

The Municipal World

PUBLISHED MONTHLY IN THE INTERESTS OF EVERY DEPARTMENT OF THE MUNICIPAL INSTITUTIONS OF ONTARIO.

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Calendar for September and October, 1904

Legal, Educational, Municipal and Other Appointments.

September—

1. High Schools open first term.—High Schools Act, section 45. Public and Separate Schools in cities, towns and incorporated villages open, first term.—Public Schools Act, section 96 (2) ; Separate Schools Act, section 81 (2).
2. County Model Schools open.
5. Make returns of deaths by contagious diseases registered during August.—R. S. O., 1897, chapter 44, section 11 (4). Labor Day.
15. County selectors of jurors meet.—Jurors' Act, section 13. Last day for county treasurers to return to local clerks amount of arrears due in respect of non-resident lands which have become occupied or built upon.—Assessment Act, section 155 (2).
20. Clerk of the peace to give notice to municipal clerks of number of jurymen required from the municipality.—Jurors' Act, sec. 16. Fourth annual convention of Union of Canadian Municipalities opens at City Hall, London.
25. Applications for admission to County Model Schools to Inspectors due.

October—

1. Last day for returning assessment roll to clerk in cities, towns and incorporated villages where assessment is taken between 1st July and 30th September.—Assessment Act, section 58. Last day for delivery by clerks of municipalities to collectors, of collectors' rolls, unless some other day be prescribed by by-law of the municipality.—Assessment Act, section 131. Notice by trustees of cities, towns, incorporated villages and township boards to municipal clerk to hold trustee elections on same day as municipal elections due.—Public Schools Act, section 61 (1). Night schools open (session 1904-1905).
3. Ontario Normal College opens. Last day for passing resolution by boards of separate school trustees in urban municipalities adopting voting by ballot at elections of separate school trustees.—Separate Schools Act, section 32, sub-section 1.
5. Seventh Canadian Conference of Charities opens at London.

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The Municipal World

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

K. W. MCKAY, EDITOR.

A. W. CAMPBELL, C. E. J. M. GLENN, K. C., LL. B.
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ST. THOMAS, ONT., SEPTEMBER 1, 1904.

The ratepayers of the Town of Trenton recently carried a by-law granting a loan of \$20,000 to the Ontario Electric Railway, and also one exempting from taxation for ten years the Apple and Produce Cold Storage and Forwarding Co., Limited.

* * *

The fourth annual convention of the Union of Canadian Municipalities will be held in London, Ontario, on the 20th, 21st and 22nd September. Every Canadian municipal council is invited to send a delegation. For further particulars and programme see page 220 in this issue.

* * *

Mr. M. O. Johnston has been appointed clerk of the Town of Goderich, to succeed Mr. Wm. Mitchell, deceased.

* * *

Good roads will do more than any other thing to bring the privileges of the towns to the country and the delights of the country to the towns, and thus add to the pleasure and satisfaction of life all around.

* * *

We clip the following from a recent issue of the Uxbridge Journal :

IMPROVEMENT NEEDED.—There is often considerable inaccuracy noticed in the post office addresses given in municipal voters' lists. It probably does not affect the rights of the voters, but it seriously impairs the value of the list as a municipal directory. We respectfully suggest to municipal clerks the desirability of having the right numbers in for the post offices.

* * *

A village clerk has favored us with the following clipping from a contemporary :

An amendment was made to The Municipal Act at the last session of the Legislature, one clause of which will prevent considerable trouble. Candidates for the offices of mayor, reeve, controller, councilman, water commissioner, etc., in cities, towns and incorporated villages are required to file with the clerk a declaration of qualification by noon on the day of nomination. This change in the law will do away with the indiscriminate nominations so often made at nomination meetings.

This statement of the law on the subject is erroneous and misleading. Sub-section 3a of section 129 of The

Consolidated Municipal Act, 1903, as amended by section 4 of The Municipal Amendment Act, 1904, now reads as follows :

In cities, towns and incorporated villages, every candidate for the office of mayor, reeve, controller, alderman, councillor, water commissioner or street railway commissioner, shall on the day of the nomination or at any time before nine o'clock in the afternoon on the following day, or when such last named day is a holiday, then before twelve o'clock (noon) of the succeeding day, file in the office of the clerk of the municipality a statutory declaration in accordance with the form contained in section 311 of this Act, or to the like effect, that he possesses the necessary qualification for the office, and in default of his so doing, such candidate shall be deemed to have resigned, and his name shall be removed from the list of candidates and shall not be printed on the ballot papers.

CLERK'S FEES ON REVISION OF VOTERS' LIST.

A very important part of the duties of the clerk of a municipality is the performance of the services required of him under The Voters' Lists Act as clerk of the court for the revision of the voters' list. There seems to be a diversity of opinion amongst municipal clerks as to the contents of the account for their fees for this work. We append a model account of this kind. Assuming that 25 appeals have been filed against the voters' list, and that there are two complainants, the clerk is entitled to the following charges :

1. Two cents each for names on list of complaints (25).....	\$ 50
2. Copy of list to post up in his office (25 names at 2c. each) ..	50
3. Copy of names in report to County Judge (25 names at 2c. each).....	50
4. Copy of names on list for use of Judge at Court of Revision (25 names at 2c. each)	50
5. Preparing two notices in duplicate to parties complaining	32
6. Preparing 25 notices in duplicate to parties complained against (assuming that the subject matter of complaints render service necessary in all cases).....	4 00
7. One day's attendance at the sittings of the court (provided all its business was transacted in one day).....	3 00

In addition to the above the clerk is entitled to the actual and reasonable disbursements (if any) incurred by him in serving the notices of complaint or appeal when served by himself. We may observe that the clerk is not to be allowed these costs or any of them where it is provided by the by-law or contract under which the clerk is appointed or employed that the sum to be paid him by way of salary as clerk is intended expressly or impliedly to include payment for all duties which, as clerk and under The Voters' List Act, are to be performed by him.

CHARITIES CONFERENCE.

The seventh Canadian Conference of Charities will be held this year in London the 5th, 6th and 7th of October.

At an organization meeting recently held by London's representative philanthropic workers, it was decided that the delegates would be entertained in the private homes of the city, and a big effort will be made to have this the best convention of all. An excellent programme will be prepared, and among the subjects for consideration will be:

- Child Saving and Preventive Measures.
- Charity Organization.
- Relief of the Poor Without Pauperizing.
- Suppression of Crime.
- Reformation of Delinquents and Inebriates.
- Care of the Defective Classes, etc.
- Care of Epileptics.
- County Houses of Refuge.

The growing importance of House of Industry management, the work of Children's Aid Societies and the proper organization of local charities are subjects of the greatest interest to municipal and county councils, all of whom should be represented at the conference. The Secretary, Dr. A. M. Rosebrugh, Confederation Life Building, Toronto, will be pleased to furnish further information in reference to programme, railway rates and accommodation for delegates while in London.

House of Industry and Refuge County of Elgin

THE House of Industry for the County of Elgin was opened in February, 1876, when there were not more than two or three similar institutions in the Province.

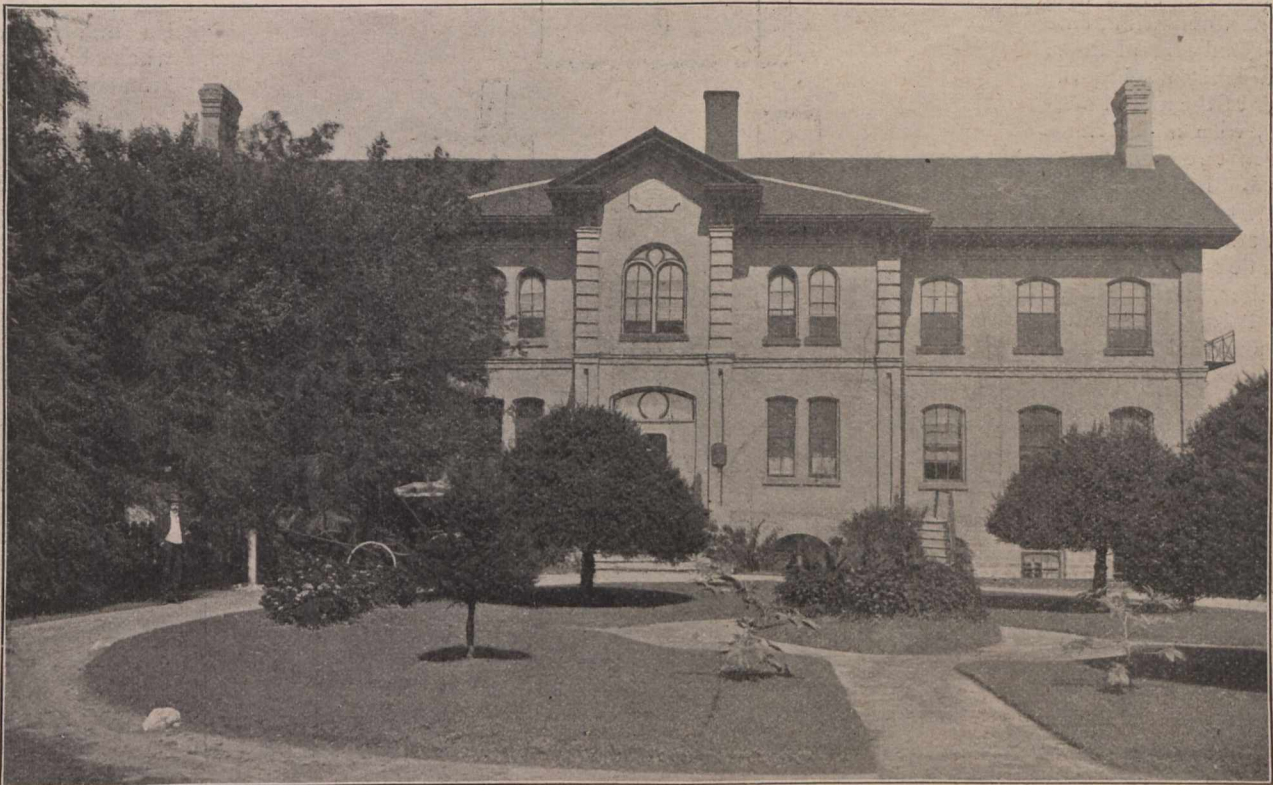
The institution is situated two miles west of the City of St. Thomas, in the Township of Southwold. The farm at first purchased was 50 acres in extent and cost \$3,000. The character of the soil, a heavy clay, did not prove entirely satisfactory. It was, however, gradually improved by tile drainage and the application of manure, drawn from the city whenever the farm team was not otherwise engaged. In 1903 the size of the farm was increased by the purchase of 50 acres adjoining, at a cost of \$4,250. The farm throughout is well fenced and

ordinary farm drains. There are no closets in the building and the necessity for sewerage is thereby minimized.

Buildings.

The main building is constructed of brick with stone foundation and slate roof. At first the building had but two wings, which did not provide sufficient accommodation, or for the complete separation of the sexes. In 1891, when the Government grant was received, an additional wing now occupied by the women was erected. The three wings are 26 x 31 feet, one occupied by the men and the other by the women, while the rear wing is used for hospital wards and a sleeping room at the top for men.

In the original plan each wing occupied by inmates



drained. An apple orchard, planted twenty-five years ago, is bearing well, and other fruit and ornamental trees add greatly to the appearance of the surroundings, the entrance avenue being particularly fine.

Water Supply.

In purchasing the farm the question of water supply does not appear to have been considered. This is provided by surface wells and cisterns in which soft water is collected from the roof of the main building. Water for use in the institution and stables is pumped to a tank in the attic of the main building by a hot air engine, which has been found to be in every way satisfactory and better than wind power. In dry seasons, water has to be drawn for the farm stock.

Drainage.

There is no convenient outlet for drainage from the institution. Drainage from the baths and laundry empty on the surface near the manure pile, by which most of the water is absorbed and the balance filters through to the

consisted of but one room on each of the two flats above the basement. This was considered satisfactory, and in building the new wing the same plan was carried out, except in the first flat, occupied by women who are confined to the house, which is divided into two rooms. The sleeping rooms contain from ten to twelve single iron bedsteads with straw ticks.

The keeper's apartments, a kitchen, store-room, and a reception room or office, occupy the centre of the building. The hospital wards, two in number, contain three beds each. These are situated convenient to the kitchen and keeper's apartments. The rooms provided for the use of the keeper are a parlor, sitting-room, four bedrooms and a dining-room. The basement on both sides of the kitchen is used as a dining-room for women and men respectively. The basement of the rear wing provides for two bath-rooms and a clothes-room.

Heating.

Up to 1891 the building was heated by wood stoves, but in that year a complete system of hot water heating

was installed with twin boilers, each of which is sufficient to heat the building. This has given good satisfaction.

Cottages.

Many years ago the admission of an inmate with an abnoxious cancer forced the management to construct an isolation cottage, which was afterwards found to be so convenient that two of them are now in use—one situated in the women's yard, consisting of one room 16 x 24 feet, and one in the men's yard 22 x 44 feet, which is divided into six rooms, four of which are bedrooms. One of the bedrooms is arranged for the temporary confinement of those who may be insane or dangerous to the other inmates. A special yard, surrounded by a high fence, is also provided for the use of inmates of this class. Both of the isolation cottages are constructed of frame on a brick foundation.

