

# The Municipal World

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

Vol. 4. No. 3.

ST. THOMAS, ONTARIO, MARCH, 1894.

Whole No. 39

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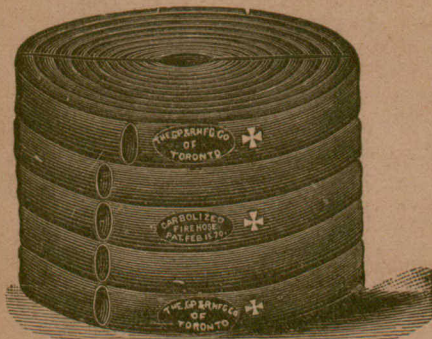
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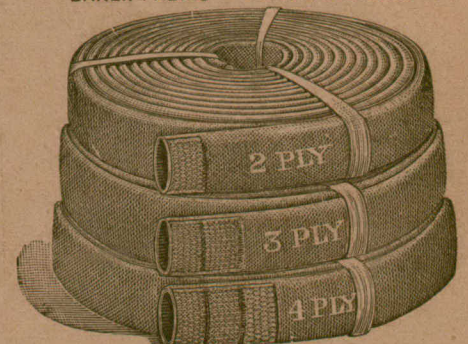
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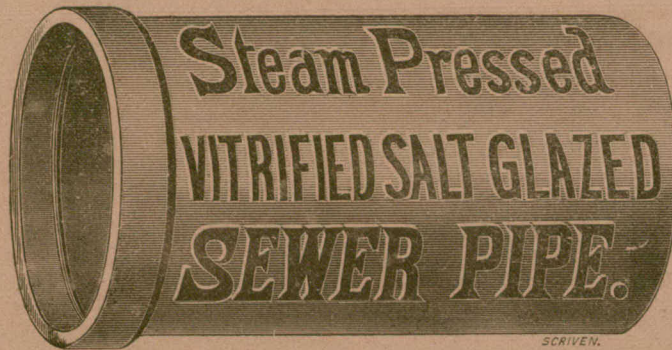
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## CALENDAR FOR MARCH AND APRIL, 1894

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

- MARCH.**
1. County Clerks to transmit Minutes of County Council to the Minister of Education, also report of Auditors (Public Schools Act) Section 114. Auditors' Reports on the accounts of High School Boards and the Boards of cities, towns and villages should be mailed to Education Department. Separate School supporters to notify Municipal Clerk.—(S. S. Act, Section 40).
  22. High Schools close, second term. (H. S. Act, Section 42).
  23. Good Friday.
  31. Last day for Councils of cities, towns, villages and townships to pass by-laws limiting number of shop licenses therein for ensuing year.—Liquor License Act, Section 32. Night Schools close (session 1893-4).
- APRIL.**
1. Return by Clerks of counties, cities, etc., of population to Department, due.—P. S. Act, Section 129. Clerks of counties, cities and towns separated from counties to make return of population to Educational Department.—Public Schools Act, Section 129. Last day for Free Library Board to report estimates to the Council.—Free Library Act, Section 6. Last day for petitions for Tavern and Shop Licenses to be presented.—License Act, Sections 11 and 31. Last day for removal of snow fences erected by Councils of townships, cities, towns or villages.—Snow Fences Act, Section 3. From this date no person compelled to remain on markets to sell after 9 a.m.—Municipal Act, Section 497 (6). Last day for Boards of Park Management to report their estimates to the Council.—Public Parks Act, Section 17.
  2. High Schools open (third term).—High School Act, Section 42. Public and Separate Schools in cities, towns and incorporated villages open after Easter holidays.—P. S. Act, Section 173 (2).—S. S. Act, Section 79 (2). Reports on Night Schools, due to Education Department (session 1893-94).
  7. Last day for Treasurers of Local Municipalities to furnish County Treasurer with statement of all unpaid taxes and school rates.—Assessment Act, Section 145.
  8. Last day for Collector to return to Treasurer the names of persons in arrears for water rates in Municipalities.—Municipal Waterworks Act, Section 21.

The publisher desires to ensure the regular and prompt delivery of THE WORLD to every subscriber, and requests that any cause of complaint in this particular be reported at once to the office of publication. Subscribers who may change their address should also give prompt notice of same, and in doing so, should give both the old and new address.

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W. B. McMURRICH, Q. C., Solicitor for the Toronto School Board, and  
H. N. ROBERTS, of Osgoode Hall, Barrister-at-Law.

The book contains: (1) The full text of the above-mentioned Acts. (2) All the cases bearing upon them as annotations under the sections to which they refer, and a collation of the different sections which explain and illustrate each other. (3) The Regulations of the Education Department revised to date, the proof sheets of which have been read and approved of by the Honorable the Minister of Education. (4) AN APPENDIX, CONTAINING ALL THE VARIOUS FORMS REQUIRED FOR USE UNDER THE DIFFERENT ACTS, AND A COMPLETE SET OF BY-LAWS, WHICH HAVE BEEN CAREFULLY DRAFTED WITH A VIEW OF ASSISTING, AS FAR AS POSSIBLE, THOSE WHOSE DUTY IT MAY BECOME TO FRAME BY-LAWS. (5) A complete index, prepared with every care to convenience of reference.

In Ontario school law well deserves to be a separate branch, rather than a sub-division of municipal law, and the volume just published contains about 600 pages, in which will be found all that can be said to have been written or laid down for the guidance of Municipal and School Authorities, by Statute Departmental regulation or judicial exposition.

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K. W. McKAY, EDITOR,  
Box 1252, St. Thomas, Ont.

ST. THOMAS, MARCH 1, 1894.

Why are public buildings insured? is a question frequently asked. The whole municipal system is a huge mutual insurance company for many purposes, yet the council of a county will insure its court house and goal for a large amount in a regular stock or mutual company, when they are better able to carry the risks themselves. The value of a county exceeds many times the assets and resources of an insurance company. Mutual insurance against fire is a recognized success as the township and other companies show; notwithstanding this, the ratepayers, members of the township company, will insist on insuring the township hall, and are generous in relieving the remaining ratepayers of any liability in this respect.

It has been frequently urged that municipal councils in townships should have added to their duties the management of a Mutual Fire Insurance Company, the principal argument being that a great saving of rates would result. The insurance would be universal and security absolute.

A writer in the Toronto Saturday Night, says:—

The idea of a municipality conducting its own fire insurance is not new, but there being no one particularly interested in pushing the proposal and there being many deeply interested in frustrating it, nothing has been done or is likely soon to be done. I would like to see a town, a village and a couple of townships take hold of the matter by authorizing their assessors to collect figures showing as nearly as possible how much is paid in each municipality on fire policies annually, how much the annual loss by fire amounts to, and how much is annually paid on such losses by the companies interested. Until municipalities voluntarily take this aggressive action, no figures will exist upon which arguments can be safely based or a movement sensibly founded. There is, perhaps, nothing now in the hands of private corporations so ripe for taking over by municipalities as fire insurance.

\* \* \*

The effect of temperance agitation is noticeable in many municipalities where the license fees have been raised, and in others where the number of tavern licenses has been greatly reduced.

## THE ONTARIO GOOD ROADS ASSOCIATION.

In accordance with invitations issued by the Canadian Institute to municipal councils and others, a large number of representative men from all parts of the province met in the hall of the Institute, 58 Richmond street east, Toronto, at 10 a. m., on Friday, the 9th day of February. Mr. Alan Macdougall, representing the Institute, called the meeting to order, and in an opening address gave a brief and clear explanation of the purposes of the convention and the circumstances under which it was called. He said that, during the past two years, there had been considerable agitation in reference to road reform, and that a deep and lively interest was evidently felt in it. He explained that the Institute, as a body devoted to the advancement of mankind in practical every-day advantages as well as in the higher walk of science, had thought that the time had come when a start should be made, and it accordingly issued the invitations to those present who had gathered together to see if what had been floating around could not be crystallized into effective action. The Institute did not wish to interfere with the work of the bodies represented, but simply invited them to meet and consider the subject. He then made some remarks showing the necessity of reform, and stated the arrangements the Institute had made for the meeting. He concluded by welcoming the delegates to the Institute. Mr. Macdougall was then appointed secretary of the meeting and Mr. Andrew Pattullo chairman. After a few preliminary remarks the chairman read a paper, in which he described the history of the agitation of road reform, both in the United States and Canada, and the results that have been achieved. The following are his remarks on the "Statute Labor System" in Canada:—It is a system that may have done well enough in the old pioneer days, but which has long outlived its usefulness, and should be modified at once. In time it must be replaced by more rational and intelligent methods, and a general system capable of producing good results. The defects of the statute labor system are that it places work that requires skill and superior intelligence under the direction of those who may possess neither, and who seldom have any special training for such duty. For his law business, for his barn building, for medical treatment, for his cheese-making, a farmer employs competent experts; for building his roads, over which he must drive his family and take his produce to market, he places his work in the hands of those who know nothing of the principles of road-building, and whose appointment has usually more reference to municipal politics than to their fitness for the place. A second defect is that all the work of road-making and repair is usually done in about one week, and during the worst part of the season, about the end of July or the be-

ginning of August, when in many kinds of soil the ground is so dry as to make grading difficult or impossible, as well as more expensive and less effective than in May or early in June. Statute labor is worth less than 50 cents per day, and is often worse than worthless because of the harm done by ignorant pathmasters. Is it not folly to have labor worth so little done in July, when a farmer's time is worth \$2 a day? However, he would not abolish the system until there is something better to take its place; and vastly better work can be done on the average under it, and especially by using the power municipalities have of commuting it. The question of supervision is the important one, as is that of continuous repairing and maintenance.

