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THE MUNICIPAL WORLD

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

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The Municipal World

PUBLISHED MONTHLY

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

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ST. THOMAS, AUGUST 1, 1896.

We have been in receipt of several letters of inquiry in reference to the form of Collectors' Roll required to be provided under section 4 of the Assessment Amendment Act of 1896. In our opinion no change in the form of the roll is required. The amendment is only to be considered when the councils of towns and cities pass a by-law in accordance therewith. We would recommend clerks to read the section carefully, and endeavor to apply its provisions in a practical way before preparing the by-law.

* * *

The council of the township of Sullivan has published a comprehensive by-law respecting the public health, together with the rules for checking the spread of contagious and infectious diseases, and hints on methods for dealing with municipal and house wastes. This takes the place of the by-law provided for in the appendix to the Public Health Act. The following is one of the sections introduced in the by-law in addition to those provided for by the Act:

"All school houses within the municipality shall be whitewashed at least once every year, the floors scrubbed at least twice a year, the said floors to be swept at noon and after school hours on every teaching day, the trustees to see that the wells are kept clean, and the water pure and healthful, and that the privy vaults be cleaned out twice a year, on or before the 15th day of May, and after the 1st day of November; and from the 15th day of May, to the 1st day of Novemember in each year they shall be thoroughly disinfected by adding to the contents of each privy once a month, not less than two pounds of sulphate of copper dissolved in wo pailfuls of water, or other suitable disnfectant."

Municipal Clerks in England.

"*The Position and Salaries of Clerks of Councils*" is the title of an interesting paper in the last issue of *The Councillor*, the leading organ of local government in England. The municipal clerks of Ontario are in the same position as their brothers across the sea, and the following extracts from the paper, which is the first of a series, will be of general interest:

"It is apparent to all that the passing of the Local Government Act, 1894, conferred many additional powers on local authorities in rural districts. As a matter of fact, the act more than doubled the work carried on by the predecessors of rural district councils.

* * *

"It has, I believe, been officially stated that, without the valuable assistance rendered by clerks in interpreting and advising councillors on the intricate provisions of the new act, the measure would have been a total failure. In many unions it is a common practice for clerks to parish councils and parish councillors, as also chairmen and members of patish meetings, to call upon the clerk of the rural district council to advise them in his official capacity upon questions as to the construction of Acts of Parliament, and other matters appertaining to their duties. It is perfectly clear that this forms no part of the official duties of the clerk to the R. D. C., but it is notorious that it has been, and still continues to be done."

* * *

"The office of clerk is an onerous and difficult post; it needs a cool head and calculating mind. The officer who holds it must possess a thorough and practical acquaintance with the numerous Acts of Parliament which govern our sanitary laws. When we reflect that the Public Health Act, 1875, contains over 300 sections and that new statutes kindred to the subject are passed every year, it will be readily conceded that it needs a competent and well-trained mind to advise and unravel the complications of our sanitary legislation. But the new local Government Act has accentuated this state of things. This comprehensive measure has simply incorporated whole Acts of Parliament without re-enacting them in the act itself, creating a precedent of ambiguous draughtsmanship and a chaotic mass of legislation scattered over volumes of text books and Acts of Parliament. In addition to this, the case law on the subject is quite as extensive as the Public Health Acts themselves, puzzling not only the ablest barristers, but the most learned judges."

* * *

"The remarks recently made by the Lord Chief Justice in the House of Lords, on a Bill prepared and brought in to elucidate and define the meaning of sewer, will be appreciated by all officials. He practically stated that the Public Health Acts were in such a confused state that unless they were consolidated it would be impossible for the judges themselves to understand their provisions. Be that as it may it is sufficient to my purpose to state that a clerk to a Rural District Council is expected to advise his Council on questions of highly complex law at a moment's notice, and if his advice is incorrect he very soon hears of it from numerous quarters. A large correspondence is thrown on his shoulders with the Local Government Board, Parish Councils, overseers and other public officials."

* * *

"A banquet given to the Lord Mayor of Birmingham last month was the occasion of a striking speech by Mr. Chamberlain on Municipal Progress. The limits of space preclude us from printing it verbatim, as we should like to do, but there are two or three points which we cannot overlook. The first of these is Mr. Chamberlain's interpretation of local government: "The prime objects," he said, "of municipal institutions are to bring together all classes in a wise co-operation for the common good, by which you may bring within the reach of all opportunities necessaries, luxuries, which otherwise would only be the enjoyment and the privilege of the few — health, comfort, recreation, education." The conditions of success, he maintained, depended upon three things—the character and ability of the representatives, the ability and integrity of the permanent officials, and the intelligent interest of the great body of citizens."

* * *

"Writing as we do for officials, we are glad to find that our own advocacy of ample remuneration for skilled service finds an echo in Mr. Chamberlain's warning to the effect that there is no economy more disastrous than the economy which endeavors to make cheese-paring savings in the remuneration of men whose services may be priceless. This should form part of the creed of every councillor in the country, and should be taken well to heart at a time like the present, when there is a marked tendency on the part of ratepayers and electors to clamor for reduction in the salaries account, which can only be effected by acquiring the services of second-rate men. The points we have emphasized here apply, not only to huge corporations like Birmingham, but to all local governing bodies, not excluding parish councils."

Arrangements have been made for holding the annual meeting of the Ontario Good Roads Association at Toronto, on September 8th, in a hall over the general offices on the grounds of the Toronto exhibition. An exhibit of roadmaking machinery will be a feature of the fair. Every person interested in road improvement is invited to be present.

The Ontario Tree Planting Act, 1896.

2. (1) A person owning land adjacent to any highway, public street, lane, alley, place, or square in this Province may plant trees on the portion thereof contiguous to his land, but no trees shall be so planted that the same is or may become a nuisance in the highway or other public thoroughfare, or obstruct the fair and reasonable use of the same.

(2) An owner of a farm or lot may, with the consent of the owner or owners of adjoining lands, plant trees on the boundaries of the adjoining lot.

(3) Every tree so planted on such highway, street, lane, alley, place or square shall be deemed to be the property of the owner of the lands adjacent to such highway, street, lane, alley, place or square, and nearest to such tree, and every such tree so planted on a boundary line aforesaid shall be deemed to be the common property of the owners of the adjoining farms or lots.

(4) Every growing tree, shrub or sapling whatsoever, planted or left standing on either side of a highway for the purposes of shade or ornament, shall be deemed to be the property of the owner of the land adjacent to the highway and nearest to such tree, shrub or sapling.

3. (1) The council of any municipality may pass a by-law for paying out of municipal funds a bonus or premium not exceeding twenty-five cents for each and every ash, basswood, beech, birch, butternut, cedar, cherry, chestnut, elm, hickory, maple, oak, pine, sassafras, spruce, walnut or whitewood tree, which shall, under the provisions of this Act be planted within such municipality on any highway, or on any boundary line of farms as aforesaid, or within six feet of such boundary.

(2) Such by-law may further provide for the appointment of an inspector of trees so planted; for their due protection against injury and against removal by any person or persons, including the owner, excepting as authority may be given therefor by special resolution of the Council; for the conditions on which bonuses may be paid, and generally for such regulations as are authorized by sub-sections 20 and 20 a of section 479 of the Consolidated Municipal Act, 1892.

4. The inspector shall make to the Council one report for each year, if required so to do, giving the names of all persons entitled to any bonus or premium under the by-law, the number of trees of each species planted, and the amount of bonus or premium to which each person is entitled, and certifying that the trees have been planted for a period of three years, and that they are alive, healthy and of good form; and upon the adoption of such report the bonuses or premiums shall be paid; provided that in no case shall the council be liable to pay a larger sum in respect of trees planted under this act than would be payable if the same had been planted at a distance of thirty feet apart, and in no case shall a bonus be granted where the trees are less than fifteen feet apart.

5. Where a municipality has, prior to the passing of this Act, passed a by-law under the authority of section 4 of the Ontario Tree Planting Act for granting bonuses for tree planting and has paid or has become liable under the said by-law for the payment of any premium or bonus with respect to trees planted prior to the passing of this Act, the Treasurer of the Province, out of any sum which may be voted by the legislature for that purpose, upon receiving a copy of the inspector's report, certified by the reeve and clerk, may recoup to the treasurer of the municipality one-half of the sum paid by the municipality under the said by-law, the said report to be forwarded to the Treasurer on or before the first day of November in each year.