Laundry

The laundry is constructed of brick with stone foundation, slate roof, and cement floor, and is situated in the rear of the main building, with an entrance from the women's yard. It is supplied with two agricultural boilers for heating water and boiling clothes, and stationary tubs. The water is supplied by pumps connected with the cisterns. The upper storey of the laundry is convenient for drying clothes in wet weather.

Other Buildings.

A frame woodshed, which was necessary when the institution was first opened, was replaced with a brick and stone building containing an ice house, a meat room, a large refrigerator, and a men's day and smoking-room, which has a cement floor and is heated by a stove. The sitting accommodation in this room consists of benches around the wall. In a small room adjoining one of the inmates officiates as barber. Over the men's day room is a sleeping room used when the main building is crowded. There is also a brick ash-house, with room for smoking meat, and a small frame building used as a morgue. Other buildings consist of a frame tool house 20 x 30 feet, a frame root house, which is partially under ground, and a brick hog pen; a large barn, with stone foundation, 30 x 82 feet, with addition used as a chicken house, and a drive barn 34 x 44 feet, with cement foundation and floor, constructed this year.

One evidence of the growing productiveness of the farm has been the gradual increase in the size of the buildings required to protect the crops.

The general arrangement of the buildings and yards is

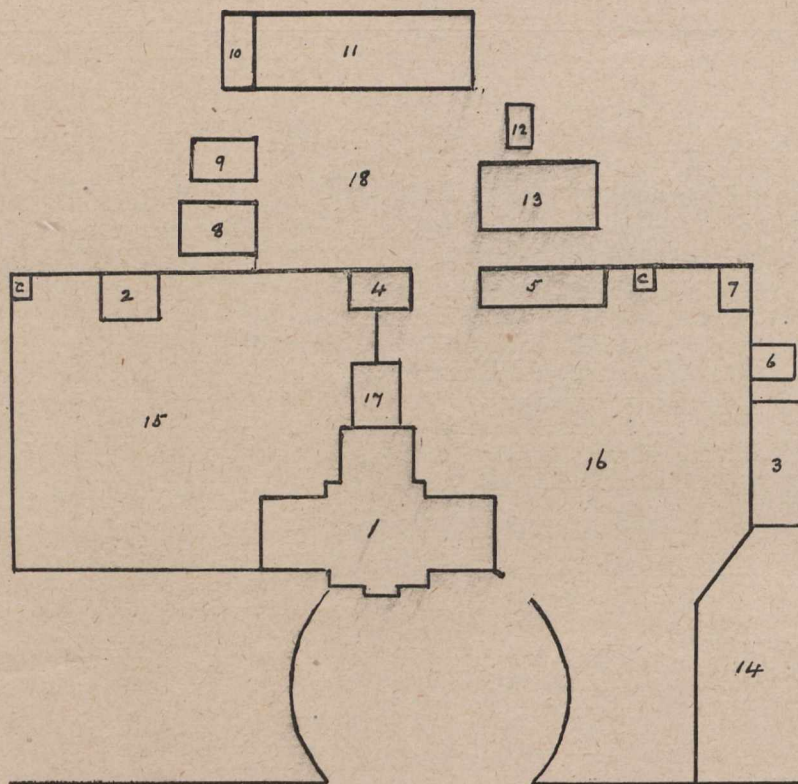
most convenient and on a plan that can be extended in the future development of the institution.

Inmates.

The committal of inmates to the institution has always been in the hands of the members of the county council, the inspector, and the county clerk. To qualify for admission a person must be a *bona fide* resident of the county or a transient requiring immediate attention.

During the 28 years the institution has been in operation 908 different persons have been admitted as inmates, and 106, who had been discharged, were re-committed. The average number of inmates gradually increased from 32 in 1876 to 73 in 1888 and 1889, after which the number gradually decreased to 41 in 1900. The last three years show a gradual increase, and in 1903 the average number of inmates was 50.

PLAN SHOWING ARRANGEMENT OF BUILDINGS



- 1—Main building, 46 x 67
- 2—Isolation cottage (women), 16 x 24.
- 3— " (men), 22 x 44.
- 4—Laundry, 15 x 25.
- 5—Men's day room, ice house, etc., 19 x 52.
- 6—Morgue, 6 x 10.
- 7—Ash and smoke house, 8 x 12.
- 8—Implement house, 20 x 30.
- 9—Root cellar, 20 x 25.
- 10—Chickens, 10 x 30.
- 11—Barn, 30 x 90, stone basement.
- 12—Hog pen, 18 x 22.
- 13—Drive barn, 34 x 44, cement basement.
- 14—Isolation yard (men), 42 x 86.
- 15—Women's yard, 100 x 117.
- 16—Men's yard, 100 x 117.
- 17—Heating apparatus.
- 18—Barn yard.

The largest number of committals was 62, in 1885, and the smallest number in 1900, when but ten new inmates were sent in. This was looked upon as an evidence of the prosperity the people of the county were enjoying, which improved the condition of those who might otherwise be subjects for county charity.

Inmate number 9, an old lady, eighty-two years of age, admitted when the institution opened, is still able to testify to the care she has received during this time.

The county is composed of twelve local municipalities.

The following statement, in which the municipalities are arranged in order of county rates paid, shows the number of inmates sent from each :

Townships :	1. Yarmouth.....	196
	2. Southwold.....	128
	3. Malahide.....	142
	4. Dunwich.....	63
	5. Aldborough.....	102
	6. South Dorchester.....	46
	7. Bayham.....	154
	8. Aylmer.....	62
Town :	9. Dutton.....	17
Villages :	10. Springfield.....	22
	11. Port Stanley.....	27
	12. Vienna.....	11
	Births in the institution....	39
	All others.....	5

1,014

This shows that the wealthiest municipality sent in the largest number of inmates, but has no reference to the length of time they may have remained there.

The reasons given for admission are as follows, commencing with the largest class :

1. Weak minds, idiots or insane.
2. Destitution.
3. Sickness.
4. Old age.
5. Intemperance.
6. Cripple.
7. Blind.
8. Other causes.

Thirty-nine births and 238 deaths have been recorded.

The ages of the inmates at death were as follows :

Under 50 years	57	deaths
From 50 to 60 years	22	"
From 60 to 70 "	31	"
From 70 to 80 "	65	"
From 80 to 90 "	50	"
From 90 to 100 "	12	"
Over 100 years	1	"

A reference to the causes of death shows that they are those common to old age :

1. Old age or senile decay..... 25%
2. Consumption, pneumonia, etc..... 20%
3. Paralysis..... 15%
4. Dropsy..... 10%
5. All other causes..... 30%

The number of inmates is now about equally divided, the last report showing 27 males and 22 females.

Cost of Permanent Improvements.

All expenses in connection with the institution are paid out of the general funds of the county.

In 1877 the cost of land, buildings and furnishings was \$13,443. The last report, dated November 1st, 1903, gives the total amount expended for County House of Industry as follows :

Farm, 50 acres, cost.....	\$ 3,000 00
Farm, 50 acres, cost.....	4,250 00
House of Industry.....	11,400 35
Laundry.....	666 81
Fire escapes.....	399 06
Root cellar.....	124 99
Cottages, etc.....	1,525 72
Brick ice house.....	1,180 50
Barns, etc.....	2,587 57
Tile drains.....	566 87
Tile drain outlet.....	60 70
Hot air pump, tanks and connections...	350 00
Refrigerator.....	40 00
Fencing.....	925 88
Orchard.....	85 85
Heating apparatus.....	1,979 00
	<hr/>
	\$29,125 29

Received from the Government on account expenditure for lands and buildings..\$ 4,000 00

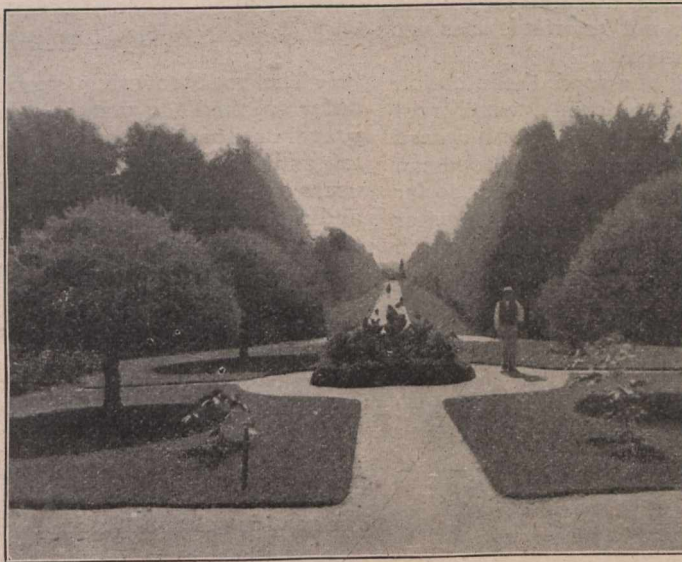
Leaving amount actually expended by county..\$25,125 29
 In addition to this the barn at present under construction will cost \$1,200; the furnishings, farm stock and implements are valued at \$4,000.

Annual Maintenance.

The cost of maintaining inmates depends on the number, the cost of supplies and productiveness of the farm. It is impossible to compare results with other similar

institutions, as no two keep their accounts in the same way. The last annual report shows the expenses for the year to have been \$9,661.20 divided as follows :

Hired labor.....	\$ 179 66
Farm implements and expenses.....	111 56
Farm stock.....	474 14
Physician.....	200 00
Keeper and matron.....	550 00
Drugs.....	63 01
Seed, feed and provisions.....	468 20
Meat.....	450 16
Bread.....	245 21
Groceries.....	347 15
Dry goods.....	297 36
Boots and shoes.....	89 75
Furniture and hardware.....	99 10
Conveyance of inmates.....	73 20
Incidental.....	279 67
Inspector.....	100 00
Wood.....	220 42
Coal.....	609 91
Insurance.....	37 73
Repairs.....	174 04
Chaplain.....	50 00
Committee.....	59 70
Permanent improvements.....	\$ 231 18
Farm addition.....	4,250 00
	<hr/>
	4,481 18
	<hr/>
	\$9,661 20



ENTRANCE AVENUE.

The cash received from inmates and sale of farm produce was \$486.38, and additions to farm stock cost \$280. These amounts and cost of permanent improvements and repairs, when deducted from total expenditure, shows amount actually expended for support of inmates to be \$4,239.60.

This provided for an average of fifty inmates with the keeper's family and hired help, the average expense for the year being \$73.84.

Inmates requiring special treatment are sent to the St. Thomas Hospital, and cost is included in the general expenses of the institution.

The county assists in maintaining outside of the House of Industry a man who is deaf and dumb and partially blind.

Children are sent to the shelter of Children's Aid Society and cost \$2.25 per week until foster homes are provided.

Management.

The management of the institution is wholly in the hands of the county council. They appoint annually a committee of three, which meets quarterly to pass accounts, and whenever there is business requiring their attention. The permanent officers and their salaries are : The inspector, \$100; matron and keeper, \$550; physician, \$200; chaplain, \$50; and two assistants to the matron.

The inspector's duties are to visit the institution weekly, to supervise the work of the keeper and matron and purchase supplies, and advise the committee in reference to the requirements thereof. The keeper and matron have full charge of the institution. Their duties are very numerous and not at all pleasant when the

Engineering Department

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

PLACING ROAD METAL

To know how gravel or stone should be placed on the road, it is necessary to have a knowledge of why it is placed on the road. This is a matter to which very few of our road-makers have given the slightest attention, and very few could give an intelligent answer to the question. The popular idea is that the stone makes a sort of carpet for a while, in a short time it will be forced down into the oil to form a bottom, and on this more gravel or stone will have to be placed, and that this process will have to be continued indefinitely until a good road is made. There is even a very general belief that it is not necessary to drain a road but that the only means of accomplishing the desired end is to pile on gravel year after year, and that water, unless it actually floods over the top of the road, has little to do with the matter, and that so long as the actual surface of the road does not get wet it does not matter how boggy it may be underneath.

In the intelligent construction of a road, the intention of the gravel or stone coating is to form a waterproof covering for the soil underneath as well as to form a hard wearing surface. Of course, gravel and broken stone can not, as a matter of fact, be entirely impervious, but so far as the coating of these materials does prevent the water passing through to the sub-soil, it fulfills the greatest portion of its mission. To accomplish this to the greatest possible extent there are several points which it is necessary to pay attention to :

- (1) The road must be crowned or rounded up in the centre.
- (2) The material must be as compact and solid as possible.
- (3) The surface of the road must be made and kept smooth.

Crowning the Road

By having the road crowned and rounded up in the centre, water is at once thrown to the sides where it can be carried away in the drains. If the road is flat on top, or if hollow, as many of the roads in Canada are, water stands on the road, soaks down through the road covering and softens the soil beneath. Then the trouble begins, there is nothing to support the gravel, so that when a loaded vehicle passes over it the wheels are forced down through the gravel and into the soil. The soil is plowed up and mixed with the gravel, and the serviceability of the road is largely destroyed.

