

**PAGES**

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# THE MUNICIPAL WORLD

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

Vol. 7. No. 12.

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## Calendar for December, 1897.

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

#### DECEMBER.

1. Chairman of Board of Health to report to the Council on or before this date.—Public Health Act, schedule A, section 3.  
Last day for appointment of School Auditors by Public and Separate School Trustees.—Public School Act, section 21 (1); Separate School Act, section 28 (5).  
Municipal Clerk to transmit to County Inspector statement showing whether or not any county rate for public school purposes has been placed upon Collector's Roll against any separate school supporter.—Public School Act, section 68; Separate School Act, section 50.  
Last day for councils to hear and determine appeals where persons added to Collector's Roll by Clerk of Municipality.—Assessment Act, section 154.
5. Make return of contagious diseases to Registrar General.—59 Vic., chapter 17, section 11 (4).  
Last Day for publishing notice County Council Nomination.
7. Last day for Public and Separate School Trustees to fix places for nomination of Trustees.—Public School Act, section 102 (2); Separate School Act, section 31 (5).  
Returning Officers to be named by resolution of the Public School Board (before second Wednesday in December).—Public School Act, section 57 (2).
14. Last day for payment of taxes by voters in local municipalities passing by-laws for that purpose.—Municipal Act, section 489.  
Last day for Collectors to return their rolls and pay over proceeds, unless later time appointed by council.—Assessment Act, section 132.
15. Local Assessment to be paid Separate School Trustees.—Separate School Act, sec. 55.  
Municipal Council to pay Secretary-Treasurer Public School Boards all sums levied and collected in township.—Public School Act, section 67.  
County Councils to pay Treasurer High School.—High School Act, section 30.  
Councils of towns, villages and townships hold meeting.—Municipal Act, sec. 263 (3).  
Pass all accounts for subscriptions, etc., due THE MUNICIPAL WORLD, and order election supplies, etc.
20. Last day for publishing notice of nomination.  
Last day for a Treasurer to send Clerk list of all who have not paid their taxes.—Municipal Act, section 251.  
County Council Nomination Day.
22. Public and Separate Schools close.—Public School Act, section 89 (1); Separate School Act, section 79 (1).  
High Schools close, first term.—High School Act, section 41.
23. Last day for notice of formation of new school sections to be posted up by the Township Clerk.—Public School Act, section 11 (5).
24. Last day for posting up Annual Statement of assets and liabilities in Townships, Towns and Villages.—Municipal Act, section 263.
25. CHRISTMAS DAY, (Saturday).  
High School Treasurer to receive all moneys collected for permanent improvements.—High School Act, section 36 (1).  
By-Law for disestablishment of Township Boards takes effect.—Public School Act, section 305.  
New schools and alterations of school boundaries go into operation or take effect.—Public School Act, section 24 (2); section 35 (3); section 39 (3); section 43 (3) section 87 (10).
27. Nomination day.
29. Annual Public and Separate School meeting.—Public School Act, section 13; section 57 (1); Separate School Act, section 27 (1); section 31 (1).
31. Auditor's to examine and report upon accounts, etc., for year ending on the 30th December, preceeding their appointment.—Municipal Act, Section 261.  
Roll to be finally revised by Judge when assessment taken between 1st July and 31st September.—Assessment Act, section 52.  
Road Commissioners cease to hold office.—Assessment Act, section 111.  
License Commissioners cease to hold office.—Liquor License Act, section 3.  
Protestant Separate School Trustees to transmit to County Inspector names and attendance during the last preceeding six months. Separate School Act, section 12.  
Trustees report to Truant Officers, due.—Truancy Act, section 12.  
Auditors' report of Cities, Towns and Incorporated Villages to be published by Trustees.—Public School Act, section 62 (11).  
Persons liable to Municipality on mortgage to state balance due thereon to head of Municipality.

#### JANUARY.

1. A HAPPY NEW YEAR TO ALL.  
Renew subscription to MUNICIPAL WORLD for 1898.

### THE GRAFTON TRUSS BRIDGE

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# The Municipal World

PUBLISHED MONTHLY

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

K. W. McKAY, EDITOR,

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

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THE MUNICIPAL WORLD,

Box 1252, St. Thomas, Ont.

ST. THOMAS, DECEMBER 1, 1897.

THE MUNICIPAL WORLD revised catalogue and price list of municipal supplies has been forwarded in souvenir form, to the clerk of every municipality in the Province. We will be pleased to hear from any clerk who may not have received the copy mailed to his address.

The County Council of Peterborough held a special session to appoint a nominating officer for a County Council bye-election. The question of appointing nominating officers for all the divisions in the county was discussed, but no action taken. The members of the council are no doubt in favor of special sessions.

The County Clerk of Grey recently prepared a statement showing that during 1894-5-6, the average expenditure by all the local municipalities in the county for indigent purposes was \$3,391.89, that an average of 96 persons received assistance 42 of whom would be eligible for admission to a House of Industry.

With this issue we bid adieu to many subscribers who are retiring from municipal life, and while we would like to have renewal orders from all, the most we can expect from the great majority of them is a recommendation to their successors in office. A special publication such as ours must always depend largely on the co-operation of those in office and to them our thanks are due for any measure of success attained. We are desirous of hearing from subscribers generally in answer to the following questions:

1. What particular feature in the WORLD pleases you most?
2. What special article or regular feature interested you least and why?
3. Is there any subject you would like to see referred to in the WORLD?
4. Are there any improvements you can suggest?

The Simcoe County Council have decided to erect a House of Industry at Beeton. As an inducement the county is to receive a cash grant of \$500 from Tecumseh Township and free water and light, telephone service and fire protection from the town.

\* \* \*

During the past year we have answered and published 820 questions submitted by 465 correspondents. This is an increase of nearly fifty per cent. over the year 1896. In addition a large number of questions have been answered privately. We do not wish to encourage questions that we are not allowed to publish and after the 1st of January all questions answered will be published unless the sum of two dollars is enclosed with request for private reply.

\* \* \*

Simcoe County Council is having some difficulty in collecting from the sureties of their late treasurer. The case of a Mr. Burton who had given a bond for \$5000 was the first action taken into court in connection with the treasurer's flight. The trial took place at Barrie. The defence raised was that Burton had been induced to execute the bond by representations made to him by certain councilmen, which were subsequently declared to be untrue. Judgment has been recently handed down at Osgoode Hall dismissing the action with costs.

The contractors for the municipal cash books have sent out their circulars and we are advised that they cannot be procured from any other firm. The books are all the same size and will last the average municipality for over ten years. Two styles of binding are offered and we would recommend all to procure (style B) price \$3.40 as the best binding, is the cheapest for heavy books to be used constantly for many years. The books contain instructions to treasurers and will be ready for delivery about December 20th.

The council of every town, township and incorporated village is required to hold a meeting on the 15th December and immediately thereafter publish a detailed statement of receipts and expenditures. All accounts outstanding should be passed. This is intended to be the last meeting of the year and the legislature have limited the powers of councils after that date by the following section:

"But no council of any local municipality shall, after the 31st day of December in the year for which the members were elected, pass any by-law or resolution for the payment of money, or which involves, directly or indirectly, the payment of money; nor shall they enter into any contract or obligation on the part of the municipality; nor appoint to or dismiss from office any officer under the control of the council, or do any other corporate act after said date, except in case of extreme urgency. But the council may do any necessary business before the 31st day of December, which may, having regard to the circumstances, be done at such time, and which, by this act, they are now authorized to do at their last meeting.

## A Warning.

If an officer of any municipal corporation is convicted of any offence under the Liquor License Act, he thereby forfeits and vacates his office and is disqualified from holding any municipal office in any municipality for two years thereafter. A mayor, reeve and councillor of an Ontario town were recently before their police magistrate for obtaining liquor during prohibited hours. Sympathizers will be pleased to know that the charges were dismissed.

Messrs. G. A. Stimson & Co., Debenture Brokers, Toronto, have moved their offices to the Manning Arcade, King St. West.

\* \* \*

Arthur Craig has been appointed treasurer of Simcoe at a salary of \$1,500. The County pays the premiums on all necessary guarantee bonds.

\* \* \*

A work of unusual importance and interest, especially to municipal corporations, has been undertaken by A. H. Clarke and E. I. Scully, of Windsor, who are preparing for publication the drainage decisions of B. M. Britton, Q. C., late drainage referee, and his successor, Thomas Hodgins, Q. C. The design of the work is to so arrange the publication with head notes and references as to readily enable a reader to refer to the different points covered by the decisions. There will be included in the work a copy of the drainage laws as amended up to the date of publication, annotated, with the decisions bearing upon the respective sections. It is expected that the work will be placed in the printer's hands immediately and will be completed and ready for sale early next year.