6. (1) Any person who ties or fastens any animal to, or injures, or destroys a tree planted and growing upon any road or highway, or upon any public street, lane, alley, place or square in this province (or upon any boundary line of farms, if any such bonus or premium as aforesaid has been paid therefor), or suffers or permits any animal in his charge to injure or destroy, or who cuts down or removes any such tree without having first obtained permission so to do by special resolution of the council of the municipality, shall, upon conviction thereof before a justice of the peace, forfeit and pay such sum of money, not exceeding $25, besides costs, as such justice may award, and in default of payment the same may be levied on the goods and chattels of the person offending, or such person may be imprisoned in the common gaol of the county within which the municipality is situate for a period not exceeding thirty days.

(2) One-half of such fine shall go to the person laying the information, and the other half to the municipality within which such trees were growing.

7. Any person who ties or fastens any animal to, or injures or destroys any tree growing for the purposes of shade or ornament upon any boundary line between farms or lots, or who suffers or permits any animal in his charge to injure or destroy, or who cuts down or removes any such tree, without the consent of the owner or owners of such tree shall be subject to the like penalties, and liable to be proceeded against and dealt with as provided in the preceeding section.

8. The council of any municipality may pass by-laws:

1. To regulate the planting of the trees upon the public highway.

2. To prohibit the planting upon public highways of any species of trees which they may deem unsuited for that purpose.

3. To provide for the removal of trees which may be planted on the public highway contrary to the provisions of any such by-law.

9. The Ontario Tree Planting Act and the Act passed in the 53rd year of Her Majesty's reign, chaptered 60, are repealed.

Ballot Protection.

Among the provisions of the new election law of Maryland designed to protect the purity of the ballot is one requiring that every person if he can write must sign his name on the registration book. This will aid in identifying voters on election day, and in preventing that evasion of the secrecy of the Australian ballot law which the voter could accomplish by asking for assistance in preparing his ballot on the plea that he could not read.

A Scotch lady tells the following election yarn: "One election in Scotland a candidate called on a man who had his wife and several daughters and not wishing to give his voter money, put a gold piece in his mouth and kissed the wife, deftly shoving the money into the lady's mouth. As soon as the good wife realized what had happened she exclaimed, "kiss my daughters too."

The Provincial Instructor in Roadmaking has, on invitation of the municipal councils, visited the following among other places: Cobourg, Brighton, Port Hope, Orangeville, Barrie, Arnprior, Ingersoll, Township of York, and Carleton Place. The counties council of Stormont, Dundas and Glengarry has requested Mr. Campbell to give a series of addresses of instruction in each of the twelve township municipalities. A number of councils have already arranged for meetings to be held next fall.

A man is, for some occult reason, liable to look a little shame-faced when he gets home after staying out all night at a political meeting. As he came up the path to the farm house his wife came to the door to meet him."

"Did ye have a purty excitin' time?" she asked.

"Tremendous," he answered.

"I s'pose ye've got everything settled."

"No. Tell yer the truth, everything's jes about ez much in doubt ez ever."

"Well, I s'pose it's yer own lookout. But I must say I kinder hate ter see ye wastin' so much good energy."

"How d'ye mean?"

"Pigs is gotter be fed an' wood's got to be chopped, politics er no politics. I don't want ye to neglect yer country, when they's anything that re'ly calls fur yer. But I hope ye will bear in mind that every time ye wave yer hat in the air just 'cause ye git a little excited ye're usin' up muscle thet might have done good service choppin' wood, an' that every time ye yell 'hooray' 'bout nothin' in partic'lar, ye're usin' up good lung power thet'd come in mighty handy ter drive the pigs with."—Detroit Free Press.

The County Councils Act.

The division of the counties into districts is progressing rapidly. The commissioners are unable to satisfy all, and as a result the New County Council Act is the subject of unfavorable criticism.

COUNTY OF PETERBOROUGH.

The Peterborough *Review* says: "Under the County Council's Act passed at the last session of the Provincial Legislature the county has been divided into five county council divisions. Each of these divisions will be represented by two councillors, so that the county council after the next election will be composed of ten members instead of twenty-three, as it is at present. This is a decided decrease in the representation, and the act as a consequence comes in for a good deal of condemnation. Yet, that ten good men can successfully and satisfactorily conduct the business of the county seems reasonable enough, but it will be necessary that the districts should elect the very best men resident within their limits regardless of municipality or any other consideration. The great danger is that politics will enter into these elections. If they do the system will be found to be a dismal failure and a constant cause of friction and dissatisfaction. Good men will be overlooked in political fights, for different reasons for giving a man nomination and support will come into the case, and ability will not be the one thing looked at. Now that the act has been passed and the conditions are presented and have to be faced, it is important that the county council contests should be kept purely non-political. A reduction in the representation could probably justly be made, but it is the general opinion that, in the case of Peterborough, at all events, the act is a mistake. We think we have pointed out the only way in which the reduced representation can be made satisfactory."

Judge Dean referring to the division said, the change was not a matter of burning interest in this part of the province so much as in the west. There the county councils had in some instances sixty members and the expense was heavy. When the commissioners were holding a preliminary meeting in Toronto a judge stated that in his county the council met three times a year.

The members of the new council will represent larger districts and be elected for two years. In counties where there is no county engineer, the reeves dispose of the money appropriated for roads and bridges and in many cases they use it to good effect for the next election. The money was not spent on any uniform plan and it was not used to the best advantage. His honor did not think men representing a large division would be found doing work of this kind.

COUNTY OF WELLAND.

The division of the county of Welland is referred to by the *Tribune* as "eminently unsatisfactory, incongruous, and in at least one material respect inequitable."

Truly the act needs amendment, and in no respect more so than in affording the right of appeal from the arbitrary dictum of a commission who themselves know nothing of local circumstances and conditions, and utterly refuse to regard those who do. The warning to the Provincial Government was publicly given at the sitting, and we but repeat it here, that this act, and especially as it is being worked out in utter defiance of local public sentiment, if persisted in, will militate strongly against the government that passed it when the people get an opportunity to express their opinion. It is quite true that under the present system of county councils there is a crying evil that needs remedy, but the remedy proposed undoubtedly needs revision.

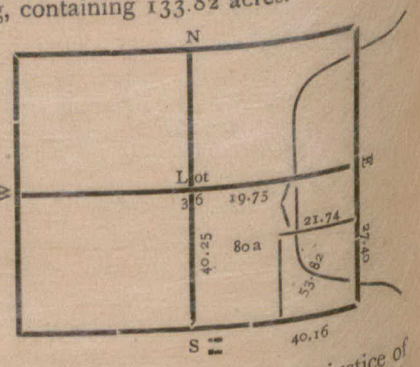
Judge Bell closed the proceedings of the commissioners' meeting by saying that he was aware that the law was unpopular with county councillors, but he had yet to learn that it was unpopular with the people. To the contrary, he had reason to believe that the people of the county in which he resided looked upon it as affording relief from a county council so large as to be cumbersome and unduly expensive. He anticipated there would be some little difficulty in the working of the measure at first, but after a few years he believed this would disappear, and people, instead of thinking of the municipality they resided in would think only of the county council district as a unit; in short, that municipal boundary lines would become obliterated with respect to county council divisions.

Descriptions in Deeds.

The title of a man's home is no trivial matter, and therefore the care and precision with which a conveyance should be drawn is manifest and the importance of such care in describing land becomes more prominent upon the Court records, showing as they do the vast amount of money wasted, the worry and trouble involved in litigation, and the cause of which nine times out of ten, is traced to the abortive attempt of some person to do something he knew nothing about.

It has frequently occurred that the scrivener had confounded the courses and distances for bearing trees with the courses and distances of boundaries, and it also frequently appears where the measurements are made in chains and hundredths, that the hundredths have been mistaken for full chains and thus they make a confounded mess of it.

