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THE MUNICIPAL WORLD

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

Vol. 10. No. 6. ST. THOMAS, ONTARIO, JUNE, 1900. Whole No. 114.

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The Municipal World

PUBLISHED MONTHLY

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

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OFFICES—28 Elgin Street, St. Thomas. Telephone 101

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THE MUNICIPAL WORLD,
Box 1321, - - St. Thomas, Ont.

ST. THOMAS, JUNE 1, 1900.

Mr. W. R. Fellows, of Blenheim, who for many years was clerk of the township of Harwich, is dead, aged over 80.

* * *

Mr. Joseph Boulanger, of Plantagenet, has been appointed treasurer of the united counties of Prescott and Russell, to succeed Mr. John Fraser, deceased.

* * *

A public meeting of the ratepayers of the township of Enniskillen was held in the township hall on the 7th of April last, for the purpose of considering and discussing the abolition of statute labor in the township. Considerable interest was taken in the meeting, and it was attended by a large number of the ratepayers. In the result the meeting expressed itself largely in favor of the present system.

* * *

In our issue for May last, clause 6 of Question No. 226, G. G. A. (page 75), was a misprint. It should have read as follows: "6. Where assessment is made between 15th February and 30th April in a town municipality, is it consistent with The Assessment Act and The Municipal Act for the council to have the taxes pay able half-yearly or quarterly? Can half-yearly or quarterly payment of taxes be legally accomplished in any way? If so, how?"

* * *

After forty-three years of active and faithful service, Mr. Peter Reid has resigned the clerkship of Kintore. He is now in his eightieth year, and during forty-three years has not missed a council meeting. It is said Mr. Reid was the oldest clerk in Canada. Mr. Geo. Moffatt, past reeve of the township, a gentleman well qualified for the position, has been made clerk in Mr. Reid's stead. The council presented Mr. Reid with an address conveying the kindest sentiments. — *St. Marys Argus.*

The Good Roads Question.

It seems to us that the mistake which county councillors make, in dealing with the good roads question' is that they do not take the people of the county into their confidence and trust them sufficiently. If, as councillors maintain, it would pay Oxford to buy up the toll-roads and institute a county system under competent supervision, why not go boldly to the people with a scheme,discuss it with them in every municipality, and carry it as they did in more progressive Hastings twenty-five years ago? We believe that the people are far more independent and progressive than they are sometimes given credit for. A clean-cut scheme of road reform ought to carry in this and every other county of the province. If you are right trust the people. If you are wrong go about the bush, or keep away from them. Those who advocate good roads are right. Public discussion will sustain their views. —*Woodstock Sentinel Review.*

Tossing for a Vice-Chairman.

The first meeting of the newly-elected Holywell Urban District Council broke up in confusion in consequence of a remarkable dispute over the election of a vice-chairman. The chairman was elected with unanimity, but there were two candidates for vice chair, Mr. Lambert and Mr. Waterhouse, who received five votes each. The chairman having "equal respect for both gentlemen," declined to give a casting vote, and another appeal was made to the council, but with the same result. Mr. Williams then rose and stated that he was the only member who had not voted. He had just tossed up a coin—head for Lambert and tail for Waterhouse, and the latter had won,so he would vote for Mr. Waterhouse. A number of members entered their objection to this novel method of voting, including the chairman, who doubted its legality; but the clerk said the council had nothing to do with the means by which a member arrived at the choice of person for whom he would vote. Mr. Lambert also stated he would withdraw his name entirely, as it had come to a matter of pitch and toss; and Mr. Waterhouse also withdrew for the same reason, although the chairman had declared him duly elected as the result of Mr. Williams's toss-up. Then followed an unseemly debate,in which personalities were indulged in, with the result that the chairman threatened to resign the chair at once. Ultimately, as the council could not come to decision as to who should be vice chairman, the chairman intimated that the meeting stood adjourned, and the meeting broke up in disorder.—*London.*

Mr. H. Elliott, sr., of Hampton, who has been treasurer of the township of Darlington for upwards of forty-seven years, on account of advanced age and failing health, has resigned his office, and his son, Mr. H. Elliott, jr., has been appointed in his place.

A Drainage Outlet.

At the non-jury sittings of the High Court of Justice, held at St. Thomas, recently, before His Lordship Chief Justice Armour, the case of John R. Watson against the township of Dunwich was disposed of. The plaintiff asked for a perpetual injunction restraining the township from going on with the work under by-law number 559 of the township, providing for the cleaning out and improve-of government drain number one, north, upon the grounds that the engineer's report did not provide a sufficient outlet. A large number of witnesses (including the members of the Alborough and Dunwich councils) had been subpœnaed. The case was one of considerable interest to municipalities, as the exact point in dispute had not heretofore been determined in any reported case. Council for the township at the commencement of the case took the objection that the action was prematurely brought in, that the statute provided a remedy in case of damages, and consequently the common law right for an injunction was inappropriate, and that the plaintiff should seek his remedy under the statute if any injury resulted from the construction of the drainage work. His Lordship gave effect to the objection and dismissed the action with costs as of a successful demurrer.

Civic Pride and Progress.

Civic pride should be encouraged to the limit of our ability,

An investment of will and work in that direction is sure to yield a good dividend.

A feeling in favor of progress is indispensable to the attainments of those things which every wide-awake municipality should have.

Intelligent recognition of our wants first, then aggressive application of the means nectssary to gain the necessities as well as some of the luxuries of advanced civic government.

The advancement of a general movement along the line of progress can scarcely be over-estimated. It is essential that all classes should co-operate in the work pressing upon us. Avoidance of sectionalism is imperatively necessary; while of broadly constructed agitation for the betterment of public properties and public institutions the town can scarcely experience too much.

Success comes to municipalities as it comes to individuals. We must work for it. Where civic pride is pronounced obstacles give way before aggressive action.

Beginning of the End.

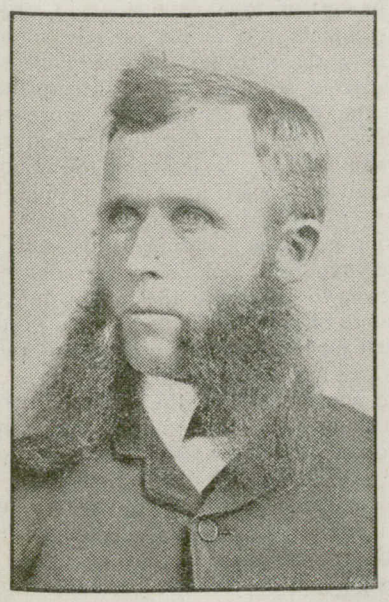
"You can cook, I suppose?" queried the young man, who was feeling his way to a proposal.

"No," was the frank reply, "I never even attempted it. My parents never thought I would have to seek a position as cook."

Municipal Officers of Ontario.

Clerk of the Township of Biddulph.

Mr. Stanley was born in the township of Biddulph, in March, 1844. He was first elected councillor of his native township



MR. W. D. STANLEY.

in 1875, and served two years when he was promoted and served four years as deputy-reeve and six years as reeve, and was appointed clerk in the year 1886. Mr. Stanley was for ten years a member of the Middlesex county council and is and has been for eleven years one of the auditors of that county. Mr. Stanley was warden in 1883 and in 1884, and has also

MR. D. DUMONCHELLE.

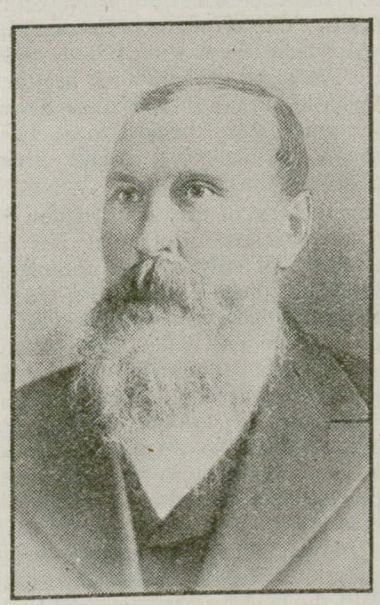
been a member of several important county committees to adjust municipal accounts between the City of London and the County of Middlesex.

Clerk Village of Belle River.

Mr. Dumonchelle was born in 1862. He is a prosperous merchant of Belle River and is also postmaster. He was appointed clerk in the year 1891. Mr. Dumonchelle takes a deep interest in all matters relating to the prosperity of his native village.

Clerk Township of East Hawkesbury.

Mr. LaBrosse was born in St. Benoit, County of Two Mountains, Quebec, in 1835. He and his father and brothers were the founders of the present flourishing village of St. Eugene. He was treasurer of the township from 1866 to 1868 ; assessor for 1869, and collector for 1874 and 1875. He was appointed township



MR. PAUL LABROSSE.

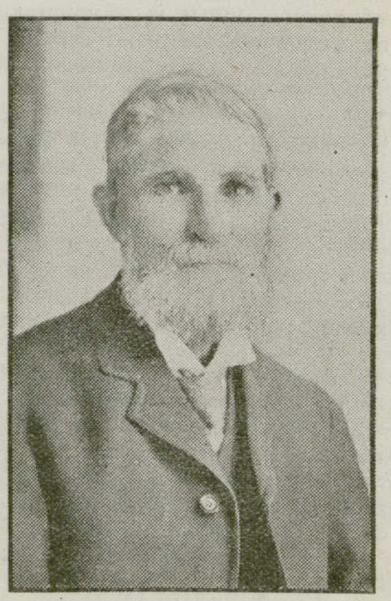
clerk in January, 1878. Mr. LaBrosse is a farmer and dealer in hay and grain. He is also a Justice of the Peace, Commissioner in H. C. J., County Auditor and issuer of marriage licenses.

Clerk Village of Woodville.

Mr. Gilchrist was born in the Island of Islay, Scotland in the year 1837, and with his parents emigrated to Canada in 1849. He taught school for a number of years in the township of Fenelon, having the whole township for his school section. He embarked in the general mercantile business in Woodville in the year 1859. In 1871 he was deputy reeve of the township of Eldon, and when the village of Woodville was incorporated Mr. Gilchrist was appointed village clerk.

Clerk Township of Orford.

Mr. Watson was born in the township of Hope, county of Durham, in 1838. He was educated in the public schools in his native township and the Chatham grammar school. He taught school for a number of years in the State of Illinois and the townships of Harwich and Orford. In 1867 he opened a general store in Clear-



MR. J. C. GILCHRIST.

ville in the township of Orford, and was appointed postmaster of that place in 1868, Commissioner in H. C. J. in 1872, a Justice of the Peace in 1883, issuer of marriage licenses in 1885 and township clerk in 1875. From 1896 to 1899 he published the Highgate *Monitor*. Mr. Watson at present carries on a general conveyancing, loan and insurance business. In politics he is a staunch liberal.

MR. H. WATSON.

The Town Clerk of the City of London (England) is paid a salary of $17,000 per year.

Engineering Department

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

The Drainage Aid Act.

The act which has recently passed the legislature providing for aid in the making of common outlets, is of interest to nearly every municipality and should be carefully considered in future when drainage works are undertaken.

The act covers works proposed for any of the following purposes: (a) To provide or improve that portion of the trunk channel constituting the outlet for the drainage work; (b) to furnish capacity over intervening high lands to a natural or other outlet; (c) to render more effective the operating of a drainage work by embanking, pumping or other mechanical means.

The object of the people taking advantage of the first drainage laws was to remove surface water, to enable the use and cultivation of swamps and wet lands, to provide proper plans and organization of forces, to collect and properly expend the money for this purpose, and to equitably levy against the lands benefited, the entire cost of the work. The intention was to secure the least expensive and easiest disposal of such waters.

So successfully have these laws operated that they have been taken advantage of in every part of the province, with the result that thousands of acres have been reclaimed, and otherwise benefited. About $5,000,000 has been spent upon drainage works, lands previously sold for fifty cents per acre, are now among the most productive in the province, and are worth from $50 to $60 an acre.

Since the introduction of these laws conditions have changed. The increased drainage caused the swamp lands to settle, flat lands along rivers, streams and watercourses have been put to greater use, have increased in value, and a greater appreciation of tile underdrainage has arisen. These changed conditions have demanded deeper and more effectual drainage, with a consequent deepening and extending of outlets.

So long as water is not confined in artificial channels, lands are required to take care of the natural flow, but when confined in artificial channels those undertaking the work become liable for the complete discharge of the water without injury to lands below. Frequently we find lands heavily taxed for building outlets, three, four or more miles away in order that the lower lands through which the drain passes, may not be injured. Thus we have drains being constantly extended at the expense of people who are necessarily assessible, although not directly benefited by the improvement; but for the purpose of preventing injury to lands several miles away.