\* \* \*

County Clerk Bowman of Berlin is a practicing civil engineer, and as such recently gave evidence in an action at law against the town of Galt (a local municipality in the County.) It has been since suggested that Mr. Bowman had no right to give evidence against the town, that being a County official he is indirectly in the pay of every local municipality. We fail to see how Mr. Bowman's professional evidence can be regulated by any County or local council, and in replying to the Galt reporter he puts the matter very properly when after explaining the nature of an oath he says:

"The engineer, however, should never be an advocate, but place the facts impartially before the Court regardless of which side has had the subpoena issued commanding him to attend. This has always been my course in the past and now my position as an official of the county, is a still further guarantee to the different municipalities that, even if they do not wish to retain my services, still my evidence will be given without bias against them."

# Municipal Officers of Ontario.

Clerk, Town of Uxbridge.

The village of Uxbridge was incorporated in 1872, and at the first meeting of the council Mr. Williams was appointed



MR. A. D. WILLIAMS.

clerk. When the village was raised to a town in 1886, he was continued in office.

Clerk, Township of Dawn.

Mr. Webster was born in Dawn in 1864 and was educated in the Public School.



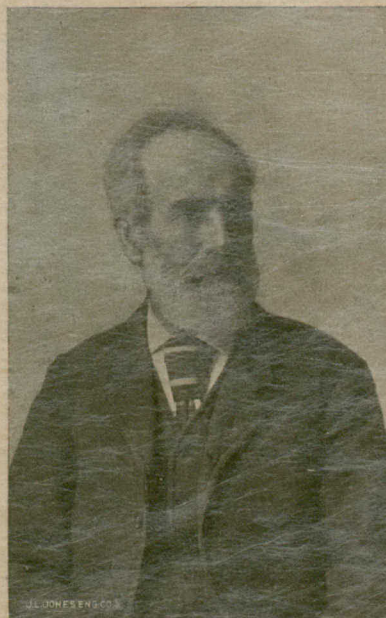
MR. J. M. WEBSTER.

He was appointed township clerk in 1886. Since that time he has had a large experience in municipal drainage work, and has discharged his duties in a most acceptable manner.

Clerk, Township of McGillivray.

Mr. Fraser was born at Paisley, Scotland, in 1834. He came to Canada in 1858, and finally settled at McGillivray Corners in 1863, where he opened a carpenter shop. In May, 1865, he was appointed Township Clerk, and shortly afterwards received the appointment of Postmaster, when he opened a general store. In 1877 he was appointed Secretary-Treasurer of the Township Mutual Fire Insurance Company.

Mr. Fraser looks back with pleasure on his thirty-two years of official life and enjoys the confidence of the public generally. With a view to the further improvement of our municipal law he suggests: That Township Clerks should be relieved



MR. WM. FRASER.

from sending a copy of the Assessment Roll to the County Clerk, and that Statute Labor if not abolished altogether should be levied on acreage and not upon assessed value, as the locality in which land has the lowest assessed value generally has the worst roads and the least Statute Labor to repair them.

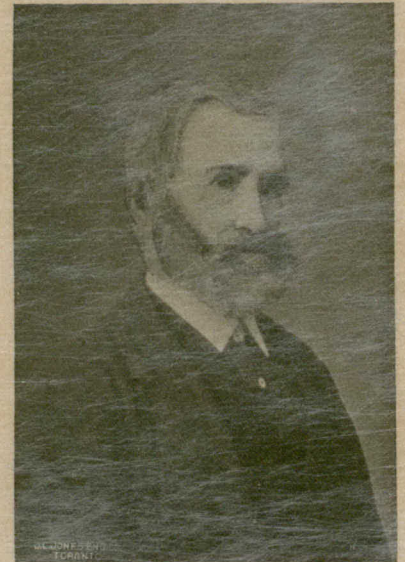
Clerk, Township of Stephen.

Mr. Prouty was born in the town of Cornwall in 1824, he was educated at the Public School and attended the Franklin Academy in New York State. He commenced to teach school in 1841 and during the 31 years he was so engaged he taught for 13 years at L'Original and 15 in School Section No. 1, Stephen.

He was appointed Township Clerk in 1858. Since that time the Township has

had 12 reeves, one of whom became a member of the Provincial Legislature, and three, members of the House of Commons. T. Greenway, now Premier of Manitoba being one of them, and following the example of his predecessors, the present reeve has the nomination of his party for the next Provincial Elections.

Mr. Prouty was the first to agitate for gravel roads in Stephen, and took an



MR. C. PROUTY.

important part in promoting the erection of the Huron House of Refuge.

Clerk, Township of St. Vincent and Town of Meaford.

Mr. Albery is a son of the late Mr. John Albery, of Meaford, Notary Public,



MR. G. G. ALBERY.

He was born in 1874 and when 15 years of age, entered a local law office where he is still engaged. He was appointed clerk of St. Vincent and town of Meaford in 1892, both of which offices he now holds.

### Instructions to Deputy-Returning Officers.

The following instructions to deputy-returning officers are taken from a circular sent out by Mr. W. A. Clark, Clerk and Returning Officer for the Township of York in December last:

1. Poll opens at 9 o'clock a. m. and closes at 5 o'clock p. m. (For Secrecy of proceedings and declarations. See Secs. 169 and 170 of the Act.)

2. The names of the electors entitled to vote in your Division for the election of Reeve and Deputy Reeves and County Councillors will be found in parts 1 and 2 of the certified Voters' List given you; in Part 1 if resident, and in Part 2 if non-resident. The names of widows and spinsters will be found in Part 2 only.

3. Except as provided by Sec. 141 of the Act, a copy of which is furnished you, *no person can vote in your sub-division unless his, or her, name appears in either Part 1 or Part 2 of said certified List.*

#### "COUNTY COUNCILS ACT,"—SEC. 13.

4. The persons qualified to vote for County Councillors are the persons qualified to vote at the election of members of the Council of the local municipality and all local municipal clerks, and no others; and each person so qualified shall be entitled to as many votes as there are members of the County Council to be elected in his County Council Division, and he may, at his option, when there are two County Councillors to be elected, give both of his votes to one candidate, in which case he shall place two crosses within the division of the ballot wherein is the name of such candidate. But where any person being a resident voter is on the Voters' List for two or more municipalities within any County Council Division, he shall vote for County Councillors in that municipality only in which he resides, and only at the polling place of the polling sub-division in which he resides, if he is entitled to vote at such polling place. In case a voter is not resident within the division, he shall vote only once within any division, whether his name is on the Voters' List of said division in more than one polling sub-division or not.

5. No person shall vote more than once for Reeve or Deputy-Reeves at any election for Reeve or Deputy-Reeves, or any of them. (See Sec. 140.) Before handing a ballot (or ballots) to an elector who is not a resident of your polling sub-division, ask the following question: "*Have you voted before at this election for Reeve or Deputy-Reeves or for Councillors within this County Council Division?*"

6. Place your initials on the back of each ballot given a voter, and see that the voter's name is entered by your Poll Clerk in the Poll Book, and that he places a mark in the proper column to indicate what ballots such voter has received. This must be strictly observed, especially when a vote is being taken for election of County Councillors in addition to the

vote for election of Reeve and Deputy-Reeves, or any of them.

7. After the close of the poll and ballots are counted, place all ballots, used and unused, and all forms and certificates, in their proper envelopes, seal and place in your ballot-box; lock and seal your ballot box; *return same forthwith to me at Town Hall.* Fill up and return at same time to me, over your own signature, the form of statement of returns from your polling sub-division (*this statement you must be careful not to enclose in your Ballot Box, but deliver by hand*), which statement must show—The names of the several candidates in order in which they appear on the ballots, and the number of ballots cast in favor of each candidate placed opposite his name. (See Sec. 155 of Act.)

8. A similar statement will be made out and returned in the same manner (*not to be enclosed in Ballot Box*) when vote is taken for election of County Councillors.

9. Fill in form of account in connection with your sub-division, being particular to give name and address of each person entitled to pay for services.

#### Continuation Classes.

The establishment of Continuation Classes provided for in Section 8 of the Public Schools Act, is to be recommended. The demand for fifth form work in the Public School has been recognized in these classes. The first requisite is that the teacher employed shall possess a first-class certificate.

To provide for the extra expense a Legislative grant will be made equal to the average amount per pupil paid by the Legislative towards the maintenance of High School pupils and County Councils are authorized to give an equivalent to the Government Grant or more as they may deem expedient.

In fixing the grants County Councils should consider that these classes will eventually reduce the cost of maintenance and attendance of county pupils at the High Schools.

It is not desirable that every school should introduce fifth form work, and we would recommend County Councils to encourage and regulate the establishment of a limited number of the classes so located that the whole community may participate in the benefits to be derived therefrom.

At the annual meeting of the United States National Road Parliament, recently held in Nashville, Tenn., resolutions were adopted favoring the payment of road taxes in money; recommending state aid to be appropriated in each state so as to secure the co-operation of the townships; advising the employment of convict labor for the preparation of road material within penitentiary walls, as is done in California, thus leaving the construction of roads to free labor.