Take for illustration the following case: The intention was to convey 53.82 acres out of a tract of land which had been surveyed, and the boundaries were as plainly given as it is possible to write, and are shown in the following sketch and which reads as follows: A part of the south-east quarter of lot No. 36 in townshp 26 N. of range 2 W., beginning at the south-east corner of said lot, thence west 40.16 chains to a stone; thence north 40.25 chains to a stone; thence east 19.75 to a stone; thence south 5 degrees, west 3.36 chains to a sugar tree 20 inches in diameter; thence south 30½ degrees, west 3.63 chains; thence south 11¼ degrees, east 6.15 chains to a stone; thence north 89½ degrees, east 21.74 chains to a stake, thence south 27.40 chains to the beginning, containing 133.82 acres.



The deed was written by a justice of the peace, and this is how he wrote it: A part of the S. E. qr of lot 36 T., 26 N.; R. to W; beginning at the S. E. corner of said lot; thence W. 40 P, 16 chains to a stone; thence North 40 P. and 25 chains to a stone; thence E. 19 P. and 75 chains to a stone; thence S. 5 degrees W., 3 P. and 36 chains to a sugar tree 20 inches in diameter; thence S. 30½ degrees W., 3 P. and 63 chains to a stone; thence S. 11¼ degrees E., 6 P. and 15 chains to a stone; thence S. 89½ degrees W., 21 P. and 74 chains to a stake; thence S. 27 P., 40 chains to the beginning; containing 133.82 acres, all the above real estate except 80 acres heretofore sold to wool out of the west side of the above described real estate, containing 53.82 acres.

The man certainly had no idea of measurement, and perhaps the only conception he had of a pole was a small tree with the twigs trimmed off. The area embraced within the boundaries as he had it if made to close would be over 600 acres; but as he never gets clear around the tract of land he was trying to describe, and never gets back to the beginning, it amounts to nothing, and it costs the owner over one hundred dollars to get a deed of his land.

There is no law to prevent any person from writing deeds, nor are we willing to say that there should be; but there ought to be some liability on the part of the man who assumes to do such work. No man has a right to be ignorant of the work he undertakes to do, and if he does it through ignorance, in a manner to the damage of his employer, he should be accountable for such damage. Every description should be written with such certainty that it would stand on its own merits, and not require a court to determine its meaning or intention.

County Parks.

The July number of the "Popular Science Monthly" contains an article on county parks, by Prof. T. H. Macbride. A thorough discussion of the subject treated by the writer would be particularly timely in Ontario, and it is to be hoped the day is not far distant when many municipalities will see the need of taking suitable measures to preserve some of the natural parks now so common, but which are fast being stripped of their forest shade.

In dealing with the subject, the writer says: The necessity of parks seems to me to be threefold—

1. As directly affecting public health and happiness.
2. For proper education.
3. To preserve to other men and other times something of a primeval nature.

Regarding the first of these he says: Our rural population is wearing itself out in an effort to outwear "labor-saving machinery." If you do not believe it take a journey across the country anywhere through Iowa or Illinois and see how the people are actually living. They know no law but labor, their only recreation is toil. Now it is needless to say how abnormal all this is. Not to paint too darkly the picture, attention may be called to the fact that rural suicides are not uncommon, and that the wives of farmers are a conspicuous element in some of our institutions. If in every county or even in every township, there were public grounds to which our people might resort in numbers during all the summer season, a great step would be taken, it seems to me, for the perpetuation, not to say restoration, of public health. We are proud to call ourselves the children of hardy pioneers, but much of the hardiness of these pioneers was due to the fact that they spent much of their time, women, children and all, out of doors. All the land was a vast park in which the first generation roamed and revelled. They breathed the air of the forest, they drank the water of springs, they ate the fruit of the hillsides, plum thickets were their orchards, and all accounts go to show that hardier, healthier people never lived. Such conditions can never come again, but we may yet, by public grounds for common enjoyment, realize somewhat of the old advantage.

Again, discussing the educational advantage, he says: Our people as a whole suffer almost as much on the æsthetic side of life as on that which is more strictly sanitary. How few of our landowners, for instance, have any idea of groves or lawns as desirable features of their holdings. If in any community a farm occurs on which a few acres are given over to beauty, the fact is a matter of comment for miles in either direction. A county park well kept and cared for would be a perpetual object lesson to the whole community; would show how the rocky knoll or deep ravine on one's own eighty acre farm might be made attractive, until presently, instead of the angular maple groves, we should have a country rich in groves conforming to nature's rules of landscape gardening, if not to nature's planting. Parks are absolutely needed to teach our people the first lessons in forestry; to advise them how and when to cut timber, the economized value of different kinds of trees and the value for woodland as such; the kind of soil which should be left to trees, and such as may profitably be given over to tillage. We as a people are soon to be sent all to school in matters of forestry and arboriculture; sent to learn the value of forest in the dear school of experience where we are to be taught the arithmetic of cost.

Regarding the third point raised, he says; such is the aggressive energy of our people, such their ambition to use every foot of virgin soil, that, unless somewhere public reserves be constituted, our so-called civilization will soon have obliterated forever our natural wealth and left us to investigation of introduced species only, and these but few in number. It is a fact lamented by all intelligent men, that in all the older portions of the country, species of plants once common, to say nothing of animals, are now extinct. County parks, if organized soon, would enable us to preserve many of these in localities where originally found.

The councils of the majority of our municipalities are composed of men, who in youth were taught by hard experience in the wilderness, that the forest was an enemy to be hewn down as quickly as possible and replaced by grain producing fields. All the conditions have changed, but still the younger generation has scarcely yet learned to think otherwise, in consequence the bits of picturesque woodland still remaining are being rapidly destroyed.

In every county and in every township there are beautiful glens by the side of rivers and brooks, which can now be purchased for a few hundred dollars, but which in a very short time, thousands will not replace. The value a few acres of untouched woodland will be to future generations if preserved now is inestimable. Scattered over the province, there are too, Indian remains and other interesting relics full of Canadian history which it is little short of sacrilege to leave in private hands, likely at any day to efface them. These are frequently surrounded by a few acres which, without spending a dollar on them, are at once natural parks.

The Ontario government has done a most praiseworthy work in setting aside the Algonquin Natural Park, in the district of Nipissing, of about 1,500 square miles; the Rond Eau Park of 4,500 acres, and the Niagara Falls Park. Every city in the province has its parks, and there is no reason why the towns, villages and townships should not now take steps toward the same end. There are, of course, few, in any localities, where the woods and farm lands are not open to anyone wishing to enter them; but we have no guarantee that this will continue, or that the woods will not be cut away. In any case the public is able to pay for its entertainment, and parks should be obtained while suitable situations are not beyond reach.

Smooth City Streets.

The bicycle is compelling attention to the subject of good roads to an extent seldon seen before its advent. The Toronto Mail and Empire comes up with the complaint that there are "about seventy-nine miles of macadam roadways" in Toronto, and that "some of them are in bad shape." It wants a reform; and one of the advantages it urges in its favor is that it would attract the bicycle riders to the side streets. "The bicycle is apparently here to stay," it says, "and there are times when its presence in large numbers on our main streets tends to be inconvenient. There will be a great many more bicyles next year than there are now, and it is important that provision should be made for them, if only to obviate congestion in the main thoroughfares." This is a sound deduction. The bicyclist prefers a crowded throughfare. He guides his wheel thither because the riding on the side streets is habitually rough. This is as true in Montreal as it evidently is in Toronto; and the remedy for the over-crowding of the main thoroughfares is to make the parallel streets smoother. No matter in which direction a bicyclist goes out of town, he is not at all likely to follow any one street right through to the city boundary. He dodges up a block here and down a block there to get a piece of good road, preferring to ride further on a smooth road than to bump along the shorter distance.

Good roads and smooth streets are very desirable for other people beside the wheelmen. A bad country road is equivalent to a tax on the farmer. It shortens the lives of his vehicles and horses, and makes it generally more difficult for him to get to market. Bad city streets affect all those who use them, whether it be the leisured lady out for her drive or the merry butcher's boy, charging about with his rattling chariot. They certainly constitute a definite tax on every city merchant who must have his delivery carts upon the road. And it is not an impossible or even a difficult thing to have smooth city streets. There are examples of such all over Montreal, and in some cases the well finished "macadam" is fully equal to the asphalt. This is a line of practical civic reform in which our city fathers could engage and thereby win themselves much popularity.—*Montreal Star.*

The town of Orangeville is constructing a short section of macadam pavement under the supervision of the Provincial Instructor in Roadmaking.