In some cases it is found that ample fall for the drainage above is secured in entering ravines, channels and streams, but owing to the waters being confined and brought down at greater volume and speed, it is necessary to continue the drainage works by extending the channel below to avert injury to bottom lands, and often the cost of making these extensions and doing such works of straightening and clearing the channel although necessary in consequence of the drainage work, is out of proportion to the benefit to the lands liable for assessment.

In many instances the cost of these outlets, though rendered necessary by the drainage works, is out of proportion to the benefit to lands liable for assessment; and an outlay has been created far in excess of what was anticipated when the drains were commenced.

In providing for the drainage of upper lands, it has been necessary to protect the rights of the owners of lower lands through which these drains and outlets pass. The trend of legislation has therefore been to require such outlets as will protect these rights, the cost to be borne by the lands inaugurating and directly benefited by the drainage.

Thus the cost of first construction has been greatly in excess of what was first expected. Not only so, but the people in taking advantage of their laws, did not foresee the added expense of cleaning and repairing drains and outlets. The cleaning and repairing is periodically demanded at a considerable outlay. The large expenditure therefore, in excess of what was anticipated when the drainage work was undertaken, was not provided for by the people, and has created a great deal of dissatisfaction.

In the construction of these outlets, provision must be made not only for the water of the land primarily intended to be drained, but for the water already flowing in the channel, and often for a large flow of water naturally reaching the channel from lands which cannot fairly be assessed for any part of the drainage works.

Again along rivers and streams such as the Nation, Holland, Sydenham and others, wide stretches of land are constantly flooded by back waters, while other lands are threatened and frequently injured by freshets where the removal of natural and artificial obstructions would not only remove this cause of injury, but would reclaim thousands of acres of fertile lands and permit of the drainage of tracts in the watershed where in many instances drainage is impossible, and in other cases imperfect in consequence.

Where all the lands through which the drain passes are benefited, it is not difficult to apportion the cost. The difficulty arises in cases where expensive outlet works are constructed, it may be several miles distant from the lands benefited.

The expensive extension of these works through such channels, the difficulty of distributing the amount over the territory affected and the difficulty of proving benefit, and the seeming injustice of the tax, has provoked much feeling, and has led to costly ligitalion, which in turn has eventually swelled the expenditure and greatly increased the burden.

The cost of these extensions, in order to complete the drains already undertaken and of these necessary works included in schemes now contemplated, and the danger of litigation, cause the owners to hesitate in the further drainage of swamp lands. By lessening the amount of taxation imposed upon the people by these expensive outlets, the cause of friction in draining swamp lands will be largely removed, and encouragement will be given to prosecute the more difficult schemes of drainage, and provide proper outlets for those already undertaken, most of which are still incomplete.

In some parts of the province as in Essex and Kent, there are wide stretches of submerged land which cannot be properly drained without the construction of embankments or dykes, and use of pumping station machinery, such as the Pike Drainage Works in the township of Raleigh, and the Skinner Drainage Works in the township of Chatham, each reclaiming about 5000 acres. These are very expensive works, which a small appropriation for first construction would greatly stimulate.

The object in making appropriations to aid this work is not, however, so much to give pecuniary assistance to owners in the drainage of their lands, for experience has amply demonstrated that as a general thing when properly drained, these lands are among the most productive in the country and have rendered ample return for the outlay. It is for the purpose of recognizing a seeming injustice caused by the uniform action of the statutes in protecting the rights of the owners of flat and bottom lands, as well as the difficulty in apportioning the cost according to the benefit. It is for the purpose of lessening the cause of litigation, removing friction and prejudice, and smoothing the operation of the drainage laws which are now as near perfect as they can well be made, thereby encouraging a continuance of drainage works and the reclamation and improving of the remainder of the waste lands of the Province.

The reclamation of these lands will increase the assessed value of the municipalities in which they lie, and will thereby decrease the general taxation; and it will also swell the volume of the country's produce and is therefore a public benefit which is within the sphere of the government to foster.

The electors of Port Dalhousie have passed a by-law granting a bonus of $6,500 to a rubber factory.

Cement Concrete Sidewalks.

Much has been said in these columns with regard to the construction of cement concrete sidewalks, and much, no doubt, remains to be said. The material is every year growing in favor and is certainly worthy of its popularity. It is an artificial stone which has replaced natural stone and plank for this class of work. It cannot be repeated too often, however, that cheapness is the only quality which these walks must possess. A cheap walk, unless built of good materials, and with care and skill, is apt to be dear at any price.

The first thing in laying these walks, is to decide what must be done to the natural soil on which the concrete is to be laid in order to secure a good foundation. In many cases underdrainage is necessary. That is, a tile underdrain should be laid under the centre of the proposed walk and carried with a uniform and sufficient grade to a free outlet. Whether or not the drainage is necessary will depend on the amount of natural drainage afforded. If the soil is sand or gravel, it is porous, and does not hold water to at all the same extent as loam and clay. If the location is low lying, or receives the soakage from higher levels, no matter what the soil, it will need attention to drainage. This can only be properly decided by a careful study of the location. These underdrains are usually laid at a depth of two, or two and a half feet below the surface of the finished walk, but the nearer they are laid to the frost line the more effectual they will prove. A depth of three or even four feet will be found most satisfactory, but rather than omit the tile altogether, when needed, it is better to adopt the customary depth.

If the soil is sand or gravel and is well drained, nothing further is needed except to excavate and grade it to receive the cement, tamping and ramming it to a compact bottom. If the soil is clay, loam, or vegetable mould, it is better to excavate an additional foot, and refill with gravel, stones or brick-bats. If stones and brick-bats are used, this layer should be covered with a coating of gravel or cinders (not ashes), which should be well rammed, and upon this, the first layer of concrete may be placed.

In ramming, it is not necessary to break the handles, but a clean, smart pounding is better than trying to make a hole every time the rammer goes down. Observe that the edges against the guides or curbs receive especially good ramming. This is apt to be neglected by the workmen, as it is likely to push the guides out of place.

In placing the concrete, a four-inch layer is first put down, and this is covered with an inch coating. The concrete, as with the sub-soil, should be rammed as described, so as to compact the material, fill all cavities, and force out air bubbles. No more of the first layer should be put down than can be at once given the top coating. The first layer of concrete should not be exposed longer than it takes the topping gang to cover it.

The first four-inch concrete layer is composed of cement, sand and broken stone, or cement and gravel. The inch top-layer is composed of sand and cement; or to this may be added very finely-crushed granite. Granite is recommended largely because of its tendency to crush into cubes, many other varieties of stone, flaking. A cubical stone at the surface wears down with the rest of the walk, but a flake is liable to chip out, leaving a cavity.

Concrete should never be laid in freezing weather, nor if there is any chance of a frost. It is best laid in damp or cloudy weather. If the sun or wind is strong it is advisable to keep the surface thoroughly wet, in order to allow the concrete to set as slowly as possible.

The concrete should be mixed only as needed. If too much is prepared at once it will commence to set before being laid in place. It does not take the concrete long to begin to set after being mixed. The box should be right bside the work if possible. Any concrete which has taken a set before being put in place should be discarded. It cannot be re-worked, and if used in the walk, may be given a seemingly good surface appearance for a time. It will quickly deteriorate, however, the interior will be found separated and dried, full of air spaces, and without bond.

The Abolition of Statute Labor.

The last municipalities to report the commutation of statute labor are Pelham, Pickering and Assiginack. In Pickering the rate is placed at sixty cents per day. For the expenditure of the commutation monies the township has been divided into eight road divisions, each under the charge of a commissioner. The money collected in each division is to be expended therein, a sufficient amount to be reserved for keeping the roads open during the winter season. The by-law also provides that the commutation money shall be collected in the three principal villages, and expended therein for sidewalks, etc. In hiring teams and men, the commissioners are to give preference to ratepayers having the proper equipments for the work to be done. In Pelham the rate has been placed at fifty cents per day, and two commissioners are appointed for the township, to have charge of all work done, subject to such written instructions as they may receive from the road and bridge committee of their division.

The township of Assiginack in the Island of Manitoulin, a municipality in one of the more remote and pioneer sections of the province, has taught many of the older townships a lesson. That the citizens have been sufficiently progressive and enterprising to discard the statute labor system for one that will guarantee the best returns for such energy as can be devoted to the improvement of their roads, is certainly a praiseworthy distinction for so young a township. Why older townships with years of waste to instruct them, should be so firmly wedded to the system of patchwork, is becoming more and more of a mystery. There are now thirty-three townships which have abolished or commuted statute labor. Another year should see the list greatly extended.

The Ventilation of Sewers.

An examination of the sources of air pollution by sewer gas, shows that the most favorable conditions for its productions are in the soil, pipes and house connections, so that trapping off these from the main sewer will not prevent the poisoned air from entering the building. The aim should therefore be not only to exclude from buildings the sewer air but also the air from their own piping. Attempts have been made to use forced ventilation, but with the exception of the Liernur system, in which the outlets are tightly sealed, these have not been successful.

With fewer pipes and house connections as now constructed, the only practical plan seems to be that of providing the greatest freedom of air circulation in both sewer and connected pipes. Open channels for these would afford the freest ventilation, but this construction is objectionable for several reasons, and the nearest approach possible seems to be to provide the maximum number of connections between the sewer and the outer air. One means to this end is the construction of numerous manholes with perforated covers. If the street water enters the sewer, the inlets can also be used for this purpose, if no traps be placed in the pipes connecting them with the sewer.

Sewers carrying house sewage can be ventilated through the house soil-pipes if the running or main traps be omitted, or through pipes leading from below the main traps and extending above the roofs of the buildings. If a sufficient number of these and other outlets are provided, continuous circulation of air is caused by difference of temperature between the sewer air and that outside, by wind blowing, or into the openings by fluctuations in the volume of the sewage which increases or decreases the total air space in the sewers, by the friction of the flowing sewage upon the air, and by other minor causes. Special inlet or outlet pipes placed along the curb or elsewhere are seldom other than beneficial, but cannot be relied on to act always as either inlet or outlet alone, and are probably not more beneficial than untrapped soil pipes of the same size; and if it can be shown that untrapped house and inlet connections, combined with ventilating manholes, furnish ample ventilation for sewers, and that such use of them is not objectionable, the construction of special ventilation devices would seem to be a needless expense and complication.

Road Construction.

A standard thickness of the broken stone covering used in constructing a macadam road may be placed at six inches, provided the sub-soil is sand or gravel, and the drainage is good. If the drainage is poor, this thickness of material must be increased, or what is preferable, under-drains may be laid at the side of the road. The common practice is to deepen the open drains, but municipal officers are finding that under-drainage is as useful on the roads as on the farms.

On clay soils, the best practice demands deep drainage for the roads. Unlike sand and gravel, clay retains an excess of moisture, and moisture is the bane of good roads. If good drainage cannot be had in this way, a Telford fountain should be used. This consists of large angular stones placed on edge, in the bottom of the road, by hand, the projecting points being chipped off and wedged into the interstices. Upon this foundation the broken stone or gravel is then spread. A good substitute for Telford has been found in a layer of gravel or coarse sand. This is porous and prevents the road metal from coming in contact with the wet clay beneath. The little moisture that is absorbed from the clay by the foundation of sand or gravel is beneficial rather than otherwise, as it helps to keep the layer of sand or gravel firm and compact.

Too much water is the one thing to be avoided in securing a good road. The fundamental object in building a Canadian road is the disposal of the excess water. In very hot climates, where dust and drouth are the chief difficulties, or even in this country, where sand is the prevailing soil, some consideration must be had to retaining a certain amount of moisture; but for the average road too much emphasis cannot be laid on the great essential factor—good drainage.

If it were nor for the water in the road, the road would not freeze; if the road would not freeze it would not be cut up, rutted and destroyed in the spring. If water were removed quickly in the fall of the year, the farmers would not only have good roads, but would be saved the expense of repairing bad roads. The economy is two-fold.

Crown the roads so as to shed water to the open ditches, give the ditches a good fall, and free outlet. Use clean gravel or broken stone for surfacing the road, not a mixture of clay, sand, turf, and a few boulders. In renewing old gravel roads which have become too flat, cut off the square shoulders with a grading machine, throwing the material of which they are composed outward, across the ditch if necessary. These shoulders consist of earth, sand and sod, with a little stone, and should never be brought to the centre of an old gravel, or stone roadbed to give it a crown. Many a township on purchasing a grading machine and operating it for the first season has ruined miles of their gravel roads by making this mistake. This soft spongy material should have no place on the roadway, but having been disposed of by turning it to the inner edge of the open ditch, if there is room, or across the ditch if there is not room, the road should then be crowned by building up the centre with a coating of clean, new gravel or broken stone.