### High School Act—Amendments Wanted.

The Wellington County Council is requesting the co-operation of other councils in a petition to the Legislature to amend Section 31 of the High Schools Act which requires counties to pay the cost of the maintenance of County pupils, when that cost is more than the Legislative grant and fees received from pupils. It is claimed that under the present law very gross injustices arise, and that a fair and equitable distribution of the grants to the High Schools in accordance with work performed, apparently cannot be obtained as the cost to the county per pupil in some of the schools is more than double the amount in others of similar or superior equipment. The amendment suggested as a more equitable mode of ascertaining the liability of the county is as follows:

Find the total expenditure for maintenance and the total number of pupils and of days attendance in all the high schools in the Province for one or more years and from this basis the average cost of one pupil for one year could be obtained, which would be the unit of cost. To this amount add or deduct for superior or inferior equipment according to the recommendation of the Inspector of High Schools. It would then be an easy matter to ascertain the liability of the county for maintenance of county pupils in each school by multiplying the said average cost by the number of county pupils in attendance at said school and deducting the amount of the Legislative grant and fees received from county pupils.

Another amendment suggested is that sub-section 7, of said section 31, of said act, should be amended by striking out the word "may" in the fourth line of said sub-section and inserting the word "shall" in lieu thereof.

The necessity of this amendment is apparent where a High School is situated in a municipality bordering on an adjoining county.

The difficulty the Wellington Council wish to get over is that some High School Boards are more extravagant than others, and that under the present law they must pay the cost of maintenance of County pupils whether it appears reasonable or not. County Councils have their representatives on the Trustee Boards who should protect their interests, and we think it would be better to appoint more competent trustees or ask for legislation to increase this representation, than to amend the law as suggested.

We would recommend that the High School law be amended so that the Secretary and Treasurer of all High Schools receiving grants from the County will be required to present at the first meeting of the County Council in every year, detailed statements verified under oath containing the information referred to in sub-section 2 of section 31 of the Act.

As a result of their treasurer's defalcation the County Council of Simcoe will ask special legislation authorizing the issue of debentures to the amount of \$60,000 to meet this liability.

In Kentucky the names of persons wanted in court are cried from the front steps of the court houses, and it is said that Kentucky is the only State in the Union where the custom prevails.

## ENGINEERING DEPARTMENT.

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

## A Few Bad Road Figures.

"Not bad in dry weather, almost impassible during fall and spring" is the description which represents the general condition of the roads of Ontario. From the middle of October until the end of December; from the first of March to the middle of May, a period of five months, by far the greater part of the mileage of the Province is mud, ruts and pitch-holes. This may vary somewhat between the more northerly and more southerly part of the Province, but it is the general rule of the average year. Of this period of five months there are at least two months of the year, when the roads are practically impassible for loads. From the middle of November until the middle of December; from the middle of March to the middle of April, the agricultural trade of the country is practically cut off. For the remaining months of the five the roads are barely passible. To this may be added, for parts of the Province, January and February—those southerly counties of Western Ontario where sleighing exists for two or three weeks at the most. If we include a winter month and during that period there are many days when travel is shut off, there are six months of the year when travel and teaming in Ontario is retarded by bad roads. Part of that time, at least two months as pointed out, country traffic is practically impossible. If during those two months fortune favors us with a few days when teaming can be done, there are plenty of days during the remainder of the year to make a plump two months of impassible roads over the Province generally.

It is difficult to fully estimate what this means to each farmer individually as it affects the value of his farm, the marketing of his produce, his business affairs, social intercourse of himself and family with his neighbors, attendance at church, at public meetings, the attendance of his children at school, and numerous other similar matters.

Horses are standing idle in the barn eating hay and oats when they would otherwise be at work earning their food as well as eating it. The idleness of horses means in the great majority of cases, idleness of the teamster.

In order to forstall the bad roads the farmer goes about his business, does his teaming and marketing while roads are good in the early fall. His plowing is left until the roads are bad, but when the roads are bad the ground is soaked and unfit for cultivation. It is on clay land where the roads are generally the worst; in such districts, it is generally found that marketing and cultivation come in the order described; and it is clay soil which is most greatly injured by being worked

when saturated with moisture. It cannot be argued that these matters are of no consequence. Many individual farmers may be willing to put up with all these drawbacks. But when aggregated, the loss is one which the country as a whole cannot afford.

The statistics compiled by the Bureau of Industries show that in 1896 there were in Ontario 434,384 working horses owned by the farmers of Ontario. This number does not include the unbroken horses nor breeding mares, but represents the number actually used for work. Let us assume, and the assumption is a very moderate one indeed, that one-half these horses which would otherwise work are prevented from doing so for two months or sixty days of the year, and that their teamsters are also left in idleness. This means that, for sixty days, 108,596 teams and 108,596 teamsters are idle. The price paid generally is \$3.00 per day for a team with a driver, and is a proper estimate of the value to the country. The direct financial loss daily, therefore, is at least \$325,788 and for sixty days \$19,547,280—no inconsiderable tax for one Province with a population of about two million. At 3 per cent. this is the interest on a capital of \$651,576,000.

There are many thousand of acres in Ontario which are remote from the market towns, and with only common dirt roads over which the market can be reached. These isolated farms are of very little value, worth not one-half nor one-quarter what they will be when first-class roads are provided. Instances are not lacking to show that property in the immediate vicinity of even a city market has increased fifty per cent. by the construction of good roads. When we consider then, that very few roads in even the oldest and best settled districts are what they should be, and that many are decidedly what they should not be, it is apparent that the increase in land values throughout the Province by a complete system of roads would be very great. When we consider that the assessed value of farm lands is very much below the actual value, it is a conservative estimate to say that the increase in farm land values would be 25 per cent. of the assessed value. In 1895 the assessed value of farm land was \$572,938,472. A 25 per cent. increase would amount to the sum of \$143,234,618. At 3 per cent. interest the annual loss is \$4,297,938. Here then on two departments merely, there is a capital loss to Ontario of \$794,810,618, or a yearly tax at 3 per cent. of \$23,844,318.

There is nothing here of the annual loss through the interference with trade. There is nothing of the loss of time, there is nothing of the smaller loads which have to be drawn at all seasons of the year because of merely rough roads.

In 1895 Ontario manufactured cheese to the value of nearly nine million dollars. The creameries manufactured butter to

the value of over \$400,000. A market for fruit is being created in Great Britain. The total production of Ontario farms, has a value annually, it is estimated, of \$200,000,000. All this must first pass over the common highways before reaching the markets. It is the basis of Ontario's wealth. The amount is far in excess of that needed for home consumption and the only resource is to obtain a market in foreign countries.

The only means whereby Canadian farmers can increase their advantage over the agriculturists of other countries with whom they have to compete in the foreign market is to decrease the cost of transportation. This is being accomplished to a great extent by the increased railway facilities, more rapid steamboat service and cold storage accommodation which the government is providing. All this is necessary, but equally necessary is it to cheapen the cost of transportation over the first part of the journey—over the common country highways.

## Hardening Cement Paving.

Portland cement paving will attain a considerable degree of hardness without any dressing or any special treatment, but paving laid in damp weather will ultimately attain a greater degree of hardness than that laid in very hot weather. Further hardening of the surface may be produced by keeping the work moist by means of wet cloths, or by damp sawdust or sand laid over the paving as soon as it is set; flooding the work with water, where this is possible, will be best of all. Miller mentions that cement work may be rendered very tough and hard by gauging the material with 10 to 15 per cent. of minion, the siftings of ironstone after calcination. Indurating concrete slabs causes them to become very hard, by it their density is increased and their porosity lessened. A solution of soluble silicate of soda, 1 part to 10 parts of water may be applied to in situ paving, but the pickle should not be applied until after the lapse of a couple of days, by which time some of the moisture will have evaporated and thus allow the silicated solution to penetrate the pores of the material, for which the silicate has a great affinity—*Building World*.

## The Wide Tire Law.

The Wide Tire Law of Rhode Island, passed May 18, 1897, provides for minimum widths of tires for axles of various diameters, the axle measurements being "the size in inches of either the diameter or the square of the axle at the shoulder." These minimum widths are as follows:

Axle—	1½	1¾	1¾	2¼	2¾	3
Tire—	1½	1¾	2½	3½	4	5
					5	6

After April 1, 1898, no road vehicle shall have tires of less size than this put on it, and after April 1, 1902, no person shall drive a vehicle with smaller tires under a penalty of a fine ranging from \$10 to \$20.

### State Aid.

The construction of a national highway to be known as The Great Road of America is being advocated by some of the leading road reformers of the United States. It is proposed that the road will pass through the States along the Atlantic seaboard, that a branch will cross the continent on a central line from Washington to San Francisco and will there unite with another line passing north and south through the States on the Pacific Coast. It is proposed that the road will be built by the different states traversed.

The construction of a system of first-class highways is one of the most important and necessary public works which the government of any country can undertake. So important are the common roads considered by the people of France that certain routes are entirely built and maintained by the national government, and state aid is largely given to roads of minor importance. Germany has a very similar system of road construction and repair to that of France. In England the important roads are in charge of the counties, but aid is given from the national treasury. All countries which have sufficiently appreciated the value of good roads have thus centralized the authority over them. Those states of America, notably Massachusetts, Connecticut, and New Jersey, which are most progressive in the road reform movement, have established systems of state assistance.