The means of providing a proper crown must depend on the circumstances. For an average country road on which a grading machine is used, the best method will be to first round up the natural soil giving it a slightly less crown than it is intended the finished road shall have. This completed, pass the grader over one side of the centre cutting off the top and turning the loosened dirt to the side, then pass the grader back along the other side turning the loosened dirt to the side. This will leave a flat surface in the centre of the roadway, along each side of which is a shoulder of loose earth, forming a shallow trench. In this the gravel should be placed, spread with a rounded surface, and the loose dirt at the sides levelled off to conform to the shape of the roadway.

Old gravel roads are commonly flat, in ridges with square shoulders at the edge of the ditches. In this case

the better plan is to cut off these shoulders throwing the loosened dirt outwards. The ditches are usually very wide and flat, the road having been graded by drawing the earth out of the ditches with a scraper, so that the shoulders thus turned outward merely widen the graded roadway without interfering with the drain. If, however, these ditches are sharp and deep, the loosened earth may drop down so as to obstruct the water, in which case it will have to be thrown across the drain to the roadside by hand, a proceeding seldom necessary.

Usually a sufficient depth of gravel will be found upon these roads, requiring only that the centre should be raised by cutting off the sides. After this is done as above described, a light coating of clean gravel to fill the ruts and depressions and restore the crown will make an excellent road.

Consolidating Material.

The road covering should be solid and compact in order to shed the water. Under present methods, the gravel or stone is dumped in the centre of the road and is left as it falls, a mound of loose material, avoided by the users of the road until late in the fall when the muddy and rutted state of the road compels them to drive along this mound. Gradually it is flattened down and after a year or so, during which time it has been mixed largely with the soil beneath, assumes the shape of a road. The utility of roads made in this way is largely wasted. Roads must be made for traffic, not by it.

This loose stuff absorbs the rain as it falls, even before it is cut into ridges by wheels and the feet of horses. When it has been cut into this condition it acts as a receptacle to hold all the moisture its surface will receive. In this way the whole surface and foundation of the road is softened, is readily cut up and destroyed.

The best remedy for this waste in road-making is to spread the road metal to conform to the required surface of the finished road, and then thoroughly consolidate it by the use of a heavy roller. It can be largely remedied also by taking proper care of the road, if a roller cannot be had. By raking the loose material into the ruts and wheel tracks as fast as they appear, nearly the same end will be accomplished, but less perfectly, and requiring a longer time. The first vehicle passing over the road does comparatively little injury; it is when ruts have been formed which hold water, and other wheels follow in these tracks, that the greatest damage is done.

A Smooth Surface.

It is evident that a smooth surface is essential to a good road. A rough surface is necessarily such as will impede the flow of water from the centre to the drains. To such roads rain is always an injury. With roads properly built, on the contrary, a good dash of rain will flush away the dust which has accumulated, and which, if it remains on the road in time of steady rain and slush, acts as a sponge to absorb moisture and soften the surface of the road.

The Guelph Municipal Electric Railway has added a 150-h. p. storage battery to its plant.

BROKEN STONE.

There are localities in Canada where good gravel is not obtainable, but where stone can be had, either as bed rock or field boulders. Some townships have used stone, broken by hand, but a stone crusher with screen attachment affords a much cheaper method.

The stone should be separated into grades according to size, the coarser stone to be placed in bottom of the road, and the finer at the top. This grading of the stone is done by means of the screen attachment. If the stones are placed in the road without being graded in this manner, the smaller stones were more rapidly than the larger, and a rough surface results. Large stones at the surface, moreover, are more apt to be come loose, to roll under the the horses feet or the wheels. For a country road there should be placed in the roadbed (1) a layer of stones such as will pass through a 2½ inch ring; (2) on this a thin layer of stones such as will pass through a one inch ring; (3) on this a coating of screenings, that is, the dust and chips created in crushing.

Care must be taken in choosing the stone to be used. Some limestones make good metal; but limestone shales of a slaty nature, or limestone which decays rapidly on exposure to the air, should be rejected. Sandstones are brittle and do not unite well in the road. Granites, which are found in the northern part of Ontario, make good road metal. Trap rock is the best obtainable. Gneiss is very frequently a good rock. The latter, with other hard stones, are frequently found as boulders scattered over the southern parts of Canada. In using field boulders, care must be taken to reject such stones as are evidently softened by exposure. Rocks which crumble readily under successive blows of a hammer, or which show iron stains when broken, should be discarded. A little experience will quickly teach a judicious roadman to detect boulder stone which is unfit for road purposes.

There must be a sufficient body of broken stone to consolidate into a compact layer. A sprinkling of stones over the surface is useless. It merely impedes travel on what might otherwise be a good dirt road. Six inches of broken stone is the least which should be used in making a durable roadway for any purpose, and it should be the aim of councils to thicken this covering as circumstances will permit.

VILLAGE STREETS.

Village streets, town streets, city streets and country roads, in matters relating to their improvement, are all subject to the same general principles, but in many matters of detail there are distinctions which too many are apt to overlook. Every street, indeed, is in some respects a problem in itself, and no general formula can be applied to all, except at a disadvantage.

In general the streets of a village naturally divide themselves into three classes: (1) The business section, (2) the residential streets which are also main thoroughfares, and (3) the side streets.

The first of these, the business section, requires special treatment as to width of road, and depth of stone, to accommodate horses and vehicles, standing for a length of time, and occupying considerable space. There is in this section much wear at the side of the road to which the ordinary street is not subjected.

The second class of streets are occupied by residences, but are on the line of through travel to a railway station, mill or other place of business, from the surrounding country, and are therefore heavily travelled, and require a substantial form of construction, but the roadway need not be so wide as in the business section.

The third class requires treatment more for the purpose of improving their appearance than for providing for traffic.

The Business Section.

The common practice is, in making a permanent improvement in the business section, to lay concrete sidewalks next the street line, and to macadamize or gravel the roadway from walk to walk. The gutters may be paved, if desired, to protect them from the tramping of horses tied at the curb, either with concrete or cobble stones. In places, however, where the use of the business section is very slight, it may be treated more as a residential street, a curb being placed some distance away from the walk, the roadway narrowed to thirty or thirty-five feet, and the space between the walk and curb sodded. When this plan is followed, special walks will have to be laid from each store entrance to the curb.

The roadway should have a covering of broken stone or gravel at least nine inches in depth after consolidation. If stone is used the bottom seven inches should be of the larger grade of stone coming from the crusher, and the top two inches to be of finer stone, such as will pass through a one-inch ring. In applying the stone, the bottom seven inches should be put on in two layers, and into each layer should be harrowed sufficient stone dust or screenings to fill the voids.

If a road roller is used, each course of stone (and the earth sub-grade) should be well consolidated after the screenings have been applied. Rolling should be done, as far as possible, after a rain, and should commence at the curb gradually approaching the centre. A roller will produce a more satisfactory and permanent roadway than if the stone is left for traffic to consolidate it.

If a roller is not used, ruts, holes and uneven places should be kept from forming by frequently raking the stone into the wheel tracks.

This roadway should have a rise of about one inch to the foot, from the side to the centre of the road. By means of this "crown," surface water will flow to the side of the road. The angle between the curb and road-surface will form a gutter to carry the water to an outlet, thus doing away with the need for an open drain. Further drainage should be provided by placing tile under-drains about 2½ or 3 feet below the road surface and carried to proper outlets.

Residential Streets.

These are comprised under "class two" previously referred to, and are usually the main roads, not in the business section, leading through the village. The more important is apt to be a street from the business section to the railway station, as this gathers traffic from every direction.

Much that has been said of the business section applies to such a street. The chief difference is that the roadway should be narrower, say twenty-five feet in width between curbs. Stone should be placed on the road, about nine inches in the centre and about five at the sides. Care should be taken to grade the road in such a way that the surface water will flow freely in the gutters to an outlet.

The surface drains should not be interrupted at street crossings. Defective drainage is largely the cause of the bad condition of roads in wet seasons, and for the way in which broken stone is lost in the mud year after year. Good roads are largely a matter of good drainage.

As with the business section, the sidewalks should, when renewed, be built of concrete. The first cost is slightly more than for plank, but after a term of years, if they are properly made, by their greater durability, concrete walks will be found the cheaper and more satisfactory. They may be placed in the old position near the fence; but the better practice is now to place them outside of the trees, either next the curb or a few feet from it.

If it is not desired to at once make permanent improvements, much can be done on residence streets by widening and levelling the sodded space at the side of the roadway, opening and freeing from obstruction the surface gutters, and improving and providing outlets for the tile drains. In doing this work, the travelled roadway will be given a better crown, and the mud or earth that is scraped from it can be used in filling up and levelling, where needed, the sides or boulevard. The same class of work can be extended to all streets of the village, and much of it can be cheaply done by the judicious use of the road grader.

PURCHASE OF GRAVEL.

Many townships buy gravel by the load. This is very much like buying water by the pailful instead of digging a well. Gravel should be bought by the pit or by the acre, and should be available at all times for any farmer who wants to increase the value of his land by improving the road past it. Especial care should be taken by councils to see that, prior to the performance of statute labor, the pit is stripped and the gravel otherwise treated if necessary.

This material, purchased at from five to ten cents a load, when mixed with an excessive amount of sand or clay, is a most expensive road material for much travelled highways. When we consider the number of pits in some townships and their immense size, representing thousands of loads that have been taken out, and then consider the short mileage gravelled, we must readily see that something in the quality of material and the mode of construction is radically wrong. In some instances more than the value of a whole farm has been paid for gravel purchased by the load and taken from a small corner. If first-class material were used, under ordinary traffic the annual repairs necessary would be very much lessened.

SYSTEM BEING ADOPTED BY TOWNSHIPS.

The defects of statute labor have not been pointed out, and the system condemned without offering a better substitute. This substitute is not in the experimental stage. It has been tried and its advantages proven by a hundred and more townships of the Province. It is not contended that this system can be adopted by a by-law of the township and then left to itself to make and repair the roads. The best system that can be devised will prove a failure unless the councillors and people of the township try to make good use of it. This system, particularly until it is thoroughly established, will require the painstaking effort of the council and public-spirited men of the township to carry it into effect. It is particularly important that the road commissioner or commissioners appointed by the council shall be thoroughly capable and practical men, who can plan the work of improvement with a good understanding of the principles of road-making, can carry the work on methodically and with good judgment, can conduct the purchasing and business portion of the office to best advantage, and who can direct and manage the men employed.

The system recommended should be adapted in its details to local conditions, but the general failures are the following :

Statute labor is commuted at a fixed rate per day, and the amount is collected at the same time as the other taxes by the township tax collector ; or, if preferred, in place of commuting statute labor a special rate on the township assessment may be levied for road purposes, thereby entirely doing away with statute labor.

Money can be handled to very much better advantage than can the statute labor. The money can be expended at the most favorable time of the year, where it is most needed, and faithful work can be demanded of those earning it.

One road overseer or commissioner is appointed for the entire township ; or, if desired, the township is divided into a convenient number of divisions for road purposes, usually two, three or four, and a road commissioner is appointed over each. This practically amounts to a reduction of the number of pathmasters, and the enlarging of road divisions, and is essential to the success of the proposed system. To merely commute statute labor and retain the former number of pathmasters, giving each a small amount to spend, means a perpetuation of most of the defects of the statute labor system.

It is not best for councillors to act as road commissioners. Councillors, like the pathmasters of the old statute labor system, are elected annually, and cannot become experienced. There is a tendency for them to use their office not so much for the benefit of the roads as to gain votes for the next election. The ratepayers are apt to become dissatisfied unless councillors perform the duties of commissioner without remuneration.

Councillors cannot be as independent as are road commissioners, and they cost the township fully as much in commissions, mileage fees, etc.

The duties of the road overseer are :

(a) To supervise all work and repairs done on the roads and bridges within his division.

(b) To acquaint himself with the best methods of constructing and maintaining good roads, and of operating graders and other road machinery used by the township.

(c) To employ, direct and discharge all men and teams required to carry on the work, and to purchase necessary materials.

(d) To see that all washouts, drain and culvert obstructions, bridge failures and other unforeseen defects are repaired and protected, with the least possible delay, so as to prevent further injury to the road, or accident to users of the road, and to otherwise act promptly in all cases of emergency.

(e) To report to the council early in each year as to the work required the coming season, and to carry out the instructions of the council with regard thereto, and to perform such other services as may be required of him from time to time under the written instructions of the council.

(f) To collect the poll tax in his division.

(g) To keep an accurate record of the men employed and the work done, and to furnish this written form to the reeve at proper intervals in order that the reeve, upon being satisfied with the correctness of the statement may issue cheques for the payment thereof.

(h) To stake out all works and see that they are undertaken systematically, so that no time will be lost in taking men, teams and machinery from one part of the township to another.

(i) To supervise the performance of all work done by contract, and certify as to completion, acting as inspector for the township.

(j) To supervise the opening of snow roads under such regulations thereto as, in the opinion of the council, the needs of the township may require.

(k) To report to the council at the close of each year, showing in detail the character, location and cost of each separate work undertaken.

(l) Works, the cost of which will exceed a certain fixed amount (ordinarily from \$10 to \$20, as may be determined by the council) may be let by contract to the lowest satisfactory bidder, but in the event of any work being duly advertised to be let by contract, and the tenders being too high, in the opinion of the commissioner or the reeve, it should be the duty of the former to undertake the work by day labor under his own direction.

The commissioner should be retained in office as permanently as circumstances permit, in order that his experience, increasing from year to year, may enable him to do more perfect and economical work. Continuance in office should also be the reward of good service. Independent, capable road overseers are needed.