Rapid Transit.

Scientific discovery is every day presenting new and startling phases in the department of rapid transit. Years ago when railways were invented, it appeared to the civilized world that nothing more could be possibly effected. But to-day it would seem that advance can end with the end only of time. The latest comer to the field of actual practicability is the motor carriage. It is said that the French and German builders cannot supply the demand for them; that thousands are awaiting to avail themselves of an opportunity to purchase.

Motors that can run from fifteen to thirty miles an hour, can be attached to existing carriages for from $150 upwards, according to the power required; an entirely new vehicle can be had for $300. They will travel from fifty to one hundred miles with little or no attention, and are said to respond promptly to the guiding apparatus, going at full speed, half speed, slow full stop, and reverse.

Inventors have been working for many years with the flying machine, and there is considerable reason for believing that they will ultimately produce an air ship, as useful in its way as the ocean liner. The greatest speed obtainable on steam ships has probably been reached, and men are now looking for a means whereby they may leave New York in the morning, retire to a sleeping berth, and in the morning wake up in London. The latest experiment of this sort was made by the Secretary of the Smithsonian Institute, Prof. Langley, instead of trying to construct a flying machine on the baloon principle, relying on gases lighter than air to cause it to rise, he has fashioned it on the idea of propulsion and flotation, suggested by the heavy soaring birds; such for instance as the turkey buzzard, which, though much heavier than the air it displaces, flies apparently without flapping a wing, and without any visable expenditure of force. As the frame of the bird was copied for the first ocean vessel, so we are again looking to it for a model in aerial flight.

Prof. Langley's machine is twenty-four pounds in weight, measures fourteen feet from tip to tip; and his experiments show that one horse-power will support 200 pounds, and travel fifty miles an hour. Alexander Graham Bell predicts that within five years, aerial navigation will be an accomplished fact.

Electric cars have so far been confined principally to urban and inter-urban traffic, but there is considerable likelihood of their taking the place of steam, in producing a more rapid and economical trans-continental system. Bicycles are no longer a sportsman's toy, affording merely a healthy amusement. They are this, but they have also entered into the serious concerns of life; they have become indispensable to men of affairs in our cities in the transaction of business, as is shown to the extent to which they reduce the receipts of street-car companies. They are also becoming commonly used by farmers and dwellers in the rural sections as a means of reaching the towns, and keeping in touch with the business side of their affairs.

Since the production of light, whereby we may see through a brick wall, and watch the pulsations of the heart, it should need a great deal to surprise us in the way of new discoveries. And yet a glance over the present means for rapid transit, their probable and possible development, and the extent to which they are revolutionizing the business of the world, cannot but cause pardonable astonishment.

Forestry.

We are again reminded that the practical importance of encouraging and disseminating a knowledge of Forestry among the citizens of Ontario is fortunately not overlooked by the Government of the Province, by the appearance of the annual report of the Bureau of Forestry. In it a most valuable addition has been made to our literature on the subject. Too late we have begun to realize the enormous wealth that has been wasted in this country by the indiscriminate destruction of the forest, in our haste to clear up the land.

The report treats the matter in a novel light, and one which, we are assured, will meet with the approval of the great majority of agriculturists who have devoted any serious attention to tree growing. A tree crop is, in the report, considered to be of the nature of any other product of the farm; one to be carefully grown on suitable soil not capable of producing a more valuable harvest. The various sort of trees, like different cereals, need different methods of treatment to ensure the most prolific growth; and like them too they have various kinds of insect and fungus enemies which have to be carefully guarded against.

Not too soon can land proprietors equip themselves with a thorough acquaintance with the cultivation of trees, and on this subject, more particularly in its relation to the Province of Ontario, there is no authority more capable than the present head of the Bureau of Forestry, Mr. Thomas Southworth. Among other matters dealt with are the utilization of waste lands by tree planting; statistics regarding lumbering, pulpmaking and wood manufactures; the observance of Arbor Day, and the effect of forests on the water supply. The report contains also a paper by Mr. A. Kirkwood, of the Crown Lands Department, on the cultivation and value of some forest trees, and a most readable article on Algonquin Park by Mr. T. M. Gibson, Secretary of the mines and parks. The report, as a whole, shows a clever conception of what is timely, together with a great amount of laborious research. A copy may be obtained by sending one's name and address to Mr. Thomas Southworth, Bureau of Forestry, Toronto.

Care of Macadam and Telford Roads.

Those who have charge of our highways would do well to give more attention to the care of macadam and telford pavement. With all the importance attached to building good roads, the lesson of their benefit is but half learned, until our highway authorities have found out the best way to care for them, and keep them in proper repair. A good road loses half its usefulness unless it is cared for properly, and without skilful maintenance it will soon go to destruction. A prevailing error appears to exist in considering the dust that is ground away from the surface, by the action of hoofs and wheels, as something of value that must be kept in place by liberal watering. In fact this should be removed as soon as possible, for its presence is a detriment. A London correspondent, of the *Boston Herald*, in describing the roads of that city, pointed out some time ago, how macadamized ways in that city were kept in good condition uuder much traffic, by regular scraping of the surface. It would be much better, even to let the dust blow away, than to keep it in place in the form of mud. And when mud dries, the road is left disagreeably rough. The Boston Park department, which maintains its roads in splendid repair at comparatively little expense, sets a good example by using a form of watering cart, that produces a gentle and even spray, just sufficient to moisten it without flooding. The consequent economy of water is a considerable advantage in itself, and while, perhaps, sprinkling may have to be done more frequently, the cart does not have to be filled so often.

Cost of Asphalt Pavement.

Replies of inquiries sent out by the board of works of Kansas City, show the minimum and maximum cost of asphalt pavement in several American cities. When only one price is given it is the average cost:

	Price per square yard.	
	MINIMUM.	MAXIMUM.
Cleveland, O	$ 2 85	$ 2 95
Peoria, Ill	1 83	2 82
Denver	2 62	2 98
Rochester	2 50	3 00
New Bedford, Mass	2 98	
Cambridge, Mass	3 00	
Providence	2 30	
Saginaw, Mich	2 34	
Erie, Pa	2 59	2 19
Washington, D. C	1 94	2 34
Milwaukee	1 99	
Atlanta, Ga	3 05	
Columbus, O	2 60	
St. Joseph, Mo	2 80	2 53
Grand Rapids, Mich	2 03	

The Toronto Gas Co. has announced its intention to reduce the price of gas to ninety cents per thousand feet for domestic consumption.

Specifications for Artificial Stone Sidewalks.

The following specifications used in the city of Washington, D. C., in the construction of their artificial stone sidewalks, and endorsed as they are by a corporation employing the best of engineers, should be of value to the many municipalities of Ontario at present having such work in view. It must be pointed out, however, that the climate of Washington differs very largely from that of this province, and the methods employed there, might prove an utter failure here. Beside climatic differences, there are always circumstances of a local nature which require consideration if the best and most economical results are to be secured.

1. The space over which the pavement is to be laid, will be exactly excavated to the depth of five inches below the top surface of the proposed pavement, when thoroughly compacted by rolling, etc.

2. On this bed, after wetting the same, shall be laid four inches of concrete, consisting of small broken stone, size not more than one and a quarter inches in any direction, and thoroughly free from dust or dirt, small and clean beach gravel, clean sharp sand and Portland cement.

These ingredients shall be thoroughly and intelligently mixed in the proportion of one part of cement, two parts sand, one part gravel, and two parts stone, to be thoroughly manipulated and rammed.

3. The slab or flag divisions are then to be marked off to any desired size.

4. On the surface of the concrete shall then be laid a composition of Portland cement, and small broken stone similar to the sample furnished, with a square or cubed fracture, perfectly fresh and clean, and in sizes from three-eighths of an inch downward, in the proportion of two parts Portland cement, three parts granite or other acceptable stone, thoroughly mixed and skilfully laid. The composition, called granolithic, must be spread to a thickness of one inch on the concrete, while the latter is still soft and adhesive. It is then to be levelled off and beaten with wooden battens, so as to break any air cells and make the surfacing perfectly solid.