Police Villages.

The steady advance of municipal reform throughout the province is making itself felt in many particulars. The position in which many stirring, but small villages find themselves, as a part of a township municipality, is one of these details which is in many cases seeking re-adjustment. The abolition or commutation of statute labor in the township is apt to render the change more necessary. Unless the village is sufficiently large to justify its being formed into a separate corporation, with the added expense entailed for municipal administration, there is need for some means of undertaking certain local improvements to roads and sidewalks, and of applying certain sanitary and other regulations which cannot be extended over the entire township.

The unincorporated village or "hamlet," is the first step in the scale; but this offers but a means of commuting statute labor without such a change being made over the township of which it is a part, the money thus raised being expended by the township council.

A better and more advanced step is the "police village" provided for in sections 713 and 750 of the Municipal Act. These sections provide for the election of three police trustees with power to let contracts, employ labor and purchase material for building sidewalks, culverts, drains, for repairing and improving streets. They may provide fire protection, establish public parks and enforce certain regulations respecting nuisances. The township council continues to collect the annual taxes; the village rate being struck, however, in accordance with the money required by the police trustees. The township treasurer and clerk also continue to act for the village, so that the expenses of incorporation are not undertaken.

The plan is one with many advantages. Without taking such a step, however, improvements can be undertaken in villages through the local improvement provisions of the Municipal Act, in much the same manner as drainage works are entered upon, the method, however, being rather more cumbersome than that which may be applied to police villages.

The number of police villages in the Province as yet reaches only a total of twenty-seven, the list being:

Stoney Point, Comber, Highgate, Morpeth, Selkirk, Manchester, Zurich, Gorrie, Chatsworth, Flesherton, Otterville, Tavistock, Thamesford, Burford, Moorefield, Smithville, Orono, Delta, Elgin, Lyndhurst, Maitland, North Augusta, Frankford, Metcalfe, Crediton, Elmvale, Dublin.

Bicycle Paths.

Bicycling can no longer be regarded in the same category with baseball, cricket and football, as a summer sport alone. It is certainly used for pleasure, but so is the family horse and carriage. In city, town and township, it has become a thing of genuine usefulness to such an extent that its popularity as a sport is waning, and it has become the rule, in cities at least, that the bicycle is employed for strictly business purposes by the majority of those who possess them.

Having reached this plane, the construction of bicycle paths has entered into the domain of municipal works. In cities and towns these have been undertaken by the municipal councils, but rarely have more rural municipalities had occasion to do so.

The simplest form of these paths, as built through country districts, is usually placed on the grass space between the fence and the ditch, in about the place a sidewalk occupies. The width ranges from eighteen to forty-eight inches. For a country path, eighteen inches, which generally spreads out to about two feet, is found to give good service. If the width is made greater than this, it is generally with the object of allowing two to ride abreast, and should for this purpose be about forty-eight inches.

They are made by first levelling a strip the required width, putting in culverts wherever needed to allow water to cross the path. To avoid expense the path may, of course, be allowed to turn out on the wagon road to cross a large culvert or bridge. On this levelled strip, a layer of cinders, one or two inches in thickness, is spread. Over this is sprinkled a thin layer of sand or sandy loam, and the whole is then rolled down smooth and hard.

The cost of these paths has been found to range from $100 to $200 per mile, but the labor is the chief item of expense. In the case of one bicycle path in Ontario, leading from Port Credit easterly towards Toronto, the cinders are being supplied by a local factory without charge, users of bicycles are themselves performing the work of grading, so that the path is demanding practically no financial outlay.

These paths, where they traverse country districts, as a rule, indicate that the residents have been unable to improve the roadway for all classes of travel, and in such cases, and indeed, in the majority of cases, the cost, where they are built, must certainly be borne by the wheelmen themselves. Occasionally, however, we find a municipality, within which is a summer resort, or other objective point, becoming interested in the matter. Bicycle paths, however, are but a protest against bad roads, an argument for good roads, which all citizens can use, and which are built by the united effort of all, without dividing it into one part for roads and another for paths.

Iron Bridges.

That there is economy in the use of steel bridges, is a statement which is meeting with wider acceptance from year to year. There are few councillors who have not, in the growing scarcity of good timber for bridge purposes, realized that in this branch of construction it is destined to be replaced by steel, a material the best quality of which can be obtained. The great demand which industrial activity has recently made upon the supply of iron, considerably increasing its cost, is but temporary, and with our vast iron resources awaiting development, it is a foregone conclusion that steel will enter more and more largely into all structural work, in which bridges are not to be excepted. In order to use the greatest economy in the use of steel bridges, it is necessary to take every precaution for the preservation of the metal. The great foe of steel is rust, and the one means of combatting this destroyer is paint. The best kind of paint to use for this purpose is a matter which has been widely discussed, and almost every kind of paint has its advocates. The best and most widely accepted view, however, is that most of the paints are good, if they are properly applied. To secure the proper application means that they must be used before rust and scaling have commenced on the iron, and the best way to secure this is to have the iron coated with linseed oil immediately after it has been rolled, and before it has had time to become to any extent oxidized. It should be so treated before any work has been placed upon it by the bridge-maker. If this is neglected the only way of rectifying the difficulty is to have the bridge thoroughly scraped with steel brushes to remove all scale and rust, and on the clean bright surface thus secured the coating of linseed oil may be placed as a foundation for the paint. This cure, however, is more expensive than the prevention, and councils which stipulate in their specifications that all steel used in the bridge shall have been coated with linseed oil immediately after being rolled, will adopt a very wise measure.

Electric Railways and Highway Improvement.

Electric railway systems are rapidly increasing throughout the rural districts, and no doubt the future will see a much greater advance in this respect than has the past. When franchises are being granted to electric railway companies, the municipalities interested must necessarily have regard to future circumstances as well as present. One of the possibilities is the macadamizing and improvement of the road on which these railways have been placed, involving changes of line and grade in the railway as well as the common road. The question will arise in such a case, as to who should bear the expense of the necessary alterations in the railway, the company, or the municipality. The railway in many instances would no doubt be much benefitted by the change. It would be well to lay down the principle, in any event, that the municipality (or in other words, the taxpayer) should not be subjected to additional expense in improving the public roads, by reason of the presence within the bounds of such roads, of a street railway which enjoys a profitable franchise without cost. The principle easily leads to the practical conclusion that, in the construction of a public highway, either contemporaneous with or subsequent to the construction of a street railway within the location of the highway, upon the municipality should be assessed all the costs which would have accrued had no railway existed, and upon the street railway all the expenditure growing out of its presence on the highway. No doubt circumstances may arise which would prevent a rigid adherence to this rule in special cases, but the proposition is one which, we believe, will be acceptable to the public, although it may be opposed by companies anxious to be bound by the fewest possible restrictions and responsibilities.

Operating the Graders.

Immediately after the frost has gone out of the ground, and the roads are sufficiently dry, grading should be commenced and continued until the work for the season is finished, or the ground has become too hard for doing satisfactory work. As stiff clay soil is most difficult to handle, and must be in a certain condition in order to be properly treated, it should not be worked when wet, and should not be worked when baked hard by the sun. The work should be planned so as to treat it at the most convenient season, the sand section to be dealt with earlier or later.

The width of roadway to be graded on a new road, or a road which has not been given a coating of gravel or broken stone, should be definitely understood by the operator of the grading machine. This width need not exceed twenty-four feet between the inside edges of the open ditches; and for roads of little importance this width may be reduced to eighteen feet. The part so graded should be given a crown of one inch to the foot, from the side of the ditch to the centre of the road.

Where roads have already been gravelled but the surface has become flattened by traffic and other causes, they should be carefully examined by the council, and all needed improvements can then be specified. As far as possible, the old gravel or stone road-bed should be preserved, and, except in cases where it is absolutely necessary to raise the grade, no earth should be placed upon it. But the shoulders should be cut off, turned outward and removed, and a new coating of metal applied to the centre of the road.

One man should be employed to have charge of and operate the machine, and he should be a permanent resident of the township in order that his services may, if satisfactory, be retained for a number of years. He should be thoroughly practical, have some mechanical knowledge, and should make himself familar with the principle of road-making.

The operator should hire the teams required for the machine, and the same teams should be employed in order that they may become accustomed to the work. Or a better plan is to rent a thresher's traction engine for operating the grader, if one is to be obtained in the township.

Any departure from these rules, such as passing the grader around among statute labor beats to be operated by different pathmasters and different teams is certain to result in bad work, little of it, and consequent dissatisfation. And the manner of treating old travelled road-beds must be carefully guarded. Many of them may have been given an excessive width, and this it may not now be convenient to remedy.

Artesian Wells.

Artesian wells have long been used for small water supplied, but of recent years they have been employed in connection with exceedingly large plants, as at Brooklyn, N. Y. In Ontario, Barrie and Berlin possess two of the best-known plants of this description. The name "artesian" is sometimes applied in a general sense to all wells formed by boring or driving a tube to a considerable depth, and reaching a supply of water thereby. In a more restricted sense the name is applied only to such of these wells as possess a supply of water which rises to or above the surface of the ground. Artesian wells have been employed, usually, only when the sources of water supply are not at hand, or are expensive to develop.

Artesian wells are possible under certain geological conditions only, and an understanding of these involves a study of the flow of underground water. The most favorable condition is one in which a permeable strata, say of porous gravel, is resting on, and overlaid by impermeable strata, and dipping to the point at which the well is sunk. Water entering the porous strata from the point of outcrop above, in such a case reaches the bottom of the well under pressure, rises in it, and at times is forced above the surface of the ground forming the true artesian well.

The water of artesian wells is of variable quality. It is at times apt to be excessively hard, or it may be impregnated with salt, sulphur, iron or other mineral. Contrary to one's expectation of a water obtained from a considerable depth, it may even be contaminated by surface impurities, which the loose strata through which it has passed was insufficient to properly filter and purify. At times large subterranean channels, generally through limestone, contaminate the source with imperfectly filtered water. The fact that a water is obtained at a great depth is not a certain guarantee that it will be either palatable or pure.

Contract or Day Labor.

There are two general plans by which a town may construct public works, viz., by contract or by day labor. In a majority of instances, probably a very large one, the contract method is adopted, but in quite a number the work is done under the general charge of the engineer or a special agent or committee who purchases material, employs labor, and looks after the work generally. If the work can be conducted without "fear or favor" by a good manager, experienced in this line of work, the latter method will probably be the more economical and give the more satisfactory results. Unfortunately, these conditions exist in few cities or towns, and the contract method is usually the cheaper one, and frequently gives better results than construction by home labor under foremen too often unskilled in municipal work. There may be cases where, even with and in spite of the existence of the above objections, construction directly by the town is preferable. For instance, the work may be of an uncertain nature, its details difficult to foresee and set forth in a contract; or it may be unusually hazardous, causing contractors to add 100 or even 200 per cent. to the estimated cost to balance the risk, which risk the town might think it better to assume itself. In some instances villages have undertaken work as a means of giving employment in unusually hard times to citizens, who would thus be enabled to pay part of their wages back to the treasury in taxes, and also relieve the poorhouse of a large number of possible inmates.

It may be sometimes advisable for the town to purchase the materials and contract for the labor of construction. In this way the quality of the materials is under the immediate control of the town. In the matter of cost there is usually very little difference one way or the other. It is an excellent plan for the town to furnish cement, sand, stone and pipe, and see that there is no unnecessary waste of these. There is then no temptation for the contractor to use defective materials nor too little.

Systems of waterworks and sewerage have been built by letting the contract for excavation to one party, and that for pipe-laying and brick-work, etc., to others, the material being purchased by the town. This is almost sure to work unfavorably and give rise to the greatest confusion, of responsibility if not of work.

Make It Pay.

When it is said that municipal ownership is a failure it only means that it failed under bad management. Orea, a little town in Sweden, owns and operates a nursery, which is said to yield a revenue of $150,000 to the municipality —a sum sufficient to pay all its expenses, including free schools and a free system of telephone communication.

Gas for Light and Power.

Two kinds of gas are generally distributed for light, heat and power purposes. The older kind of gas, and the more commonly produced in small towns, is derived entirely from coal heated in retorts, nearly to the point of white heat. Gases distilled from coal in this way contains about one-fourth of the coal's total heating power. One ton of coal yields about 10,000 cubic feet of gas. Each ton yields beside the gas from 1200 to 1300 pounds of coke, 140 pounds of tar and 220 pounds of ammonia liquor. About 300 pounds of coke are required to heat retorts for the reduction of one ton of coal to gas, coke, tar and ammonial liquor, leaving a net product of about 1000 pounds of coke per ton of coal used. This coke has a heating capacity per pound nearly equal to that of coal.