The commissioner should have exclusive control and management of the maintenance, repair and improvement of all the public roads and bridges within his division, in so far as the commutation and other moneys belonging or appropriated to his division, will enable him to do so, subject always to such written instructions as he may receive from the council, or from the road and bridge committee of his division.

It is of the greatest importance that the commissioners should be men of good judgment, practical, with ability to direct labor to advantage. The selection of suitable men as commissioners is of the greatest importance, as upon him will largely depend the success of any system adopted.

BRIDGE SITES.

The question of choosing the site of bridges is an important one. If the selection is not restricted to a particular point, the river should be examined for a considerable distance above and below what would be the most convenient point for crossing; and if a better site is found, the line of the road must be made subordinate to it. If several practicable crossings exist, they must be carefully compared in order to select the one most advantageous. The following are controlling conditions: (1) Good character of the river bed, affording a firm foundation. If rock is present near the surface of the river-bed, the foundation will be easy of execution and stability and economy will be insured. (2) Stability of the river banks, thus securing a permanent concentration of the waters in the same bed. (3) The axis of the bridge should be at right angles to the direction of the current. (4) Bends in the river are not suitable locality and should be avoided if possible. A straight reach above the bridge should be secured if possible.

In making the final selection, the principles to be observed as far as practicable are:

Follow the route which affords the easiest grades. The easiest grade for a given road will depend upon the kind of covering adopted for its surface.

Connect the places by the shortest and most direct route commensurate with easy grades.

Avoid all unnecessary ascents and descents. When a road is encumbered with useless ascents, the wasteful expenditure of power is considerable.

Give a centre line such a position, with reference to the natural surface of the ground, that the cost of construction shall be reduced to the smallest possible amount.

Cross all obstacles (where structures are necessary) as nearly as possible at right angles.

Cross ridges through the lowest pass which occurs.

Cross either under or over railroads, for grade crossings mean danger to every user of the highway. Guards and gates frequently fail to afford protection, and the daily press is filled with accounts of accidents more or less serious, and while statistics fail to give total casualties, the aggregate must be great.

OIL IN ROAD-MAKING.

The use of oil on roads is a matter which is frequently brought to our notice from the success attained in California by the use of this material on the road surface. The roads in many parts of Southern California are excessively sandy, and it was more with the object of reducing the dust that oil was first applied, than with the

expectation that a materially better road would result. In this it appears to have been most successful. Dust was the great bane of life in California. Raised in clouds by passing vehicles, it entered windows destroying furniture and draperies, and ruined the product of field and orchard for a considerable width on each side of the road. That the use of oil would remove such conditions may well account for its popularity in California.

The use of oil, however, appears to have accomplished more on these sand roads than to merely subdue the dust. The repeated application to the roads has built over them a tough surface resembling asphalt. Roads which were once impassable have, according to visitors to California, become ideal in their firmness and smoothness. This treatment first applied to sand roads has been used with success on all classes, loam, clay, macadam, and with remarkable results.

The oil used is a crude petroleum, but contains a large percentage of asphalt or bitumen. On light sandy roads, the roadway is first drained, graded, and rolled. The surface is then lightly picked up with a harrow and the oil is poured over it. This oiled surface is then stirred up with a harrow or rake, the aim being to produce an oiled crust three inches thick.

In the case of an old macadam or hard clay road the surface is first cleaned and shaped. Oil is sprinkled over it, and on this a coating of sand is spread to absorb the oil. This process is repeated until a crust of the desired thickness is produced.

Some slight experiment has been made in Ontario with oil on the roads, but climatic conditions and the quality of crude Ontario oil are not so favorable to this treatment as in California. Ontario oil contains less matter of an asphaltic nature and the severe conditions of spring and winter permit the oiled crust to be broken through, so that the effect of oil cannot be so permanent as in California. Oil on the streets has been objected to also, for the reason that the oily mud is so very injurious to clothing.

The use of oil in California has its greatest analogy in Ontario, in the making of tar macadam streets, so successful in Hamilton and elsewhere. While the oiled roads of California are of interest and may lead to suggestions applicable to Canadian conditions, yet the results so far attained have not been such as to commend the treatment for general use.

The electors of the Township of Ernestown have carried a by-law providing for a loan of \$20,000 to the Ontario Electric Railway Company, by a vote of 348 for the by-law and 79 against.

Among the municipal works in progress at the present time are water supply systems in Palmerston, Creemore, and Grimsby. Palmerston is also commencing a sewerage system. The Creemore waterworks will be a gravitation system to cost \$20,000. The Grimsby waterworks comprises a pump house and filtering basin on the beach, and a reservoir on the mountain. For this work \$34,000 is to be raised.

Municipal ownership is giving satisfaction in Guelph. The city has managed its lighting system for one year. During this first year the receipts were \$20,000. The net earnings after paying interest were \$10,000. Out of this \$5,000 was devoted to extensions, and \$2,000 went to pay the first principal coupon on debentures. The city authorities expect the business to increase during the coming year, and have better contracts for coal. Consequently they expect to make a still better showing in the second year of their municipal lighting plant.

QUESTION DRAWER

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

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

Communications requiring immediate attention will be answered free by post, on receipt of a stamped-addressed envelope. All Questions will be published unless One Dollar is enclosed with request for private reply.

Same Person May be Assessor and Collector.

524—D. D.—Can the same person be appointed assessor and collector?

Yes.

Lévy for Building Second School House in Union Section.

525—I. C.—A union school section was formed by arbitration in 1900 of parts of Townships H. and G. In 1901 a new school house was erected on the old site, and this year another new school house is being erected a mile and a quarter south of the first in the same section. Now the trustee board is asking the council to raise by one rate a sufficient sum to pay for school house No. 2 and its site this year. I may here state that although the section is a fairly large one there is ample accommodation in school house No. 1 for all the pupils in the section and all within a reasonable distance.

Is the council lawfully compelled to raise the very large sum of money asked for while yet the ratepayers are taxed (and will be for several years) for the building of No. 1 school house?

Sub-section 1 of section 34 of The Public Schools Act, 1901, provides that the trustees of every rural school section shall have power to select a site for a new school house, etc., and that they shall forthwith call a special meeting of the ratepayers of the section to consider the site selected by them, and that no site shall be adopted, except in the manner provided in the section, without the consent of the majority of such special meeting. Sub-section 3 of section 65 requires the trustees to provide adequate accommodation for all the children therein mentioned. If this school site has not been adopted in the manner required by sub-section 1 of section 34, or if there is already sufficient school accommodation in this union section, the trustees and council can be restrained from levying and collecting the sum necessary to pay for the new school site and erection of the new school house. If the proceedings leading up to the request for the levy and collection of the money are regular and in accordance with the provisions of the statute, the council may, under the authority of sub-section 1 of section 75 of the Act, raise the sum required by one yearly rate without submitting the proposal for the loan to a meeting of the ratepayers and obtaining the sanction of such meeting as is required in the case of the issue of debentures under sub-section 1 of section 74.

Time Within Which Damages May be Claimed from Municipalities.

526—J. E. E.—Is there a limited time for making a claim for damages against the municipality? Where is the law bearing on it to be found?

Sub-section 1 of section 606 of The Consolidated Municipal Act, 1903, provides that an action for damages sustained by any person by reason of the default of the corporation to keep in repair any public road, street, bridge or highway must be brought within three months after the damages have been sustained. As to a municipal corporation's liability for accidents caused by accumulations of snow and ice, see sub-section 2 of this section. Sub-section 3 requires that notice in writing of the accident and the cause thereof be served upon or mailed through the post office to the mayor, reeve, or

other head of the corporation or to the clerk of the municipality within thirty days after the happening of the accident, where the action is brought against a township, and within seven days where the action is against a city, town or village. See also sections 437 and 438.

Appointment of Constable in Towns.

527—R. H.—1. Can a town appoint a constable, and can he act as constable without the County Judge's sanction (that is for town purposes)?

2. Would he have to be sworn in before he could act as constable, and if so, by whom?

1. Yes. Section 493 of The Consolidated Municipal Act, 1903, provides that "the council of every town not having a Board of Commissioners of Police shall, and the council of every village may appoint one chief constable and one or more constables for the municipality, and the persons so appointed shall hold office during the pleasure of the council." As to the appointment of constables in towns having Boards of Commissioners of Police, and their oath of office, see section 489 of the Act.

2. Yes. He will have to make and subscribe the solemn declaration mentioned in section 313 of the Act.

Height of Railway Fence—Damages by Cattle Trespassing on Railway.

528—A. McD.—A short time ago a railway line was extended through a town lot. The fence on said railway line is a wire fence. The posts are 23 or 24 feet apart. There are only seven strands of wire, each about $\frac{1}{8}$ inch in diameter, and only two perpendicular bars between each pair of posts. The strands of wire are on the inside of the fence and fastened to the posts by means of small shafles.

The cattle get on the railway track and make their way through the fence owing to the posts and perpendicular bars being so far apart and owing also to the shafles pulling out of the posts. The height of the fence is only about three feet nine inches or four feet at the highest places.

What I would like to know is what a railway fence should be in height and other respects, and if the party into whose garden the cattle are breaking can recover damages for the injury done by the cattle?

If this railway is one under the jurisdiction of the Dominion Parliament, as is probably the case, section 197 (2) of The Dominion Railway Act requires the company to erect and maintain fences of a minimum height of four feet six inches, and provides that such fences and gates shall be suitable and sufficient to prevent cattle and other animals from getting on the railway. If there is any question as to the sufficiency of these fences for the purposes of keeping cattle in and preventing their straying upon the railway lands, the matter should be referred to the Board of Railway Commissioners for Canada, who have authority under sub-section 2 of section 198 to deal with the matter. In this case, however, the trouble seems to be caused by cattle trespassing on the railway lands, and we are of opinion that the company is not bound to build fences to keep them out of lands adjoining the railway, nor is the railway company liable to the owners of the lands for any damage done by them. The land owners will have to look to the owners of the cattle trespassing and doing damage.

Legality of Account of Medical Health Officer.

529—A. McD.—I enclose our medical health officer's account. Will you be good enough to look it over and say whether the charges are legal? His services were in connection with small-pox cases and no price was arranged by the council.

From what is stated there does not appear to be any question between the council and the physician as to the liability of the former to pay the bill, if correct. The point at issue seems to be the legality of the several items charged in the bill. If the charges are in accordance with the tariff of fees allowed to physicians for performing similar services under like circumstances and are not unreasonable he can collect them. As to this, the physician, no doubt, has this tariff, and can show the council whether the charges are made in accordance therewith.

Council Should Not Allow Cellar Door in Sidewalk

530—T. H.—On a business street in our village one of our merchants has a cellar door in the sidewalk. It is about four feet wide by eight feet long and has been there for twenty years. Our council are going to build a cement sidewalk to replace the old plank walk, and would like to know if the owner of this property can compel them to leave a cellar door in the new sidewalk, and if so, who would be responsible in case of an accident?

The owner of this property cannot compel the council to leave an opening in the cement sidewalk proposed to be constructed for the purpose of giving him an entrance from the street to his cellar. The municipal corporation would be responsible in damages for any accident that might occur by reason of the existence of the cellar entrance in the walk, and the council should not allow it to be constructed there.

City Cannot Exact License for Street Parade.

531—X. B.—Can the parading of the streets of a city by a circus or menagerie such as Ringling Bros. (accompanied by bands and free performance by clowns and trained animals) be classed as an "exhibition" which may be licensed, prevented or regulated under section 583, clause 8, of The Municipal Act, the paying performance taking place outside the city limits?

We do not think that a license fee can be exacted for a mere parade of the kind mentioned, because if that were so the owner of a menagerie would be compelled to pay a license fee for merely travelling through a municipality, which, in our opinion, could not be lawfully exacted.

Voting Powers of Chairman of School Board.

532—R. C.—Has the chairman of a school board a right to vote on every question? If he does, and it makes it a tie, has he the right to vote again?

The chairman of a school board has the same right to vote as any other member of the board. If he exercises this right, and by voting creates a tie, he has no second or casting vote.

Liability for Income Tax.

533—J. B.—Our assessor assessed a non-property holder for \$200.00 income, not being sufficiently high to give him a vote on first part of voters' list his name was left off. Will I enter him on our collector's roll and collect taxes on the \$200.00 assessment, or should our assessor have omitted him altogether?

Yes. It is your duty to put him on the collector's roll.

Conduct of Business of Council.

534—E. P. F.—Enclosed find copies of two resolutions passed at the municipal board, one councillor and the reeve being opposed.

1. At the meeting to wait on Mr. T., on July 22nd, the reeve and one councillor were against engaging Mr. T. to crush the stone, and so nothing was done at the meeting. Since then the other three councillors in favor of crushing the stone, without the knowledge of the reeve and other councillor, have hired Mr. T., and are putting the stone on the road. Is it legal for them to do this?

2. Will the reeve be compelled to sign the order to the treasurer to pay Mr. T.?

3. They have bought the stone and are putting them on a road that was not mentioned before the council board. Is it legal for them to do this?

Moved by Mr. M., seconded by Mr. C., That this council appoint themselves a committee of the whole to wait on L. T. at the crusher on Friday, the 22nd day of July, 1904, at one o'clock p. m., with the object of making a bargain with him to crush 100 cords of stone, more or less.—Carried.