State aid is beneficial in many ways, and it is affirmed by the best authorities to be the only means of providing good roads. Without state assistance, the important roads of a locality are built and maintained in the same manner as are the little travelled roads. Very rarely can a community undertake the general construction of roads in any but a superficial manner unless state assistance is given. Local systems are always disconnected not only among each other, but also within themselves.

It is the rule that every township and county has certain main trunk roads on which the traffic from the back concessions converges until finally, as the market town is approached, there is collected a very great amount of travel. Such roads as these should be of the best description at all seasons of the year. The ordinary means used in the construction of local roads is not sufficient. In Ontario, such roads in wet seasons, are, as a rule, as impassable as any of the back concessions. They nevertheless receive the greater part of the statute labor and expenditure available in the municipality. The great amount of travel over them is so destructive during the wet periods that, to repair them, they absorb the energy of the municipality, are still bad, and the back concessions are still worse.

These defects are not, of course, a necessity; but they are, in actual experience, always found to exist. There are

exceptions; there are roads in Ontario which are good during the entire year wet or dry; there are others which, while not good throughout their entire length, are good in sections. But these are the exceptions which prove the generality of our roads to be bad and the contrast is a very striking one. It is to be hoped that we will soon have more exceptions; and that they will multiply until the rule is reversed.

### Some Practical Results.

Interest in the improvement of streets and highways grows apace and is evidencing its existence by practical results and there is abundance of room in this locality to continue the good work. The introduction of the grading machine has wrought a marvellous change, even in Huron County, and an illustration of how it improves roadways may be seen on the gravel road through McKillop township. In addition to cutting off the raised edges of soil and earth so as to allow the free escape of water to the ditches, the centre of the road is nicely crowned and by the application of a good coat of fine gravel this road has been put in almost perfect condition. The difference between the road above mentioned and that of the same highway further North is very painfully noticeable. We don't suppose there are any very good reasons why what was done through McKillop could not be duplicated between Walton and Wroxeter and the sooner the test is made the better. From years of hard wear in many places the center of the road instead of being crowned to readily shed the water, is hollowed so that it is impossible in the Spring and Fall to keep it drained, and as a consequence the heavy teaming soon cuts ruts and the rough stones speedily manufacture mud holes by the aid of the wagon wheels, and instead of it being a pleasure to drive it becomes the opposite and is wearing to harness, rig and driver. The Good Road's Movement is making a move in the right direction in placing at the disposal of the general public all information relative to the most modern means of improving on the old plan followed under statute labor and while not increasing the expense to municipalities a vast and permanent improvement may be arrived at by concerted action in adopting the plans indicated by them, and tested beyond any peradventure. If every municipal council will use a grading machine properly and put gravel instead of rocks or sand on the centre of the road bed, the day of good roads is not far distant, which will be hailed with pleasure by all who use the Queen's highway. The streets of our towns and villages are also in need of a different course of treatment than that in vogue, and we are pleased to notice the example set by Wingham, Blyth, Clinton and other places worthy of emulation by those who have not initiated them—*Brussels Post*.

### Choice of Paving Material.

The science of street paving is not in an experimental stage. There are certain varieties of pavement which, with proper precautions, can be laid with considerable certainty of success. When failure results, it can generally be traced to defects which could and should have been avoided under skilled management.

But experiments should not be conducted in a large way with material, the wearing properties of which are not definitely proven by experience. Millions of dollars have been wasted by municipal councils jumping at new forms of pavement which prove a reduction of initial cost. Wooden block pavement has been one of the chief sources of wholesale experiment and waste in Ontario. There are certain standard forms of pavement which should be retained until other materials have proven their utility beyond question.

And because a pavement is found to give good results, under a certain set of conditions of climate and wear, it is not to be inferred that it will be equally suitable for another set of conditions of climate and wear. A Victoria is a very useful carriage in which to go for a drive, but we do not use it for carrying building stone nor cord-wood. Pavements, like vehicles, have to be designed and constructed according to the use for which they are intended. And very much as the bridge engineer calculates the strains to which a bridge will be subjected the expert road builder will study the design for a pavement required to meet certain conditions.

There is no one variety of pavement suited to all degrees and forms of traffic, no one variety which can be used to advantage for all locations. Granite block pavement is the most durable which can be constructed, requires but little repair and is well adapted to steep grades, but is rough, noisy and trying on the hoofs of horses. Asphalt is a very smooth and agreeable pavement on which to drive, is handsome, sanitary and may be kept very clean, but it is less durable than granite and cannot be used on steep grades. Vitrified brick is fairly well adapted to steep grades, ranking next to granite in the foothold afforded horses, is smooth and less noisy than granite, is very agreeable for driving or wheeling, may be kept very clean, but is less durable than either granite or asphalt. Crushed stone (macadam) is the most agreeable of all for driving, is not noisy, is superior to all in safety, is adapted to steep grades, but under excessive traffic, is very expensive to maintain.

"What's your occupation, bub?" asked a visitor at the capitol of a bright boy whom he met in the corridor. The boy happened to be a page in the White House. "I'm running for congress, sir," he replied.—*Christian Intelligencer*.

## Management of Streets.

There is no department of municipal government so dependent upon systematic oversight, skilled and experienced judgment, as is the great street department. There is no branch of municipal affairs which will make so apparent the results of wise expenditure; no public work which affords so many opportunities for waste and mismanagement. The evil effect of loose management is heightened by the importance of rightly paved streets to the well being and progress of a town. Large expenditure produces a correspondingly high rate of taxation; when this is coupled with rough, badly designed and constantly failing pavements, the evil is not of a single but of a two-fold nature. High taxes and bad streets are a most undesirable union.

While it may be very popular to look with skepticism upon scientific principles in street construction, and the necessity for the services of experts, the fact still remains that, until the error is fully recognized, money will be extracted from the pockets of the ratepayers by the hand of taxation, and buried in the mud by the hand of innocence. No clearer demonstration of this can be had than the common expression "Give us more money and we will give you good streets," when after many years of effort and thousands of dollars expenditure, not a street or even a block has been properly constructed. Increased appropriation would therefore mean increased waste. System and plans embodying the true principles of construction are certainly of first importance to ensure the full return of benefit for every dollar expended. A system of extensive patchwork and temporary surface repairs called "street construction" which tides over the year merely, is as shiftless as it is extravagant. By it no finished work can be expected.

Streets will always be required and their construction in a permanent manner consistent with the development and requirements of a town is the most economical system. Skilled direction is the foundation of all great public works, and while we are delighted with the results of their employment in all the great works of the country, in none are they more needful than in street making. Surrounded by peculiar local conditions, as to material requiring careful preparation and application, nature and extent of traffic, treacherous foundations, changeable climate and limitation of cost, no work can be mentioned that requires more skill and judgment. Until this is realized failure is inevitable.

"My hair turned from raven black to snowy white in a single night."

"That's nothing. I went into a pawnbroker's shop once and stayed only fifteen minutes. When I came out my watch had changed from gold to silver."

## Electrical Transmission.

To convert the immense water power of Niagara Falls into electricity, and to transfer this electricity to towns and cities at a distance, where it will be again transferred into power to be utilized in the operation of railways and factories is a problem which for some time has engaged the attention of experts. The following opinion expressed by George Forbes the designer of the Niagara Power Plant, in the *Engineering Magazine* for October is an encouraging one. Mr. Forbes says:

"There has been an absurd hesitation to undertake the transmission of power to great distances. If engineers who have had experience in the transmission of power and in conversion of alternating into continuous currents would look into this question, they would be convinced that where water power is available it is generally economical to transmit electrical power hundreds of miles for working railways. As an example it can be proved that if the railways of Scotland were combined to work their trunk lines by means of electric locomotives, the electric current being developed by the water power which exists in that country, then the whole of that service might be carried on without the use of steam locomotives.

"Another lesson to be drawn from a careful examination of the subject is that the waste of coal on steam locomotives is not by any means compensated by the extra cost of power in electrical transmission. Estimates have been prepared which show that not only is the cost of copper prohibitive, but that the efficiency of the electric system renders the consumption of coal with stationary engines about as great as with locomotives. This is certainly not the case. The cost of electrical transmission when properly affected, is not comparable with what it is as calculated on the lines adopted in the past; and on the other hand, the efficiency of dynamos and motors has not been sufficiently considered in street-railway practice in the United States. A very large part of the success of the Liverpool Overhead Railway is due to the high efficiency of the electrical machinery."

Mr. Forbes in the article from which the foregoing paragraph is taken, discusses chiefly the question of long distance transmission with respect to trunk line railways. If Mr. Forbes views are correct however, it should be a matter of the near future for Toronto, Hamilton, London and other towns and cities to receive all the power needed for industrial purposes from Niagara Falls. If long distance transmission is feasible, the water power of the St. Lawrence, Ottawa and numerous minor rivers should add immensely to the wealth of this Province.

"You mustn't touch that picture; it isn't dry yet."

"Oh, that doesn't matter; I have an old pair of gloves on."