5. A coating of dry cement and sand (two parts cement to one part sand) is next to be floated into the granolithic layer, which is then finally smoothed by a skilful use of the trowel, and rolled with a tooth roller to make a surface that will not be slippery.

6. The work is to be kept moist, and kept from the direct rays of the sun until perfectly set.

7. All sand, stone and cement must conform to the district of Columbia, specifications for these materials, and samples of stone and cement must be furnished so as to allow tests to be made before it is used, or the district may furnish the cement themselves, at the discretion of the engineer of the District of Columbia.

8. The division for slabs, or flags, or finished surface, shall be in accordance with the orders of the commissioners, District of Columbia.

Why not Saw Dust?

Cork has been tried as a paving material in Vienna and London with much success. It is granulated, mixed with mineral asphalt and other cohesive materials, and compressed into blocks of suitable size, which are imbedded in tar and rest on a concrete foundation six inches in thickness. The advantages claimed for cork pavements are cleanliness, noiselessness, elasticity, durability and moderate cost and freedom from the slipperiness which in wet weather makes asphalt pavements undesirable. Moreover, unlike wooden pavements, they are non-absorbent, and therefore inodorous. Samples taken from the Great Eastern Railway Station, where traffic is very heavy, had been reduced in thickness by less than one-eighth of an inch after being in use almost two years. Porous terra cotta brick manufactured at Deseronto by the Rathbon Co. from equal parts of sawdust and clay is meeting with a great deal of favor. From the quality of the brick, it would seem as though a pavement of sawdust and asphalt, in place of cork and asphalt, could be successfully constructed, particularly in localities where sawdust is to be had in abundance.

The light and gas committee of the city of Keokuk, Iowa, has been gathering information as to the fair price for electric lighting of streets and the proper terms of a contract. The investigation resulted in the conclusion that it is unwise to enter into a contract for a longer time than five years, and it was found that the average cost to cities producing their own light, including interest, depreciation, repairs, maintenance, was $57.25 per lamp per annum. A similar inquiry by Evansville, Indiana, showed the average yearly cost to be in fifty-eight cities, $57.88 per lamp. In Marietta, Ohio, the average cost last year for 110 arc lamps of 2,000 candle power was $47.24, all night service, the cost of coal in this instance being $1.25 per ton. In view of the claim by the owner of the Keokuk plant that he had lost money on a price of $68 per lamp per year the committee recommend a five-year contract for 140 arc lights at $75 per lamp per year.

It costs four times as much to govern American cities as is spent for the same purpose in Great Britain.

The Bureau of Good Roads at Washington has secured information from twelve hundred counties which proves that it costs twenty-five cents to haul a ton of grain over one mile of ordinary road, while with a good road this can be reduced to eight cents.

Better Citizenship and then Better Politics.

In his address before the National Municipal League, President James C. Carter, of New York, said: "The root of the whole trouble in municipal misgovernment is the close alliance between the leaders of state and national politics and the manipulators of local cliques or rings. And the true line of action to be taken by the friends of good government should be to banish, absolutely banish, from state and national politics the whole subject of municipal government."

Mr. Carter, like a good many other municipal and social reformres, makes the mistake of confusing the root with one of its offshoots. The root of bad government, whether it be local, state or national, is a corrupt and misinformed public opinion. So long as this condition of public opinion exists corrupt municipal government will continue, even if municipal politics should be absolutely divorced from all outside politics. Municipal government is a reflection of the condition of public opinion existing in a community. It is good or bad, accordingly as that opinion is alert, wholesome and well-informed, or torpid, corrupt and ignorant. Designing men will have little more difficulty in accomplishing their objects with municipal politics separated from all other politics than they have now, provided a healthful public sentiment does not antagonize them. This is a fact which a majority of municipal reformers forget, and in forgetting it they leave the main road of reform and stray into a by-path.

The municipal reform question is like the labor question. There will be just as much progress as the condition of public opinion authorizes, and the condition of public opinion depends on the education it has received. If labor reformers and municipal reformers would spend less time and effort in denouncing capitalists and political bosses and would give more attention to educating and informing the class to which they appeal the advance made in both directions would be vastly greater. The municipal boss flourishes on denunciation. He cannot withstand education. Let municipal reformers strike at the root and its offshoot will die with it.—*Philadelphia Press.*

An Official Family.

"John, wher's yer daddy?"

"He's out yander gittin' beat fer coroner."

"An' yer uncle?"

"Seein' how clost he kin come ter bein' sheriff."

"An' Bill—wher's he?"

"Well, Bill don't 'mount ter much, an' I've hearn tell they're gwine to send him ter Congress ter git shet of him."

An' you—what's you a-running fer?"

"Nothin', I'm the only one in the family what ain't got no eddication, so I'm a-teachin' of a school fer a livin'!"

LEGAL DEPARTMENT.

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

LEGAL DECISIONS.

Smith vs. Township of Ancaster.

Municipal Corporations—Way—By-laws Transferring and Assessing Roads—Invalidity.

Judgment on appeal by plaintiff from order of Queens Bench Divisional Court, (27 O. R. 276) setting aside judgment of Robertson J., which declared that defendants were not entitled to collect more tolls from plaintiff and others, than was necessary to keep the Hamilton and Ancaster road in repair, and allowing plaintiff to amend his statement of claim by directly attacking the right of defendants to take toll at gate No. 1, maintained by defendants, and declaring that defendants are not entitled to take toll at that gate, and restraining them from so doing, and ordering that there should be no costs to either party of this action. Appellant contended that he was entitled to a declaration as to the whole road, and that the judgment of Robertson J., should be restored, and plaintiff should have costs. Appeal dismissed with costs.

Township of Logan vs. Hurlburt.

Board of Health—Liability for Expenses of Small-pox Patient.

Judgment on appeal by defendant Davis et al., four of the members of the local board of health for the town of Mitchell, from judgment of Robertson, J., at trial, in favor of plaintiffs as against appellants. Action by township of Logan, board of health of that township, and the members thereof, against the medical health officer, the board of health and the corporation of the town of Mitchell, as well as the individual members of the board, to recover sum expended by plaintiff township in respect of a small-pox patient who, as plaintiffs alleged, was sent by defendants, while suffering from that disease, into the township, and was there isolated and cared for at considerable expense. The apellants contended that patient was not "sent" there by them, but went to his father's house in the township on his own accord. They also contended that section 84 of Public Health Act is merely permissive, and not imperative. Appeal dismissed with costs, Hagarty, C. J. O., dissenting.

Broughton vs. Township of Grey and Elma.

Drainage By-law—Maintenance.

Judgment on appeal by plaintiff from order of Common Pleas Divisional Court (26 O. R. 694) affirming judgment of Falconbridge, J., dismissing action brought by owner of the east half of lot 11, in the 16th concession of the township of Elma, for the purpose of having a by-law of the township of Grey passed 10th April, 1894, under section 585 of the Municipal Act, 1892, purporting to impose a tax upon plaintiff in respect of certain drainage works, for the making and construction of certain drainage work, and to render his lands liable to contribution in the future to the maintenance and repair of such works, declared invalid, and for an injunction restraining the township of Elma from passing a by-law for raising upon the lands in that township, including the plaintiff's lot, a proportion of the costs of the works. Appeal dismissed, the members of the court being equally divided.

Shiers vs. Union School Section of Stisted and Stephenson.

An important and interesting question was presented in this case for trial before Mr. Justice Ferguson at the assizes at Bracebridge. In the district of Muskoka there are a large number of Dr. Bernardo's home boys. The trustees of the union school section of Stisted and Stephenson held that these boys were non-residents, they being kept as boarders, subject to being taken away whenever the authorities of the Home desired, and that the school section had no right to enlarge their school accommodation for a class of this kind. The boys were not allowed to attend the school after December of last year, and the school trustees were elected on the understanding that they would not allow them to go to school during 1896. A case was brought by the Home, in the name of George Shiers, to compel the trustees to allow these children to attend the school. The case lasted nearly all day. Judgment was reserved, and has not yet been given.