Passed on July 5th, 1904.

Moved by Mr. M., seconded by Mr. C., That this council wait on Mr. T. with a view of making arrangements for crushing more stone for the G. R.—Carried. Mr. B. and the reeve voting nay on June 2nd, 1904.

1. There does not appear to have been any contract entered into as yet between the council and Mr. T. for the crushing of stone. The object of the resolutions passed by the council in reference to the matter was to appoint a committee to arrange the terms of a contract for the work. After the committee had waited on Mr. T. and arranged the terms of the bargain, they should be laid by the committee before the council for its confirmation. This does not appear to have been done, and therefore we do not think a contract for the crushing of this stone has been legally entered into between the council and Mr. T., nor is the council under any obligation to him thereunder.

2. No.

3. This business should be done by the council in meeting assembled, and should be entered on its minutes. It should not be undertaken by individual members of the council without its authority. If it is so undertaken, the responsibility is upon the councillors who transact the business, as individuals, and not upon the council.

Married Woman, if Ratepayer, May Vote on School Questions.

535—A. O.—If a married woman is assessed for real or personal property and resides in a school section, would she have a vote upon school matters in the section, and if so, would it be necessary to have a different list for such parties' names besides the voters' list for list of voters in school sections?

Assuming that a RURAL school section is referred to, a married woman who is of the full age of twenty-one years, and a ratepayer and a public school supporter of the section for which such person is a ratepayer, is entitled to vote at any election for public school trustee, or on any school question whatsoever. (See section 13 of The Public Schools Act, 1901). No specially prepared voters' list is required for voting on school questions, or the election of trustees at rural school meetings. Unless a poll is demanded, as provided in sub-section 1 of section 15, a simple show of hands is all that is necessary in voting at such a meeting. If a poll is demanded the voting is to be carried on as provided in sub-section 2 and following sub-sections of section 15 of the Act.

Collection of Charge for Dog Tag.

536—R. A. S.—We have a by-law which requires every person owning or harboring a dog to purchase a tag for same before 1st of April in each year. Tag for dog \$1.00; for bitch \$4.00. A party has been up before the magistrate for not complying with the terms of by-law, and he sets up the following defence: That the dog is not owned by him, but belongs to his brother-in-law, who lives and resides in the municipality of M., 30 or 40 miles from here, and that his brother-in-law has paid dog tax for the dog in M., and for that reason this municipality has no power or right to collect dog tax for the dog, which has been in this municipality since last February.

Can this municipality collect dog tax for dog in this municipality if a dog tax has been paid for same dog while it was in another municipality?

Without seeing the by-law mentioned or a copy of it, we cannot express an opinion as to whether this party can be compelled to pay the price of a dog tag in this municipality. We may say, however, that if this resident is the owner or HARBORER of this dog, the mere fact

that his brother-in-law has paid the dog tax in another municipality does not absolve him from liability for the dog tax or price of the dog tag (as the case may be) in this municipality.

Closing Old Road and Opening New.

537—A. A. Y.—A ratepayer in this municipality has asked the council to grant the reservation on lake shore for building upon, offering in lieu therefor a road somewhat inland.

Would such a course be within the powers of a township council?

If this reservation is a public highway under the jurisdiction of the municipality, the council may enter into the arrangement suggested, if it considers such a course in the interest of the general public. Before doing this, however, the council must pass a by-law under the authority of section 637 of The Consolidated Municipal Act, 1903, after having strictly observed the provisions of section 632, providing for the closing of that portion of the road along the lake proposed to be turned over to the ratepayer, and for opening and establishing a new road in its place. In closing the road along the lake shore, the provisions of section 629 of the Act should also be considered.

Rights of Parties When Stream Wrongfully Diverted.

538—J. H.—There is a ditch in the Township of U. that runs along concessions 4 and 5 that is not in its right course, but has been there for some twenty years. It is not giving good results to the ones up on lots 8, 9, 10, 11, 12, 13, on concession 4 and 5, and is also a danger to the road, as it is washing out the road so that the council has to put a fence alongside of road to keep people from falling in.

1. Can the council get it removed?

2. The parties that own lots 3, 4, 5 and 6 dug the creek into the ditch on the road themselves instead of running it through lots 3, 4, 5, 6. Have they power to leave it there?

1 and 2. The owners of these lots should not have been allowed to change the course of the creek, and divert its waters into a ditch along the road, but if the drain along the highway has been in its present position for twenty years or more, adjoining owners have acquired a right to have the water run therein, and the council cannot now stop it up or change its course. If, on the contrary, the drain has not been in existence for twenty years, the council may fill it up, and leave the parties interested to their rights under The Municipal Drainage Act (R. S. O., 1897, chapter 226) or The Ditches and Watercourses Act (R. S. O., 1897, chapter 285.)

Status of Roadway Across Dam.

539—E.—E. owns a mill in the village of H. When the dam was first built I presume it was built at E.'s expense. Has always been used as a public road and largely kept up by the corporation. On the side of the dam next the water a sidewalk has been built and maintained by the corporation and been in use for the last fifty years. E. wants the corporation to move the sidewalk to the other side of the dam. Can he be compelled to do so? If moved a guard would have to be placed on the side next the water to make it safe for public travel. The walk is now so constructed as to form a guard. Whose duty would it be to build the guards in case the walk is moved?

We are of opinion that E. cannot compel the council to move the sidewalk to the other side of this dam. As to whether E. can remove the sidewalk altogether and close the covering of the dam to public travel, involves the question as to whether the dam is private property and exclusively under private control, or whether its surface has been dedicated to the public for use as a highway. As to this we cannot say, not having sufficient particulars before us.

General School Levy Should Not be Made in Union Section Composed of Urban and Part of Rural Municipality.

540—A. S. MacD.—Union school section No. 3 consists of a

portion of our township, the township of C. and the incorporated village of L.

Under sub-section 2, section 70, chapter 1, Edw. VII., I take it that this union will not participate in the levy provided by S. S. 1 of section 70.

Do you think the ratepayers of this section should be rated for the levy provided for under sub-section 1, section 70?

Since the latter part of sub-section 1 of section 70 of The Public Schools Act, 1901, provides that this section shall not apply to union sections formed between townships and urban municipalities, the council should not make the levy provided by sub-section 1.

Councillor Should Not Perform Work for His Council.

541—S. R.—Our township has commuted statute labor on the road. Is it legal for the members of the council to work on the road to the extent of the amount of their statute labor?

No, unless they can justify their so doing under clause (a) of sub-section 1 of section 537 of The Consolidated Municipal Act, 1903.

Appointment of Agents on By-Law Vote—Grant for Closing Mill Race—Maintenance of Approach to County Bridge.

542—G. A. A.—1. We are submitting a by-law for the electors to vote upon. Section 342 states that the head of the municipality shall appoint, etc. If nobody appears at the place named, would you consider the reeve obliged to make the appointment?

2. A mill race crosses one of our roads, and it has been running there over 20 years. Now the mill owner proposes to the council: "Give me a sum of money and you may close the race-way and thus save the expense of maintaining a bridge." Has the council power to grant the sum, or is there any other way the council can evade maintaining this bridge? The mill is old, small, and is offered for sale.

3. The county is keeping up 100 feet of the approach to a certain county bridge, but last year it was carried away, also 16 feet that township kept up. Now the county council is rebuilding their 100 feet, but are diverting the said approach so as to leave the township's portion, also their grade, a lot out of line with the new approach, which means a lot of unnecessary expense for the township. Has the county council a right to do this without compensating the township?

1. Yes.

2. We do not see that any legal objection can be raised to the making of a grant to the owner of the mill race for this purpose, if the council deems it in the public interest to do so. The council cannot close the mill race without compensating its owner, and if it considers it to the advantage of the public, and the owner's demand is reasonable, it can make the grant required.

3. If the county council, or its engineer, in replacing this approach deems it advantageous to change its location, we are of opinion that it can do so, without first consulting the township council. Of course the new location should be in the line of the road allowance.

Change in Composition of County Councils.

543—T. F. B.—1. What change is made in The County Council Act by the legislation of 1904?

2. When will we require to pass the resolution and forward same to county clerk?

3. If a majority are in favor of the change to the new system, when will it take effect?

1. By section 3 of The Municipal Amendment Act, 1904, sub-sections 1 and 2 of section 68a of The Consolidated Municipal Act, 1903, are repealed and two new sub-sections are substituted therefor. These new sub-sections will be found in full on page 152 of THE MUNICIPAL WORLD for June, 1904. They provide that in case the councils of a majority of the local municipalities within a county by resolution to be passed and filed with the county clerk on or before the 1st day of October in any year preceding a year in which a general election of county councillors would take place under the Act requir-

ing the submission to the electors of the by-law therein mentioned, the county council shall submit it as provided in these sub-sections.

2. The new sub-section 1 of section 68a requires the councils of local municipalities to pass resolutions requiring the submission by the county council of the by-law therein mentioned, and file them with the county clerk on or before the 1st day of October in any year preceding a year in which a general election of county councillors would take place in the county under the Act. A general election of county councillors under the Act will take place in January next, so that the above resolution should be passed by local municipalities and filed with the county clerk on or before the first day of October next.

3. Clause (b) of the new sub-section 1 provides that "the by-law shall be submitted to the electors at the time fixed by law for holding a poll at the election of the council of each local municipality for the year next preceding the year in which polling for a general election of county councillors would take place under this Act." Thus the earliest date at which a by-law of this kind can be submitted to the electors of the county by the county council is at the municipal elections to be held in January, 1906, and if the by-law carry, it will come into force at the general election for county councillors to be held in January, 1907.

Right to Close Private Road.

544—J. A. L.—There is a road between two concessions that passes on private property to escape passing a mountain. That road has been open for nine years and for six years it was left open (without gates) and the council did road work on it. Three years ago the owner put gates, which are very inconvenient, and now threatens to close the road altogether.

1. Has he a right to do that?
2. Can he be compelled to take off the gates?

1. There does not appear to have been any actual or constructive dedication by the owner of the soil of this road to the public for the purposes of a highway, and it has not been used by the public as a highway so as to give rise to a presumptive dedication. The doing of statute labor on this road was a voluntary act, and does not alter its character. We are therefore of opinion that the owner can close this road if he so desires.

2. Not unless the council passes a by-law to open and establish a road in this locality, pursuant to section 637 of The Consolidated Municipal Act, 1903, after having strictly observed the preliminary proceedings mentioned in section 632 of the Act. If the council and owner of the land cannot agree as to the amount of the compensation the owner is to be allowed for the land taken for the purpose of this road, the matter will have to be left to arbitration as provided in section 437 of the Act.

Basis for Calculation of General School Levy.

545—CLERK—When estimating the portion each part of a union school section should pay of a debenture due this year, should I be governed by the equalization of the year the debentures were issued or by equalization last made?

The levy should be made in accordance with the last equalized assessment of the union school section.

Trimming and Cutting Trees.

546—M. R.—We have by-laws protecting trees and shrubs. Great North Western Telegraph Company's man travelling about repairing the line greatly disfigured one or more trees by cutting tops off. Can we recover damages or must we proceed under our by-law which only imposes a fine of one dollar to five dollars?

If these trees were interfering with the satisfactory operation of the wires of the telegraph company, it can legally cut away such branches as are causing the trouble, occasioning no more damage to the trees than is

necessary in the operation. If the company or its employees damage the trees to a greater extent than the circumstances warrant, it may be held responsible by the owner of the trees. If the trees are on the highway proceedings under the by-law of the municipality will be preferable to an action for damages, but we cannot advise any proceedings unless the trees were injured unnecessarily.

Reconsideration of Drainage Award.

547—A. E. N.—In 1882 a ditch was dug under The Ontario Ditches and Watercourses Act, the maintaining of a part of which was apportioned to A, which he has continued to do until 1900.

The nearest portion of his farm is 105 rods from said ditch. A. desires to be relieved of further responsibility in the premises. How shall he proceed?

A. can take proceedings for the reconsideration of this award pursuant to the provisions of section 36 of The Ditches and Watercourses Act (R. S. O., 1897, chapter 285), which provides that "any owner, party to the award, whose lands are affected by a ditch, whether constructed under this Act or any other Act respecting ditches and watercourses may, at any time, after the expiration of two years from the completion of the construction thereof, or in case of a covered drain, at any time after the expiration of one year, take proceedings for the reconsideration of the agreement or award under which it was constructed, and in every such case he shall take the same proceedings, and in the same form and manner, as are hereinbefore provided in the case of the construction of a ditch."

Payment of Constables' Fees in Districts—Compelling Building of Overhead Crossing on Roadway—Maintenance of Town-lines Between Municipalities in Districts.

548—A. I. R.—In the matter of the case asked of you in last issue re the arrest in the township of a man and his detention in jail at the expense of the township.

1. Does not this case come under the heading of criminal charges, and should not the Ontario Government pay the bill?

2. The Temiscaming and Northern Ontario Railway crosses one of the township roads where two ravines come close together, close to a river. We understand they intend filling in here and making a level crossing. Can the township compel them to build an overhead crossing for the railroad, where it may so easily be built?

3. A washout occurred on a boundary road. Our council decided to put in a box drain and asked the other council to bear half the expense. They refused to do so, but offered to look after the water on their own side of the road. If any more washouts occur and damage results will not both municipalities be liable, because it is a boundary road?

