upon the council without having a petition as is required by section 629, Municipal Act, 1892? Or must the action of the council be based upon such petition?

A petition is not necessary.

Public School Estimates and Payments.

27.—G. R. P.—1. Is the council of an incorporated village compelled by law to levy on the rateable property of the section whatever sum the public school board may think proper to demand?

2. Is the council of an incorporated village compelled by law to hand over to the secretary-treasurer of the school board at the commencement of the year, the amount levied for school purposes the previous year, such money not being required to be used by the public school board for the current year?

3. Is an ordinary receipt from the secretary-treasurer of a school board all that is required to secure the treasurer of a municipality for any moneys paid over to him?

1. Section 107, sub-section 10, Public Schools Act, and section 6 of chapter 57, Act of 1895, makes it the duty of trustees to submit to the council, on or before August 1st, or at such other time as the

council may require an estimate of the expenses of the schools under their charge for the twelve months next following the date of such application. The council is entitled to know the purposes for which the money is required by the trustees, and is, by section 110, bound to levy the amount necessary for defraying the legitimate expenses of the school.

2. The council, by section 8 of chapter 57 of the Act of 1895, must pay the money to the treasurer of the Public School Board from time to time, as may be required by the board for teacher's salaries and other expenses.

3. Yes.

Local Boards of Health.

The amendment to Public Health Act passed at last session of the Legislature is of special interest to municipal councils this year. Members of the local boards are now to be appointed for a term of years.

The amendment repeals section 39 of the Public Health Act and substitutes a new section therefor, which provides that in townships, villages and towns under 4,000 the local boards of health shall be composed of the reeve or mayor, clerk and three ratepayers, appointed for one, two and three years, respectively, retiring in rotation same as school trustees. One ratepayer to be appointed each year for a term of three years. In cities and towns with over 4,000 population, the local board of health shall consist of the mayor and six ratepayers, two of whom are to be appointed for three years, two for two years and two for one year. The retiring members to be replaced by two members appointed for three years.

Every care should be taken to appoint the best men available members of the Board of Health.

They are entrusted with unlimited authority whenever contagious diseases exist, and may have to direct the expenditure of large sums of money to protect the health and business interests of their municipality.

An appointment as member of a Board of Health should be considered one of the highest honors a municipal council can confer. The Legislature, recognizing the importance of their duties, have decided that in future the boards shall be composed of a majority of experienced members.

Judgment has recently been given in the case entered by the Township of Logan against the Mitchell medical health officer, the Board of Health and corporation, to recover money which plaintiffs were obliged to pay, as they alleged, by reason of defendants (other than the corporation) having wrongfully sent from Mitchell into Logan one Seebach, from Chicago, who was infected with small-pox.

Judgment for plaintiff for \$700 damages, with full costs of action against the defendants, Davis, Christie, Murphy and Taylor, members of the Board of Health.

Action dismissed against the town of Mitchell, with such costs as may be taxable to them over and above the costs incurred by the other defendants; and the action dismissed against defendant Hurlburt, medical health officer, without costs."

Auditors.

Every council is required, at its first meeting thereof, to appoint two auditors, one of whom shall be such person as the head of the council nominates, but no one who directly or indirectly has had, during the year preceding his appointment, any interest in any contract or employment with the corporation—except as auditor, shall be appointed auditor—when a county auditor refuses or is unable to act, the warden is authorized to appoint another person to act in his stead.

The auditing of the municipal accounts is a farce in many municipalities. In almost every case where a special investigation was resorted to, and no matter what errors or irregularities have been discovered, the accounts are always certified to and found correct. The deficits brought to light in many municipalities should impress upon members of municipal councils that too much care cannot be taken in appointing capable men to perform these duties. That a man should be successful in business, a competent bookkeeper in the ordinary sense of the term, an accountant, a ward politician, or that he previously has acted as auditor, does not qualify him to make a thorough audit of the books of a municipal treasurer, unless, in addition thereto, he is thoroughly acquainted with the law relating to financial matters and with the affairs of the municipality, the books of whose treasurer he is called upon to audit.

The reason for this is that in many municipalities the books are not properly kept, and if placed in the hands of an expert accountant unacquainted with municipal finance, he would make a very different report from an auditor who knew what he expected to find or should find in the audit of the treasurer's books. In some cases it is necessary to re-write the books in order to make an intelligent report. A happy combination in auditors is an expert accountant and a man thoroughly posted in the business of the municipality. We would recommend councils to consider this as the only way to secure a thorough business-like audit, and a report that every one can rely on.

* * *

Auditors should make themselves thoroughly conversant with the provisions of the Municipal Act referring to their duties and with the proceedings and by-laws of the council authorizing the disbursement of public funds.

* * *

A careful investigation of debenture by-laws and accounts is an important duty.

A special report should be made, showing errors found in sinking funds and balances.

* * *

The auditors should see that every treasurer keeps the moneys of the municipality separate as far as practicable from his own money, and that he deposits the same to a separate account kept in his name as treasurer, or in some other designation that shows the account to be an account of the money of the municipality. The balance of cash on hand and in the bank must be carefully verified.

* * *

Collectors' rolls and returns, tile drainage accounts, ditches and watercourses accounts, and, in counties, non-resident tax payments must not be overlooked.

Certificates to County Council.

No reeve or deputy-reeve is allowed to take his seat in the County Council until he has filed with the County Clerk a certificate under the hand of the clerk and seal of the municipal corporation that he has been duly elected, and has made the necessary declarations as such deputy-reeve. In the case of each deputy-reeve a declaration of the clerk or other person having a legal custody of the last revised voters' list of the municipality which he represents must also be filed with the certificate of appointment, to show that the list contains names sufficient to entitle the municipality to be represented by a deputy-reeve or reeves. The section (66 Consolidated Municipal Act) is positive. The County Clerk may reject a certificate not in proper form.

It is advisable in all cases to have the certificates and declarations prepared in duplicate by the clerks of the local municipalities; one copy to be mailed to the County Clerk and the other to be handed to the reeves and deputy-reeves to be taken by them to the County Clerk at the first meeting of the Council. This precaution is necessary because very often papers mailed fail to reach their destination, and on the other hand members of County Councils sometimes forget to bring their certificates with them. In order to insure the proper form of certificates, we would suggest that the County Clerk be instructed to have them printed and distributed to the local municipalities.

Judge Woods, of Perth, in concluding his judgment on appeal from frontage assessments, reported in THE WORLD for December, stated: I hope I may be permitted to add that by-laws of the city should not be signed by city officials and sealed with the corporation seal, with blanks filled up with very important figures, in lead pencil, which can easily be erased with a piece of rubber and other figures substituted, and the salary of the person appointed to do duty under the by-law left blank altogether.

PAGES

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