The other kind of gas referred to, water-gas, is made by forcing steam through a bed of incandescent fuel, the resultant gas being treated with hydrocarbonate vapors, which latter are usually obtained from petroleum. These vapors may be added until the water-gas has a power of illumination equal to or superior to the best coal gas. The water-gas process derives no valuable product from the coal except gas.

A gas-burner which consumes five cubic feet of gas per hour, is usually considered as giving about the same light as a 16-candle power incandescent electric lamp. Viewed from a fuel standpoint the place of gas in public supply is that of a heating agent. For purposes of power production gas has proven a more satisfactory agent than electricity, for while electricity requires the consumption of about 2.88 pounds of coal per horse power hour, at the motor shaft, gas engines only require about 1.96 of coal for an equal amount of energy. Most steam power plants under fifty horse power capacity, use as much as five and even ten pounds of coal per delivered horse power hour. Larger engines of course may reduce this to three and one-half pounds and even less.

Other factors than fuel, however, enter into the consideration of a most economical method of procuring power, labor, attendance and cost of plant in each case forming a large item. The fact that electric motors can be operated with a minimum of attendance makes it in many cases the cheapest power to employ. The cost of electricity may be much reduced, too, by obtaining it from water power.

Municipal Telephones.

Chicago is to have a municipal telephone system—an innovation in America. Its immediate use is to be confined to the police and fire department, but its projectors say that eventually it will serve as the n ucleus of a great metropolitan system that is expected to become a rival to the old and new telephone companies. Rates sufficiently low to make the telephone a cheap convenience are predicted by those who see a great future in the municipal plant. The infant telephone system is to be launched at once, when City Electrician Ellicott advertises for bids on 1,500 instruments. Later he will ask for prices on enough insulated wire to make the necessary connections. The conduits have been completed, so that with the purchase of the apparatus no delay will be met in installing the system.

An Assessment Commission.

Premier Ross announced to the legislature at its session just closed that he would appoint a commission composed of experts to consider carefully the question of municipal assessment. It is understood that this commission will examine the assessment laws of the other provinces and the neighboring republic. This is a move in the right direction. There are many anomalies in our present assessment law. It is now a law of shreds and patches, difficult to interpret and is not equitable in its application. Every member of the house seems to think The Assessment Act is a fair subject to experiment upon, and in the absence of anything else to do, starts in to put another patch on The Assessment Act.

The changing conditions in a new country, of course, call for changes in our laws to meet them, but hastily considered amendments to such an important law should be avoided. It is to be hoped that this commission will be able to construct an act that will be equitable, effectual and easily understood and applied.—*Essex Record.*

A Municipality Which Declines to Pay Its Way.

The extraordinary state of affairs in the municipality of Lambton (Sydney), Eng, is engaging attention of the courts. The Corporation has got into bad ways, and has declined to make a lighting rate in order to pay off some of its debts. As the three aldermen refused to act,the Supreme Court appointed three new aldermen. The government nominees were looked upon with so great disfavor that they in turn refused to levy the rate, and were accordingly imprisoned for contempt of court. It appears that the borough owes something like £12,000 to a bank for money spent in local improvements, of which the borough got all the benefit, but now refused to pay a shilling of the debt. The Chief Justice is of the opinion that there are no means available under the Municipalities Act to terminate so scandalous a state of affairs.

Judge McDougall, who investigated the charge made against Toronto firemen of interfering in municipal elections, thinks that the fire brigade should no longer be appointed by the City Council, but should be under the control of a board of commissioners similar to the board of police commissioners.

Good Streets.

Bad roads are always to be found in a town which is on the down-hill grade. Unfortunately there are places where the streets are in a state of nature, in spite of the fact that they are among the best business places of the Province. But while bad streets may be found in some of our busiest towns, nevertheless good streets are a certain mark of enterprise, thrift and intelligence on the part of the citizens. A town council can do their constituents no greater good than to bring about a state of improved streets. This means that the roadways are properly graded, drained and metalled, the sides are properly levelled and sodded, the sidewalks are in good repair, and shade trees are judiciously planted. Improved streets invariably bring about trim and well-kept lawns, old fences are put in order, houses are painted and decorated. When the streets in front of their property are put in good condition, private citizens follow the example thus placed before them by the council. There is no public improvement which will more impress the travelling public than well made streets, and when to this is added the improvements to private property, which are sure to follow, it will be found that there is no better way of attracting a large population, promoting business, and advancing the price of real estate, than to see the streets are rightly designed and cared for.

WHERE GOOD AND BAD ROADS MEET.

A Special Highway Report.

The *Weekly Sun*, in a recent issue, says: Mr. Campbell, the Provincial Instructor in Highways, has recently issued a special report. The report deals largely with the present system of road construction and maintenance, and the question of Provincial aid.

Mr. Campbell points out that during the past ten years the municipalities of Ontario have expended upon roads alone, $30,623,958 in money and 11,000,000 days of statute labor. He claims, however, that the public receives no adequate returns for this expenditure, and that our system of roadmaking is "incompetent, unjust and extravagant." Our system of statute labor is, he thinks, unjust in that under it some men do honest work, while others do not. Responsibility, too, is, he claims, much divided, being shifted from the members of the municipal councils to the shoulders of the pathmasters, who do not care much whether the responsibility is placed upon them or not. As in former reports, he recommends placing the construction and repair of the roads in the hands of those responsible to the public.

Mr. Campbell believes that the main township roads should be taken over and maintained by the county in which they are situate. He instances the example set by the county of Hastings, where, about twenty years ago, the county took over the toll roads, and has since added to them, until to day about 370 miles of fine roadway are maintained as county highways, at a cost, he states, of about $35 per mile. He points out that, under the county system, the cost of maintaining the highways is levied on the towns and villages as well as upon the townships. His opinion that towns and villages should contribute to the construction and maintenance will be generally accepted as sound.

Roads are public property—free for all alike—and it would be as fair to tax the people of the country districts for the railroads running through their territory as to exclusively tax them for the thoroughfares that pass by their farms.

Naturally, Mr. Campbell devotes a good deal of attention to the question of State aid. He proposes that the government contribute about one-third of the cost of constructing standard roads. The character of the state-aided roads would vary, according to the requirements of the districts in which they might be constructed, the amount to be expended per mile in thinly-settled districts being less than where the population is comparatively dense. He states, what constantly should be borne in mind, that the object of the government should be, not so much to do the work for the people, as to encourage the people to do the work for themselves. There is no doubt that in other places the construction of state-aided highways has greatly stimulated the improvement of roadways in general. A farmer can haul a much heavier load on improved highways than on the average country road, and when a main road is put in good form he will improve the road leading from his farm to the main highway, in order that he may carry a full load from the starting point.

The maintenance of state aided roads, after their completion, also engages Mr. Campbell's attention. He notes a tendency to let roadways fall into decay, and thinks that the Province should aid to keep in repair the highways to the construction of which it contributes. Some will be disposed to question the expediency of extending Provincial aid beyond the stage of construction. It is certain, however, that provision must be made to assure the roads being kept in repair, either by the Province or the municipalities.

As instructor on highways, Mr. Campbell has accomplished much good. He has not forced his opinions on the people, but while giving them the benefit of his training and experience, has left them to act for themselves. The influence of his addresses is especially shown in the increasing number of highways constructed on scientific principles, and in the action of a number of townships in abolishing the wasteful statute labor system, and substituting cash payments in its stead.

Sentiment in favor of the abolition of statute labor is rapidly spreading throughout the Province. There are now no less than thirty-three townships in Ontario who have decided to take the step, or who have already carried it out. The latest to decide are the townships of Osborne, in Huron county; Blanchard, in Perth; Orillia, in Simcoe, and Pelham, in Welland county.

Municipal Amendment Acts, 1900.

Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :

WITHDRAWAL OF TOWN FROM COUNTY.

1. Section 27 of The Municipal Act is hereby amended by adding after the word "town" in the first line of said section the following words, "containing by the last municipal census at least five thousand inhabitants.

2. Subsection 2 of the said section 27 of the said Act is hereby amended by adding at the end of said section the following words : "Provided that no such town shall in any case be allowed the value of any interest it may have in any county property unless the council of the county in which the said town is situated ratifies and confirms the by-law of such town withdrawing from the county, such ratification and confirmation to be made by by-law of the council of such county.

TOWN COUNTY COUNCIL DIVISION.

3. Section 68 of the said Act is amended by adding thereto the following :

Or the said board may with the consent of the councils of the county and separated town form the separated town about to be reunited into a division of the county council in addition to the present divisions, to be represented in proportion to population, one member being added for such town when the population thereof is less than any of the county council divisions, and two members being added for such town when the population is equal to that of any of the existing county council divisions. This arrangement shall continue only until a redistribution of the county council divisions shall take place by reason of increase of population or otherwise.

TOWNS WITH POPULATION 5000 TO 6000 TO HAVE SIX ALDERMEN

4. (1) Section 71a of the said act is amended by inserting in subsection 3 thereof after the word "vote" in the fifth line thereof the words "or of a mayor and six aldermen when the population is less than 6,000."

This amendment shall come into force immediately after the passing thereof and in cases where the number of aldermen already elected is less than six, additional aldermen shall be elected as soon as possible after the coming into force of this Act.

Such election shall be held in the same manner as an election to fill a vacancy in the Council.

ELECTION OF ALDERMAN IN CITIES.

(2) Section 71a of the said Act is amended by inserting therein after subsection 4 the following subsections :

(4a) In any city having a population of more than 15,000, the council may by by-law provide that the aldermen shall be elected by a general vote of the municipal electors, and either by general vote or in two electoral divisions where the population exceeds 40,000, one-half the number to be elected by each division ; but such by-law shall not come into force unless and until it has been first submitted to a vote of the electors according to the provisions of this act with regard to by-laws requiring the assent of the electors. For the purposes of this section the population of any city shall be determined by the then last census of the Dominion of Canada. The persons entitled to vote upon such by by-law shall be those who are entitled to vote at municipal elections, and if the submission of such by-law be desired by petition of at least 400 of such electors, it shall be submitted at the then next annual municipal election. If such by-law be carried by the votes of a majority of the municipal electors voting thereon, it shall come into effect at the next annual municipal election. Such by-law may be repealed by a by-law to be submitted to the electors at any annual municipal election held not latter than five years after the passing of such first mentioned by-law, the repealing by-law to be submitted to the vote of the municipal electors if petitioned for by at least 400 of such electors.

(4b) Where, by a vote of the electors taken at a municipal election in any city within a year last past, it has been declared that the election of the members of the council should thereafter be by general vote of the electors and not by wards, a by-law bringing the Act into force may be passed by the council of the municipality before the first day of July next, without submitting the same to a vote of the municipal electors.

DECLARATION OF PROPERTY QUALIFICATION TO BE FILED BEFORE ELECTION IN CITIES.

5. Section 129 of the said Act is amended by adding the following sub-section :

(3a) In cities having a population of more than 30,000 every candidate shall on the day of the nomination or on the following day, or when such last named day is a holiday, then before 5 o'clock in the afternoon 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.

WHERE ELECTORS MAY VOTE IN CITIES.

6. Section 158 of the said Act, as enacted by section 13 of The Municipal Amendment Act, 1899, is amended by inserting after the word "wards" in the second line thereof the words "or in two divisions or by a general vote."

BOARD OF CONTROL IN CITIES.

7. Subsection (1) of section 276 of The Municipal Act is amended by substituting the word "four" for the word "three" where it first occurs in the third line thereof and also in the fourth line, and subsection (2) of the said section 276 is amended by striking out the word "three" in the first line and inserting the word "four" in lieu thereof. Subsection (3) of the said section 276 is amended by striking out the words "in the event of a tie at the board the Mayor shall have a second or casting vote," in the third and fourth lines thereof.

VOTE ON BONUS BY-LAWS.

8. The said Act is amended by inserting therein the following section :

366 (a) (1).—To render valid a by-law of the municipality for granting a bonus in aid of any manufacturing industry, the assent shall be necessary of two-thirds of all the ratepayers who were entitled to vote on the by-law, unless the number of ratepayers voting against such by-law does not exceed one fifth of the total number entitled to vote, when the assent of three-fifths only of all the ratepayers shall be necessary, and in addition to the certificate required by section 364 of this Act the clerk, in case of a majority of the votes being in favor of the by-law, shall further certify whether or not, as far as shown by the voters' list and assessment roll, such majority appears to be two-thirds of all the ratepayers who are entitled to vote on the by-law, and if such majority appears to be less than two thirds of such ratepayers the clerk shall further certify whether or not such majority appears to be three-fifths of all such ratepayers and whether or not the number voting against such by-law appears to be more than one-fifth of the ratepayers so entitled to vote.