## Municipal Ownership.

The municipal ownership of monopolies is each year growing in public favor. Monopolies are those industries which are of prima necessity to the public, and which can be best and most economically conducted when under the management and control of one person, firm or corporation. The monopolies usually included in this description are waterworks, gas and electric lighting, street railway and telephone systems.

There are examples of the successful municipal operation of each of these monopolies. In Ontario, municipalities as a rule own waterworks and electric light plants wherever they have been installed; if the experiment produces satisfactory results in the case of these, there seems to be no valid reason why equal success would not be attained in the municipal control of street railway and telephone plants. The most powerful argument against municipal ownership, and the one always advanced by its opponents, is that corrupt practices are likely to be produced. Whatever may be the case in the past and in rare instances to-day, there is a decided general tendency toward honest civic government; and whatever may have been the force of the argument it is becoming weaker every day. The *Hamilton Herald* said recently:

"Much use is being made of the fact that municipal ownership and operation of a monopoly has proven a failure in the case of the gas supply of Philadelphia. It is being claimed that therefore the principle of municipal ownership has proven a failure.

It proves no such thing. It proves merely that the municipal government of Philadelphia is either corrupt or inefficient or both. In connection with municipal government there is no fact better attested by experience than the fact that the gas monopoly is a monopoly which pays a municipal corporation to control and operate. The experiment has been tried by Glasgow, Birmingham and dozens of smaller towns in Great Britain, and in each case it has proven satisfactory. It has resulted in profit to the corporation and cheaper gas for the consumer with no deterioration of quality.

There is no good reason why the business of supplying gas could not have been carried on as a municipal enterprise as well in Philadelphia as in British towns. The reason why the enterprise is successful in British towns and unsuccessful in Philadelphia, can only be that in the British municipalities the business is honestly and economically managed and in Philadelphia it is managed dishonestly and carelessly.

Pensioner Old-String—"Yes gov'nor I've braved the very jaws of death—and here I am."

Old Gent: "And I've braved the jaws of my old woman for nigh thirty years—shake hands."



## Plans.

When plans for sewerage or water supply are desired there are two methods only which can be considered, one of which must be adopted.

The first method, which is undoubtedly the best, is to select a competent engineer and have him prepare the plans. Pay him a fair price for his work, and give him every facility in its prosecution. This is a proceeding in accordance with the old saying, "Every man to his trade."

The plans when completed must of course be presented to the Council and accepted or rejected, but not passed upon as by experts. The Engineer is the man whose supposedly superior knowledge of the subject the board are to rely upon, and for this reason he was employed. Any criticism of technical or scientific features of his work are out of place if his selection was on account of ability. Questions of expediency alone govern the selection or rejection of his plans. They may be too high-priced, or perhaps do not suit certain local conditions to the satisfaction of some. The changes suggested he can consider, and if practical the plans can be modified. If not practicable he should then be prepared to defend his ideas. By using care in the selection of an Engineer, and dealing with him as with a business man, it will be found that good service and economy may be secured.

The great objection to the above method is that in practical politics there is a mysterious factor known as "pull." This pull often operates disastrously to a town's best interests, when it is proposed to employ competent men for any purpose. In the appointment of the "expert," one is sometimes called whose assumption of the claim to be considered such is unwarranted. He is employed out of gratitude for past favors received, or prospective favors to be granted, or out of friendship to some one of authority in local affairs. It happens that once in a while, when intending to do their full duty, the town officials unintentionally fail through ignorance of what really constitutes a competent man for the work in hand.

The second method is to advertise for plans, and offer a bonus for the best one or two.

This method if properly followed should result well. In the first place the time in which to prepare the plans should be ample, being from one to six months according to the importance of the town. One reason for giving plenty of time is to enable competitors to study the matter carefully and not compel them to rush it through. Another reason is that only one or two win, therefore a number must work for nothing. By giving plenty of time these men can give their spare time to the work on which they take chances of payment and lose nothing else. First-class men being generally busy, time counts, and if compelled to drop other work for the bare chance of winning a bonus they

decline to enter into competition, and their fellows who happen to be doing little reap the benefit. By giving time enough to prepare plans, the town stands a good show of securing them from better men.

In the second place the data furnished should be full. A blue print of the town should be furnished, with all the official elevations marked thereon. Where grades have not been established, contours of two or three feet interval should be drawn. All existing sewers (if a sewer system is desired) or pipes (if a water supply) should be shown, with their sizes, material, condition and elevations, and all other data which will be useful. A printed description of the place and all information regarding it which will help should be prepared.

Thirdly, the advertisement should state the time plans will be judged, the amount or work desired, the amount of prizes and their number, where the plans should be sent, whether they will be judged by the Council or by competent Engineers, and provide that all competitors should mark some sign or symbol on their plans and reports, and deposit a sealed envelope containing his name and address with the Clerk of the Board, the sign they use being on the outside of the envelope. This will aid in a fair selection, for if no jobbery is indulged in all plans will be judged solely on their merits, and none of the authors of the plans will be known until the premiums are awarded when the envelopes are opened. The unsuccessful competitors, if they so desire, may have their plans returned without mention made of the fact, for a man suffers some loss of reputation if unsuccessful in such a competition.

There are several reasons why the selection of the best plans should be left to competent Engineers, the most important one being that few Engineers of standing and ability will enter plans otherwise, thus the town is a loser. Sometimes Engineers of undoubted ability will present plans for the judgment of the Council, but it is generally in cases where there is a surety of honesty and fair play, or through fear that some mediocre plans may be adopted and the profession injured. There are other reasons of course, some of them hardly creditable.

The plans should be judged by Engineers because their education and training are for the purpose of fitting them for such work, and there is more in it than the ordinary man has any idea of. A town official, if not trained in such special work, is apt to judge plans entirely by their first cost, or as affecting a certain locality.

Take a sewer system for example. It is a highly scientific and complicated affair, and there are innumerable details about it which can only be properly judged by one who is a specialist in such matters. The business man is not supposed to know why a certain sized pipe which will do in one place is too small for another; he does not know why, in several blocks of sewer, each

increase in size calls for a corresponding decrease in inclination; he does not know why the pipe entering a manhole should discharge above the bottom of the discharging pipe, if of a different diameter, he cannot keep up with the times and understand the utility of certain devices and the worthlessness of others.

Plans may be called for, and the Council pass judgment. A number come in, and the authors with them. Each presents his own side of the case and the officials get puzzled. Finally a selection is made on the ground of costs and perhaps when it is too late it is the most costly of the lot. Some man presents a plan costing a certain amount, which he claims will drain every portion of the city, but his estimates cover main sewers alone. Another with perhaps a far cheaper system has figured the cost of every foot and loses on account of it.

With Engineers judging the plans this could not occur as they would detect at once anything of the kind and render a report accordingly. Bad practice can be detected and mistakes seen. The plan which is really the best will be selected and the people get good value for their money.

In some places there seems to be a dislike to consult Engineers on such matters.

To examine sewer plans a committee of plumbers, architects and physicians will be appointed, with perhaps a contractor or two, while to examine plans for water supply, stationery engineers, machinists and contractors are favored. The much vaunted "sense" of the business man is relied upon, yet this same business man calls in physicians when ill, lawyers when sued, and carpenters to build his house. To employ the physician or lawyer to build his house and consult the carpenter when ill would be extremely bad form and not economical. The inferences are obvious.

General Stone, Director of the Office of Road Inquiry at Washington, states that "Charlotte, N. C., has doubled its population in ten years simply from the results attending the construction of the roads in and about the city, under the convict labor system. The value of the property has been doubled for miles around." There may be a lesson here for some of the cities and towns of Ontario.

"Why not begin to spend less money on railways and more on the common roads? The common roads cannot be monopolized or their stock watered; they belong to the people and the people cannot be deprived of them. Every dollar put into good roads is a dollar put into the farmer's pocket, saving wear and tear of horse-flesh and wagons, helping him to market his products, and increasing the pleasantness of country life, giving better mail delivery, better access to the store, the church, the school-house, the public meetings, the neighbor's house.

**QUESTION DRAWER.**

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

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

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

Orders on School Treasurer.

435.—MAC.—Is the school board held responsible for any orders which I may verbally accept as secretary-treasurer without being authorized by the board so to do by resolution or verbally by the other two members of the board? Or would I be held personally responsible for accepting orders verbally for school purposes if the other trustees refused to sustain me?

The board is not liable for orders accepted by you, nor are you liable for accepting orders verbally.

Reeves and Deputies to be Elected.

436.—J. R.—There is a great difference of opinion here as to whether there has to be reeve, first and second deputy-reeves and councillors elected in rural municipalities as formerly, or one reeve and four councillors?

No change has been made in the law, and deputy-reeves will have to be elected next year as in former years.

Appeals Against the Voters' List.

437.—CLERK M.—A number of persons (say 25) engage a solicitor, and through him present a joint appeal to have their names placed on the Voters' List under the Manhood Franchise Act.

Should each of the persons whose name appears on the said appeal be served with a notice of the date of the holding of the court as set by the county judge, or would it be sufficient to notify the solicitor who filed the appeal and he notify the several persons as his clients?