4. Can we not force the other municipality to bear half the expense, especially as part of the water came from their side of the road?

1. If the items of this constable's account are any of those mentioned under the heading "Constables" at the foot of page 1060 of The Revised Statutes of Ontario, 1897, and in the opinion of the Treasurer of the Province have been properly incurred, he will pay them. (See also section 12 of chapter 103, R. S. O., 1897.)

2. Since this is a railway under the legislative jurisdiction of this Province, if the council is of opinion that an overhead crossing at this point would be safer and more satisfactory, it should so represent the matter to the Railway Committee of the Executive Council of Ontario, appointed under the authority of chapter 27 of The Ontario Statutes, 1902, upon whom section 3 of the Act confers all the powers mentioned in section 57 of The Railway Act (R. S. O., 1897, chapter 207.)

3. Yes, if reference is made to the liability of the adjoining municipalities for accidents caused by the unsafe condition of the road. (See sub-section 4 of section 33 of chapter 17 of The Ontario Statutes, 1900.)

4. Sub-section 3 of section 33 of The Ontario Statutes, 1900, provides that "in case no agreement has been entered into under the preceding sub-section (that is, for the maintenance of the boundary line) or in case the term fixed by such agreement for the duration thereof, has expired, the portion of such highway to be maintained for its whole width by each of the municipalities between which the highway forms the boundary line may be determined by arbitration under the provisions of The Municipal Act with respect to arbitrations at the instance of either of the municipalities adjoining such highway."

Proceedings at Court of Revision and Appeal Therefrom.

549—CLERK—A ratepayer of the township appeals to the Court of Revision on the grounds that he was assessed too high for his property. The Court of Revision sustained the assessment, dismissing the appeal. The party then appealed to the Judge of the District Court, but in appeal to the Judge brings the appeal in his wife's name, his wife not appearing upon the assessment roll, the Judge reduced the assessment \$800, although there was a letter put in evidence that the person some time previous when asked to sell the said property wanted eight times the value he was assessed at, and over five times as much for the half of the property as he was assessed for the whole.

1. Was the appeal to Judge in the wife's name legal, as the person's name only appeared on assessment roll as owner, the wife's name not appearing in any form?

2. Was the Judge justified in reducing the assessment by \$800, when the letter of evidence was put in that the person wanted eight times the assessor's value for the property, or over five times the assessor's value upon the whole for the half of the property?

Kindly give number of section or sections in the statutes of Ontario whereby such acts as are stated could be justified. You will observe by the reduction in assessment that the sum of assessment and sum wanted for property must have been considerable.

1. Under the circumstances stated we are of opinion that the District Judge should not have entertained this appeal. The appellant had not appealed to the municipal Court of Revision, and therefore could not appeal from its decision in any matter before it to the District Judge. Again, this property was assessed to the appellant's husband, and her name was not on the assessment roll at all. Under sub-section 3 of section 71 of The Assessment Act, it is only a *municipal elector* who can appeal to the Court of Revision, and thence to the District Judge, for the reason that the property of some other person is assessed too high or too low. The appellant to the District Judge in this case could not be a *municipal elector* (that is a person entitled to vote at municipal elections) under any circumstances, and therefore could have no authority to file an appeal either to the municipal Court of Revision or the District Judge against the assessment of the property of her husband or any other person.

2. This is a matter for the opinion of the Judge by whom the appeal is heard, and wholly within his discretion. Section 82 of the Act provides that "the decision and judgment of the Judge or acting Judge shall be *final and conclusive* in every case adjudicated." Not having moved to prohibit the Judge from adjudicating upon the appeal it is now too late to complain.

Municipal Auditors in Village Should Audit School Accounts.

550—E. C.—In December, 1903, the public school board at their annual meeting appointed two parties to audit the treasurer's books.

The treasurer was and is yet a member of the school board. They appointed other members of the board to make the audit referred to, which I believe was not legal.

The parties appointed were not competent to do the work, and the inspector, after receiving their report, finding it of no use, came to the school house and sent for the municipal auditors and asked them to make the audit, telling them at the same time that it was their duty.

They made the audit and the school board refuses to pay them

anything for their work on the ground that they did not appoint them.

Can they collect their pay by law?

This being an urban municipality, it was the duty of the public school board, pursuant to sub-section 11 of section 65 of The Public Schools Act, 1901, "to submit all accounts, books and vouchers to be audited by the municipal auditor." The auditors appointed by the school board in this case had no authority to make the audit. The above sub-section makes it the duty of the municipal auditors to do this work. There is no provision made for the payment to them of any sum in addition to their salary as municipal auditors for doing this work, either by the public school board or municipal council. It is part of their official duty, and is covered by the salary the council agrees to pay them when they are appointed.

Requirements of Reports of Committees—Council Cannot Legally Divert Sinking Fund.

551—A. G. D.—1. I have been requested to ask you whether or not a committee report, not signed by the chairman of the committee or the acting chairman, or any of the aldermen, only by the mayor, who is an ordinary member of the committee, can be legally acted upon by the council?

2. Also whether a municipality can use its sinking fund to pay for any part of the work of sewer construction?

1. This depends on the provisions of the by-law of the town enacting rules of order for the government of the proceedings of the council. If any such by-law has been passed by the council, we cannot answer this question without seeing a copy of it. If there is no by-law regulating the matter we are of the opinion that the council can act on the report.

2. No. Sub-section 2 of section 418 of The Consolidated Municipal Act, 1903, provides that "no moneys levied or collected for the purpose of a sinking fund shall in any case be applied towards paying any portion of the current or OTHER expenditures of the municipality, save as may be otherwise authorized by this or any other Act." And such a diversion of the sinking fund as is mentioned is not authorized by The Consolidated Municipal Act, 1903, or any other Act.

Power of Railway Co. to Build Switch Across Highway.

552—H. L. P.—The Toronto, Hamilton and Buffalo Railway has built a switch across a main travelled road in the municipality, to the great inconvenience of the public.

1. Have they a right to build said switch?

2. If not, what step must be taken to compel them to change the switch or remove it?

1 and 2. On the assumption that this is a railway under the jurisdiction of the Dominion Parliament, as we believe it is, it cannot be carried across an existing highway until leave to do so has been obtained from the Board of Railway Commissioners for Canada. If the company has sought and obtained this permission, the municipality has no redress, unless the crossing has been constructed in such a way as to be dangerous to the travelling public, or in contravention of the provisions of The Dominion Railway Act of 1903. (See sections 190 and 191). In this case the matter should be brought to the attention of the board, which will probably direct the proper construction of the crossing by the company. See also section 187 of the Act, which applies to the case of a railway constructed across a highway at the time the Act came into force.

Responsibility for Abatement of Nuisance.

553—THUNDER BAY.—Last winter a dog belonging to A. was supposed to be shot by B., and afterwards crawled under a stoop belonging to C. and died. This summer complaint was made to the board of health and the sanitary inspector was instructed to look after it. Both the owner of the dog and the owner of the

premises refused to bury the dog, which was then done by the sanitary inspector, who charged the council \$10.00 for the job.

1. Who is liable to pay the council, the owner of the dog or the owner of the premises?

2. How should the council proceed to get it?

Both A. and C. are taxpayers. B. has left the district. A. admits ownership of dog.

1 and 2. We do not think that this case is covered by sections 4 and 5 of the by-law (schedule B) appended to The Public Health Act (R. S. O., 1897, chapter 248). Neither A. nor C. appear to have been responsible for the creation of this nuisance, nor could either of them be held liable for the cost of its abatement. If there is any liability at all, it is on the part of B., but it seems to be doubtful whether he is the person who shot the dog or not, and he is out of range anyway. We are of opinion that the easiest and best course for the council to pursue is to pay the cost of the removal of this nuisance, and let the matter rest.

Duty of Pathmaster—A Statute Labor Defaulter.

554—D. W.—In our township the by-law appointing pathmasters provides that they shall do the statute labor between the 1st of June and the 1st of August in each year. A. is pathmaster. He was busy in June and July and has not warned out B. and C., and is not going to do the roadwork till September. B. says he will not do it at all, and that he cannot be compelled to do it or pay the money either, as he was not warned out in the time specified.

Can B. be compelled to either do the labor or pay the commutation fee?

The mere fact that B. was not notified by the pathmaster within the time mentioned to do the work does not absolve him from the liability to perform it, or to pay the commutation money on his default. If the pathmaster notifies B. to perform his statute labor, and he makes default and does not pay the commutation money, the pathmaster should return him to the clerk as a defaulter, and the clerk should place the amount of the commutation money on the collector's roll for this or next year, as provided in section 110 of The Assessment Act. We might observe that there is no excuse for the delay on the part of the pathmaster in the case, and that subsection 1 of the above section makes it his duty to return his list to the clerk before the 15th day of August.

Treasurer's Responsibility for Negligence.

555—T. K.—What redress has a village municipality in the case of the treasurer omitting to make a return of arrears of taxes on unoccupied lands from 1898 to 1903, the statement only being sent in to the county treasurer in July last, who refused to accept it on the grounds that each year's return should have been presented on or before April 7th in every year?

The municipality can recover the amount of whatever loss it has sustained by reason of the negligence of the treasurer.

Collection of Dog Tax—Defaulting Contractors—Appointment of Pathmasters to Keep Open Snow Roads.

556—A. M.—1. A ratepayer's dog dies after it is assessed. Can the township council make the owner pay for same, and under what section of The Municipal Act would they proceed to collect?

2. Commissioner for township lets work to contractors, and they did not do work, can there be anything done with them, contracts not being in writing? They contracted for a number of gravel jobs in different parts of the township. They have done some. Can they collect pay for what they have done, not finishing the rest?

3. The township council appoints pathmasters by by-law for the year 1904 to do statute labor. Some members claim that it covers winter roads as well. Have pathmasters power to allow time for shovelling snow under that by-law?

1. This dog having been entered on the assessment roll, the tax thereon should be placed by the clerk on the collector's roll, to be collected in the same way as the other taxes in the municipality.

2. If the terms of the contract can be proved, and the municipality has sustained any damage or loss, the township can recover from the contractors, if they are worth it, the amount of the damage or loss sustained. If the contracts were separate ones and the contractors completed one or more of them, they are entitled to be paid for those which they have fully completed.

3. In order to authorize pathmasters or overseers of highways to keep roads open in winter, and to otherwise carry out the provisions of sub-section 3 of section 537 of The Consolidated Municipal Act, 1903, the council should pass a by-law appointing them, under the authority of this sub-section.

Duty of Owner of Traction Engine—Liability of Municipality.

557—J. O'R.—The Act, if I understand it rightly, gives traction engines under eight tons in weight the same privileges on highways as an ordinary vehicle, provided plank is laid under driving wheels while crossing bridges.

1. Must the owner of engine supply plank, or is it the duty of the municipality?

2. Suppose an engine weighing six tons, drawing a separator weighing two and one-half tons, breaks down a bridge, is the municipality liable for damages?

1. The owner of the engine must furnish the plank required.

2. The effect of section 10 of chapter 242, R. S. O., 1897, as amended by section 43 of chapter 7 of The Ontario Statutes, 1903, and section 60 of chapter 10 of The Ontario Statutes, 1904, is to make it the duty of the municipal councils to build and maintain bridges of sufficient strength to sustain the weight of an engine used for threshing purposes or for machinery in construction of roadways not more than eight tons in weight. In this case we are of the opinion that the weight of the engine alone can be considered, and that being so, it was the duty of the municipality to make the bridge strong enough to bear an engine of the weight of this one, and therefore the question of the liability of the municipality must be determined upon the same principles as if any ordinary vehicle had gone through the bridge.

Collector Cannot be Dispensed With—Tax Notices and Demands.

558—W. D. McL.—1. Does the law permit township councils to dispense with collectors and appoint by by-law the treasurer to collect the taxes?

2. Would it be legal to mail tax bills to the ratepayers instead of leaving them at their place of residence?

If such is legal, please send me the names of any municipality that you may know that has adopted such a course.

1. No. Section 60 of The Assessment Act (as enacted by section 4 of chapter 27 of The Ontario Statutes, 1899) authorizes the councils of townships to pass by-laws requiring the payment of taxes to be made into the office of the TREASURER or collector, etc., but this does not empower the council to dispense altogether with the services of a collector. This official will still be required to perform the duties mentioned in section 134 of the Act.

2. No. The duties of a collector in proceeding to collect the taxes on his roll are set out in section 134 of The Assessment Act, and he must observe its provisions strictly.

A Disputed Audit.

559—FAIR PLAY.—In 1898 our township treasurer was instructed by resolution of the township council to deposit the money belonging to the corporation in a certain bank to the credit of the township. He did so, and he has asked the township auditors every year to see that the balance was all right. They have declared it to be correct as called for by the treasurer's cash book, until the audit of the 1903 account, when the auditors reported that the amount in the bank was \$20 short.

The council were not satisfied, and appointed another party to report on the auditor's work, who stated that the cash book was

correct, but the amount to the credit of the township was only some \$13 short, but he declared the discrepancy must have occurred in some of the former years, as everything for 1903 was correct. The bank manager says if you can show that we have made the mistake we will make up the difference. The township treasurer says if it can be shown that he made the mistake he will make it right. The township council has asked the treasurer to deposit the amount of the shortage to the credit of the township. But it seems impossible to locate the mistake. The treasurer claims that as a ratepayer he had to help to pay the auditor's salary, and that they were paid for pointing out the mistakes. The treasurer firmly believes that the mistake, if any, must have been made by the bank, and he refuses to make up the amount until it be shown that he really did make a mistake.