In conclusion Mr. Pattullo claimed that the movement was in the interest of farmers and should result in an organization with clear and well-defined aims. The question was one of the utmost importance and deserved the attention of all.

Considerable discussion followed the chairman's address. This concluded the morning's business, and in the afternoon the discussion was continued, and it was shown that the statute labor system should be done away with; that the farmers, as a class, were not opposed to road improvement, but did object to paying extra taxes, and what was necessary was to get a scheme to take the place of the statute labor system.

A. W. Campbell, C. E., Engineering Editor of THE WORLD, then read a paper on the improvement of country roads. He gave his experience as city engineer in St. Thomas in the construction of gravel and stone roads, and was thereby enabled to give estimates of the cost of different roads, which were as follows:

Gravel roads (material obtained within five miles):	
Draining.....	\$ 211 50
Grading.....	125 00
250 cords of gravel, at \$3.75 per cord	937 50
Rolling.....	10 00
Commission expenses, etc.....	50 00

Per mile..... \$1,334 00

Gravel road, with flake stone foundation (material obtained within five miles):

Draining.....	\$ 211 20
Grading.....	125 00
250 cords of gravel and stone, at \$4...	1,000 00
Rolling.....	10 00
Commission expenses, etc.....	50 00

Per mile..... \$1,396 20

The freighting of stone, where necessary, would add to this \$281.25, making the cost \$1,677.45 per mile.

Broken stone (material within five miles of the work):

Draining.....	\$ 211 20
Grading.....	125 00
200 cords of stone, at \$6.....	1,200 00
Rolling.....	10 00
Commission expenses, etc.....	50 00

Per mile..... \$ 1,597 20

(Extra for freighting fifty miles \$350.00; total \$1,946.20 per mile.)



To illustrate how the above figures applied to township municipalities he gave an estimate of the cost of improving :

175 miles, being the road mileage at present maintained in the township of Yarmouth, adjoining the city of St. Thomas.

175 miles, cost \$1,800 per mile . . . . .	\$315,000 00
Equal annual payments, 4 per cent. . . . .	
thirty years . . . . .	18,216 45
Maintenance, \$20 per mile . . . . .	3,500 00

Total yearly payment . . . . .	\$ 21,716 45
Present maintenance, including statute labor at \$1 per day . . . . .	\$ 9,000 00
30 years' actual extra rate . . . . .	14,716 45
	<u>\$21,716 45</u>

Total acreage in township, 70,000.  
Assessed value, \$2,700,000; per 100 acres, \$3,850.

Estimated actual value, \$4,000,000,  
Extra rate required for annual payment, 4 $\frac{3}{4}$  mills.  
Estimated increase in value of property, 10 per cent., \$400,000.

In constructing 175 miles of stone road 50 per cent., or \$157,500 would be expended for labor that could be performed by the ratepayers; this would be equal to \$225 per each 100 acres.

The roads would cost \$315,000, of which \$157,500 would be spent in the township. The property would be increased in value \$400,000. Taking these figures into consideration the township would be benefitted to the extent of \$242,500 over and above the cost of construction of the roads.

In conclusion he said that every person acquainted with drainage improvement must have noticed the one invariable feature called its contagiousness, and that this would also be true of road improvement. Build a piece of stone road as a sample, and the opposition to road improvement is certain to quiet down.

The time at the disposal of the meeting being limited, the chairman stated that other papers had been prepared, viz.: "Management, Construction and Improvement of Common Roads," by P. H. Hyndman, C. E.; "Road Construction," by W. R. Davis, C. E., and a paper by Judge Woods, of Chatham. All of these would be handed to the Government reporter, who was present, and that it was the intention of the Government to print everything before the meeting that would be of value to the authorities throughout the province.

Addresses were then delivered by the Honorable John Dryden, Minister of Agriculture, and J. A. Bell, C. E., after which a motion, moved by Mr. McEwing, that we form an association to be called the Ontario Good Roads Association for the purpose of furthering a better system of making and maintaining the public roads of the province, was carried, and the following constitution discussed and adopted :

**Constitution**

**ARTICLE I.**

**NAMES.**

The name of this organization shall be *The Ontario Good Roads Association.*

**ARTICLE II.**

**OBJECTS.**

The objects of the organization shall be to awaken general interests in the improvement of public roads, determine the best methods of building and maintaining them, secure the legislation that may be necessary for their establishment and support, and to conduct or foster such publications as may serve these purposes.

**ARTICLE III.**

**MEMBERSHIP.**

The association shall be organized primarily in the township districts of each county, and its membership shall be open to all citizens. There shall be no initiation fee nor membership dues other than the amount required to furnish each member at club rates with the publications of the association.

**ARTICLE IV.**

**OFFICERS.**

The officers of the association shall be a president, 1st and 2nd vice-presidents, secretary-treasurer, a councillor from each county and from the Central Farmers' Institute, the Eastern and Western Dairymen's, the Creamery and Cheesemen's Associations.

**ARTICLE V.**

**TEMPORARY ORGANIZATION.**

For the first year, or until a representative assembly of the association can be convened, the officers named shall be chosen by ballot, to be taken at the present meeting,

**ARTICLE VI.**

**THE GENERAL BOARD.**

The General Board shall consist of the executive officers and councillors, and shall have power to fill all vacancies in its own body. Fifteen shall constitute a quorum at any regular or properly called meeting of the board.

**ARTICLE VII.**

**EXECUTIVE COMMITTEE.**

The Executive Committee shall consist of the general executive officers and ten other members. Five members of the committee, including a majority of the general executive officers, shall constitute a quorum.

**ARTICLE VIII.**

**HEADQUARTERS.**

The headquarters of the association shall be in Toronto for general meetings only; the office of secretary to be where he resides.

The following officers of the association were then elected :—

- Pres., A. Pattullo, Woodstock.
- 1st vice-pres., J. F. Beam, Black Creek.
- 2nd vice-pres., A. P. McDougall, Melbourne.

Sec.-treas., K. W. McKay, St. Thomas.

Executive Committee—James Beattie, Campbellton; Jas. Sheppard, Queenston; P. Mahon, Aberfoyle; J. McEwing, Drayton; J. C. Judd, Morton; Alf. Hunter, Harrowsmith; W. Jelly, Shelburne; F. Reid, Annan; D. Derbyshire, Brockville; A. Macdougall, C. E., Toronto

Communications were received from the county of Kent and town of Chatham, in reference to petitions they were sending to the Legislature for amendment of the laws to better enable councils to undertake the work of road construction and to issue debentures therefore, to extend over a period of from 40 to 50 years. Resolutions were also submitted by Mr. R. A. Riky, reeve of Shelburne, and Mr. A. W. Campbell, all of which were referred by a Special Committee on Resolutions to the Executive. After the business of the association was over the Executive held a brief meeting, at which it was decided

that they were not in a position to consider any of the communications or resolutions referred to them, but that they would draw up a well-digested plan of road reform, and then ask the Government to send Speakers to meetings of the Farmers' Institutes to bring the matter prominently before the farmers of Ontario.

The main objects of the association are :—

1. To combine the efforts of all persons engaged in the work of road reform.
2. To awaken interest in the subject.
3. To receive, publish and discuss any well-considered plans for local, provincial or national action.
4. To aid in providing for a proper road exhibit and instruction in road-making at all Farmers' Institutes and other association meetings.
5. To obtain and spread information regarding recent legislation for road improvement.
6. To obtain and publish full information regarding methods of road building as practised in various parts of Canada and other countries.
7. To secure and furnish to local associations at reduced prices all valuable publications on the subject of roads and road legislation.

The immediate formation of county associations is recommended. County secretaries will be appointed by the Executive Committee.

Many townships have adopted the system of issuing vouchers on the treasurer for ordinary expenditure, payable on the 1st of October, or some other day after the taxes begin to come in. In this way the necessity of borrowing money is avoided, and the treasurer can do business for a smaller salary, where the great majority of the payments are made within a few weeks. We do not think that it is advisable to adopt this system, as many, who do township work require the money as soon as earned; however exceptions could be made in favor of individuals of this class. Other townships receive the accounts for work, but do not consider them until fall, although in some cases, it is necessary to advance money to parties the same as above referred to.

The financial business of a municipality would be better, and more economically managed, if the accounts for moneys expended by the council were paid only on order of the reeve and clerk, issued under the authority of a resolution passed by the council each session. To facilitate business in townships and villages, a Finance Committee of two members should be appointed, and all accounts referred to them, and their report should come in at the close of each session, in the form of a resolution containing all the accounts. The accounts as presented may be passed by verbal resolution. This simplifies the minutes [of the council and facilitates reference to accounts passed. It is not economical to place any sum at the disposal of the members of the council to be paid by the treasurer on their individual orders.



**Assessors' Duties.****SCHOOL SECTIONS.**

In townships assessors are required to enter in the proper column the number of the school section to which the property belongs, and where the land or property of any individual or company is situated within the limits of two or more sections, the parties so situated shall be assessed and returned upon the assessor's roll separately, according to the divisions of the school sections within the limits of which said land or property is situated.

Where there are separate schools in or contiguous to a municipality, the assessor is required to accept the statement of or made on behalf of any ratepayer that he is a separate school supporter, and shall, in addition thereto, be guided by a list of names of those who have given the notice which is necessary in order to entitle separate school supporters to exemption from the public school tax.

When a ratepayer who, in the next preceding year, was assessed as a public school supporter, is being assessed as a separate school supporter, or vice versa, it is the duty of the assessor to give such ratepayer a written notice that such change is being made, in addition to all other notices required by the Assessment Act.

The Separate School Act provides that only those whose property is within three miles in a direct line from the school house are to be considered separate school supporters.