Notice, stating when and where court is to be held in accordance with forms eleven and twelve of the Voters' List Act, 1889, should be served on each person complaining, and on those in respect to whom complaint is made.

Power of School Trustees—Division of Section.

438.—J. P.—P. S. No. 5, Georgiana, has been a large one maintaining two schools. Last spring the municipal council on petition of the ratepayers, divided the section, and the election of the two boards of trustees as well as other business connected with the settling up will be carried out at the annual meeting in December.

Has the present Board of Trustees the power to transact business that will involve both the new Boards, such as engaging teachers, etc. Two of the present board are in one section, while the other one is in the other section.

You will notice that there is one Board (that elected in December last year) acting now. The enquiry is as to whether they have the powers to involve both the new Boards to be elected.

We assume that the Council acted under the authority of Sec. 38 of the

Public School Act, 1896, and that they passed a by-law to divide the section. Sub-section 3 of section 38 declares that such by-law shall not take effect before the 25th. December next, thereafter. It follows therefore that the powers of the present Board are the same as they were before the Council passed the by-law, and will continue so until the 25th December next, at all events.

Drainage Appeals—Evidence.

439.—J. R. B.—A. B. C. and D. are assessed under the Drainage Act for the construction of a drain. A appeals against his assessment in comparison with B's. B does not appeal at the Court of Revision. Has the chairman of said Court the right to call C and D who are assessed on the drain (but not appealed against) to give evidence as to the assessment of A and B?

Unless a majority of the members of the Court of Revision objected to the chairman's examination of C and D we cannot see any objection to them giving evidence under the circumstances.

Verbal Nomination Sufficient.

440.—M. E.—Must Municipal Councillors be nominated in writing this year?

No. The amendment making this change does not come into force until the 1st January, 1898.

County—Explanation of Term.

441.—COLLECTOR—Does the word "County" in first line, page 10, sec. 124 Collector's Guide, include provisional county or district?

The word "County" includes provisional county but not district. Our reason for saying that it includes provisional county is: Sub-section 4 of section 2, Consolidated Municipal Act, 1892, defines county as follows: "County" shall mean county, union of counties or united counties or provisional county as the case may be; and section 3 of section 2, Consolidated Municipal Act says: "County council," shall include provisional county council. The Municipal Act and the Assessment Act are to be read in *pari materia*, per Gwynne, J. M., re Montgomery and Raleigh, and so ought to be construed together.

Drainage Petition Not Compulsory—School Teacher May be Auditor.

442.—C. J. W.—1. Can a Council be compelled to act on petition signed by a majority of parties interested in construction of a drain under Municipal Drainage Act?

2. Is it legal for a school teacher in one of the public schools of municipality to act as auditor?

1. No. Section 3 of the Drainage Act provides that the council, upon the petition of a majority number of the resident and non-resident persons, may procure an engineer, etc., and section 14 says that if the council be of the opinion that the drainage work proposed, etc., would be desirable it may pass a by-law. These two sections show that it is not obligatory upon the council to pass the by-law.

2. Yes, in township where there are school-sections.

Councillor's Wife may be Shareholder in Electric Light Company.

443.—M. E.—Can a person whose wife is a shareholder in an Electric Light Company be elected or hold the office of councillor in a municipality that has contracted for electric lighting with such company for a term of years?

Yes.

Cannot Withdraw from Incorporated Village.

444.—A. J. R.—What mode of procedure should be adopted where a portion of the municipality of an incorporated village wishes to be divorced from said corporation and be transferred back to the original township?

There is no provision in the Municipal Act for doing what is desired to be done in this case. The county council may on petition reduce the area of an incorporated village by excluding from it lands used wholly for farming purposes, or an incorporated village may become unincorporated under certain circumstances. See sections 15 and 16, Con. Mun. Act, 1892.

Certificate as to Assessment Roll.

445.—F. M. W.—When is an assessment roll finally revised? At Court of Revision by council (when there are no appeals) or at Court of Revision of Voters' List by County Judge?

Have seen certificate as to assessment roll required by section 135, c. 184, R. S. O., dated to date of revision of Voters' List.

The assessment roll stands finally revised in case of an appeal to the Court of Revision after the time for appealing to the County Judge has expired or in case of an appeal to the County Judge as soon as he has revised it. The date of revision of the voters list has nothing whatever to do with the final revision of the assessment roll.

County Councillor Non-Resident.

446.—G. W.—One of our county councillors has removed from this division and removed to another part of the county outside of this division. Does he vacate his seat by not being a resident of the division? If so give proper mode of procedure in the case in your next issue.

No. Section 412 the County Councils Act, 1896, provides that that act shall be read with and as part of the Con. Mun. Act, 1892. The latter act does not appear to make provision for unseating a member who changes his place of residence. See section 177 and following sections.

Naturalization Proceedings.

447.—ENQUIRER.—Will you please inform me through your columns what is the process of naturalization or re-naturalization of a person born a British subject, but having taken the oath of allegiance to the United States comes back to reside in Canada?

Section 18 of the Naturalization Act, chapter 113, R. S. of the Dominion of Canada, provides that a statutory alien may upon the same terms and subject to the same conditions as are required in the case of an alien apply to the proper court for a certificate of re-admission to British nationality. For the procedure in the case of an alien see sections 8 and following sections of the same act.

Verbal Nomination.

448.—W. P.—Have the nominations of councillors, etc., got to be in writing at next regular nomination meeting?

See Schedule C. chap. 15 Vic. 60, section 28, also section 11 of same chapter.

No. See No. 453 in this issue.

Collector's Authority to Distrain.

449.—D. A.—Can the collector of taxes for an incorporated village legally distrain for taxes at the expiration of fourteen days after leaving tax slip with party liable?

In the absence of any by-law he may do so, but if there is a by-law appointing a day for payment, the distress cannot be made until after the expiring of that day. See sub-section 3, of section 53, Con. Mun. Act, 1892.

Tenant's Change in Property.

450.—J. C.—A yearly tenant occupied a building assessed for \$2,500, until June last. He then moved across the street to a building assessed for \$3,000, which he leased for a number of years. He now occupies a building that he is not assessed for and is assessed for the building he does not occupy. Can he qualify for a seat in the town council on either?

Assuming that he was assessed for sufficient property and qualified had there been no change he can qualify upon the property to which he has moved, though his name is not on the assessment roll, in respect of that property provided his interest in it at the time of his election is sufficient to qualify upon, and provided he is at that time a resident of the municipality. See sub-section 2, of section 73, Con. Mun. Act, 1892.

Opening a Road.

451.—A. S. L.—The lots 24, 25, 26 are in 10th concession Dungannon. The line between 25 and 26 is known as the two mile line or side line. It is not open only for about 4 rods. Lot 25 was formerly owned by Stewart but was sold to Farrell. While Stewart owned it the council gave him the side line in lieu of land taken from him in running a road across the lot known as the farm road. Can the council now open the two mile line? After Farrell purchased he exchanged part of his lot with Hague who now claims his part of side line.

If the council consider it necessary in the interest of the people of the locality to open the side line they may do so. The procedure provided by section 546, Con. Mun. Act, 1892, must be taken. Some of the landowners may claim compensation but that does not prevent the council passing the by-law first, leaving them to make their claims for compensation afterwards if they have any.

Street Watering By-Law.

452.—J. M.—In August, 1896, our Town Council acting under Municipal Act, Statutes of Ontario, Sec. 629, sub-sec. 2, 55th Vic., 1892, passed a by-law setting apart certain streets to be watered by the town, the expense thereof to be levied against the different properties affected, on the frontage system. This by-law was not acted upon in 1896 but in the spring of 1897 the town proceeded to water the streets named. Immediately there was a strong opposition aroused to the by-law and petitions were presented to the Council asking to be relieved. The first petition sent in from a section of one of the streets named asking that the watering be discontinued which was granted by the Council. This petition was

followed by others to the same effect until finally as the easiest way out of the trouble the Council repealed the whole by-law and the watering stopped. The Council are now proceeding to collect the amounts assessed against the different properties, and a number of those interested intend to refuse payment. To avoid any trouble that might arise I am requested to ask you the following question:

Is it necessary for the Council in the matter of street watering to pass a by-law for each and every year in which the watering is done, or does the by-law being once legally passed remain in force until legally repealed without regard to time?

We are of the opinion that the By-Law would remain in force until repealed. See section 34, Municipal Amendment Act, 1895.

Nominations.

453.—INFORMATION.—(a) Is there any difference now in the order of nominating candidates for municipal councils? and if so, what is the correct and legal way for so doing in the future? Give the form. (b) Does the same order and forms apply to cities, towns, townships and villages?

(a) No. (b) Yes.

After the 1st January, 1898, nominations are to be made in writing. The following form may be used.

Nomination Meeting

Municipality of.....  
 .....day of .....18.....  
 The undersigned hereby nominate.....  
 .....  
 (Name in full.)  
 .....of the.....of.....  
 in the county of....;.....for  
 (Occupation.)  
 the office of.....  
 Proposed by.....  
 Seconded by.....