Is the auditors' work to show just where the mistake (if there is one) occurred?

If the council is satisfied that the report of its auditors as to the amount of this shortage is correct, and the treasurer, in the belief that he owes the township nothing, persists in his refusal to make good the amount, the council's proper course is to enter an action against the treasurer to recover the amount, and thus let the courts settle the matter in dispute between them. If it seems advisable, the council may have an audit of the books of the treasurer under the authority of section 9 of chapter 228, R. S. O., 1897.

Proceedings Preliminary to Building Granolithic Walks.

560—SUBSCRIBER.—1. Our council are building granolithic sidewalks this year. Is it not necessary to take a vote on a by-law duly published, issue debentures for 20 years on frontage tax plan, sell debentures and use money for sidewalks?

2. What portion is to be paid by the whole town, and what as local improvements tax?

1. If the council is putting down these sidewalks under the authority of the local improvement clauses of The Consolidated Municipal Act, 1903 it is not necessary to submit a by-law to the vote of the electors to enable it to do so, or to raise the money required to pay the cost. The procedure to be followed in constructing sidewalks on the frontage tax system will be found in sections 664 and following sections of the above act.

2. This depends upon the section of the Act under which the council is proceeding. If the town has not adopted the local improvement system in respect to sidewalks or streets by by-law passed pursuant to section 682 of the Act, the council may by by-law passed under the authority of section 678, pay out of the general funds of the municipality 40 per cent., or such greater or less percentage as it may deem expedient, of the cost of the construction of these sidewalks. As to the cost of local improvements opposite street intersections or exempted properties see section 679 of the Act.

Enforcement of Fenceviewers' Award.

561—A. J. McD.—Three of our fenceviewers, acting under The Act Respecting Line Fences, made an award. One of the owners, or his occupant, has not carried out the award. The other owner served the occupant with a notice under sub-section 1, section 9, chapter 284, R. S. O., 1897, and no action has been taken by the other owner or his occupant.

Is there any mode of enforcing this award other than that provided in said section?

No.

Appointment of Pathmaster to Keep Roads Open in Winter.

562—P. M.—If a pathmaster in his road division orders the men out to break roads in the winter, and they refuse to come, what steps should pathmaster then take. If he hires men to shovel snow can he make the council pay for same?

In order to authorize a pathmaster to make and keep open township roads during the season of sleighing in any year, he must be appointed for this purpose by by-law passed pursuant to sub-section 3 of section 537 of The Consolidated Municipal Act, 1903. The pathmaster so appointed may then perform the duties mentioned in this

sub-section. We do not think that the pathmaster would have any authority to hire men to shovel snow and render the council of the municipality liable for their pay, unless the council specially authorized him to do this, or appropriated a certain sum out of the public funds to be expended by him in this way.

Compelling Removal of Fence from Highway—Law Regulating Automobiles.

563—J. W.—1. There is an old road through a portion of our township. This old road was surveyed in '53. Some statute labor was done on it. The by-law states that it must be forty-feet wide. A part of it runs along the base line between A. and B. That portion of it is only about 20 feet wide, but is quite sufficient for all the driving that is on it. It is not used in winter. B. has moved his fence in 10 feet and A. refuses to move his. A. bought his farm eight years ago and the fence was there 22 years before he bought. Can A. be compelled to move his fence, the fence being there so long and the road not a Government allowance? If so, what steps are we to take to compel him to move it? We do not want to compel him if we do not have to, as the road is plenty wide for all the driving that is on it.

2. There are some automobiles running through this township. They frighten horses and have done about \$175 damage. Can we control them, or have they the same right to the road as our teams?

1. We are of opinion that the council cannot now compel A. to move back his fence, unless it desires to widen the road, and takes the necessary steps to expropriate the portion of A.'s land required for the purpose. In this event A. would be entitled to compensation for the land taken.

2. An Act to Regulate the Speed and Operation of Motor Vehicles on Highways was passed by the Provincial Legislature in 1903, and is chapter 27 of The Ontario Statutes for that year. A perusal of this Act will give all the information required.

Enforcement of Performance of Statute Labor—Payment of Commutation Money.

564—J. F.—1. Is there any way that men from twenty-one to sixty can be forced to perform one day statute labor or pay in to the pathmaster say seventy-five cents in lieu thereof, there being no by-law in existence in this township, or I may say in the Ontario Act to compel those that are not on the assessment roll? That being the case, what course should be taken to bring them to time, or are they free?

2. Has a pathmaster a right to receive money from a party who wishes to pay him instead of working out his time? Or can the pathmaster do the work instead of hiring men, men being very scarce and not to be hired at seventy-five cents per day, said pathmaster working the same as the other men?

1. Section 100 of The Assessment Act provides that "every male inhabitant of a township between the ages aforesaid (that is, twenty-one and sixty), who is not otherwise assessed and who is not exempt by law from performing statute labor, shall be liable to one day of statute labor on the roads and highways in the township." If the party liable makes default in the performance of his statute labor, he incurs the penalty mentioned in sub-section 2 of section 107 of the Act.

2. Any ratepayer liable to perform statute labor may, if he so desires, instead of doing the work, pay to the pathmaster for his road division commutation money at the rate fixed by by-law of the council passed under the authority of section 104 of the Act. There can be no legal objection to the doing of the work by the pathmaster under the circumstances mentioned.

Payment of Expense of Examination by Board of Health.

565—W. S. I.—A few ratepayers on one side of our school section wished our school moved nearer to them. To gain their point they got a petition signed by about a dozen to the effect that our school grounds were unhealthy, being too low. The petition was sent to our school inspector, who advised us to bring on the board of health. The trustees did so. Our township board of health decided that there was no reason whatever for such a com-

plaint, our grounds being well drained and a good fall to a running creek.

Could the petitioners be charged with the expense?
No.

Liability for Harrow Broken Doing Statute Labor.

566—J. B.—A. was appointed pathmaster for road division No. 2 for 1903-4. He had the grader working in 1903 and graded the sideroad. He left the road too high and there was no traffic on a portion of the road. This spring he borrowed B's disc harrow to level said road. B. was in road division No. 1. A. told C. to hitch to the disc and he would allow him statute labor while doing so. C. broke the disc. C. is in A.'s road division. Who is liable for the repairing of the disc?

The law in a case of this kind is that extraordinary care must be exercised by the borrower, and he is liable for slight neglect. If the disc had been broken while being used by A. himself he would have been liable for slight neglect. Instead of using it himself he appears to have loaned it to C. without B.'s consent. If that is so, he did what he had no right to do, and we are of the opinion that he is personally liable to B. for the damage.

Maintenance by County of Bridges Over 300 Feet in Length.

567—J. W.—Our township has two swamps or ponds with main leading roads running through them, each about a mile in length. They have each a river running through them, with wooden structural bridges at road crossing. The wooden bridges are less than 300 feet. The water overflows the rest of the mile of road in high water, rendering it impassable for a couple of weeks every spring, and is over portions of every stone fill leading to those bridges at the present time.

Proper steps, being taken, would you think the county liable for the maintenance of those bridges together with their approaches from dry land on one side to the same on the other under the new Act, 617a, R. S. O., 1903?

Section 617a of The Consolidated Municipal Act, 1903, applies only to bridges over 300 feet in length. From the statement of the facts we gather that these bridges are less than 300 feet in length. This being so, they cannot form the subject matter for an application to the County Judge for the order mentioned in sub-section 5 of this section.

Mode of Calculating Debenture Payments.

568—G. W. G.—In your August number on page 200 dealing with the formula for computing the equal annual payments of debentures, which is a matter I am now interested in, it appears to me you have omitted in this formula a very important matter. When you say \$1,000 equals \$180.97 equals first year's principal and interest, \$50.00 equals first year's interest, I fail to discover in the formula how you arrive at that conclusion. If you can give me any light on the subject I will be very much pleased to hear from you.

G.—On page 200 you give method to find equal annual payments, yet I cannot see where you get the first year's principal. Please explain more fully.

We have had several inquiries in reference to method of ascertaining equal annual payments required to pay off debentures issued for any number of years at any rate per cent. The following is an extension of the formula published in our last issue, which may be better understood.

To find equal annual payment on \$1,200 debentures, payable in five years at 5 per cent., make up a table as follows for 5 years at 5 per cent., commencing for convenience with \$1,000 principal:

Principal.	Interest.	} Add interest for first year to principal of that year to give the principal for the next year, and then the interest of the second year to give the principal for the next year, etc.
1. \$1,000 00	\$ 50 00	
2. 1,050 00	52 50	
3. 1,102 50	55 12	
4. 1,157 62	57 88	
5. 1,215 50	60 78	
<u>\$5,525 62</u>	<u>\$276 28</u>	

This shows the first equal annual payment on \$5,525.62 for five years at five per cent. to be: Principal \$1,000, interest \$276.28, total \$1,276.28. The first

year's interest on \$1,200 is \$60.00, the first year's principal on \$5,525.62 is \$1,000, and the first year's principal on \$1,200 is in proportion.

\$5,525 62	=	\$1,000 00
1	=	\$1,000 00
1,200 00	=	217 17
First year's principal.....		\$217 17
“ “ interest.....		60 00
Equal annual payment.....		<u>\$277 17</u>

For debentures without coupons this is sufficient. When coupons are to be attached the following statement should be prepared in the same way as the first formula:

	PRINCIPAL	COUPONS				
		1	2	3	4	5
1.	\$217 17	10 86				
2.	\$228 03	11 40	11 40			
3.	\$239 43	11 97	11 97	11 97		
4.	\$251 40	12 57	12 57	12 57	12 57	
5.	\$263 97	13 20	13 20	13 20	13 20	13 20
	\$200 00	60 00	49 14	37 74	25 77	13 20

Licensing Carpenters and Contractors—Employment of Stationary Engineers—Compulsory Furnishing of Road.

569—A. W.—1. Can the council of the Town of R. legally pass a by-law to legally issue a carpenters' license and also a builders' and contractors' license, the council receiving a well-signed petition for the same by the carpenter ratepayers of the town?

2. A company employing an engineer to run a stationary engine who has not Canadian papers for same, but has U. S. papers, is the town liable for any accident by allowing him to act in that capacity without the Canadian papers?

3. F. bought from R. one acre of land fronting on the river, and has no road to get out. Can F. compel R. to leave the 66 feet along the river open for a road, or what proceeding will F. have to take to get a road?

1. A town council has no authority to issue licenses of the kind mentioned.

2. No.

3. The law in a case of this kind implies that the purchaser has the right to ingress to and egress from the land conveyed to him, but he cannot select any way that he chooses. He must select a way which will inconvenience his grantor as little as possible.

A TRAMP ERADICATOR.

(The New York Herald.)

The town of Selma, North Carolina, has discovered an original way of getting rid of tramps. The railway runs straight through the town, and along the track is a street half a mile long. Tramps upon arrest are allowed by the mayor to race for freedom, the last man of the contest to go to "the road" for thirty days. All the tramps are lined up at the town hall, while a policeman is at the boundary, half a mile away. The tramps run with all their might, and the winners are seen no more, while the watching policeman captures the last man, who is sent to "the roads." It is said that tramps go near the town only once, and that the device for getting rid of them is entirely original.

Mr. Tom C. Lockwood has been appointed clerk of the Village of Brighton, to succeed Mr. J. H. Morrow.

House of Industry and Refuge County of Elgin.

(Continued from page 205.)

inmates are sick or troublesome. Success depends entirely upon these officials. In Elgin three keepers, including the present one, have been installed since the institution was started. The physician visits the institution weekly and at other times as may be necessary.

Religious services are conducted by the chaplain and ladies of the W. C. T. U. on alternate Sundays.

The county clerk, who was inspector for sixteen years, acts as secretary of the committee. All accounts are paid by the county treasurer.

Farm Stock and Crops.

The farm stock consists of 3 horses and a driver owned by the keeper; 10 cows, 5 yearlings and 3 calves; 25 pigs; chickens, turkeys and geese.

The greater part of the farm produce is consumed on the premises. The crop for 1903 was reported by the keeper to be as follows:

24 bushels of wheat	7 bushels of peas
50 tons of hay	440 bushels of corn
510 bushels oats	10 bushels sweet corn
266 bushels barley	115 bushels carrots
600 bushels mangolds	9 bushels table carrots
18 bushels turnips	30 loads oat straw
135 bushels potatoes	1,000 heads cabbage
15 bushels beets	12 loads corn stalks
70 barrels apples	20 bushels parsnips
20 bushels onions	40 hogs
356 jars fruit	22 turkeys
8 bushels beans	100 chickens
7 bushels salsify	1,249 pounds of butter
1 load tobacco	

Dietary.

The dietary of the inmates is varied with the seasons, the produce of the garden being consumed on the premises. The bill of fare in general is as follows:

Breakfast:

Corn or oatmeal porridge.

Milk, bread, butter, tea and meat for the men who work.

Dinner:

Meat (pork or beef roast), meat pie or hash.

Potatoes or beans.

One other vegetable in season.

Bread, tea, gravy.