**MANHOOD FRANCHISE.**

The assessor is required to make reasonable enquiries in order to ascertain what persons are entitled to be placed on the assessment roll as qualified to be voters under the Manhood Franchise Act, and so place such persons on the roll, and also any person who delivers or causes to be delivered to the assessor an affidavit signed by such person to the effect that he is of the full age of 21, and not disqualified to vote at the Legislative Assembly of Ontario, a subject of Her Majesty by birth or naturalization, and has resided within the province for nine months next preceding the time fixed by statute or by by-law authorized by statute for beginning to make the assessment roll in which he is entitled to be entered as a person qualified to vote, and provided that such person was in good faith at the time fixed as aforesaid for beginning to make said roll a resident of and domiciled in the municipality. Occasional or temporary absence in the prosecution of an occupation as a mariner or fisherman, or while attending some institution of learning in Canada shall not disentitle the person to be entered on the assessment roll as a qualified voter. Opposite the name of every person qualified to be a voter, the assessor shall, in the proper column, write in capitals the letters "M. F.," meaning manhood franchise, and number all such name and

shall in addition, when there is no property qualification, enter in the roll the residence of such person, giving the number of the house or lot and street or concession where all such persons reside.

**BIRTHS AND DEATHS.**

In townships, towns and incorporated villages it is the duty of the assessor to enquire of each resident called on, whether there has been a birth or death in the family within the previous twelve months, and if so, whether the same has been registered or not, and shall make the entries in reference thereto in the proper column of the assessment roll.

**DOGS.**

The owner or possessor or keeper of any dog shall, when required by the assessor, deliver to him in writing the number of dogs owned or kept, whether one or more, and if from neglect or refusal to do so, or if from false statement made in reference thereto, such owner or possessor shall incur a penalty of \$5 to be recovered with costs before any justice of the peace in the municipality. The assessor shall, in the proper column opposite the name of every person assessed, and also opposite the name of every resident inhabitant not otherwise assessed, being the owner or keeper of any dog or dogs, enter the number, whether one or more, owned or kept.

**GIVING INFORMATION TO ASSESSORS.**

It is the duty of every person assessable for real or personal property to give all necessary information to the assessors, and if required, he shall deliver to the assessor a statement in writing, containing all particulars respecting the real or personal property assessable against such person. No such statement shall bind the assessor or excuse him from making due enquiry to ascertain its correctness. In case any person fails to deliver to the assessor the written statement mentioned when required to do so, or knowingly states anything false in the written statement required, he shall be liable to a fine of \$20. When a corporation whose dividends are liable to taxation as against the shareholders to whom the assessor has applied, shall send him a statement setting forth the names of the shareholders who are resident in such municipality, and who ought to be assessed for the income in such municipality, and the amount of dividends and bonuses declared during the twelve months next preceding. Said statement shall be certified to under the hand of the principal officer of the corporation in the province. Every company or corporation which refuses or does not give the assessor the necessary information on request is liable to a fine of \$100.

**POPULATION.**

It is very necessary that the assessor should exercise the greatest care to ensure a correct return of population, as comparison of the Government census with the assessment population shows that as-

sessors are not particular enough in this respect.

**NON-RESIDENT LANDS.**

Assessors should be very particular in entering the correct description of non-resident lots. Where it is not known to be sub-divided it should be described by its boundaries or other intelligible description. If it is known to be sub-divided into lots, and if they can obtain correct information of the sub-divisions, they should put down in the roll all the non-resident lots by their numbers, beginning at the lowest number and proceeding in regular order to the highest, and opposite the number of each lot they shall set down the quantity of land therein, with the value of such quantity. In addition to assessing the lots separately, the assessor should, in the case of lots that are assessed as non-resident from year to year, see that the description agrees with that of their predecessor in office, and that it is correct.

The list of lands liable to be sold for arrears of taxes during the year, as furnished by the county treasurer to the clerk, must not be overlooked. Assessors should be particular and see that these lots are properly described, and where occupied, notify the parties that the land is liable to be sold. Every roll should be completed and returned to the clerk, with the proper affidavits attached, on or before the 30th of April.

In a recent congress of the mayors of American cities, the mayor of Brooklyn, in a paper referring to the condition of municipal government in his city, said: "The proper course for a municipality to take is to make it as easy as possible for the general public to express its opinion, and, when it does so, to do it with the utmost effectiveness. The Brooklyn charter is very helpful in this direction, as it calls for its important city election but once in two years, and then stakes practically the whole administration of its city affairs upon the choice of one official, the mayor. When the people are thoroughly aroused they are able, with one effort, to get possession of the whole administration of their city government, as was illustrated at our last election in Brooklyn. The greatest gain made is the spirit of independence of party lines on municipal issues.

"What we need for better city government, and we have made a beginning in Brooklyn, is to develop the qualities of intelligence and self-sacrifice. On these the safety of the public rests; and it is well that it does, for it is through these that the world moves upward."

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The Agricultural Department will shortly issue a bulletin containing the proceedings of the meeting of the Good Roads Association, with papers read and presented. These will be distributed throughout the province.



**ENGINEERING DEPARTMENT.**

A. W. CAMPBELL.

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

EDITOR.

**Brick Pavements.**

In a great many of the American cities and towns, within the past few years, vitrified brick has been extensively used for street paving, and in some of our Canadian towns information with reference to its usefulness is sought.

We have vitrified brick and brick that is not vitrified, both in shales and fire clay. Possibly there are materials existing in almost any locality, that if properly manipulated would make good paving brick, and some of our enterprising brick makers have commenced their manufacture. There are opportunities for advancement in the working of clays of different localities. In a good many southern points there is no stone whatever and no ready material of any kind, but plenty of clays and shales, which, if worked properly into ready paving material, would result in large saving in freight. As to what is the condition of vitrification, and whether the brick should be light red, a cherry red or a chocolate red, is pretty hard to say. My own judgment is that a paving brick ought to be uniform. If you have various grades, and must use them, put the chocolates all together, the cherry reds all together, and the light reds all together. It is not because one is softer than another that the pavement wears out. It is because the one being in close proximity to one that is harder, wears more than the harder with the resulting depression, and every wheel and hoof that strikes it increases the difficulty. Now as to absorption. A remark has been made that brick must be thoroughly vitrified, or if not, it would absorb water, and the action of the frost would soon use it up. I cannot coincide with that view of all materials. There are hundreds of miles of soft Berea curb that the frost has not hurt, though it will take ten times as much water as much of our paving brick. One brick may take more water than another from a different yard or degree of hardness. Even hard burned black chocolate brick undergo a measure of annealing in the street; their hardness is lost in a measure, and those bricks that before laying in the street were not susceptible of any absorption whatever afterwards will take almost as much water as cherry red bricks. So the question of whether a brick will absorb water or not is still unsolved. The main thing is to get brick of uniform homogeneity. They should be thoroughly sorted and of a uniform color and material from the same yard, if you can get them. The reason for that is, outside of any quality of brick itself, that it is hard to work brick from two or three yards and keep your rows at right angles with the curb line.

Brick, more than any other kind of pavement, requires a foundation that will

be unyielding and have a proper homogeneity throughout the mass, so that settlements shall be uniform and not leave the pavement in pockets. The foundations generally laid are gravel, crushed stone or concrete. My own preference is in favor of concrete. You can have a mass which you can count on as being compact, and which will not allow under any condition the cushioned coat on which the brick rests to settle into the spaces of the stone. However carefully you put down a crushed stone foundation it seems to be impossible to avoid depressions in the surface of the pavement. These depressions may be small, one-eighth or one-quarter of an inch, but they will gather, and as soon as they do the water will work down into the foundation. So far as gravel is concerned, much of it makes a good foundation. One thing to see to is, that there is no quick-sand or clay that can be made into quick-sand by the addition of water. For a concrete foundation, six inches should be used generally, or four inches are sufficient on streets not subjected to heavy traffic. The cushioned coat on a concrete base should be about one inch in thickness, depending, of course, upon how uniform the foundation is. In filling the joints some use a cement grouting and clean sand, and others use a paving cement called tar. This is probably used more than anything else. The function of the filler is to keep the brick in place and to prevent the entrance of water. Sand makes a good filling, provided you can keep the traffic off the road until the brick and bed become thoroughly set. The difficulty with tar is to get enough in to hold the brick in place and keep the water out; if you can do this successfully, I believe that tar filling is the best. If you use too much, however, when the warm weather comes you will find the greater part of the tar next the curb line. Water, sewer and gas connections ought to be put in before the work is commenced, and better if a year before, in order that the loose material may become properly consolidated.

**Specifications for Iron Bridges.**

(Continued)

All workmanship shall be first-class in every particular.

As far as practicable all parts shall be accessible for inspection and painting.

All members shall be free from undue twists and bends.

All parts working together as one member of truss shall be uniformly stressed.

Tensile stress shall be avoided in a transverse direction, and shearing stress in a direction parallel to the fibres of the iron.

Pin holes shall be bored, not punched, exactly perpendicular to the centre lines of stress, and not more than one-fiftieth inch larger than the diameter of the pin.

Eye bars shall be straightened before

the rivet after the upsetting is complete. Bars working together shall be bored in one operation, piled and clamped together, and at the same temperature. The eye shall be in the centre of the head and on the centre line of the bar. A discrepancy in length from centre to centre of eye exceeding one-two-thousandths of the length of the bar will be allowed.

All forging shall be done at the temperature best suited to the kind and quality of the metal. No work shall be done on iron or steel at a black heat.

Steel eye bars, upset rods and all pieces of steel which have been partly heated or bent cold, must be properly annealed.

Pins shall be turned true to size and straight. They shall be turned down to a smaller diameter at the ends of the thread and driven in place with a pilot-nut when necessary to save the thread. There shall be a washer under each nut.

No discrepancy in length of pin through the bearing parts will be allowed.