Clerk Not Deputy-Returning Officer.

454.—J. D. M. Clerk.—Our municipality not being divided into wards, but into polling subdivisions, can the municipal clerk act in the capacity of Deputy-Returning Officer at one of the polling divisions if appointed to said office by By-Law of the Council of the said Municipality?

The Clerk should act as Returning Officer only. See question No. 455.

Clerk or Deputy-Returning Officer.

455.—H. L.—In your June issue, 1897, in answer to F. N. D., 248, as to his acting as deputy-returning officer at municipal elections he being clerk, you say "No," and quote sec. 97, Municipal Act, 1892.

Please show me where you find any such thing in said section of said Act. 'Tis true that said sec. says that the Council of every municipality in which the election is to be made by wards or polling subdivisions shall from time to time by by-law appoint—

(a) The places for holding the nominations for each ward.

(b) The returning officers who shall respectively hold the nominations for each ward.

(c) The places at which polls will be opened in the municipality in case a poll is required.

(d) The deputy-returning officers who shall preside at the respective polling places.

(2) The Clerk of the municipality shall be the returning officer for the whole municipality, and in the case of a poll being required the deputy-returning officers shall make to him the returns for the respective wards or polling subdivisions. But it does not say that the Clerk—although he is by virtue of his office the returning officer—shall, nor cannot legally act as deputy-returning officer because he is such returning officer.

According to our interpretation of the law as it at present stands, the Municipal Act, Sec. 136, contemplates the appointment of other persons as deputy-returning officers, except in the case of municipalities which are not divided into wards, when the clerk is authorized to perform the duties imposed in other cases upon deputy-returning officers. The Municipal Act of 1896 requires the Clerks in cities and towns to be at their offices to receive the ballot-boxes, which are to be delivered the same day after the close of the poll. In these municipalities the clerk should not be appointed a deputy-returning officer. Section 97, sub-sec. 2, and section 98, of the Municipal Act, show when a clerk is to be returning officer and when he may act as deputy.

Councillor or Contractor.

456.—H. M.—Mr. A is deputy-reeve and owns a saw mill. In August the council passed a resolution to the following effect:

Moved and seconded that Mr. B be authorized to cover a sluiceway, etc., and that Mr. A furnish cedars at 25 cents each for covering. Carried.

Can Mr. A be disqualified on the above resolution?

2. The council passed a by-law giving notice for the closing of a road. Mr. C asked for damages and afterwards appointed an arbitrator to award the damages he sustained. The township appointed one and the two a third. A meeting of the arbitrators was held and Mr. C was given \$150 damages, township to pay also cost of arbitration (except witness fees). Will it be necessary for council to adopt the award before it is binding?

3. In case the council wish to appeal to the courts, what steps will it be necessary to take?

1. There is no provision in the Municipal Act as there is in the School Act which requires the vacating of the office when a contract is entered into between a trustee and the board. The existence of a contract with the corporation in which a candidate is interested at the time of his election, is declared to be a disqualification, but the Act nowhere declares that if a contract is entered into with the corporation by a member of the Council, that his seat shall thereupon become vacant, but sec. 431 declares that contracts by members with the corporation shall be void in any action against the corporation. Moreover in this case all that has been done is the passing of a resolution, and A may decline to furnish the cedars.

2 and 3. These questions do not give sufficient information to enable us to answer them. Send copy of By-Law and full proceedings of Council in reference to the matter.

Township Council may Fence Graveyards.

457.—J. H.—I. Is it the duty of the township council to keep the fence of a graveyard in repair, said graveyard being situated in township, and nobody seeming to take any interest in the matter? If not, who should do so?

2. Is it lawful to take a gravestone which was erected over the head of a body sixty or seventy years ago and all friends gone, and put it up in some neighboring graveyard, such stone being near the centre of a farm?

1. Yes. See chapter 48, Ontario Statutes 1890, which authorizes Councils to appropriate money for the purpose.

2. If in a cemetery Section 31 of the Cemetery Companies Act applies, but there appears no remedy in this particular case.

By-Laws and Liquor Licenses.

458.—J. H.—Is the Council of a municipality compelled to pass a by-law to grant shop licenses to sell liquor?

2. Can such a license be obtained without a by-law passed by the Council of the municipality?  
No.  
Yes.

Opening Road.

459.—M. A. C.—A farmer has made application to have a road allowance opened to his farm. Said road allowance has never been opened, but was fenced up and used by person owning adjacent lot.

1. What is the proper course to pursue in opening said road?  
2. If a survey is necessary who should bear the expense?

1. We refer you to sections 546, 551 and 552, Consolidated Municipal Act, 1892, showing proceedings necessary for passing by-law to open road.

2. The Council cannot compel any one to employ a surveyor. If they find it necessary to employ one they will have to pay him. But as they are not bound to open the road they may be in a condition to require parties interested in having the road opened to contribute something.

Public Library.

460.—L. T. K.—We have a public library and reading room which has been carried on for years by a Board of Directors, and the said Board have petitioned the council to take it over, and establish a free library. The question is:

1. Will the council require to submit it to a vote of the people?  
2. Will they require to levy a special rate to carry it on, or can they pay out of the general fund what they think expedient?

1. Under section 11, Public Libraries Act, 1895, the council may, on the presentation of a petition, signed by a majority of the Board of Management of the Public Library, appointed under part 3 of the act, appoint a Board of Management. No vote of the people is required to do this.

2. Sub-section 4 of section 11 declares that no special rate shall be levied by any municipal council for the purpose of a public library, organized under part 2 of the act, but section 3 of the act of 1896 provides that it shall be lawful for any municipal or school corporation to contribute to the maintenance of a public library as such corporation may deem expedient, and to exercise its corporate powers for the collection of any sum so contributed from the taxable property of the ratepayers under its jurisdiction.

Council to Levy Sums Required by S. S. Trustees.

461.—P. M.—(a) At the August meeting of the council there was a township rate struck to raise \$100 for each school section. The trustees of three sections have notified the reeve that they will require the other \$50. The three sections in question have not hired teachers with certificates, neither for 1896 nor 1897. Do you consider they can compel the council to give them the other

\$50? (b) Whose duty is it to make out a financial statement on December 15th?

(Copy of Notice)

To the Reeve and Council of the Township of Darling:

Gentlemen,—We, the trustees of S. S. No. 1, Township of Darling, having learned that only \$100 have been levied as a township rate for S. S. No. 1, when we expected and require \$150, according to section 66 of the Public School Act, 1896, and we will require the \$50 additional for our school and require the council to provide the amount by 22nd day of December, 1897.

Darling, 17th November, 1897.

(Signed by trustees of S. S. No. 1, [Seal] Tp. of Darling.)

(a) The trustees are required to submit to the council on or before the first of August an estimate of the expenses of the schools under their charge, and the council is required to levy all sums required by the trustees. See Public School Act, section 62, sub-section 9, and section 67. Also Assessment Act, section 203. The provisions of section 66 of the School Act, requiring council to levy an amount by general rate for each school, directs how a portion of the amount required by the trustees is to be raised. The trustees are entitled to the amount of their requisition and need not concern themselves with the action of the council, if the council have not levied the proper amounts. Section 67, sub-section 3, provides how errors or omissions may be corrected next year.

(b) The council, treasurer and clerk.

Dogs Worrying Sheep to be Killed.

462.—COUNCILLOR.—In that part of the township of Darlington joining the town of Bowmanville there has been a great destruction of sheep by dogs. The township council during this month paid nearly \$300 sheep damages. We have offered a reward for killing dogs found in the act of running or worrying sheep or for finding the owner of any such dogs. We want to know if it is legal to kill a dog when not with its master, and say forty rods from its home, or is there any optional law, so that by passing a by-law, dogs may be killed?

Section 489, sub-section 15, of the Municipal Act, authorizes councils to pass by-laws to restrain and regulate the running at large of dogs and for killing dogs running at large contrary to the by-laws.

Section 2 of chapter 46, Ontario statutes, 1893, which repealed section 9 of chapter 214, R. S. O., as amended by section 6, act of 1890, provides for killing dogs on farms where sheep are kept under the circumstances set forth in clause (c) of the section.

School Section Rates.

463.—T. D. R.—A school section has been dissolved by by-law passed May 4th, 1897, and the lots which composed said section have been added to adjoining sections. Is it lawful to collect a special rate off said lots this year according to the rate struck in the different sections to which they are added, or will these lots escape the special rate for the present year?

The by-law will not take effect until the 25th of December, 1897, and all rates ought to have been levied without regard to it, but any difficulties which have arisen or may arise can be rectified under section 40 of the School Act, which provides for adjustment of claims by arbitration if the trustees in sections interested are unable to agree. If this has not been

done it should be attended to, and the council may correct any errors or omissions when levying the rates next year, so that no property shall escape from its proper proportion.

Statute Labor Rates.