In cool weather, soup (meat or vegetable) twice a week in place of potatoes.

On Sundays pie or bread pudding.

Supper:

Bread, butter, apple sauce or rice and milk.

Tea and cold meat for working men, and sometimes stale bread and potatoes warmed up together.

On Sundays cake, cheese, boiled eggs.

On special occasions, turkey and chicken raised on the farm.

Notes.

The institution will accommodate 125 inmates.

Bread, meat and coal are the only supplies purchased by tender.

The kitchen furniture includes one of McClary's Famous Ranges, No. 9—50, with two fire pots and one agricultural boiler, No. 30, used for soup and boiling meat.

Three iron stairways, one on each wing, and four stairways in the building, accessible from all of the rooms, insure the escape of the inmates in case of fire.

For fire protection the institution depends on tank in the attic to supply hose and pails kept on each flat.

All windows on second flat have wire guards to prevent inmates falling out.

Inmates are admitted through the bath room, which is supplied with an instantaneous water heater and 80-gallon tank.

Tobacco is supplied to both men and women. The working men receive the most consideration in its distribution.

All bed clothes and clothing for inmates, except men's heavy coats and pants, are made in the institution. Winter shirts are purchased from Bursar of the Central Prison industries.

Municipal Debentures in the Money Market

Contributed by G. A. Stimson & Co., Toronto.

A peculiar and almost unaccountable position has existed for some little time in connection with the money market generally in Canada. While money, both in Europe and the United States, gradually grows cheaper and more plentiful, and while money in Canada is fairly plentiful and higher rates of interest have prevailed, this condition has not tended in any sense to enhance the value of municipal debentures. This is contrary to the usual custom. We must look for something different than the ordinary value of money to account for the continued decreasing value of municipal debentures. Undoubtedly the development of our North-West has played a larger part in this matter than we are willing to admit. That the general feeling of confidence which has come about through the prosperous conditions of the Northern Provinces, many of our largest moneyed interests have become satisfied and are now free lenders there for all purposes. Then, again, the various insurance companies, through a certain amount of rivalry, have evinced a special desire to increase their interest return on invested money, and for these reasons have become very extensive lenders at the higher rates of interest prevailing in Manitoba and the North-West. Another feature also has a bearing on it, the increased cost of living in Ontario for

the last few years has been about 25 per cent, and those who live on an income from invested monies have looked about to obtain a larger return than what was heretofore quite satisfactory. No better opportunity seemed to present itself than our Western Provinces, so that taking all these circumstances together it is quite easy to see that millions of money have been taken from the financial centres of Ontario for the general development and expansion of the North-West. We are safe in saying that to a very great extent this money has heretofore been employed by investment in municipal debentures, thus a gradual lessening of the demand and an exceptionally large amount of bonds being offered by various municipalities have brought about such a condition of demand and supply as to make a material difference in the value of municipal bonds. It was to a certain extent expected that the general decline of business which has taken place to a large extent both in the United States and England would be felt greater in Canada than it has and the commercial interests in this country suffer accordingly. In this event large surpluses of money would naturally come in sooner or later, and have favorably effected the demand for municipal debenture investments. With the continued good conditions in Canada

and the general advance in the various undertakings of Eastern Canada, investors are still willing to take their chances on certain lines of investments which are not likely to prove overly satisfactory in the end. In fact many of the investments made during the last few years have turned out anything but according to expectations. This certainly is checking the movement of capital money and we trust the same will sooner or later be available for more conservative purposes. Then, again, with the very much better interest return now available on municipal debentures, will in itself become an attraction to large investors in mortgages, as the rates are getting closer together, and preference is given to a considerable extent to municipal debenture investments, rather than to the ordinary run of mortgages. Undoubtedly a higher interest return has been established in connection with the municipal debenture investments, and municipalities we believe would be wise to recognize it, and hereafter it would be much better to issue their bonds at higher rates of interest than what has prevailed for some years past. We also wish to emphasize the fact that investors generally are paying very much more attention to the financial statement and the rate of taxation in the various municipalities. Wholesale bonusing or embarking in undertakings, which are not in keeping with the general conditions of a municipality, are looked upon most unfavorably. It is one thing to develop power for the use of the municipality but it is entirely another thing to develop power to any extent based largely upon expectancy of users. The commercial side of municipal ownership has not been satisfactorily established and expenditures under such conditions are not viewed with favor. The continued gradual increase under ordinary and local improvement taxation in the various towns is likely to have a certain effect upon their population, and while the convenience and comforts of the larger places is obtained these advantages are sometimes available only at a cost out of proportion to their advantages. It is just a question whether or not the course of the average municipality has been a wise one, where they have established electric light plants at a considerable cost. There is ample and sufficiently good reasons for the establishment of a water-works system. A number of prominent municipal officers in connection with the average sized towns have expressed opinion to us that had the municipality established a gas works in place of an electric plant, it would have been much more satisfactory, both to the citizens and the municipal treasury. The convenience of light for a limited time, they say, is not to be compared with the convenience of light plus the advantages of gas as a cooking and lighting agency. With the general scarcity of wood and the consequent high prices in the smaller places, this latter feature is particularly prominent. It is generally conceded that wood for fuel purposes will be before long a thing of the past in the principal centres, especially of Ontario.

There is a feature in connection with the issue of debentures which we think should engage the attention of all municipalities, and something should be done in the way of legislation to regulate the form and style of debentures in general. The present method of issuing is certainly most unsatisfactory, and with a view to encouraging the demand for this particular class of investments, this feature should certainly not be overlooked. As mentioned earlier in this article, we advise municipalities to issue their bonds at a higher rate of interest and keep in view a reasonable amount of taxation.

The experiment of paving county roads with bricks is to be tried in Orange county, Fla. The county commissioners have ordered 100,000 paving brick made by a new process.

MUNICIPAL HISTORY.

The history of our municipalities is important because it is only through this history that one can gain a clear idea of the course which future progress is likely to take. There must be progress and there must be reform, especially in the larger cities. At the present time the municipal bodies are asked to perform more than is reasonably possible. The legislative function must be separated from the administrative, and the latter vested in permanent officials. This seems the most feasible solution of present difficulties. At present too much is demanded of the mayor and aldermen. Their ability and their time are limited; their work is practically unlimited. Citizens with reputations and businesses which make them impregnable to the assault of franchise-seekers and other kinds of "grafters," are loth to allow themselves to be chosen for offices which demand so much time and attention, and which would make them feel the pressure of strong corporations whose interests are not identical with the civic interests. A reform of some kind is necessary in order that good government shall be maintained in large cities.—*Canadian Magazine*.

An interesting point was recently raised in connection with the appeal of a stock broker, doing business in Toronto. He appealed against an assessment of \$3,499 on income—\$2,000 on income from the brokerage business and \$1,499 received in dividends on Toronto Street Railway stock held for clients. The broker pointed out that the aforesaid stock, being hypothecated, as usual in stock market transactions, he had never even handled the dividends, and consequently it was unjust to compel him to pay taxes on dividends from stock held temporarily in his name. He had no means of knowing who finally received the dividends. But, on the other hand, the assessor pointed out that the city had no recourse but to collect the taxes on dividends from the nominal recipient. He, in turn, must look to his clients or to the holders of the scrip for re-payment. The court upheld this view of the case, the chairman adding that the law ought to be tinkered up a little in this respect. In view of the disastrous results to stock speculators during the past year, the broker's assessment of \$2,000 on income was struck off.

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Maryland has joined the list of states working under the state aid plan. The legislature has appropriated \$200,000 to aid the counties of the state in improving their roads. The distribution among the counties is to be made on the basis of road mileage.

* * *

The freehold electors of Cornwall recently endorsed two by-laws, one to loan J. B. Atchison \$17,500, without interest for 20 years, to help re-build his sawmill and sash and door factory, which was destroyed by fire; the other is to exempt from municipal taxes for 10 years the woollen mill property recently purchased by the Canadian Colored Cotton Mills Company from the Cornwall Manufacturing Company.

* * *

Charles H. Gill, of the village of Dixie, clerk of the Township of Toronto, has been appointed a Commissioner for taking affidavits in H. J. C., etc., within the county of Peel.

* * *

Moulins-sur-Orne, France, has the distinction of having had one mayor for half a century in the person of M. Germain-Lacour. Moulins-sur-Orne is in the arrondissement of Argentan, and the people have just celebrated this unique event by holding a fete in honor of their mayor. Argentan has been represented in Parliament by the same deputy for forty years.

The Union of Canadian Municipalities

By invitation of His Worship the Mayor and the City Council of London, Ont., the fourth annual convention of the Union of Canadian Municipalities will be held at the City Hall, London, on the 20th, 21st and 22nd of September. A large and influential gathering of municipal representatives is expected. Every Canadian municipal council is invited to send a delegation of one or more persons.

During the past year this powerful Association has done important work in the various forms of the municipal campaign carried on by it in Parliament and the Legislatures, securing the reform of much lax legislation, and defeating many obnoxious schemes.

The Union was established at the first convention, held in the City Hall, Toronto, in August, 1901, its object being co-operation for the advancement of all municipal interests, especially legislative self-protection. Annual conventions have since been held at Montreal and Ottawa with very satisfactory results. During the past year the Association has won many further expressions of approval of its practical work for the protection and information of municipalities, affording a common rallying-point of great practical value, as well as a means of exchange of mutual ideas. The smaller municipalities have been benefited as well as the larger. The membership roll includes most of the principal cities of the Dominion and numerous smaller municipalities from Halifax to Vancouver.

It will be an advantage to join, and, if possible, send a delegation; the backing and experience of sister municipalities may be of great use.

Any subject suitable for discussion may be brought forward by a delegate, but previous notice should be given when possible. The following are now on the list:

The Aims and Accomplished Work of the Union of Canadian Municipalities.

Provincial Rights in Municipal Legislation.

American Progress in Municipal Affairs.

What Utilities Should a Municipality Own?

Municipal Charters.

Water Supply and Filtration.

Level Crossings and Good Roads.

Municipal Progress in the Various Provinces.

Town Improvements and Embellishment.

Public Lighting Systems.

Drainage and Sewage Problems.

The following preliminary programme has been issued for the guidance of delegates:

Tuesday, 20th September:

2.00 p. m.—Reception of delegates, who will present credentials and register at headquarters, City Hall.

3.00 p. m.—Convention opens. Address of welcome by His Worship the Mayor of London, Adam Beck, Esq., 1st Vice-President for the Province of Ontario. Reply by Pres. Cook, ex-Mayor of Ottawa. Presidential address.

8.00 p. m.—Convention continues. Report of the Honorary Secretary-Treasurer, W. D. Lighthall, Esq., ex-Mayor of Westmount.

Wednesday, 21st September:

9.00 a. m.—Executive meeting.

10.00 a. m.—Convention continues. Reports, resolutions and discussions.

2.30 p. m.—Convention continues.

8.00 p. m.—Address on "Special Civic Charters in Canada," by S. Morley Wickett, Esq., Ph.D., Toronto. Discussion. Resolutions. Revise railway certificates.

Thursday, 22nd September:

10.00 a. m.—Convention continues. Unfinished business. Election of officers. Next place of meeting.

2.00 p. m.—The Reception Committee of the City Council will conduct the officers and delegates on a drive around the city and a special trip to "Springbank," by electric cars, where they will be entertained at luncheon.

8.00 p. m.—General discussion. Exchange of views, votes of thanks, etc. Closing proceedings.

Special railway rates have been secured for delegates, and hotel accommodation can be obtained in advance when requested. Further information may be obtained from the Secretary, W. D. Lighthall, M.A., of Montreal.

Municipal Accounts

Every now and then items of news reach the public which go to show how very defective are the methods of book-keeping carried on by municipal treasurers and the methods of checking adopted by municipal auditors. Not all municipalities, however, are so fortunate as the Township of Tilbury West, the council of which recently petitioned the Ontario Government for an investigation of its accounts that had fallen into a state of confusion. The special auditor appointed in response to this request found that there should be an addition of \$11,000 to the township's assets, and that the council will be able to do for three or four years without levying either a township or county rate, the accumulated fund being quite sufficient for their purposes for that length of time. The confusion in this case was clearly due, not to dishonesty, but to bad book-keeping and bad auditing.

Years ago, in response to such requests from municipal councils, it was the custom to appoint special commissioners to take evidence and require the production of documents. Sometimes dishonesty was unearthed, but more frequently only incompetence or carelessness. In the aggregate the cost of this system was considerable,

and not even the petitioning municipalities were put in a materially better position. The educative effect of such *pro re nata* investigations was practically nil. Quite naturally it occurred to the Legislature that it would be better and not more costly to provide for the appointment of a "municipal auditor," whose business it would be not merely to perform special audits where these are desired, but to inspect systems of municipal book-keeping without having irregularities to inquire into.

One benefit resulting from this reform is a falling off in the number of investigations and a like reduction of expense to the municipalities. Another and more important one is the education of municipal officials up to more trustworthy ways of keeping their records of all sorts. Special forms of accounts have been devised and inculcated, and methods of more efficient checking have been explained to inexpert auditors. The purpose kept steadily in view and effectively adhered to is analogous to the aim in the inspection of the accounts of insurance companies and those of division courts. In both of these latter cases valuable protection has been guaranteed to the public, and of the Provincial municipal audit department the same thing may now be said.—*Globe*.