The several members attached to the same pin shall be so arranged as to produce the least bending moment on the pin; they shall be held and closely packed in position by filling rings between them. Fillers shall be of wrought iron.

Abutting ends shall be planed or turned in a plane perpendicular to line of stress. They shall be in contact throughout and held in position by suitable splices.

All segmental joints in rivetted work shall be square and truly dressed and in contact throughout. They shall be fully spliced, no reliance being placed upon the contact of abutting parts. Sheared edges of steel plates shall have not less than one-quarter inch of metal removed by planing.

In the effective area of rivetted members, pin, bolt and rivet holes shall be counted out for compression. Rivet holes shall be assumed to one-eighth larger than the diameter of the rivets. No tensile stress shall be allowed on rivets. Rivets shall be used in preference to bolts for all rigid connections to resist shearing. Where bolts must be used in place of rivets they must be in double shear. The holes shall be drilled or reamed and the bolts shall be turned to fit tightly in their holes.

Rivet holes shall be accurately spaced and shall be drilled or reamed to fit exactly opposite to each other without drifting. The space between the edge of a piece and the edge of rivet holes shall be such that the iron will not crack or split by punching. It shall not be less than one and one-half diameters of rivet. The pitch or rivets shall not be less than three diameters of rivet or more than sixteen times the thickness of plate.

Rivet holes in steel, if punched, shall be reamed not less than one-eighth inch larger than the die sides of the punched holes, and the sharp edge of holes under the rivet heads shall be trimmed.

When practicable all riveting shall be done by a machine capable of holding on



Rivets when driven shall completely fill the holes.

Rivet heads shall be full size, well formed and concentric to the holes. No loose rivets will be allowed.

All rivet holes for field riveting shall be reamed in place.

#### Construction of Dams.

Dams may be constructed of various forms and of different materials, such as stone, masonry, concrete, loose stone, timber frames, sheeted with plank, piling, brush and timber, but in each case a large amount of loose stone, gravel or clay should be used to form the sloping backing placed on the up stream side of the breast.

The first thing to be done in constructing a dam, if the bottom of the stream is composed of rock, is to drill holes not less than two inches in diameter and about two feet deep and eight or ten feet apart into the rock forming the bottom of the stream, and in exact lines to be occupied by the centre of the timbers forming the front and rear walls of the cribbing. The crib forming the dam should, in this case, be not less than fifteen feet in width.

The timber forming the walls should not be less than ten inches in thickness, and bored to correspond with the size of rod used, and spaces in the bed rock of the stream. The iron rods that anchor the dam should be of sufficient length to reach from the bottom of the hole in the rock through and project slightly above the top of the first or bottom timbers, to allow for riveting down. The lower or bottom end of the rods should increase in size gradually from  $1\frac{1}{2}$  to 2 feet in diameter. The iron rods are first placed in the holes and a tubular piece of lead several inches in length, and of such size as to slide down over the rod and into the hole, is placed over such rod, and with an iron tube, fitting over the rod and into the hole, the lead tube is rammed firmly into position, thus holding the rod with a firm grip which increases as the rod is forced downward.

The bottom timbers are now placed in position over these rods and closely fitted to the bed rock, and the ends of the rods, which should project slightly over the upper surface of those timbers, are riveted down firmly. These foundation timbers should extend into an excavation made in each bank of the stream, where the abutments should be constructed. The upper surface of these timbers forming the crib must be cut dove-tailed in order to receive the ties at distances not exceeding fifteen feet apart. The ties should be drift-bolted firmly to the lower timbers. The abutments should be carried up with the walls of the crib. The work is now ready for the second course of timber, which should be square-butted at the ends and drift-bolted to the timber next below at points midway between the lower bolts with

round iron swage pointed, without heads, the latter being made in hammering home the bolts.

The cross ties should be so placed that each succeeding tier of ties will be midway between and above those first laid. The filling of the crib with stone and gravel should begin and be carried up with the woodwork. The upper side of the crib of the dam when finished should be about one foot lower than the crest. An intermediate support should be placed midway between the walls if the top is finished with plank. This support may be omitted if the upper surface is paved with stone. The planking should be of sound two-inch plank, doubled with joints broken and firmly spiked down. If the upper surface is paved, the stone should be a foot in depth with sides as nearly parallel as may be, and the ends squared. The interstices between paving stones should be tightly wedged with spalls. The size of abutments in this case should be at least ten feet in thickness, and a length equal to thirty feet, twice the width of the dam. The abutments may be built hollow and to a height above high water line, and filled with loose stones and gravel sufficient to fill all the voids. Lines of sheet piling must be driven to bed rock, extending from the upper and lower ends of such abutments back into the bank at a safe distance, and the space around the abutments back filled with clay and gravel well mixed into a stiff plastic puddle and thoroughly rammed and compacted, joining well on the stone or wood-work. The abutments will project well beyond the slope of the earth embankment, and cause an eddy that will wash the embankment of the stream. The embankment must be protected from such action of the water by packing a rip-rap face to it, to such a distance above and below as will prevent damage. The filling above the crib work of the dam must be made of rough stone, and the interstices filled with gravel. I would recommend that the back filling extend up the stream not less than thirty or forty feet, the form being that of a wedge: with the small end up stream.

Should the bottom of the stream be composed of clay or sand and gravel, four rows of piling for foundation should be driven to the depth of ten or fifteen feet into the bottom of the stream for foundation for the crib, apron and abutments to rest upon.

The timber of the crib of the dam must be firmly bolted to the piling foundation. The timber upon which the apron proper rests must be firmly bolted and banded to the piling upon which they rest. The piling under the lower end of the apron should be placed at half the distance as compared with those under the dam proper. The timbers forming the apron should be six inches in thickness, the horizontal part of the apron should be bolted to this, while the upper part will rest against the crib, to which it is bolted with the upper ends flush with the rest of the dam.

Sheet piling should be driven above and below the crib of the dam, and entirely around the abutments, and into the embankments on each side. The filling and puddling around the abutments and bank connections will be the same in soft as in hard bottom. The object in thus constructing an apron is to impede the flow of water as little as possible. The water in passing from the lower apron forms a current on the surface directly down the stream, and causes an undercurrent towards the dam that carries sand and gravel under the aprons, and thus keeps it filled, instead of excavating and undermining as in the old method. In constructing a dam on sand, gravel or clay, a point must be chosen where the closing must be done. This point must be the centre or towards one end, but not to be immediately against either abutment.

Before bolting all the first timbers down, the bottom of the stream must be covered with a mattress of brush, small and well woven together with baling wire, of sufficient size to cover the bottom of the stream from above the crib to the lower end of the apron, the full width of the opening, and of sufficient thickness to prevent scour. This opening will afford a passage for the water during construction, and will be closed last.

The laying down of mahogany roadways sounds like a dream of oriental magnificence, but it is what the Paris municipal council are engaged in, at the present moment. A portion of that almost interminable thoroughfare, the Rue Lafayette—that portion nearest to the eastern of France railway terminus—has been pulled up, and workmen are laying down blocks of real Brazilian mahogany of a peculiarly fine texture and color. It is confessedly an experiment, as the mahogany is dearer than the woods ordinarily used for the same purpose. Mahogany, however, is not as dear as it used to be. The actual cost of the new roadway will be forty francs a square meter, which is somewhat less than \$8 a square yard. It is hoped that the extra outlay incurred will be more than compensated for by the greater durability of the material.

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The report of the Ohio highway commission shows the relative distances over which \$1,25 will carry a ton of freight on wagon, electric road, steam railway, and lake steamship. They are respectively 5, 25, 250, and 1,000 miles.

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



## CORRESPONDENCE.

This paper is not responsible for opinions expressed by correspondents.

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

### Tile Drainage Expenses and Clerks' Salaries.

To the Editor of THE MUNICIPAL WORLD:

Dear Sir,—I think your correspondent H. R., in the February number of the WORLD, misunderstood my communication *re* payment of expenses under the Tile, Stone and Timber Drainage Act. I did not suppose there could be any question as to who ought to pay the expenses until my ignorance was enlightened by the members of the drainage commission, but what I want to come at now, is the legal authority for charging the expenses to the borrowers. My position is just this, I find myself saddled with an amount of extra work under this act, which, according to the figures given in your November number should bring me in a sum nearly equal to half my present salary, but for which, at present, I do not receive one cent, the council being unwilling to pay my fees out of the general funds, and the borrowers refusing to pay out of the sum borrowed until I can show some statutory authority for charging the amount to them. What is a poor unfortunate clerk to do?

By the way Mr. Editor, what became of the discussion as to the legislature fixing the minimum salary for township clerks. I was very much interested in this discussion, and was very sorry my fellow clerks allowed it to drop. By way of opening the question again, let me give you two reasons why the legislature should take the matter in hand: In the first place many members of township councils are from want of education or lack of intelligence, utterly unable to form a correct estimate of the value of a clerk's work. They have about as much idea of the amount of work involved in—say making out the collector's roll for a township when a large amount is raised by special taxes, as King Lobengula has. There are thousands of men trying to carry on business of different kinds under the impression that the simplest form of book-keeping is a luxury they cannot afford to indulge in. A good many representatives of this class get into our councils. What kind of an estimate are they likely to form of the work of the most efficient clerk? Reason number two, is, that intelligent and well-informed members of councils who can form a pretty correct estimate of the value of a clerk's work, very often dare not pay him such a salary as they know he ought to receive. I heard a remark made by one of the latter class of councillors on this subject a short time ago. "Said he," speaking of himself and fellow councillors, "If we gave our clerk and treasurer salaries equal to the value of

their work, not one of us would ever sit in that council again." All of which goes to prove, Mr. Editor, that the legislature is the proper party to fix a township clerk's salary.

Yours truly,

ISAAC JACKSON.