Consumers' Gas Co. vs. Toronto.

Assessment and Taxes—Toronto Gas Company—Mains and Pipes Laid Under Streets.

Judgment on appeal by plaintiff from judgment of Boyd, C. (26 O. R., 722), upon a special case, holding that the mains and pipes of the plaintiffs laid under the public streets are assessable under the Consolidated Assessment Act, 1892, as appurtenant to the land owned by the company for the purposes of its business. Appeal dismissed with costs, Osler, J. A., dissenting. The question involved in the above appeal is whether gas mains and pipes laid in the public streets are realty or personal property under the Assessment Act. Sub-section 2 of section 34, Consolidated Assessment Act, 1892, exempts the personal property of a company which invests the whole or principal part of its means in gas works, etc., from taxation. The Chancellor (Mr. Justice Boyd) held in this case that these gas mains and pipes were realty, and therefore liable to taxation, and the Court of Appeal has taken the same view of the meaning of the act as the chancellor, and has dismissed the appeal from his judgment. This judgment settles an important question, unless an appeal should be taken to the Supreme Court and the judgment should be reversed, because the county judges did not agree in their judgments, some of them holding that gas mains and pipes laid in the public streets were personalty, and therefore exempt, and others that they were realty and taxable.

Re Thrasher vs. Essex.

By-law—Sale by Retail of Spirituous Liquors, Prohibition of.

Judgment on appeal by town corporation from order of Galt, C. J., quashing by-law passed under 53 Vic. (O.), ch. 56, sec. 18, providing "that the sale by retail of spirituous, etc., liquors is and shall be prohibited in every tavern, inn or other house or place of public entertainment, and the sale thereof is altogether prohibited in every shop or place other than a house of public entertainment."

Appeal allowed without costs.

Rogers vs. Toronto Public School Board.

School Board—Negligence of—Liability for Injuries.

Judgment on appeal by defendant from judgment of Armour, C. J., in favor of plaintiffs upon findings of jury in action for damages for negligence. The action was brought by the late Benjamin Rogers in respect of injuries received by him on the 16th of July, 1894, and was continued by his executors after his death, which took place in October, 1895. His death was not caused by the injuries so received. He was a yardsman in the employ of Elias Rogers & Co., coal merchants, of Toronto, and received the injuries in the basement of the Ryerson school, Toronto, where he went on the evening before the delivery of a large quantity of coal, to inspect the premises, in order to see where it should be stowed, by falling into the furnace pit, which caused a fracture of the hip-bone. The jury awarded him $2,700 for his suffering and $3,000 for "permanent injury."

Defendants contended that they are not liable, as a school board, for what occurred, and even if they had been ordinary individuals that they owed no duty to deceased under the circumstances; and also that there could be no damages for "permanent injury" under the circumstances. Appeal allowed with costs and action dismissed with costs.

In Re Canadian Pacific Railway Company and City of Toronto.

Municipal Corporations—Railway Company—Joint Special Agreement—Local improvements.

A city municipality and a railway company and others, entered into an agreement for the execution of certain works by the former, authorized by order in council under the Railway Act, the cost being apportioned between them, of which the railway company paid their share.

The agreement provided that no party to it should be entitled to compensation for

injury or damages to their lands by reason of the construction or maintenance of the works, a necessary part of which was the construction of a road towards and under the railway tracks. A portion of the roadway fronted on the lands of the railway company, and the city sought to charge the railway company with the costs of the construction of the roadway as a local improvement, under the Consolidated Municipal Act, 1892, and passed a by-law for that purpose:

Held, that the work having been done under the agreement between the parties and the order in council, the local improvement clauses were not applicable and the by-law was void.

Judgment of MacMahon, J., affirmed.

Waterford School Trustees vs. Clarkson.

Principal and Surety—Bond—Public Schools—Secretary-Treasurer.

A secretary-treasurer of a public school board was appointed for a year on giving the necessary security, which he did by bond with sureties, without any limit as to time or any reference to the period of his appointment. He was reappointed each year for several years in the same way and on the same condition, but without fresh security being taken, and subsequently became a defaulter in respect of moneys received by him during his last year's appointment. Held, that the sureties were not liable for his defalcation. Judgment of Street J., affirmed.

The above case is one of considerable importance to school trustees. Section 16 of the Public Schools Act, 1896, provides for the appointment of a secretary or treasurer, or secretary-treasurer, at the first meeting of the board of rural trustees. Section 17, sub-section 1, provides that the treasurer or secretary-treasurer, who may be a member of the board, shall give such security as may be required by the trustees, such security to be deposited with the clerk of the municipality. Section 104 provides that if any trustee refuses or neglects to take proper security from the secretary-treasurer, or other person to whom they entrust school moneys, they shall be held personally responsible for the moneys. In this case the secretary-treasurer was appointed for one year only, and the court held that the sureties were responsible for one year only. There is no clause in the School Act in reference to the appointment of a secretary-treasurer similar to section 279 of the Consolidated Municipal Act, which provides that all officers appointed by the council shall hold office until removed by the council.

The *Chatham Banner* refers to the division of the County of Kent into seven districts, as follows:—The arrangement, however, is a temporary one at best. A start has now been made in the work of reform, and after a few years there will be no difficulty in securing legislation to reduce the council to three or five members, elected by the county as a whole.

Collectors Duties and The Assessment Amendment Act, 1896.

5. Sub-section 1 of section 123, 55 Vic. Cap. 48 of the said Act is amended by adding at the end thereof the following:—

"The written or printed notice above mentioned shall have written or printed thereon, for the information of the ratepayer a schedule specifying the different rates and the amount on the dollar to be levied for each rate, making up the aggregate of the taxes referred to in such notice." (*a*)

(*a*) Sub-section 1 of section 123 applies to cities and towns only. It will, therefore, not be necessary in other municipalities that the notice should specify the different rates.

6. In case of distress for the non-payment of taxes where the owner or person assessed is not in possession, the goods and chattels on the premises not belonging to the person liable for the taxes shall not be subject to seizure; but this restriction shall not apply in favor of a person claiming title under or by virtue of an execution against the person so liable, or in favor of any person whose title is derived by purchase, gift, transfer or assignment from the person so liable, whether absolute or in trust, or by way of mortgage or otherwise, nor to the interest of the person so liable in any goods on the premises belonging to him, or to the possession of which he is entitled, under a contract for purchase, or by which he may or is to become the owner thereof upon performance of any condition; nor where the goods have been exchanged between two persons so liable by the one borrowing or hiring from the other, for the purpose of defeating the claim of or the right of distress for non-payment of taxes; nor shall the restriction apply where the property is claimed by the wife, husband, daughter, son, daughter-in-law, or son-in-law of the person so liable, or by any other relative of his, in case such other relative lives on the premises as a member of the family, and possession by the tenant of said goods and chattels shall be sufficient prima facia evidence that they belong to him. (*b*)

(*b*) This section is substantially the same as 57 Vic., chap. 43, which was substituted for section 28 of the Act Respecting the Law of Landlord and Tenant, chap. 143, R. S., 1887. It was probably intended by 53 Vic., chap. 54, to exempt from taxation the same goods and chattels as those exempted from distress for rent by section 28, but Mr. Justice Ferguson, in the case of Norris vs. Toronto, 24 O. R., 297, held that section 28 could not be read into the Consolidated Assessment Act, 1892, though it is expressly mentioned in section 124 of that act. The first part of section 6 exempts, in general terms, the goods and chattels on the premises not belonging to the person liable for the taxes, *where the owner or person assessed is not in possession*, subject to certain restrictions. These restrictions are: (1) A person claiming under an execution against the person so liable. (2) Any person whose title is derived from the person so liable. (3) The interest of the person so liable in any goods on the premises, etc.; (4) nor where goods have been exchanged *between two persons so liable*. Is is doubtful if the legislature has aptly expressed what it intended by this restriction. *The person so liable* is the person liable to pay the taxes, and if there should be two persons liable for the taxes their goods would be liable whether there was an exchange of goods between them or not. It was no doubt intended to provide for the case of a stranger exchanging with the person liable for the taxes. (5) Nor where the property is claimed by the wife, etc., or by any relative of his, etc. The word "relative" ordinarily embraces persons of any degree of consanguinity, but in this section it will probably be held to include a relative by marriage.