(2) In case of a dispute as to the result of the vote, the judge shall have the same powers for determining the question as he has in any case of a scrutiny of the votes.

(3) The petition to the judge may be by an elector or by the council, and the proceedings for obtaining the judge's decision shall be the same as nearly as may be as in the case of a scrutiny.

(4) Provided, however, that in the case of the Districts of Nipissing, Algoma, Thunder Bay and Rainy River such by-law shall be carried if two-thirds of the ratepayers who actually (and being a majority of all the ratepayers entitled to vote) shall vote in favor of the by-law.

BONUS BY-LAWS MAY BE PASSED.

9. The said Act is further amended by adding at the end of section 591 the following :

By the councils of counties, townships, cities, towns and incorporated villages.

12. For granting aid by way of bonus for the promotion of manufactures within the limits of the municipality to such person or body corporate and in respect of such branch of industry as the municipal council may determine upon ; and to pay any sum of money granted by way of gift or loan either in one sum or in annual or other periodical payments with or without interest and subject to such terms, conditions and restrictions as the said municipality may deem expedient.

(a) No such by-law shall be passed until the assent of the electors has been obtained in conformity with the provisions of this Act in respect of by-laws for granting bonuses to manufacturing industries.

(b) No property owner or lessee interested in or holding any stock in any company shall be qualified to vote on a by-law for the purpose of granting a bonus to the company in which he is so interested as aforesaid.

(c) Any municipality granting such bonus may take and receive security for the compliance with the terms and conditions upon which such aid is given.

(d) No by-law shall be passed granting a bonus to or for a manufacturer under this section who proposes establishing an industry of a similar nature to one already established in such municipality unless the owner or owners of such established industry or industries shall first have given their consent in writing to the granting of such bonus, loan or guarantee.

(e) No by law shall be passed by a municipality for granting a bonus to secure the removal of an industry already established elsewhere in the province.

(f) No such by-law shall be passed for granting a bonus by gift or loan or guarantee of money to any manufacturing industry where the granting of such bonus would, for its payment, together with the payment of similar bonuses already granted by said municipality, require an annual levy for principal and interest exceeding 10 per cent. of the total annual municipal taxation thereof, but if such bonus is by way of loan or guarantee of money then any amount to be repaid annually by any person or company so aided shall be taken into account and shall for the purposes of this paragraph be deducted from the amount required to be levied annually. Nothing herein contained shall relieve the municipal council from liability for neglecting to levy annually the special rate required to repay any debt contracted by the municipality.

10. The word "bonus" where it occurs in section 366a or subsection 12 of section 591 of The Municipal Act as amended by this Act shall mean and include :

(a) A grant of money as a gift or loan, either unconditionally or conditionally.

(b) The guaranteeing of the repayment of money loaned, and interest.

(c) The gift of lands owned by the municipality or the purchase of lands as a site for building and works, or as a means of access or for any other purpose connected with the manufacturing industry to be

aided or the leasing of lands either freely or at a nominal rental for any such purpose.

(d) The closing up or opening, widening, paving or improving of any street, alley, lane, square or other public place or the undertaking of any other public work or improvement which involves the expenditure of money by the corporation for the particular use or benefit of a manufacturing industry.

(e) The supplying of water, light or power by the municipal corporation either freely or at rates less than those charged to other persons and corporations in the municipality.

(f) Generally the doing, undertaking or suffering on the part of a municipal corporation of any act, matter or thing which involves or may thereafter involve the expenditure of money by a municipal corporation.

(g) A total or partial exemption from municipal taxation or the fixing of the assessment of any property for a term of years, but nothing in this Act contained shall be deemed to authorize any exemption for a longer period than ten years and a renewal of such exemption for a further period not exceeding ten years or any exemption, either partial or total, from taxation for school purposes, or any by-law or agreement which directly or indirectly has or may have the effect of such an exemption.

11. (1) Section 411 of the Municipal Act as amended by section 25 of The Municipal Amendment Act, 1899, is repealed.

(2) Any by-law already voted upon since the first of January, 1900, and any by-law at the present time submitted or being submitted to a vote of the electors providing for a bonus, which would come under the provisions of section 8, 9 and 10 of this Act, and which has been or shall be carried by the vote of the required number of ratepayers, and which shall comply with the other provisions of the said sections 8, 9 and 10 shall be deemed to have been or to be submitted and carried under and in conformity with the terms of the said sections.

PROMULGATION OF BY-LAW.

12. Section 375 of the said Act is amended by striking out the words, "the publication shall for the purposes aforesaid be continued" and substituting therefor the words "the said copy and notice shall for the purpose aforesaid be inserted."

LOANS FOR SMELTING WORKS.

13. Subsection 4 of 384 of the said Act is hereby amended by inserting the following words :—"Iron or other smelting works," after the word "railways" in the first line of said subsection.

NOTICE OF PASSING AND REGISTERING BY-LAWS.

14. Subsection 1 of section 397 of the said Act is amended by striking out the words "the publication shall for the purpose aforesaid be continued" and substituting therefor the words "the said notice shall for the purpose aforesaid be inserted."

15. Section 398 of The Municipal Act is amended by inserting therein the word "township" immediately after the word "town" in the second line of the said section.

APPORTIONMENT OF SCHOOL MONEYS.

16. (1) The said Act is amended by inserting the following as section 424a :

424a. The municipal corporation of every township shall have power to apportion by by-law, among the public school sections in the township, the principal or interest of any investments held by the corporation for public school purposes according to the salaries paid to the teachers engaged by the respective school sections during the past year, or according to the average attendance of pupils at each school section during the same period on according to the assessed value of the property in the section, or by an equal division among the several sections.

(2) Section 29 of The Act to amend the Statute Law passed at the Second Session held in the 62nd year of her majesty's reign is hereby repealed.

BORROWING FOR CURRENT EXPENDITURE.

17. Subsection 1 of section 435 of The Municipal Act is amended by inserting after the word "borrow" in the third line thereof the words "either before or after the passing of the by-law levying the taxes for the current year," and by inserting after the word "levied" in the fifth line thereof the words "or to be levied."

AMOUNT OF DEBENTURES.

18. Section 436 of the said Act is hereby repealed and the following section substituted therefor :

436. Unless specially authorized so to do, and save as hereinafter provided, no council shall make or give any bond, bill note, debenture or other undertaking for the payment of a less amount than $100; and any bond, bill, note, debenture or other undertaking issued in contravention of this section shall be void.

Provided that any debenture heretofore or hereafter issued under the authority of any by-law passed under or pursuant to the provisions of sections 384 and 386 of this act providing for payment of principal and interest together yearly, so computed and apportioned, that the sum of both principal and interest payable under the by-law shall be an even annual sum of not less than $100 whether such debenture is issued with or without separate interest coupons attached thereto shall be deemed to be a debenture of not less than $100 within the meaning of this section and all debentures heretofore or hereafter so issued under such a by-law and otherwise legal are hereby declared valid.

POLICE COMMISSIONERS.

19. Section 481 of The Municipal Act is amended by inserting therein, after the words "police magistrate" in the sixth line of the said section, the words "in case of the absence from the province of the police magistrate, the deputy police magistrate, if any, shall be a member of the board for the time being."

20. Section 484 of said Act is amended by inserting the following subsection :

(4a) The board of commissioners of police in any city and the council of any town may by by-law prohibit keepers of second-hand shops, or junk stores or shops, from directly or indirectly purchasing from, exchanging with or receiving in pledge from any minor appearing to be under the age of 18 years, without written authority from a parent or guardian of such minor, any metals, goods or articles.

COMMITTAL TO HOUSE OF INDUSTRY.

21. Subsection 1 of section 526 of The Municipal Act is hereby amended by striking out the words : "Any two of Her Majesty's Justices of the Peace or the inspector appointed as aforesaid may by writing under their hands and seals" at the commencement of the said subsection and inserting in lieu thereof the words : "Any person authorized for that purpose by by-law of the county council may by writing under his hand and seal."

22. Subsection 3 of the said section 526, as enacted by section 32 of The Municipal Amendment Act, 1899, is repealed.

CITY TO BE REPRENTED ON COUNTY BOARD OF AUDIT.

23. Section 530 of The Municipal Act is amended by adding thereto the following subsection :

(3) Where a city forms part of a county for judicial purposes and pays a portion of the expenses of the administration of justice, one of the auditors appointed for auditing and approving accounts and demands preferred against the county, a portion of which is payable by the city, shall be appointed by the city council, the other auditor being appointed by the county council.

REGISTRATION OF COPY OF BY-LAW, SURVEYING AND NAMING STREETS.

24. The paragraph numbered 2 in section 532 of the said act is Amended by striking out the words "the by-law" in the 8th line of the said subsection, and inserting instead the words : "a copy thereof certified under the hand of the clerk and the seal of the municipality."

NUMBER OF ELECTORS IN POLLING SUB-DIVISION.

25. Section 536 of the said Act is amended by striking out the figures "200" wherever they occur therein, and substituting therefor the figures "300," and by substituting "400" for "300" in subsection 12, but this amendment shall not apply to cities having 100,000 inhabitants or more.

PUBLIC MORALS BY-LAWS.

26. The paragraph numbered 1 in section 549 of the said Act is hereby amended by inserting after the word "posting" in the first line of said section, the words "or exhibiting," and by inserting after the word "placards" in the said first line thereof the words "play bills or posters" and by inserting before the words "or pictures" in the second line thereof the word "photographs."

27. Section 549 of the said Act is amended by inserting therein after the paragraph numbered 9 the following :

(9a) For preventing the holding of sparring exhibitions and boxing matches, where an admission fee is charged, unless a permit therefor is issued by the Chief of Police in cities and towns, or by the reeve in municipalities in which there is no Chief of Police.

BY-LAWS, RE RUBBISH ON STREET.

28. The paragraph numbered 6 in section 557 of the said Act is repealed, and the following inserted in lieu thereof :

(6) For preventing persons from throwing any dirt, filth, glass, hand-bills, paper or other rubbish, or the carcases of animals upon any street, road, lane or highway.

BY-LAWS FOR CONSTRUCTING GAS WORKS, ETC.

29. The paragraph numbered 4 in section 566 of The Municipal Act as enacted by section 35 of The Municipal Amendment Act, 1899, is amended by inserting after the word "principal" in the fourth line the words "or of the principal and interest."

30. Article (a5) of the said paragraph, as enacted by section 35 of The Municipal Amendment Act, 1899, is hereby amended by striking out the words "one month" in the first line and inserting in lieu thereof the words "three months" and by inserting after the word "award" in the second line of the said article (a5) the words "or after the receipt by the municipality of notice of acceptance of the offer" and by inserting after the word "terms" in the fourth line of the said article (a5) the words "of the award" and by striking out the word "thereof" in the said fourth line.

31. Article (a9) of said paragraph numbered 4, as enacted by section 35 of The Municipal Amendment Act, 1899, is amended by inserting after the word "Arbitrations" in the third line of said article (a9) the words "or some other person."

32. Subsection (5) of section 569 of The Municipal Act is amended by substituting the word "with" for the word "and" in the fourth line and by striking out the words "has been published for two months" in the fifth and sixth lines of the said subsection.

LICENSING BILL DISTRIBUTORS.

33. The paragraph numbered 6 in section 583 of the said Act is amended by inserting the words "and bill distributors" after the word "posters" in the first line thereof.

LICENSING THEATRES, ETC.

34. The paragraph numbered 10 in section 583 of the said Act is hereby amended by inserting the words "theatres, music halls" after the word "profit" in the second line of the said paragraph.

HAWKERS AND PEDDLARS, TEAMSTERS, MILK VENDORS, ETC.

35. The paragraph numbered 16 in section 583 of the said Act is amended by inserting in the said subsection after the word "push-cart" in the fourth line "$10 for one carrying a pack," and by adding the words "and every such licensee shall at all times whilst carrying on his business have his license with him and shall upon demand exhibit the same, and upon failing to exhibit the same when demanded shall, unless the same is accounted for satisfactorily, be liable to a penalty of not less than $1 nor more than $5, together with costs recoverable before a justice of the peace," at the end of the said paragraph.