### Drainage Laws.

To the Editor of THE MUNICIPAL WORLD:

Dear Sir,—I have been very much pleased with your criticism of the proposed bill to amend the drainage laws, and only regret that you have not been able to go over all important sections. Your suggestions are plain and practical, and it is to be regretted that this is not the case with the greater part of the bill.

The drainage law is to-day one of the most important in the municipal code. But amendments have been made to it, at, I believe, each session of the legislature to meet, no doubt, some particular case without considering the general effect. To-day it is in such a condition that councillors and citizens can only speculate as to its interpretation, and take chances on its results. But when men were encountered who would fight for justice at any cost, the courts would render decisions, reverse decisions, and again reverse them, until the costs were so enormous, that rather than loose all, they were obliged to send the case over the Atlantic to be decided in Her Majesty's privy council.

The appointment of the commission was looked upon with a great amount of satisfaction by those who expected they would listen to the grievances caused by those whose experience with its operation was expensive. If the proposed bill is the result of their work it is very unsatisfactory.

From the long petitions prepared by the various councils suggesting amendments, together with the dissatisfaction expressed by the ratepayers, it is to be hoped that the legislature will not confirm this bill without entirely rewriting it, and making it simple and practical.

There is no reason why the drainage law should not be made simple and within the comprehension of laymen.

Yours truly, D. M. L.

ED.—Had we space sufficient at our disposal, we would have continued to deal with the bill, but after studying it to some length, we found that it was only a reprint of the present vogue, cumbersome, unjust, and in a large degree impracticable law. In order to do ourselves justice, it would be necessary to re-write the whole bill. In our opinion this will have to be done, before the legislature adopt it. There is no reason why it should not be made simple, and so easily understood, that at least our own courts could interpret it.

### How to Elect the Warden.

To the Editor of THE MUNICIPAL WORLD:

Dear Sir,—Judging from the papers, it would appear that the county councillors of

Elgin had rather a parrot time in the selection of their warden. I wonder if it ever occurred to any of them that the selection of warden by ballot, is an unauthorized method, although I believe it has become general in Ontario.

Possibly, if a question of this kind were to come up for adjudication, before the higher tribunals of justice, on *quo warranto* proceedings, on the ground of acquiescence, an election would not be disturbed, but if any member objected to the ballot and claimed an open vote, it would be held to be illegal without doubt.

The constitutional way of voting on all elections not specially provided for, is the *rule*, voting by ballot is the exception, and a statutory creation, applicable only to, and limited to special subjects.

How can it be otherwise in the case referred to? There must be a uniformity of system throughout in the choice of the warden—how could the provision (section 227) enabling the reeve from the highest assessed municipality or the reeve of the municipality having the greatest number of municipal voters, having a second or casting vote—to exercise the function of voting? Is he to do so by ballot or open vote? Surely, if the other councillors are to hide their choice under a bushel by a secret ballot, the man who holds the right to give the casting vote is not to be exposed to the dangers and obloquy of an *open vote*; and ought not to be deprived of the coward's refuge which has been illegally resorted to by all the other members. How, let me ask, is that provision to be carried out, consistent with responsible government?

Another question has been raised as to whether the majority of the quorum (if only a quorum be present) can elect a warden, the doubt being suggested by reason of the awkward wording of section 225 of the Municipal Act.

I set no value in that objection, a quorum in any deliberative body, I take it, is competent to perform any act or function within the limit of their powers. No doubt section 225 is a clumsy way of saying there must be a quorum present to elect a warden; or that a majority of the members of the council, present at any regular meeting shall form a quorum for the despatch of the business, and exercise the powers of the whole body, the same as if all the members were present.

I should like very much to see your opinion given in your valuable and helpful journal.

Yours truly,

SCRIBE.

Toronto, January 1894.

There were two decisions in the English courts on the subject of a secret ballot, in which arose questions as to how the franchises were to be exercised by parishioners in electing a parish parson or curate. In one of these, Faulkener vs. Elger, reported 4 Birnewell and Cresswell 454, the Court of Kings Bench decided that the



common law made of election is by show of hands or by poll; that the objection to the mode of voting by ballot, presents an insurmountable difficulty to a scrutiny, because no person can tell for whom a particular individual voted. Bayley, Judge, said, "I do not mean to express a decided opinion upon this point, but I incline to think that this is not a legal mode of election. Holroyd, said, "I have great doubt whether election by ballot be a legal mode of election or not. Some advantage may accrue from it, such as avoiding ill-will amongst parishioners and leaving the voter's uninfluenced, etc. Littledale, said, "It is clear, that at common law, where parties have the right of voting, the restriction of voting by ballot cannot be imposed, and the great objection to such a mode of election is, that there can be no effectual scrutiny, because, if it be afterwards discovered that a given individual has voted, who had no right to vote, it is impossible to say on which side he voted.

The latter case was that of *Shaw vs. Thompson*, found in 3, Chancery Division reports 233, where a similar question arose in a similar case in which the English chancery judge held that there was nothing invalid in the resolution that the selection should be carried out by ballot. When it is said that the ancient custom and usage of this parish has been to have open polling. "I do not find sufficient foundation for that statement. There is an ancient custom which improves it, and which amounts to a binding authority upon the parishioners at this day. They are as free as their ancestors were to prescribe regulations as to the mode of voting, provided they are lawful."

It is to be observed, however, that in both these cases it was acceded that the parishioners had the right to settle, not only the mode of election, but as to the qualification of the electors, and they were exercising rights of franchise which belonged to themselves *personally* and not *representatively*.

In the case of electing a warden, the reeves and deputy reeves who form the county council at their annual meeting, meet as a representative corporate body, and are the delegates to the exercise of that function from the several municipalities, who under our democratic institutions have a right to know of how and in what manner their duties are performed. In this sense, and with this view, for the most obvious reasons nothing should be secret, nothing kept in the dark, or hidden from publicity, or the knowledge of their constituents. As our representatives in parliament and the legislative assembly, vote for speakers and all other subjects by open vote, because they are discharging public representative trusts and functions and not exercising mere personal rights, so ought our reeves and deputy reeves to act openly and are not justified in resorting to secret ballots or conclaves or caucusses. —Ed.

### Houses of Industry.

(Continued from February Number.)  
HEATING AND VENTILATION.

In brick buildings the wall flues may communicate with incombustible ducts or flues in the cellar, so arranged as to convey the foul air in the various rooms above to the central chimney, and thus ventilate the whole establishment; or, the foul air may be carried to a special stack warmed by hot steam coils within its top, and thus accomplish the same purpose.

The buildings may be economically heated by steam, generated at a central point and carried in pipes through the cellar and passages to the different departments, where the heat may be distributed by direct or indirect radiation. Whether steam, hot water, or hot-air furnaces are used, the air supplied from the outside should be taken from some distance above the ground. The system of heating should be such as to afford a plentiful supply of heat whenever needed. If steam be used there must be ample boiler capacity. It can be economically utilized in various ways in the kitchen, laundry and bath-room. Many of the inmates of a poor-house have feeble circulation, and consequently require more artificial warmth than persons in vigorous health. If a general heating apparatus be used it may be placed beneath the laundry. It is desirable that the room containing it should be vaulted with brick, as also the cellars adjoining, all of which should be amply provided with ventilating flues. It will be advantageous to have two boilers, so that in case it is necessary to repair one of them the other can be brought into requisition. If steam is used for cooking, a small additional upright boiler with pump is thought by some to be desirable.

#### WATER SUPPLY.

Where a natural head of water cannot be obtained, and it is not intended to maintain a constant pressure of steam sufficient for the use of a steam force-pump in case of fire, a water-tower may be erected of sufficient height to distribute water over the highest part of any building. This tower may form a part of one of the principal buildings, or may be separate from it. For ordinary purposes, tanks may be placed in the attics of one or more of the principal buildings, but these will not afford ample protection in case of fire. The water should be elevated by means of a steam-pump. Windmills have frequently been tried in connection with a water supply; but, so far as learned, they have proved unsatisfactory investments, and have usually been superseded by steam. All cheap devices for conveying and distributing water should be discarded. The capacity of the tanks will be regulated by the amount of water used and by the intervals between times of raising steam. If steam is not used for cooking, these intervals in summer will of course be longer than otherwise, and larger tanks will be required. It is of vital importance to have an

abundance of water in institutions of this kind, both for purposes of cleanliness and as a protection against fire, and where possible connection with a waterworks system, or a reservoir giving sufficient pressure is desirable.

Hydrants with a sufficient supply of hose to meet the emergency of fire, should be placed at proper distances from the buildings, and in the main buildings. Conveniently at hand in the different departments there should be a place where buckets may be hung, to be used only in case of fire.

#### SEWAGE.

Where sewage can be discharged into a copious stream, or into any large body of water without polluting it to the detriment of those using it, this is the least expensive and least troublesome way of disposing of it. Where this cannot be done, the dry-closet system can be adopted, in which case means should be provided for drying and storing in summer an ample supply of earth for the year. The earth may be dried in vats with movable covers, such as are used in making salt by solar evaporation. It can then be shoveled into a cheap, close structure alongside of the vats. If earth closets are used, it will be well to project them from the buildings and connect them therewith by short passage-ways having cross ventilation. Another plan of disposing of sewage, but a more expensive one, is that of collecting it in a series of vats so placed that the overflow of one passes into a second and from that into a third, whence the liquid is discharged into a stream, or distributed over the surrounding land and absorbed therein. The solid matter which is left is intermixed with ashes or other material, and is used as a fertilizer on the land.