7. (1) Sub section 1 of section 124 of the said act is hereby amended by striking out the words "or of any goods or chattels found on the premises, the property of or in possession of any other occupant of the premises," in the 12th, 13th and 14th lines of the said sub-section, and adding the following words at the end of the said sub-section: "The goods and chattels of the owner of the premises found thereon shall be liable to distress for such taxes whether such owner is assessed in respect of such premises or not."

(*c*) The amendment effected by striking out the words set out in this section leaves section 124 inconsistent with sub-section 3 of section 20, "No ratepayer shall be counted more than once in returns and lists required by law for municipal purposes, and the taxes may be recovered from either the owner, tenant or occupant, or from any future owner, tenant or occupant, saving his recourse against any other person." The amended section, being later, will govern. The words and figures "and 28," in section 124, having been held by the court to have no effect. The legislature, when making this amendment, ought to have struck them out.

(2) Section 126 of the said act is amended by striking out all the words of the said section after the word "land" in the sixth line thereof, and substituting therefor the following words, "in the same manner and subject to the same limitations as provided in section 124."

8. The said act is amended by inserting therein the following section as section 131a:

131a. Where taxes are due upon any premises occupied by a tenant who is not liable to pay the same, the collector may give such tenant notice in writing requiring him to pay the rent of such premises as it becomes due from time to time to such collector to the amount of the taxes due and unpaid and costs, and he shall have the same authority to collect such rent by distress or otherwise for the amount of such unpaid taxes and costs as the landlord of the premises would have; but nothing in this sub-section contained shall prevent the recovery of any portion of such taxes which may remain unpaid after applying any payment or payments that are made in the manner provided by law for the collection of taxes.

Messrs. G. A. Stimson & Co. have just taken delivery of the £20,500 Sterling Debentures of Drainage District No. 1, guaranteed by the Province of Manitoba, which they recently purchased from the Manitoba Treasury Department.

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 explicity 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.

Road Allowance Opening and Sale of.

241.—A CLERK.—1. A road allowance that comes under section 552, Statutes of Ontario, 1892, can it be sold to any other person besides the person having such allowance in possession?

2. In third line from bottom of said section, "until a by-law for opening such allowance for road, etc." What is the meaning of the words opening such allowance for road?

3. Does that imply such road must be opened up for the use of the township, or opened up so as to sell it to some one else as under section 551, sub-section 9?

4. If such allowance can be sold to any person, what steps should the council take to sell it legally?

1. Section 552, does not provide for the sale of a road allowance. It simply makes the person who is in possession of a government allowance for road, under the circumstances therein stated, the lawful possessor thereof as against any private person, until a by-law for opening such allowance has been passed by the council, having jurisdiction over it.

2. The words "until a by-law for opening, etc.," means the opening of the road for public travel.

3. For the use of the township.

4. Sub-section 9, of section 550 and section 551, contain provisions for the sale and conveyances of roads. The council ought to take the preliminary steps required by section 546. If any person is in possession of a government allowance, under the circumstances stated in section 552. Notice in writing of the intention to open the road must also be given to such person in possession, at least eight days before the meeting of the council, as provided by section 553.

Assessment of Mines, Etc.

242.—T. S.—There is a mining company here; their works have been idle for over a year, and they are assessed for $15,000. The buildings and machinery are in the same good condition as when working. The machinery's estimated value is $30,000, and they own 1,100 acres of mineral land, and have in stock 10,000 cords of wood.

They have appealed that their assessment is too high. Can they be assessed the same when idle as when in operation, or can mineral lands be assessed the same if no work or improvement is going on? Is there a limit per acre for assessing mineral land?

Sub-section 2, of section 26, Consolidated Assessment Act, 1892, provides that in estimating the value of mineral lands, such lands and the buildings thereon shall be valued and estimated at the value of other lands in the neighborhood, for agricultural purposes, but the income derived from any mine or mineral work, shall be subject to taxation in the same manner as other income under the act. It will be seen from this, that the same principle or standard of valuation must be applied when mineral lands are being operated, as when they are idle. When they are being worked the income is assessable in addition. The wood should be assessed according to its actual value.

Statute Labor of Tenant and Owner.

243.—J. B.—On the assessment roll, is entered the name of John Roe, as tenant of a certain farm lot; and the name of John Doe as owner, is placed in the brackets opposite said lot. The lot is charged with five days' statute labor, which is performed by the tenant. Will the owner, John Doe, be liable to one day's statute labor, as the tenant has done the statute labor for the lot, as if his name had not been on assessment roll.

No. John Doe is assessable for the lot along with the tenant. See section 17 and 20, Consolidated Assessment Act, 1892. His name is on the assessment roll. Under section 91, a male inhabitant is liable for the personal tax of $1.00, only when he is not otherwise assessed.

Statute Labor of Joint Tenants.

244.—A. P. R.—A and B are living on a rented farm, only one house on the place, one married the other single; they are assessed jointly and carried out in one amount, $2,000, which calls for six days' statute labor, in accordance with by-law. Has the clerk of township a right to divide the above amount, which calls for four days' labor each? What section in the statute gives the right?

In our opinion the clerk has no authority to divide the assessment, so as to increase the number of days statute labor.

Right of Way on Crown Land—Right of Purchaser to Compensation.

245.—A. O.—1. Can an owner of land collect pay for right of way across a lot bought recently from Crown, road being laid out and travelled for years before he bought, statute labor and grants of money expended, and copy of survey recorded in by-law book, and authenticated as a by-law?

2. Can he collect pay for fencing said road?

1. While the title was in the Crown no right could be acquired by the public, by reason simply of the performance of statute labor, or the expenditure of money upon the road in question. Unless it can be shown that the owner of the land, has by his own acts estopped himself from asserting that the road has not become a public highway, there is nothing to prevent him from refusing to allow the public to use it, without he is compensated for the land.

2. If the owner is entitled to the land, for the reasons indicated, the extra cost of fencing must be considered in estimating the compensation. See section 483, Consolidated Municipal Act, 1892.

General Public School Rates in Townships.

246.—J. R.—By section 66, of the act consolidating and revising the Public Schools Act passed 1896, this township is required to levy on the property of public school supporters the sum of $550. We have a union school, formed by a part of the township of Alnwick and 500 acres of the township of Haldimand. The assessors met on the 27th June, 1894, and made the following award as to equalization, viz. "We the undersigned assessors, agree that the equalization of school section No. 25, Haldimand, and school section No. 1, Alnwick, shall be as follows, viz., Haldimand to pay twelve per cent., and Alnwick to pay eighty-eight per cent., said equalization to remain for three years from date." What part of the $550 above mentioned is Haldimand to pay? The equalization only relates to No. 25, Haldimand, and No. 1, Alnwick. Does this award cover enough ground, or is it imperfect? If imperfect, what steps are to be taken to get it right?

Section 66, of the Public Schools Act, requires a township to levy on the property of public school supporters $150 for each section. In the case of union sections, instead of $150, the council is required to raise such proportion of the $150 as the assessors, by their award, decide that the portion of the section within the towtship in question should pay. For instance, if in the township of Alnwick there are three sections besides the union section, and but one teacher is employed in each, a general public school rate should be levied on all of the public school supporters, to raise the sum of $132, for the union section being eighty-eight per cent. of $150, and $450, for the other sections, making $582 in all.

The award we think is all right.

Bridge in New Township—Liability for Construction.

247.—N. H. B.—In our municipality we have a township not yet in market, and through it runs a stream about thirty feet wide, but where the road crosses it it would require a bridge about 140 feet long, on account of the banks. Now the settlers built a bridge there some years ago, but the lumbermen have tampered with it, and finally the bridge is broken down. Has the municipality to build this bridge or the Government? If the stream was not used by the lumbermen a thirty-foot bridge would do. Or are the lumbermen liable?

Neither the Government nor the lumbermen are bound to build the bridge. If the road has ceased to be under the control of the Commissioner of Public Works, and has come under the control of the municipality, it is the duty of the council of the municipality to rebuild it, assuming it to be a highway.