36. The paragraph numbered 37 in section 583 of the said Act is amended by adding thereto the words "and for regulating and licensing the drivers of cabs and other vehicles for hire."

37. The paragraph numbered 23 in section 583 of The Municipal Act, as amended by subsection 2 of section 37 of The Municipal Amendment Act, 1899, is repealed, and the following substituted therefor:

23. For licensing and regulating milk vendors.

(a) Every applicant for a license under any such by-law shall be entitled thereto upon the production of a certificate signed by the secretary of the local board of health of the municipality in which such applicant resides that he has complied, in all respects, with the provisions of section 10 of the by-law set out in Schedule "B" to the Public Health Act.

(b) The premises of every person licensed under a by-law passed in pursuance of this paragraph shall at all times be open to inspection by any medical health officer or sanitary inspector of the municipality granting such license.

(c) A license granted under any such by-law may be suspended for non-compliance with the provisions of section 10 of the said by-law, set out in Schedule "B" to The Public Health Act, by the local board of health of the municipality issuing the license, and unless removed by the Provincial Board of Health, as hereinafter mentioned, such suspension shall continue until such local board is satisfied that the provisions of the said section 10 are duly complied with; but where the licensee does not reside in the municipality granting the license such suspension shall not take place until the medical health officer or a sanitary inspector of the local board of the municipality granting the license, and a medical health officer or a sanitary inspector of the municipality in which the premises of the licensee are situate, have together examined the premises of the licensee, and it shall be the duty of such medical health officer or sanitary inspector to make such joint examination within twenty-four hours after being required to do so by the chairman of the local board of health of the municipality issuing the license, and if no medical health officer or sanitary inspector of the municipality in which the premises of the licensee are situate shall join in making such examination within twenty-four hours after being so required, the board of health of the municipality granting the license may act without any report of such medical health officer or sanitary inspector.

(d) If such medical health officer or sanitary inspector of the municipality in which the licensee resides shall join in the inspection, but shall not concur in the suspension of the license, no such suspension shall take place unless it shall first be sanctioned by the Secretary of the Provincial Board of Health.

(e) Any licensee whose license has been suspended by a local board of health shall have the right to appeal to the Provincial Board of Health against any such suspension, and such appeal shall be heard upon two days' notice in writing being given to the board of health of the municipality granting the license, and the decision of the Provincial Board of Health shall be final.

(f) Notice of the action of the Provincial Board of Health shall be given in writing by the secretary thereof, to each of the parties concerned, and no new license shall be granted to the holder of the suspended license until the suspension is removed, or the conditions imposed by The Provincial Board of Health have been complied with.

38. To remove doubts it is hereby declared that section 4 of The Act respecting the slaughter of cattle and the inspection of meat and milk supplies in cities and towns is not and never has been in force in the Province, and the said section shall not come into operation and no proceedings thereunder shall be taken until the close of the next session of the legislature.

39. The paragraph numbered 28 in the said section 583 is amended by adding thereto the following words:

"And for revoking any license so granted whenever the council or board deems such revocation desirable, without stating any reason therefor, but in the case of the revocation of a license under any such by-law, the treasurer of the municipality shall refund to the licensee such proportionate part of the license fee as will represent the unexpired portion of the term for which the license was granted.

NUISANCES.

40. Section 586 of The Municipal Act is amended by inserting therein after the paragraph numbered 1 the following:

1a. For preventing the hauling of dead horses, offal, night soil or other offensive matter or things along any street in the municipality to be named in the by-law during the hours of daylight.

GRANT TO HISTORICAL SOCIETIES.

41.—(1) Paragraph numbered 5 in section 587 of The Municipal Act is amended by inserting after the word "College," in the second line thereof the words: "or any other University or College within Ontario, or any historical, literary or scientific society, and for creating a debt therefor, and for the issue of debentures for the amount of such debt; and such grants may be made from time to time, and may be either by one payment, or by an annual payment for a limited number of years, and upon such terms and considerations as may be agreed upon."

GRANT TO ATTEND ANY UNIVERSITY.

(2) The paragraph numbered 6 in the said section 587 is amended by inserting after the word "College," in the third line thereof the words: "or any other University or College within Ontario"

(3) The paragraph numbered 8 in the said section 587 is amended by inserting after the word "College" in the third line thereof the words: "or any other University or College within Ontario."

AID FOR BANDS, SPORTS, ETC.

42. The paragraph numbered 2 in section 591 of the said Act is amended by adding at the end thereof the following words: "and for aiding in the establishment or maintenance of band or bands by any corps of active militia within the county or for aiding and encouraging amateur athletic or aquatic sports."

43. Section 591 of the said Act is amended by adding thereto the following paragraph:

11. For aiding and assisting by annual money grant or otherwise as the council may deem expedient any organization owning, manning and working lifeboats or other salvage apparatus for life-saving purposes.

HORSE THIEVES.

44. Section 595 of The Municipal Act is amended by adding at the end thereof the following:

Provided that the amount payable as the reward upon any such conviction as aforesaid shall be in the discretion of the Judge but shall not exceed the amount fixed by the by-law.

REGISTRATION OF ROAD BY-LAWS.

45. Sub-section 1 of section 633 of the said Act is amended by inserting the words "or copy" after the word "original" in the 8th line of the said subsection.

LOCAL IMPROVEMENTS.

46. The said Act is amended by adding thereto the following as section 672a.:

672a. Every municipal council shall have power to pass a by-law to agree and settle as upon a *quantum meruit* with any contractor or contractors for any work which has been done or shall be done as a local improvement, where such council shall consider the work to have been performed sufficiently for the purposes of such local improvement although not in strict compliance with the contract, and the amount so agreed upon and fixed shall be the amount or part of the amount, as the case may be, for which an assessment may be made upon the properties benefitted by such local improvement; and this clause shall apply to all work heretofore done, as well as to future work. Provided that nothing herein shall be construed to enlarge or extend the rights (if any) of any contractor as against a municipal corporation, unless the council thereof shall see fit to pass a by-law hereunder and then only subject to the terms of such by-law.

47. Subsection 1 of section 678 of the said Act is amended by striking out the word "or" in the second line of the said section, and by inserting the words "or village" after the word "town" in said second line, and by striking out the word "or" after the word "city" in the eighth line of said section and by inserting the words "or village" after the word "town" in the ninth line of the said subsection.

And by inserting after the word "sidewalks" in the third line the words "or streets."

And by inserting after the word "streets" in the eighth line the words, "or of paving any street with macadam, brick, asphalt or other paving material."

And by inserting after the word "sidewalks" in the twelth line the words, "or of said pavements,"

And by inserting after the word "sidewalks" in the twenty-first line the words, "or streets,"

And by inserting after the word "made" in the twenty-second line the words, "or paved."

(2) Subsection 2 of the said section 678 is amended by inserting after the word "sidewalks" in the second line thereof the words "or streets."

(3) Subsection 2a of section 678 of The Municipal Act, enacted by section 43 of The Municipal Amendment Act of 1899, is amended by striking out the word "or" in the seventh line and by inserting the words "or village" after the word town in said seventh line, and by inserting after the word "city" at the end of the tenth line the words "town or village."

And by inserting after the word "sidewalks" in the sixth line thereof the words, "or of paving streets with macadam, brick, asphalt or other paving material."

And by inserting after the word "sidewalks" in the last line the words, "or pavements."

48. Subsection 1 of section 680 of The Municipal Act is amended by inserting after the word 'council" in the third line the words, "upon the value of the land only and not of the improvements thereon," and by adding at the end of the said sub-section the words, "and the value per foot of frontage of the land to be so exempted from any general rate or assessment for the like purpose, shall be estimated for the purposes of such exemption and shall be stated in the notice of assessment provided for in subsection 2 of section 671, and such valuation shall be subject to appeal under subsection 5 of the said section."

EXEMPTION OF SMELTING WORKS FROM TAXATION.

49. The Municipal Act is amended by inserting therein the following section:

"700b. The council of any municipality

shall have the power of exempting any iron, steel or other smelting works from taxation, except as to school taxes, for a period not longer than 20 years, subject to the assent of one-third of the ratepayers entitled to vote, as provided by clause a of section 700 of this Act as well as the assent of a majority of the ratepayers voting on such by-law."

POLICE VILLAGES.

50. Section 714 of the said Act is repealed and the following substituted therefor :

714—(1) The council of any county or the councils of any counties in which an unincorporated village is situated shall set apart such unincorporated village as a police village upon a petition being presented describing the area to be included in such village and signed by a majority of the ratepayers resident therein.

(2) Where such unincorporated village lies wholly in one county the council shall in and by such by-law fix a time and place for, and shall name a returning officer for conducting the first election of police trustees as hereinafter mentioned, and the date of the first meeting of the police trustees after such election.

(3) Where the territory described in the petition lies within two or more counties the by-law shall be passed by the councils of each of the counties, but the council of the county in which the largest number of the ratepayers resident in such territory reside shall so name the returning officer and fix the time and place for holding the first election for police trustees and the date of the first meeting of the police trustees after such election.

51. Section 720 of the said Act is repealed.

52. Section 49 of The Municipal Amendment Act, 1899, is repealed, and the following substituted therefor :

(1) The police trustees of any village may pass by-laws applicable only in the police village for any of the purposes mentioned in section 546 and in paragraph 1 of section 559, and in paragraphs 4, 5, 8, 9, 28 and 29 of section 583, and paragraph 4 of section 591 of The Municipal Act, and thereafter no general by-law of the township or either of the townships in which the police village is situate for any of such purposes shall apply in such village.

(2) The police trustees of any police village may pass by-laws applicable only in the police village for any of the purposes mentioned in paragraphs 1, 2, 3 and 4 of section 540 of the Municipal Act provided there is no township by-law in force for any of the purposes mentioned therein.

53. By-laws passed by the police trustees of any police village shall be duly authenticated by the signature of two of the trustees, and a copy of any such by-law certified by one of the police trustees to be a true copy shall be of the same force and shall have the same effect as a copy of any municipal by-law duly certified by the clerk of the municipality in the manner provided by section 334 of The Municipal Act, and within seven days after the passing of any by law by the police trustees of a police village a certified copy of such by-law shall be transmitted to the clerk of the township or of each of the townships in which such police village is situate.

54. Where the territory comprised in a police village lies in two or more townships by-laws for the purposes mentioned in section 744 of The Municipal Act shall be prepared by the police trustees and shall be submitted to a vote of the ratepayers by the police trustees in the same manner, as nearly as may be, as in the case of by-laws submitted by a municipal council. The amount to be assessed and levied upon the property in each of the townships in which the police village lies respectively shall be based upon the last equalization of the assessment by the assessors of the said townships to be made as hereinafter provided, and the police trustees shall in and by such by-law ascertain the amount to be raised by the council of each of the townships in which the police village lies. The by-law shall name some person to act as returning officer upon the taking of the vote of the ratepayers. Upon such by-law receiving the assent of a majority of the ratepayers entitled to vote, and being passed by the police trustees the trustees shall serve a certified copy of such by-law upon the clerk of each of the townships in which the territory comprised in the police village is situated; and the council of each of such townships shall levy and collect the rates required by said by-law within the territory under the jurisdiction of such council. And the council of each of such townships shall issue debentures for the proportion required to be raised by the council of such township.

55. The Municipal Act is amended by inserting therein the following as section 739a :

739a. (1) The assessors of two or more townships in which a police village is situated, immediately after the formation of such police village, shall meet and determine what proportion of the annual requisition made by the police trustees of such police village for the purposes of the said police village shall be levied upon and collected from the taxable property of the respective municipalities out of which the police village is formed, and notice of such determination shall be given forthwith to the inspecting trustee of the police village concerned, and the same assessors shall meet thereafter in every second year after they have completed their respective assessments for the like purpose.

(2) In the event of the assessors disagreeing as to the proportions as aforesaid notice shall be forthwith given to the inspecting trustee of the police village who shall act as arbitrator and with the assessors aforesaid shall determine the said matter and report the same to the clerk of each of the respective townships within one month of the date upon which the said notice of disagreement was given and the decision of a majority shall be final and conclusive until the next equalization of the assessment.

(3) The meeting of the assessors for the purposes hereinbefore set forth shall be called by the assessor of the township in which is situated the larger portion of the assessable property of the police villages.

56. All sums collected for license fees or for penalties for offences against any by-law passed by the police trustees of a police village or against any regulation contained in section 747 of the Municipal Act shall be paid over to the treasurer of the township in which the licensee resides or carries on business or in which the offence was committed.

57. Section 723 of the Municipal Act is amended by adding thereto the folowing subsection :

(3) The police trustees may by by-law provide that the nomination for police trustees may be held at half past seven in the evening instead of the hour in the said section mentioned.