#### BATHROOM, LAUNDRY, STOREROOMS, ETC.

All the necessary facilities for maintaining cleanliness must be supplied, especially in respect to proper arrangements for bathing. The bathrooms should be made comfortably warm and supplied with cold and hot water, the latter being under the sole control of attendants. A separate department in the laundry, or at least separate provisions for washing clothes that come from the hospital wards, is imperatively necessary. In addition to means for drying clothes in the laundry, there ought to be yard facilities to accomplish the same object out-of-doors when the weather permits.

A high degree of order should be observed in these institutions, and this can be satisfactorily attained only when made a matter of consideration in the construction and arrangement of the buildings. Plenty of closet room conveniently situated and abundance of storage space are important. A roomy place for keeping the clothes and property of the inmates separate from the property of the county is desirable. No excuse should be found for lumbering up the rooms of paupers with their old clothes, sacks, trunks, etc.

To be continued.



## LEGAL DEPARTMENT.

H. F. JELL, SOLICITOR,  
EDITOR.

## Municipal Councils.

THEIR POWERS AND JURISDICTION—  
HIGHWAYS.

It may be observed, that according to section 532 of the Consolidated Municipal Act, 1892, prior to the vesting of exclusive jurisdiction over roads and bridges lying within any township, town or village in the county, in the council thereof, such roads and bridges must be assumed by a by-law of the said council as a county road or bridge with the assent of such township, town or village municipality. The said section does not in terms require that the three subjects lastly mentioned in the said section should be assumed by by-law of the council. It is the positive duty of the county to perform the necessary acts with respect to subjects two and three set forth in said section, although the county council has passed no by-law assuming such subjects. This section must be read as modified by sections 538 and 556, and as meaning that every road dividing different townships, shall, when assumed by the county council, be within the exclusive jurisdiction of the county. A township boundary line (or a road which forms the boundary line of a township or boundary line between townships, and a road forming the boundary line of a county or boundary line between counties) may be assumed, made and maintained at the expense of the county, or the county may grant such sum or sums from time to time for the said purposes as they may deem expedient. Section 535 makes it incumbent on county councils to erect and maintain bridges over rivers, forming or crossing boundary lines between two municipalities (other than in the case of a city or separated town) within the county. A bridge has been defined as being a structure of wood, stone, brick or iron, raised over a river, pond or lake for the passage of men and animals. The word "bridge" may include such abutments as are necessary to make the structure accessible and useful. There appears to be no legislative definition of the word "river," and there is, therefore, some difficulty in stating with authority what size the stream should be in order to bring it within the section under discussion. A stream crossing the public road between the townships of Elice and Downie at Sebringville, which is from thirty to forty feet in width, with clearly defined banks, and which is called and known as "Black Creek," has been judiciously held to be a river, within the meaning of this section. A bridge over a river forming a crossing or boundary line between two or more counties, or a county, city or separated town, shall be erected and maintained by the councils of

the counties or county, city and separated town respectively, and makes provision for the settlement of the respective portions of the expense to be borne by the municipalities interested, by arbitration, in the event of the disagreement of the councils. It is well to note that a road which lies wholly or partly between two municipalities shall be regarded as a boundary line within the meaning of the section last quoted, although such road may deviate so that it in some place or places wholly within one of the municipalities, and a bridge built over a river, crossing such road where it deviates shall be held to be a bridge over a river, crossing a boundary line within the meaning of said section. In this connection, the case of Ashton vs. the county of Egin, now under consideration by the Divisional Court in Toronto, is interesting. The decision, when given, will be duly set out in these columns.

SMITH VS. FORT WILLIAM SCHOOL BOARD  
AND OTHERS.

In this case it was held that the school board of a city, town or incorporated village have no power or authority to enter into any contract for the building of a school house until the necessary funds have been provided, under section 116 of chapter 55 of 54 Vic., Ont., and that if a certain sum has been provided under that section for the purpose of building a school house, they cannot be allowed to enter into any contract or undertake any work involving the expenditure of any greater sum, and therefore the plaintiff, a freeholder, a ratepayer and elector of the town of Fort William, and a supporter of the public schools therein, suing on behalf of himself and all other ratepayers, was entitled to an injunction, to restrain the public school board of that town, certain individuals, members of the board, and the contractors for the building of a schoolhouse, from proceeding with the erection thereof, in a case where the contract price exceeded the amount provided under section 116, and to an order compelling the payment to the school corporation of certain sums paid by individual members of the school board to the contractors for a certain portion of the work already performed.

## DYER VS. TRENTON.

In this case it was held that the intention of the "special provisions" in reference to assessments in cities, towns and incorporated villages, contained in section 52 of the Consolidated Assessment Act, 1892, is not that the rate of such assessment made under that provision may be levied for the current year. The function of the assessment under that section is defined only with reference to future years, and what is said is that this assessment so taken at the end of the year may be adopted by the council of the following year as the assessment on which the rate of taxation for said following year may be levied.

## NOTES.

In the case of Orange vs. the township of Euphemia referred to under the heading of "Dangerous County Roads" on page 172 of THE MUNICIPAL WORLD, vol. 3, an application was made by the defendant corporation for a new trial of the action. The Divisional Court has recently refused to entertain the said application, which means that the verdict of \$6,000 and costs obtained by the plaintiff at the trial against the defendants, still stands.

\* \* \*

Proceedings of a somewhat criminal nature were recently taken by one John White, a ratepayer of the township of Aldborough against the said municipality. Mr. White complained that the said corporation was guilty of maintaining a nuisance by reason of the neglect or refusal of the said corporation to build a bridge over a stream in a gully on the 14th concession of the said township. An information was laid before a local justice of the peace. The matter was heard by two of such justices, and the defendants' counsel objected to their entertaining the matter, on the grounds that there was no precedent or legal authority for their so doing, and that, being interested parties, as ratepayers of the said township, the magistrates had no right to adjudicate upon the subject matter of the complaint. On the latter ground the justices dismissed the summons. An indictment was then preferred against the said municipality at sittings of County Court, held in St. Thomas in December last. On the application of the defendants the hearing was adjourned until the sittings of the said court to be held in June, 1894.

The seems to be slight misunderstanding as to the intention of the act respecting the duties of treasurer, amended last year. The treasurer is not required to attend at all council meetings, but only at such meetings as he may be directed to produce his cash book for inspection by the council. This does not interfere with any by-law or other regulation of the council regarding the attendance of the treasurer at all meetings.

\* \* \*

The county council of Leeds and Grenville, Lambton and Huron have passed resolutions favorable to the establishment of houses of industry, and active committees have been appointed to arrange details.

\* \* \*

The Perth county council has again voted down a motion to establish a house of industry. A long discussion was indulged in, all the old time arguments of economy, crowding the goal with innocent criminals, and humane treatment of the poor, would not weigh down the item of expense, which in more liberal counties makes these institutions popular, as they are found to be economical.



## QUESTION DRAWER

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

J. S. H.—1. Owing to court of revision in court of appeals to judge not being confirmed till July the 6th. in each year, and rate not struck until August, how could semi-annual tax collection be made?

2. There is nothing in the act as far as districts are concerned, to prevent a clerk being also treasurer. Can the taxes (by a by-law) be paid in to treasurer, commencing to be paid in, say October 1st in each year without a collector being appointed, and all parties not paying in, that constable collect same with distress fees or percentage, and what date would be the limit before constable collects? December 14th, or could it be an earlier date?

3. Can we (by by-law) collect all road labor by a proper rate on assessment in cash, say June 1st in each year, or must we stick to the old way till legislature amends it?

4. Is there a law to fine people driving horses and sleighs without bells?

1. If your municipality is a township municipality we do not think there is an statutory provision, or otherwise, for the semi-annual collector of taxes; nor do we see that it is practicable.

2. It is our opinion that neither the letter nor the spirit of the statutes permit of the holding of the offices of clerk and treasurer of a municipality by one and the same person at the same time, as the offices are incompatible. Our correspondent will find this subject fully discussed in the January and February numbers, of Vol. 2, of the WORLD. Distress for taxes cannot be made until after 14 days after the giving of the notice or making the demand mentioned in sec. 123 of the Consolidated Assessment Act, or after the day appointed for payment by any by-law passed under sec. 53 of said Act, whichever shall last happen, except in the case provided for by sub-sec. 2 of sec. 124 of the said Act.

3. Sec. 94 of the Consolidated Assessment Act provides that "the council of any township may, by by-law, direct that a sum not exceeding \$1.00 a day shall be paid a commutation of statute labor, for the whole or any part of such township, in which case the commutation tax shall be added in a separate column in the collector's roll, and shall be collected and accounted for like other taxes.

4. Yes. See sec. 6 of chap. 195, R. S. O., 1887. The penalty for the offence is mentioned in sec. 10 of said Act.

G. C.—1. How should a person be assessed who lives in a house on his father's farm, and has an interest in said farm, and also owns property in said township independent of his father?

2. A person is appointed deputy-returning officer for municipal election. Does such appointment disqualify him from being elected reeve?

1. This person could be assessed as an owner of the land of his father jointly with his father, and as owner of the other land belonging to him.

2. We assume that the appointment mentioned was accepted by the person referred to and his duties as such deputy-returning officer were performed at the election at which he was a candidate for the office of reeve. If so, he is disqualified.

M.—Does all property or territory, included within the limits of an incorporated village, belong to the village school section for all purposes? The answer I saw was to the effect that it does, but the Public School Act does not seem to bear out that condition. It would appear by the act that certain proceedings have to be taken in order to change the boundaries of the sections.

For instance, a certain portion of a school section adjoining a village was included within the boundaries of a village when first incorporated, and no other steps taken to change the boundaries of said adjoining section. Will the council of the village be obliged to collect the rate, or a similar rate to that levied in that portion of the section not taking into the incorporation, and then pass those collected taxes over to the trustees of the portion of the section not included in the village?