By-law Abolishing Statute Labor.

248.—B. J. R.—I enclose herewith copy of by-law. Kindly answer by return mail if it is legal. Let me know the cost. It was voted on by the people and carried.

BY-LAW NO. 55.

OF THE MUNICIPALITY OF THE TOWNSHIP OF HALLAM.

Whereas it is advisable and necessary to abolish the present system of statute labor in the village of Webbwood, and a rate to be levied to maintain the roads and streets.

Therefore the said municipal council enacts:

1. That the present system of statute labor in the village of Webbwood, consisting of Millers' survey, Sims' survey, A. Webb's survey and Parcel 1039, H. Webb's survey, and Lot 7 in 6th Concession, be abolished.

2. That a rate of one dollar per day on every $500 of assessment, or fractional part thereof, according to by-law No. 38, be collected at the

same time as other municipal taxes are collected.

3. That a road commissioner be appointed at a set salary to expend money so collected.

The above by-law will be voted on by the ratepayers of the municipality of Hallam, at the day of election for municipal officers.

WM. IRVING, JR., Clerk.

Without having By-Law No. 38 or a copy of it we cannot express any opinion upon the validity of the above by-law, beyond saying that we do not know where authority is to be found for submitting such a by-law to a vote of the people. Where the council has the power to pass a by-law it ought not to delegate its power to the ratepayers. Assuming that By-law No. 38 complies with section 93 of the Consolidated Assessment Act, 1892, the council has power, under section 94, to direct by by-law that a sum not exceeding $1.00 a day shall be paid as commutation of statute labor for the whole or any part of a township. We would advise the council to pass a new by-law, leaving out clause 3, which appears objectionable in its present form. The council has power, under section 479, sub sections 2 and 3, to appoint a road commissioner and to remunerate him, but this appointment may be made at any time, and it is better to pass a separate by-law appointing him, and at the same time fixing his remuneration.

Physicians to Affix Placard for Contagous Diseases Without Pay.

249.—L. W.—Section 76, sub-section 2, of the Public Health Act, 56th, Victoria, says the local board of health of any township municipality may by resolution require any physician who is attending a patient suffering from any contagious disease, etc., to affix or cause to be affixed a placard near the front entrance of the house. Placard to be supplied by board of health. Some of our Physicians claim pay for affixing placards under said section.

Have they the right to claim pay?

No.

Appeal Against Voters' List.

250.—REEVE.—1. A number of non-residents are assessed in our township for lots at $70.00 each, they appealed to the local court of revision to be raised to $100 each, in order that they may have a vote in municipal matters, so they each swore to, but the court could not see its way clear to raise their assessment, so consequently confirmed their assessment on the first day of June last, and as yet they have not appealed to the county judge to raise their assessment. What I wish to know is:

1st. Can they appeal to the judge to put them on the voter's list, at voter's list court of revision? Section 65, Assessment Act, and section 10, commencing at 9th line, and section 32, Voter's List Act of 89 seem to conflict.

2nd. Has the judge a right to interefere after the court of revision has confirmed the roll, and no appeal from decision of local court?

The persons above referred to are not precluded from appealing to the judge to have their names entered upon the Voters' Lists. They have thirty days after the clerk of the municipality has posted up the voter's list in his office, within which to complain to the judge, section 13 Voters' Lists Act, 1889. Sub-section 1, section 10 of the same Act, declares that the assessment roll shall not be conclusive evidence in regard to any particular, whether the matter on which the right to be a voter depends, had or had not been brought before the court of revision, or had or had not been determined by that court. If you will look at the form provided on page thirty of the Ontario statutes, 1889, you will find one of the grounds of complaint as follows:

James Hood....asssessed too low.... property worth $..... and another thus, Henry Wills.....assessed too high.... property worth $....., etc.

Church Parsonages Exempt from Assessment.

251.—D. H.—In township of Whitby assessor assessed parsonages. In one instance there was deeded to the church two acres of land for church and burial ground purposes. A church and sheds were built thereon, and subsequently a parsonage and stables were built on portion of lot. Assessor assessed parsonage and stables. The occupant (a clergyman) appealed to Court of Revision. Court of Revision sustained assessment. The occupant appealed to county judge. Judge ruled that parsonage was exempt, because built on land owned by the church; also that if the parsonage was built on any other lot that was owned by the church the parsonage should be exempted.

Is this ruling accepted and being operated on in municipalities generally? If not, the statutes should be made plainer.

Sub-section 3 of section 7, Consolidated Assessment Act, 1892, exempts every place of worship, and land used in connection therewith, church-yard or burying-ground. Sub-section 25 of section 7 of chapter 193, R. S. O., 1887, exempts "The stipend or salary of any clergyman or minister of religion while in actual connection with any church, and doing duty as such clergyman or minister, to the extent of $1,000 *and the parsonage*, when occupied as such or unoccupied, and if there be no parsonage the dwelling-house occupied by him with the land thereto attached, to the extent of two acres, and not exceeding $2,000 in value." By 53 Vic., chapter 55, section 2, sub-section 25, above was repealed, so that parsonages are subject to taxation. In the city of St. Thomas the English church rectory and the parsonage of the First Methodist church are both assessed.

Proceedings to Agreement—Ditches and Watercourses Act.

252.—A. E. S.—Under the Ditches and Watercourses Act, and pursuant to notice, a number of interested farmers met to arrange to make an open drain, but no agreement was arrived at. We met again the following week with the engineer, and an agreement was arrived at. The engineer made an award, with the consent of all parties. The time for filing award has not expired yet. One of the parties to the agreement, and the one who called for the engineer, says that he wont stand by the award, and has served us with another notice to meet him. I contend that once an award is made by an engineer no further proceedings can be taken under the Ditches and Watercourses Act before the expiration of one year. Kindly say if my contention is correct.

You have not given sufficient particulars to enable us to express an opinion upon this question. Section 8 of the act provides for a friendly meeting of the owners, and section 13 provides the steps necessary to be taken if the owners do not agree at the meeting called under section 8, or within five days thereafter. If an agreement was arrived at in this case within the five days and signed by all the owners it is an award, and binding as such. The engineer has no authority to make an award for the parties unless jurisdiction is given to him by the proceedings required to be taken under section 13 and subsequent sections.

By-law Preventing Interments in Cemeteries.

253.—J. B.—Two small burying grounds attached to churches near the centre of an incorporated village are reported by the medical health officer to the local board of health as unsanitary and dangerous to the public health. The board forwarded a copy of the report to the village council, with the request that a by-law be passed to prevent any further interments to take place within the municipality. The council, as requested, passed a by-law in accordance with Consolidated Municipal Act, of 1892, chap. 42, sec. 496, sub-sec. 7.

The burying grounds above referred to are the property of different denominations. Both are filled almost to overflowing, the interments in one being confined to the adherents of the denomination. The other imposes no restrictions. Some parties claim to have receipts for money paid for plots therein, but nothing appears upon the church records to show that such is the case. There is a public cemetery close to the village.

1. Has the council acted within the meaning of the statute in so doing?

2. If council has power to prohibit further interments in the burying grounds must some other place of interment be furnished?

3. If so, by whom?

1. Yes. The council acted within the powers conferred upon them by the statute, in passing by-law under the circumstances mentioned.

2. The council has the right to acquire lands for the purpose of a cemetery, but it is not bound to do so.

Guideboards on Country Roads.

There is one highway improvement which may be made without involving taxpayers in any great expense. We refer to the placing of signboards at the intersection of the principal country roads, explaining the direction, distance and names of contiguous villages or towns. In England, from time immemorial, these guideboards have been in use, and any person driving along a country road there, needs not be under the necessity of enquiring the road to any place. Persons driving through rural districts they are not familiar with, have experienced the embarrassment of coming to the parting of the ways and not knowing which to take. Often one has to waste much time in hunting for some one who can give information needed or in retracing steps erroneously taken. A suitable signboard conveying the intelligence specified above, planted at that junction of highways, would have saved all that trouble in one case.

The Municipal Amendment Act 1896 authorizes the Canadian Wheelman's Association to place signposts on highways provided they do not obstruct the road and are not for advertising purposes.

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