464.—A CLERK.—A is a non-resident and owns a number of vacant lots scattered over the municipality. The assessor in assessing same grouped all the lots together, making twelve days' statute labor. Afterward A petitioned the council to have the labor put in the road division where the land lies. The clerk was instructed to class out the lots into the several divisions and in doing so increased the labor four days, taking as the rule that each parcel of land in a division should bring two days' labor. A refused to pay for only the twelve days, claiming the extra labor was not according to law. The corporation has no by-law regarding the amount of statute labor only what is laid down in the Consolidated Assessment Act, 1892.

1. Was the clerk justified in placing the extra labor on road list?

2. Can the council compel A to pay the extra labor or only what the assessor's schedule calls for?

3. Can the council expend the commutation received for the labor where they see fit, or must it be expended in the division where the land lies?

1-2. If non-resident did not give notice requiring his property to be assessed the assessor should have proceeded as directed by section 30 of the Assessment Act and assessed each lot separately; and statute labor should then be charged against every separate lot as provided in section 99 of the same Act.

If the non-resident gave notice, section 100, sub-section 2, applies and statute labor should be charged in accordance therewith.

3. See section 101, sub-section 2.

Statute Labor Rates.

465.—W. L. H.—A client of mine owns in the organized township of McDougall 3,024 acres, assessed in various parcels of 100 acres or less, each separately valued, and the total assessment amounting to \$7,697.00, for which they demand fifty-five days' statute labor or its equivalent commutation.

The owner, I may add, is a non-resident, who has required his name to appear, and whose name does appear, on the roll.

My contention is that the true amount of statute labor is twenty-eight days, made up under section 93, as follows: For \$500.00, five days; for the balance (at the rate of one day for each additional \$300.00) twenty-three days.

You will observe that the method of arriving at the amount of statute labor, as per paragraph 93, is by the assessed value, the quantity of land forming no factor in arriving at the result, whereas sections 99 and 100 omit the assessed value as a basis of settlement and as per sub-section 2 of section 100, introduce lots or parts of lots as a basis on which to estimate the statute labor.

It is under section 100 that the township officer claims to arrive at the sum of fifty-five days as being the correct amount of statute labor.

By note "Y" of said sub-section 2 it would appear that the tendency of legislation is to grant certain privileges to non-residents not enjoyed by residents, who apparently, if the contention of the municipality is correct, instead of enjoying any privileges, are at the disadvantage of being compelled to do nearly twice as much statute labor as if they were residents.

We have given the above question our best consideration, and have decided that section 100, sub-section 2, applies, and that statute labor should be rated and charged accordingly.

## Nominations and Resignations.

Except where otherwise ordered by By-law of the County Council, meetings for the nomination of candidates for the local councils will this year be held on Monday the 27th December. Some changes were made in the law at last session of the legislature and it is not now necessary for the ballot that a poll be demanded. This amendment reads :

Section 116 of the Consolidated Municipal Act, 1892, is amended by striking out all the words therein after the word "office," in the sixth line, and inserting the following in lieu thereof :

"But if more candidates are proposed for any particular office than are required to be elected, the clerk or other returning officer or chairman shall adjourn the proceedings for filling such office until the first Monday in January next thereafter, where (unless there shall be an election by acclamation by reason of the resignation of any candidate or candidates nominated, as in the next succeeding section provided) a poll or polls shall be opened in each ward or polling-subdivision at such place or places respectively as may be fixed by the by-law of the said council for the election at nine o'clock in the morning, and shall continue open until five o'clock in the afternoon and no longer."

All nominations are to be moved and seconded. This may be done verbally as in former years, the new law requiring them to be made in writing does not come into force until after the 1st January, 1898.

The clerk or other returning officer or chairman shall, on the day of the nomination, post up in the office of the clerk of the municipality the names of the persons proposed for the respective offices.

At the nomination meeting or until midnight the following day, any person proposed for one or more offices may resign, or may elect for which office he is to remain nominated; and in default he shall remain nominated for the office in respect of which he was first proposed and seconded.

(3) The resignation, after the nomination meeting, of any person so proposed shall be in writing, signed by him and attested by a witness, and shall, within the time hereinbefore mentioned, be delivered to the clerk of the municipality.

(4) If by reason of any such resignation or resignations the number of candidates remaining proposed for any office does not exceed the number required by this Act to be elected for such office, then the clerk or other returning officer shall declare such remaining candidates duly elected to such office.

## Publications Received.

*Voters' List and Auditors' Report, Township of Egremont.* D. Allan, Clerk.

*By-Laws, Township Asphodel.* J. Brackenridge, Clerk.

This is a neat pamphlet containing all the general by-laws of the township as revised and passed in July of this year.

## Self-Constituted Candidates.

(By William B. Thompson, in *City and State*.)

The man who studiously seeks an elective or a political office should *never* receive it. To attain it in his own way, he must of necessity either connect himself with the machinery of our political methods, or commit himself by promise and patronage. He cannot do either without exposing himself to the suspicion of ulterior motive or purpose. This is an abhorrence to a clean minded man. When, however, a man can show satisfactorily that he seeks an office solely for the gratification of performing duties conscientiously, which he owes, or rather his abilities owe to the State, or with patriotic, philanthropic, or other commendable object, we may be willing to rest his profession upon an earnest and consistent character, and receive him with favor. Is this too lofty an ideal of unselfish statesmanship? No; because it can be attained. It has truly come to this, that almost any man who conspicuously identifies himself with party, or who may become merely prominent (eminence is a non-essential) in the business or other public walks of life, can conceive a political ambition, and can be successful in that ambition. This pursuit of office has become a method, established, and the nomination by the dominant party is assurance of election. To such election the people demurely submit. It is a civil usurpation only relieved by the appearance of an assent, which is farcical. The public permit themselves to be carried away by a foolish and impulsive enthusiasm, and the very candidate whose name they loudly applaud does not reflect the will nor is he the actual choice of the people. His success is a sort of aggrandizement office made possibly by public apathy. We have, therefore, constantly foisted upon us self-created candidates, self-imposed incumbents of office. When will this irregular order of things be changed? How futile is the remonstrance of a single individual! How feeble the unsupported efforts of an independent, unbiased press! Let the office seek the man—such a one that feels the responsibility and realizes that which the administration of a public trust implies. Let us go and seek *him*! Is the wish too Utopian for this denegate, political age?

Bell: "It's wonderful what change a woman can work in a man after marriage.

Nell: "You mean 'work out of him' don't you?"

Mistress: "You are sure that you will have no young men coming to see you?"

Cook: "Certain and sure, mum. He's as old as you are, mum."

A young lady was asked which she preferred of two brothers. She responded, "When I am with either of them I prefer the other."

## Poll Clerk's Necessary.

The usual allowances made to Deputy-Returning Officers does not in many municipalities provide for the payment of a Poll Clerk. The election law contemplates their appointment and to provide for emergencies the legislature at last session passed the following amendment.

Section 99 of the Consolidated Municipal Act, 1892, is amended by adding thereto the following sub-section :

(2) In case during the polling the returning officer or deputy-returning officer at any polling place becomes unable to perform his duties through illness or other cause, the poll-clerk at such polling place shall act as returning officer, or deputy-returning officer, as the case may be, and he may appoint some other person to act as poll-clerk, and shall perform all the duties of a returning officer or deputy-returning officer.

The Henry George Club of Toronto recently waited on the Premier and members of the Ontario government, and urged that the assessment laws of this Province be remodelled upon a basis more equitable and fair, and which shall include such changes as the following :

(1) That all land within the Province, whether owned by individuals or corporations and not held or owned by the Dominion, Provincial and municipal authorities, which is now exempt or partly exempt from taxation, shall be liable to assessment for taxation equally with the land belonging to the private citizen or corporation not so exempt.

(2) That the personal property tax of street railroads, gas companies, electric light or power companies, telephone and water supply companies be entirely abolished, and that in lieu thereof a tax shall be levied upon the franchise value of all such companies above mentioned.

(3) That the section of the assessment act which allows lands of two acres and over in extent—whether in cities or towns—to be taxed as farm value shall be absolutely repealed.

(4) That the assessment act be so amended as to empower all municipalities to retain and control all lands upon which tax assessments are three years in arrears, and that such lands shall become the property of the municipality absolutely, to be leased or rented, as may be decided upon.

(5) That the assessment act be so amended as to give municipalities local option in taxation, that they may be permitted to apply methods of taxation in accordance with the wishes of those who are to be taxed. In other words, that the people in each municipality may, in their discretion, direct that all taxes in such municipality shall be levied upon the assessed value of real estate alone, including land and improvements, or upon the assessed value of land alone, exclusive of improvements and personal property, or upon the assessed value of land, improvements and personal property taken together.

## Revised Statutes, 1897.

The revised Statutes of Ontario will be ready for distribution some time this month. Every council should order one or more sets for the use of its members. This is the only form in which the complete municipal law of Ontario is obtainable. We have made arrangements to fill all orders promptly, and for convenience, have mailed blank order forms to each clerk.

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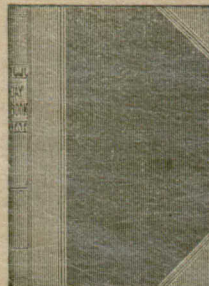
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