58. Section 739 of the said Act is amended by striking out all the words after the word "township" in the fourth line and inserting in lieu thereof the words "according to the proportions determined by the assessors under section 739a of this Act."

59. Section 742 of the said Act is amended by adding at the end thereof the words "and he shall in like manner pay any such order to the extent of the moneys received by him for licenses under any by law passed by the police trustees of the police village and for breaches of any such by-law and for penalties under sections 747 of the Municipal Act.

60. Section 748 of the said Act is amended by striking out all the words after the word "offender" in the twelfth line.

MUNICIPALITY SELLING ELECTRICAL POWER.

61. Any Municipal Corporation which, under the authority of The Municipal Act, has established or acquired, or hereafter establishes or acquires, an electric plant for the purpose of producing electricity for light and heat in the municipality in accordance with The Municipal Light and Heat Act, may subject to the provisions of the next succeeding section, sell or lease, for any use for which electrical power can be used in the municipality, that electrical power or energy necessarily produced by such plant in producing electricity for light and heat which is in excess of that immediately required for the purpose above mentioned.

62. Except as provided by The Municipal Light and Heat Act and by the preceding section no municipal corporation shall sell, lease, furnish or supply electrical power or energy to any person or corporation in a municipality where an incorporated company, firm or individual is engaged in producing and disposing of electrical power or energy for value or as a commercial product.

An Act to Amend the Statute Law, 1900.

Ontario Statutes, Chap. 17.

34. (1) Subsection 1 of section 21 of the Municipal Amendment Act, 1898, is amended by inserting after the word "debentures" in the 10th line the words "and for the purpose of paying the interest on the said debenture debt," and by striking out the word "five" in the eleventh and fourteenth lines and inserting the word "six" in lieu thereof, and by inserting after the word "debenture" in the fourteenth line the words "and pay the interest on the debenture debt."

(2) Subsection four of said section is amended by striking out the word "three" at the end of the first line of the said subsection and inserting the word "four" in lieu thereof.

The Assessment Amendment Act, 1900.

Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :

1.—1. Subsection 4 of section 7 of the Assessment Act is amended by inserting in the first line after the words "attached to" the words "or otherwise bona fide used in connection with and for the purposes of."

(2) Subsection 4, clause A, of section 7 of the said Act is amended by inserting in the first line after the words "attached to" the words "or otherwise bona fide used in connection with and for the purposes of."

2. Section 7 of of the said Act is hereby amended by adding after subsection 10 thereof the following subsection :

(10a) The property of any incorporated society operating in Ontario under chapter 262 of the Revised Statutes of Ontario, an Act to Regulate the Immigration into Ontario of certain classes of children, or of any Children's Aid Society incorporated under The Children's Protection Act, of Ontario, being only property used exclusively for the purposes of and in connection with such society.

3. Subsection 1 of section 46 of the said Act is hereby amended by inserting in the third line after the word "administrator" the words "and which if in the possession of the beneficiary or beneficiaries would be liable to taxation," and inserting after the word "person" in the third line the words "trustee, guardian, executor or administrator."

4. Subsection 2 of section 46 of the said Act is hereby amended by inserting in the eighth line after the word "character" the words "subject to the provisions of subsection 1 of this section."

5. Subsection 2 of section 62 of the said Act is amended by striking out the words "at the rate of not more than $500" in the second and third lines thereof, and by inserting in lieu thereof the following words, "such sum ;" and by inserting after the word "services" in the third line the following words, "as the council may by by-law or resolution provide."

Question Drawer.

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

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

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

Lowering Railway Culvert—Mistake in School Assessment.

245.—CLERK.—1. Some time ago the council instructed me to notify the M. C. R. R. Co. to lower a culvert under their track in the 4th concession of this township. Said culvert when put in was on a level with the bottom of the ditch but since then the ditch has been dug out and made deeper thereby leaving the culvert about 10 inches above the present level of the bottom of the ditch. The company is willing to lower the culvert providing the township pays the expenses of lowering said culvert. Can the company compel the township to pay the expenses of lowering said culvert?

2. Through some mistake or other there was a portion of territory belonging to school section number 4 assessed to school section number 11 in 1898 and 1899. Now the trustees of school section number 4 come to the council and make a demand for the amount of taxes which they claim is due to them from those lots which were wrongly assessed, they having received the full amount of their demand for their school money in December last. Can the trustees get this money from the township now? If they can, could the council collect the amount from school section number 11 this year?

1. You cannot compel the company to lower the culvert, so that if it is necessary to have it lowered to allow the water to pass through it, the township must either accept the company's offer, or leave it as it is. If the drain is constructed under the Drainage Act, or The Ditches and Watercourses' Act, we refer you to section 85, the former Act, and section 21, the latter.

2. School section No. 4 is entitled to receive the whole of the taxes which were levied upon the property in the section, and as the taxes levied upon part of the territory within section 4 was by mistake paid over to the trustees of School Section No. 11, the amount must be paid to the trustees of Section 4. These taxes having by mistake been paid to the trustees of School Section No. 11, the latter must pay the amount to the council. See sec. 67, subsec. 3, Public Schools Act.

Assessment of Personal Earnings.

246.—W. W.—Is a ratepayer whose annual earnings amount to $750 liable to be assessed for the full amount of such earnings? Party assessed claims that he is only assessable for the excess of $700.00, viz., say for $50.

This person's earnings are exempt from assessment to the amount of $700. (See sub-section 26 of section 7 of the Assessment Act.) He is therefore assessable for only $50.00.

Assessor's Default.

247.—C. W. K.—1. What steps should a council take when an assessor fails to complete and return his roll on the 30th day of April?

2. Can the council extend his time for another month?

1 and 2. The council should instruct the assessor to complete and return his roll as soon as possible, or dismiss him and appoint some other competent person to proceed with and complete the assessment. If, for any reason, an assessment roll is not completed and returned to the clerk within the time mentioned in section 56, of The Assessment Act, the work should be done as soon as possible thereafter. For neglect of duty the assessor is liable to a penalty of $100. See section 249 of the Act. And for wilful default to a penalty of $200 and imprisonment in the common gaol for a period not exceeding six months, until the fine is paid, or in the discretion of the Court to fine and imprisonment. See section 251.

Assessment of Fishermen's Earnings.

248.—BILLINGS.—1. Assessor's Guide says the income of fish tug over and above $700.00 is assessable. Does wages of hired men make any difference?

2. Suppose four partners work a fish tug on shares, does this $700 cover all in way of income or will there be any extra allowance on account of four shareholders? They maintain they should be allowed wages besides.

1. The wages of men hired to operate the tug should be deducted from the gross income, and only the net income assessed.

2. If the fishermen form a partnership, as appears to be the case in the instance you mention, then the firm should be assessed for the amount of the income over and above $400. At the request of any member of the partnership, the assessor is to assess such member for his individual share or interest in the partnership. See subsection 2, of section 25, of The Assessment Act. In case neither member of the firm makes such a request, the income in excess of $400 should be assessed against the firm. Only wages paid to men outside of the firm can be deducted.

Taxation of University Lands.

249.—J. W. Q.—A question has arisen in reference to vacant university lands becoming liable to sale for taxes. The law requires that taxes shall be paid for these lands in case they are rented or utilized for other than school purposes, but the university claims the municipality has only recourse against the tenant and that the lands are not liable for the taxes. Can the town sell for said arrears of taxes?

Subsection 4, of section 7, of The Assessment Act, provides: "*The buildings and grounds of and attached to every University, College*, high school, or other incorporated seminary of learning, whether vested in a trustee or otherwise, so long as such buildings and grounds are actually used and occupied by such institution, or if unoccupied, *but not if otherwise occupied.*" If the University lands are occupied for other purposes within the meaning of the latter part of this subsection, they are assessable, and are liable to be sold to realize the taxes The taxes must, however, be made out of the chattels of the persons assessed, if possible, before they can be returned against the lands. We cannot see how the University authorities can successfully contend that the only remedy of the municipality is against the tenant, because the legislature has expressly said that such lands shall not be exempt if otherwise occupied, by which we understand, an occupation for purposes or objects other than in connection with and for the purposes of the University. If the legislature intended to confine this remedy for the recovery of taxes to the tenant, it would, we think, have said so, as it has done in the case of the property mentioned in subsection 1, of section 7, in which case it declares, (subsection 2) "Where any property mentioned in the preceding clause is occupied by any person otherwise than in an official capacity, the occupant shall be assessed in respect thereof, but the property itself shall not be liable."

Assessment of Orange Hall.

250.—C. K.—Can an assessor legally assess an Orange Hall, or is it a customary thing for them to be assessed?

Yes. The assessor should perform his duty as provided in The Assessment Act, and Orange Halls are not therein exempted from taxation.

Disposal of Dog Fund—Poundkeepers' Returns.

251.—O B.—There is some difference of opinion as to balance of dog tax not used to pay for sheep that have been killed by dogs.

1. Is it legal to turn the balance into the general funds?

2. Can the council pay full value for sheep killed by dogs? At present we pay two-thirds.

3. Is it necessary for poundkeepers to make returns to treasurer, the keeper only taking in enough to pay his fees?

4. Is it legal for a village council to pass a by-law not to pay for sheep killed by dogs of their village, when it is impossible to collect it from the owners of the dogs?

1. So much of the dog tax collected and not required to pay damages for sheep killed by dogs, etc., "forms part of the assets of the municipality for the general purposes thereof;" but when it becomes necessary in any year for the purpose of paying charges on the same, the fund is to be supplemented to the extent of the amount which has been applied to the general purposes of the municipality." See section 7, R. S. O., 1897, c. 271.

2. No. Two-thirds is the statutory limit. See section 18, of above Act.

3. If the pound-keeper receives only sufficient to pay lawful fees he is entitled to retain this sum for his own use; but such fees must be set forth in his statement to the clerk required by section 27, of chap. 272, R. S. O., 1897, to be filed on or before the 15th day of January in each year.

4. The council have no legal authority to pass such a by-law for the reason you mention, but section 8, of chap. 271, gives the council power to pass a by-law maintaining the imposition of the dog-tax, but dispensing with the application of the proceeds to pay damages for sheep killed by dogs.

Assessment of Owner and Tenant.

252.—G. G. A.—1. In your reply to question 3 you state that the person whose name is placed in column 6 of the assessment roll is not to be regarded as assessed. This does not seem to be consistent with the form in schedule "D" to The Assessment Act, where column 6 is under the heading "Names and addresses of persons assessed." The assessors here have usually placed the tenant's or occupant's name in column 2 and the owner's name in column 6 on the following line and bracketed the two lines, numbering each name, as in section 24. According to your view this is not proper, both names should be, except under the conditions specified in section 22, in column 2 of the roll?

2. Where a person's name appears in column 6 on the roll as owner of land, say in the East Ward, occupied by a tenant, but the owner resides in the North Ward of the same municipality. The insertion of owner's name in column 6, in such case may not be proper, but in this case, should the clerk place the owner's name in the voters' list for the East Ward? According to your view the owner is not assessed in the East Ward and would not be entitled to be entered in parts 1 or 2 of the Voters' Lists.

We are of the opinion the assessors were wrong in placing the name of the owner in column 6 of the roll when he is a resident of the municipality and is known or being a non-resident, has requested that his name to be entered on the assessment roll, in respect of the land of which he is the owner. Section 24, of The Assessment Act, clearly points out the proper mode of assessment in these cases.

2. The owner's name in this case should be placed in column 2, and bracketed with that of the tenant, as required by section 24, and not in column 6. In giving our opinion in regard to column 6, we were not giving any opinion as to how the voters' list should be made. You adopt a wrong method of assessment, and you then go on to say that our view is that the owner, under the circumstances, stated by you, would not be entitled to be entered in parts 1 and 2 of the voters' list. We never said so. In view of the method adopted by your assessors, who have entered the names of the owners in column 6 instead of in column 2, it might lead to some confusion if the clerk were to shut his eyes to the fact that column 6 had been deliberately used to place the names of owners therein for the purpose of being assessed. We think it would be the safer course to make out the lists in the same manner as if the roll had been made out as we think it should. If you will look at column 2 you will see that it refers to the person assessed as "taxable party." This expression cannot be confined to one taxable party and not to the other. Then in column 5 we have "age of assessed party." From this language we infer that the name of the assessed party has been already entered on the roll.

Taxation of Income—Farmer's Sons' Statute Labor.