We would refer our correspondent to sec. 99 of the Public Schools Act, 1891, which section provides that "In case any unincorporated village becomes incorporated and the trustees having jurisdiction over the school property situated within such village prior to its incorporation shall exercise all the powers conferred by this Act upon the trustees of incorporated villages, etc., until a new election of trustees is held, etc., and this section also provides for the calling of a meeting for the election of a new Public School Board. Sec. 107 sets first the duties of the trustees. We do not think it necessary that the steps mentioned in the said Act for the alteration of school boundaries should be taken in order to vest the property or territory in the village school section for all school purposes.

INQUIRER—1. What fee or allowance if any, would the municipal clerk be entitled to under the municipal and plebiscite elections just past?

2. The by-law appointing the clerk says nothing as to fees whatever, is silent on that point, but a report of the finance committee passed on the evening when the appointment was made in February 1892, has these words in reference to the appointment of the clerk: "And he shall perform all the duties pertaining to the office of the clerk and secretary of the board of health, without any extra pay or fee of any kind whatever, and all fees whatsoever accruing from the office of clerk to be paid to the treasurer, and to from a part of the funds of the corporation."

3. In January 1894, a by-law in the following words was passed, "that the salary to be paid to the town clerk shall be the sum of \$400.00 per annum, together with such other fees or allowances as may be allowed by statutes, by-laws, resolutions of the councils. Salary payable monthly.

1. Unless the by-law of the council appointing the municipal clerk provides that the salary to be paid him is intended to cover all fees and allowances he might otherwise be entitled to under any statute or resolution, we think him justly entitled to a reasonable extra allowance, above his salary as clerk, for the performance of services in connection with the matter mentioned by our correspondent.

B. C. D.—1. An owner made application to the clerk for an engineer under the Ditches and Watercourses Act. The engineer notified the

owner and clerk that he would attend upon a certain day, the other party was not notified. Who was responsible for the notifying of the other party?

2. If a council instructed the treasurer to deposit the township funds in a chartered bank, would it interfere with the treasurer's sureties, and if the bank failed would he lose? The council or treasurer?

1. It is the duty of the owner making the application, referred to by our correspondent, to ascertain from the clerk the day the engineer has appointed, and he (the owner) is responsible for the notification of the parties.

2. The council.

W. H. M.—1. Have municipal councils power of themselves by by-law, to prohibit the sale of liquor in the township, without submitting it to a vote of the people?

2. If a councillor elected does not take the declaration, and absents himself from the council meetings two or three months after election, does his seat as a consequence become vacant in the council?

3. Has the truant officer to see that all children (of which he has been notified of being absent from school) attend or give satisfactory reasons for not doing so?

4. After notifying the parents to send such children to school, what are the truant officers next and further duty?

5. A employs a lawyer to draw up a deed of land and pays him for his services. To assure himself that the work has been properly done, A hands deed over to lawyer number two with instructions to examine it, and also hunt registry office to see that title is perfect. What can lawyer No. 2 charge for his services?

1. No, and even if submitted to the electors, and the majority favors the passing of the by-law, the power to do so is a doubtful one.

2. Sec. 177 of the Consolidated Assessment Act, 1892, provides that "if, after the election of a person as member of a council, etc., he absents himself from the meetings of the council for three months without being authorized so to do by a resolution of the council entered in its minutes, his seat in the council shall thereby become vacant and the council shall declare the seat vacant, and order a new election."

3. Yes, provided the children are between 8 and 14 years of age, and are not excused under the provisions of sec. 4 of the Act respecting truancy and compulsory education.

4. After notifying the parent, guardian, or other person having the charge or control of the child in the manner provided in sec. 8 of the said Act, it is the duty of the truant officer to lay a complaint against such parent, guardian, or other person before the police magistrate or a justice of the peace having jurisdiction pursuant to sec. 9 of said Act, with the view of having such parent, guardian, or other person punished in the manner set forth in the last mentioned section.

5. We do not consider that an answer to this question would be of any interest or benefit to those giving their attention to municipal affairs, and would advise our correspondent to consult his solicitor.



**A SUBSCRIBER**—If an assessor in assessing a municipality, we will say in the year 1892, neglects or omits, or forgets to assess a village lot that has been assessed for fifteen or sixteen years continuously, and the mistake is not discovered until the clerk is making out the collector's roll in the following year, viz., 1893, is a clerk justified in making up the collector's roll of 1893, to add the amount that should have been levied on the 1892 roll against said lot or no?

Sec. 154 of the Consolidated Assessment Act, 1892, will give our correspondent full information in this matter.

**E. G. R.**—The government makes a road. It is within sixty-six feet road allowance, but is at one side, which makes it very bad in winter for drifting snow. Has the council power to force the owners of the land adjoining, to move the fences permanently, so that the road will be in the centre between the fences, with or without compensation?

We do not think the council would have the power mentioned, without taking the steps mentioned in the Consolidated Municipal Act for altering a road allowance.

**V. S.**—Is there any power for municipal councils in the statutes, enabling them to have quarter-yearly audits of township accounts?

Yes. See sec. 268 of the Consolidated Municipal Act, 1892.

**J. H. R.**—If a tenant demands of the assessor to assess him as such, against the will of the owner, must the assessor comply with the tenant's request? If so, what redress has the owner in case the tenant leaves the property before the time of payment of taxes without paying same?

The tenant has a right to be assessed if his tenancy be a bona fide one. The question as to the payment of the taxes is a personal one, between the owner and tenant, and should be arranged between them.

**J. M.**—A owns property assessed in his name at \$800.00 with an incumbrance of \$400.00. B. and C. are tenants. Can B. qualify as councillor?

We do not think B. can qualify if the tenancy be a joint one, as it would appear to be.

**J. P.**—The Assessment Amendment Act of 1893 directs assessors in every municipality to make an annual census of all children in their municipalities between the ages of 5 and 21 years, also that township clerks shall report to inspectors and secretaries of school sections. Can you explain what is meant and intended by this? What are assessors to do? Is an extra book (we now have one under the Truancy Act) with names and ages of all such children to be made? Are the assessors to set them out according to school section? or in fact, to be plain, what are they to do? Are married women under 21 to be counted? As assessors will very soon begin their work, I would like if possible to have your opinion with plain and direct directions to assessors before they begin out or about the 15th February.

The census referred to in the Assessment Amendment Act, 1893, was simply to correct an omission that occurred in consolidating the Public Schools Act in 1891. It was also overlooked when the Assessment Act was consolidated in 1892; hence the amendment in 1893. It is nothing new as you will see by section 114 Public Schools Act as in the Revised Statutes of Ontario, 1887. It is the intention that the information should be put in the assessment roll, not in a separate book. In the forms provided by the Toronto stationers the particulars of this

census are to be entered in column seven. It has nothing to do with the census required to be taken under the Truancy Act. Married women under 21 are not to be counted.

Toronto Gore Correspondent.

The council can buy the building, but we think it would be unwise under the circumstances, the purchase would most likely be held to disqualify C. and W. from holding their seats in the council.

**C. J. F.**—Sec. 97, Municipal Act, 1892, does not provide for the appointment of poll clerk, so far as I can see. Sec. 141 of said Act contemplates their appointment. See sub-section 1, 2 and 3, also sec. 143, sub-sec. 3. Query.—Who has the power to appoint poll clerks? The council or deputy-returning officer?

2. Is the clerk of the municipality entitled to any fee or allowance for services rendered by him in municipal elections under sec. 176, Municipal Act, 1892, or under sec. 26 Plebiscite Act? and if so for what kind of services?

1. Although the Municipal Act does not in terms authorize the council to appoint poll-clerks, the wording of the section quoted by our correspondent, and particularly that of section 271 a, Consolidated Municipal Act, 1892, would lead to the inference that if the appointments be made at all, they must be made by the municipal council.

2. Unless the by-law appointing the clerk in fixing his salary, provides that the salary to be paid him is intended to cover all fees and charges of any kind, for duties imposed on, or to be performed by the clerk, then or thereafter, during his term of office, we think a reasonable amount should be paid to the clerk for services performed at the elections mentioned.

**J. C.**—Real estate being occupied, but not owned by the Mechanics' Institute, is it subject to taxation or not? This property is assessed to both owner and occupant, as required by section 17 and 20 of the Assessment Act, 1892. As to the formality, I would call your attention to sub-sec. 10 sec. 8, Assessment Act, in which it appears that the Mechanics' Institute must be the owner of the property in order to exempt it from taxes. If you should decide that the real estate occupied by the Institute then under the form of assessment as stated, would the owner be liable for the taxes, or can the property be returned as other real estate for taxes unpaid.

The real estate referred to by our correspondent, is, under the circumstances mentioned by him, subject to taxation, the property is, we assume rented by the institute from the owner, or its use is donated by him; in either case the owner is deriving a benefit, substantially or sentimentally, and the property should be liable for the taxes. The taxes can be collected, or if not paid, returned in the same way as other real estate.

**F. J. C.**—Under sub-sections 15 and 16, section 489, Municipal Act, 1892, we are assessing dogs at \$2, and under chap. 62, statutes, 1890, it appears that only \$1 can be assessed. I would also call your attention to chapter 214, R. S. O., 1887. Now what we want to know is whether or not we can assess each dog for more than \$1? It seems that chap. 62 of 1890 applies to "every municipality." Can we assess each dog under sections 15 and 16, sec. 489, at any amount we please or are we limited to \$1, neither more nor less, as limited by chapter 62, statutes 1890?

We are of opinion that the tax imposed should be \$1, and no more. Sub-sections 15 and 16 of section 489 Consolidated Municipal Act, 1892, gives the council mentioned in said section the authority mentioned in said sub-sections, and sub-section 1 of section 1 of chap. 62, Ontario statutes, 1890, seems to fix the amount of the tax at \$1.

**RATEPAYER.**—1. A municipal council appointed special auditors last year to investigate the accounts for a number of years and find that they are indebted to a former treasurer. Is the council illegally qualified to pay the same?

2. How should money received from sheriffs be distributed?

3. Is it necessary for a council at their first meeting to pass a by-law to re-appoint their treasurer, when his bond is drawn so that he is appointed from year to year.

4. A township council appoints auditors at their first sitting. Do they audit the accounts for the year they were appointed in?

1. Yes.

2. Our correspondent should specify what moneys he refers to before an intelligent answer can be given.

3. No.

4. No, unless accounts are audited quarterly.

**A. E. B.**—1. Would it be proper for me to leave the chair and appoint a chairman, and give notice of motion of money by-laws for fire protection purposes, to raise money to make new streets, to appropriate Government land in the village for park and expense in fencing it, etc., and an expenditure of say \$200 on our hall, which needs improvements. In our current account, after the school money is taken out of it, we have very little left after deducting necessary expenses to do anything with.

2. Also at county council I notice that there is no notice paper and motions are made and seconded and handed to the chair, and if they required debate none are prepared, and until motion is read there is no knowledge of it. Would it be in order to establish a notice of motion paper?

3. Or if I desired to put some important matter before the council would it be proper for me to rise in my place and give notice of motion, mention the subject, the day before I moved the motion?

1. We do not think the course suggested by our correspondent would be illegal, but as to its propriety, we think it doubtful as the proceeding would be a very unusual one.

2. Section 283 of the Consolidated Municipal Act, 1892, gives to all councils authority to make the rules and regulations therein mentioned, and one of the regulations might be the introduction of a motion paper.

3. In this case it would be better to give a written notice of the intended motion, fully specifying the subject-matter thereof, the day before the motion is to be made.

The haste and irregular manner in which county council business is generally transacted, make rules and regulations for formal procedure almost useless, where insisted on the rules are generally suspended on a two-third vote.

**IRROUOIS.**—1. Has an incorporated village a right to impose a poll tax on all males over 21 and under 60 who are not assessed, having no property, though entered on assessment roll as M. F. voters?—Also, would monthly tenants who



do not pay any taxes on property be liable for poll tax? No poll taxes have been charged young men here for the last two years, while they enjoy all the village advantages and vote at provincial elections; monthly tenants voting at all elections yet paying no direct taxes.

By section 88 of Assessment Act, a poll tax is levied on all males over 21 and under 60. Monthly tenants would not be liable for poll tax if assessed.

CLERK.—I. Can the municipal council of an incorporated village fill the vacancy, caused by the annual retirement of a High school trustee, by a resolution of the council, or is it necessary to make such appointment by by-law? I have always contended heretofore that a by-law was necessary for the appointment of high school trustees to fill the vacancy of the retiring trustee, but I am quite sure I saw in some Legislation an Act permitting such appointments by resolution, but as I cannot confirm my impression after a prolonged search, I come to you for advice, as I am satisfied from the lucid answers you make to correspondents your information will be reliable in any question relating to municipal law.

Our correspondent is safe in acting on the assumption that all appointments to be made by a municipal council should be made by by-law thereof. We think the appointment mentioned by our correspondent should be made by by-law.

H. M.—Can an assessor who was appointed for 1893 take his seat and legally qualify as a member of the council for 1894? The council of 1893 did not relieve him of the office. Does he not hold office until his successor is appointed? It is rumored that if he does take his seat as reeve we cannot collect taxes levied by the council as, legally speaking, the declarations of office made were contrary to the fact as above stated.

We do not think the person referred to was legally qualified for election to a seat in your council for 1894. See sections 77 and 279 of the Consolidated Municipal Act, 1892. We do not consider, however, that his taking his seat as reeve, and making the usual declarations of office, and qualification would have the effect suggested by our correspondent in the latter part of his question.

Many Counties are at present arranging settlements with separated towns and cities for payment of administration of justice and other expenses to which these municipalities are required to contribute. The Statutes do not provide a basis on which these expenses are to be apportioned except those of the registry office, which are to be divided in proportion to the assessed value of the municipalities interested. The settlement of a basis is the whole question. In the case of St. Catharines vs. Lincoln, in 1883, arbitrators were appointed to determine the amount to be paid to the county. The county not being satisfied appealed from the award, and Mr. Justice Osler in giving his judgment confirmed the action of the arbitrators in taking as a basis the proportion of population, in the following words: "The point chiefly insisted on by the county before the arbitrators, and on the present motion, was that the assessment rolls of the two municipalities formed the proper, and indeed the only basis on which the proportion of the expenses to

be borne by the city should be ascertained. The city contended that population was a surer guide. The act does not lay down any principle or rule by which the arbitrators are to be governed in ascertaining the proportion. The whole question, therefore, rests largely in the reasonable discretion of the arbitrators. It appears to me that in several of the matters awarded on, they have taken the populations of the county and city, as nearly as they could be ascertained as the basis on which to estimate the proportion to be paid by the city. I do not think they were wrong in so doing, on the contrary, it seems to me that as to all such expenses as must be incurred by the county in any event, such as the use, maintenance and repair of court house and goal and registry office, official salaries, etc., population is, as a general rule, a very fair basis. So also as to the expenses of the administration of justice; in all cases, however, subject to any special circumstances (which do not exist in the present case) showing that a larger proportion of any particular item of expense should be borne by one corporation rather than the other. To adopt the comparative assessments of the city and county as a basis would, owing to the practical difference in assessing city and county property, be entirely illusory and unjust, and an attempt to correct it by equalizing the assessment is at best but a rule of thumb expedient when the different elements which constituted city and county assessment are considered."

The above is applicable to all but goal expenditure which is sometimes divided in the proportion of county to city or town prisoners, the place where the offence was committed in all cases decides where the prisoner belongs.

\* \* \*

The South Grimsby council at the request of the patrons of industry, have appointed a committee of three ratepayers to ascertain from other municipalities in which statute labor has been abolished, whether it would be advisable for the municipality to commute instead of performing statute labor as heretofore, and also to get such information in reference thereto as may be of benefit to the township in deciding the question.

\* \* \*

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## The Municipal Index

BEING AN

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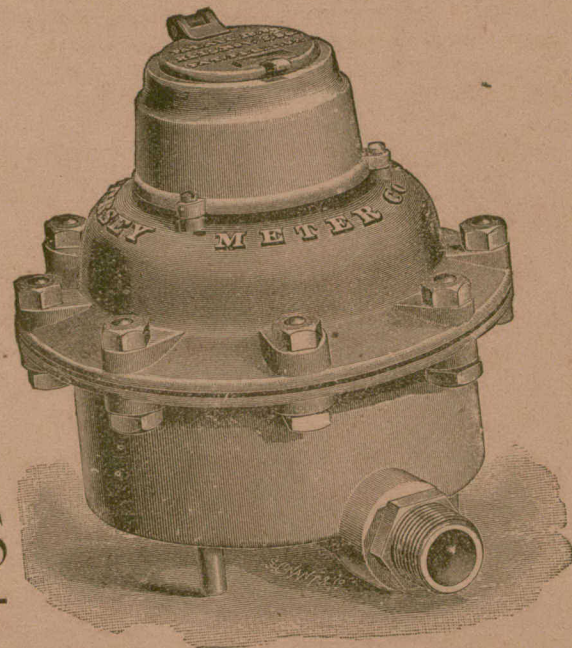


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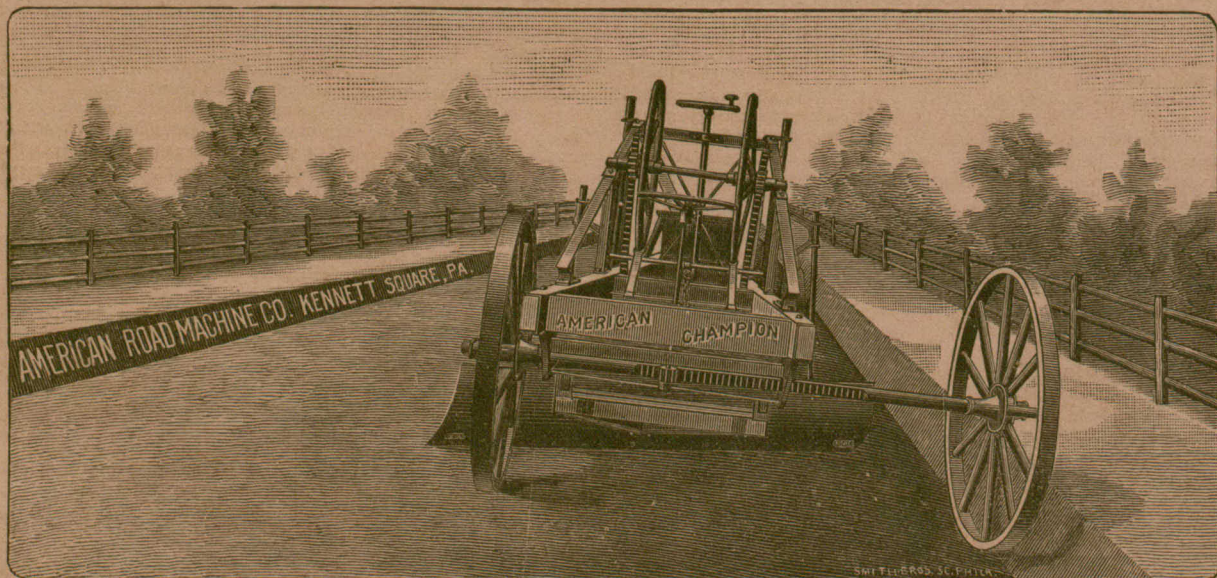
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