253.—J. R.—1. Mr. A who is a B. C. L., and who is assessed for $400 taxable income, claims that he is not liable to taxes on that sum though entitled to a vote at the municipal elections, that chap. 224, sec. 7, sub.-sec. 26, and chap. 223, sec. 86, (1) justifies that interpretation. I hold that as he has seen fit to be assessed the rates must also be entered. Kindly give your opinion and references in case I am wrong.

2. In the absence of any by-law relating to the matter, is it the clerk's duty to enter on the road lists all the farmer's sons and also those entered as F jointly with the father as liable to one day's statute labor? Thus:

A (father)	F	$1300	2 days.
B son	F		1 day.
C son	F S		1 day.

The two days being charged against property, the one against B assessed jointly with father, and one against C as farmer's sons.

1. Your view is correct. See section 9, of The Assessment Act. (R. S. O., 1897 chap. 224.)

2. Section 106, of The Assessment Act provides that "Every farmer's son rated and entered *as such* on the assessment roll, etc., shall be liable to perform statute labor, or commute therefor, etc." B, in this case, is not assessed as a *farmer's son*, but as a freeholder jointly with his father. The statute labor should, therefore, be rated against them thus:—

A——F	$1300	2 days
B——F		
C——F.S.		1 day.

Column 7, of Assessment Roll.

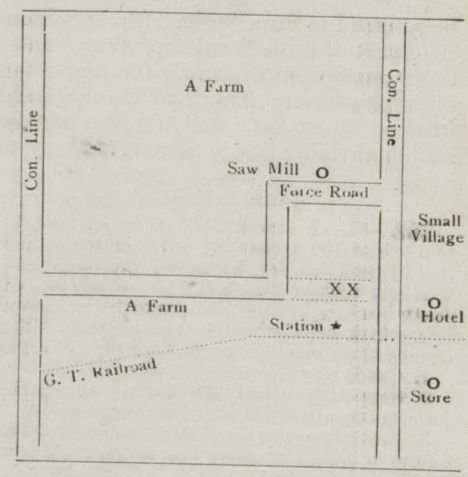
254.—C. H. A.—Where is the authority for entering in column 7 of the assessment roll "number of children between the ages of five and sixteen?"

By subsection 3 of section 62 of The Public Schools Act, the trustees of a school section are required to provide adequate accommodation for all the children between the ages of *5 and 16 years*, resident in the municipality (in the case of rural schools for two-thirds of such children resident in the section), as ascertained by the census taken by the municipal council for the next preceding year. Subsection 2 of section 68 of the Act requires the clerk of a township to furnish the Board of Trustees of a school section, at their request, with a statement showing the "population of each school section between the ages of *five and sixteen* years." It is in order to facilitate the making of this census and the giving of this statement by the clerk that the assessor is required to enter the number of children between the ages of 5 and 16 in column No. 7 of the roll. There is, however, no provision in The Assessment Act requiring the assessor to give this information in the assessment roll.

Ownership of Timber on Road Allowances—Costs.

255.—B. S. D.—A is building a store on the unopened portion of road marked XX in diagram, and wants the council to convey to him by giving a deed of said unopened road in lieu of forced road through his land. There is some timber on this road and there will be considerable cost connected with this transaction in getting a surveyor, etc.

1. To whom does timber belong?
2. Who pays costs?



1. To the municipal corporation.

2. The municipality, in the absence of any agreement with the proposed purchaser to the contrary.

New Bonus Regulations.—Adding to Limits of Village.

256.—J. J. M.—There is a woollen mill adjacent to (not within) this village, which formerly employed a large number of hands, but failed. A company is being promoted to recommence the business, and they ask the village to guarantee their bonds.

1. Was the bonus law amended at the last session, to allow this to be done, and take mortgage security?

2. Would we have to reconstruct boundaries of the village in order to bring the mill property within the limits?

3. Would we have to obtain the consent of the ratepayer who would thus be brought into the village, and

4. What steps are necessary to be taken to effect the reconstruction of the village boundaries?

1. Yes. By sections 8, 9 and 10 of The Municipal Amendment Act, 1900, security by mortgage may be taken by the municipality to secure repayment of the loan. A bonus may be granted or the municipality may guarantee payment of the money for the promotion of manufactures within the limits of the municipality, but not to manufacturing establishments without the municipality.

2. Yes.

3. No.

4. The council should petition the Lieutenant-Governor pursuant to section 16 of The Municipal Act, and subject to section 12 of the Act, to add to the village the territory required.

Assessment of Merchants' Book Accounts.

257.—MERCHANT.—In assessing a merchant has the assessor a right to demand the amount of outstanding book-accounts, and assess them?

Yes. Section 7 of The Assessment Act provides that all property in this Province shall be liable to taxation, subject to the exemptions therein mentioned. Such exemptions do not include book-accounts. Subsection 8 of section 2 provides that the word "property" shall include real and personal property as hereafter in the Act defined, and by subsection 10, "money, notes, *accounts and debts at their actual value*," are included in the term "personal

property" Section 47 of the Act authorizes the assessor to require the person to be assessed to furnish him with a written statement of his assessable property. Section 50 makes provision for the imposing of a penalty for failure to deliver such written statement, and for knowingly stating anything falsely therein."

Seizure for Taxes.

258—G.—A man has 200 acres of land, in two lots of 100 acres each. Has clearings and buildings on one lot, but not on the other, and was not sent to the sheriff for collection. A party has bought from him the bark on the two lots, which he is going to strip this year. The council threatens to seize the bark for the taxes.

1. Can it do so?

2. Supposing it had been sent to the sheriff for collection, could the bark be seized now?

3. And supposing there were enough chattels on the other lot to cover the taxes, could the bark be seized now?

The above lots were not deeded, only located.

1. No.

2. No.

3. No.

What is Current Expenditure?

259.—S. C.—Vic. 61, chap. 23, sec. 16 enacts that, "The amount so borrowed and outstanding shall not exceed 80% of the amount collected as taxes to pay ordinary current expenses of the municipality in the preceding municipal year." What is the meaning of the words, "ordinary current expenditure?" Does it include debts falling due within the year mentioned although contracted for or expended say 10 or 25 years previous, or is it merely the *controllable* expenditure.

The moneys required to meet debentures or to provide for the county rate, or to comply with requisitions made by boards of trustees of public and high schools or any other fixed charge over which the council has no control, cannot be regarded as *ordinary current expenditure* within the meaning of section 435 of The Municipal Act as amended by section 16 of chapter 23, 61 Vic. (Ont.) A municipality knows when its debentures will fall due, and should provide at the proper time for the raising of money to meet them. Section 85 of The Assessment Act requires the county clerk, before the 15th day of August, to certify to the clerk of the local municipality the total amount to be levied for the year, and it is then the duty of the clerk of the local municipality to calculate and insert the rate in the collector's roll for that year. There is, therefore, no occasion for regarding the county rate as ordinary expenditure for the purpose of section 435. The same may be said of school moneys, but by subsection 4 of section 435, special borrowing powers are given in regard to them. This latter proviso affords an argument in support of the contention that the words "ordinary expenditure" do not include moneys that the council is required to levy each year, and for which there can be no excuse for not providing them at the proper time, and no excuse for borrowing them temporarily. Neither do we think that the amount expended on bridges can be taken into account except to the extent of repairs. Suppose a bridge has to be built this year costing $5,000. We do not think the council of next year would have the right to borrow $4,000 on the strength of the expenditure of the $5,000, because the building of a bridge is not an expenditure which occurs yearly, as in the case of many other expenditures. See questions 169, 273 and 354 in THE MUNICIPAL WORLD for 1899, and the article entitled "A Goderich Councillor Disqualified," in the April number of that year.

Statute Labor—Property over 200 Acres.

260.—A. W.—A owns 800 acres of land in our municipality and is a resident. How should the statute labor be rated against it? should it be rated against the value of each 200 acres separately or against the value of the whole 800 acres?

Subsection 2 of section 109 of The Assessment Act provides that "wherever one person is assessed for lots or parts of several lots in one municipality, not exceeding, in the aggregate, two hundred acres, the said part or parts shall be rated and charged for statute labor as if the same were *one lot*, and the statute labor shall be rated and charged against any *excess of said parts* in like manner." In this case the statute labor should be rated and charged against each 200 acres. The latter part of the above subsection provides that "Every resident shall have the right to perform his whole statute labor in the statute labor division in which his residence is situate, unless otherwise ordered by the municipal council." See question No. 331, 1899.

Collection of Fines under Town By-Law—Early Closing By-Laws.

261.—SUBSCRIBER.—1. When a fine is inflicted under a town by-law (or township) and not paid, can the defendant be committed to jail or must distress first be made on his goods and chattels. In this way many young men could skip out for say, non-payment of poll-tax, whereas if it was fine paid forthwith, or be committed to jail, they would be held.

2. Can town pass by-law and enforce early closing by-law with fines and penalties, and under what part of Municipal Act?

1. Sections 705 and 706 of The Municipal Act lay down the procedure for enforcing the payment of penalties for offences committed against municipal by-laws generally. Distress must first be made of the goods of the offender, and if no or insufficient distress be found, out of which the penalty can be levied, the justice may commit the offender to the common gaol, etc, for the term specified in the by-law, or some part thereof. Section 107 of The Assessment Act makes provision for enforcing payment of poll-tax. In case of neglect or refusal to pay, the *collector* is to levy the same by distress, etc. If no sufficient distress be found, then, upon summary conviction before a justice of the peace, etc., of his refusal or neglect to pay the poll-tax, *and of there being no sufficient distress*, the defaulter shall incur a penalty of $5.00 with costs, and in default of payment, etc., shall be committed to the common gaol, etc.

2. Yes. See section 44 of chapter 257, R. S. O., 1897. The provisions of The Municipal Act, relating to penalties and their enforcement and collection, will apply to by-laws passed under the above section. See subsection 18.

Proof of Lost Stake.

262—SUBSCRIBER.—An old resident of our township, who is interested in a boundary line, offers to give his affidavit as to the position of a certain stake, before me as reeve of the township. Can I lawfully take his affidavit?

2. Can any magistrate or J. P. do so lawfully, or will he have to take his affidavit before a surveyor?

1. The affidavit must be made before a surveyor.

2. Section 37 of chapter 181, R. S. O., 1887, authorizes a surveyor, when an original post or monument cannot be found, to obtain the best evidence he can, as to the location of such post or monument. All such evidence should be signed by the person or persons giving it, in the presence of two witnesses, and by the surveyor. There appears to be no provision for making such an affidavit before a justice of the peace.

Registration of Marriage.—Liability for Taxes where no Notice of Assessment.—Statute Labor.

263.—F. L. T.—1. The township of A lies close to the town of X, which forms no part of said township. The township of B lies back of the township of A The parties go from B, where they live, crossing A, to have their marriage celebrated or solemnized, coming back home the same day. Where should registration take place, at X or B?

2. Can a ratepayer avoid paying his taxes when he has received no notice of his assessment?

3. Can he be sued or forced to pay?

4. Can he be forced to perform his statute labor far away from his property when he has the worst roads by his place? He is not a resident in the township, but lives some eight miles away in the next township, and has asked, according to law, to have his name put on the assessment roll. Besides, he goes to work on his property about every week, and all know where he lives.

1. The marriage should be registered by the officiating clergyman with the Division Registrar of the municipality or division in which the marriage was solemnized. See section 20, of chap. 44, R. S. O., 1897. If this marriage was celebrated in the town of X (which we infer from your statement of the case) it should be registered with the Division Registrar of that town.

2. No.

3. The same remedies for enforcing payment of these taxes can be invoked as are provided by statute for the collection of ordinary rates and taxes, that is, assuming that the ratepayer is a resident or non-resident who has requested to have his name entered on the assesment roll.

4. The statute labor must be performed in the division in which the council by by-law directs it to be performed. See subsection 5, of section 561, of the Municipal Act.

Fences.—Cattle Running at Large.

264.—M. L.—Our council passed a by-law allowing cattle to run at large in municipality.

1. A has no fence in rear of his place next to the woods where B's cattle enter on his field.

A. takes B.'s cattle to pound, claiming they had no right on his premises whether he has fence or not. A.'s land is deeded. Has he a right to do so?

2. C. has no legal fence in front of his place along the road. D.'s cattle enter his field there. C. takes D.'s cattle to pound, claiming that municipality's by-law pertains only to line fences. Is he right?

3. E. has a government lot, on which there is a marsh not fenced. E. takes all cattle he finds in said marsh to pound, claiming that all cattle must be herded, and maintains that, according to municipality's by-law, cattle have only the right to road allowances. Is he right?

1. Yes. We assume that, by the expression "A.'s land is deeded," you mean that he is the owner of the land

2. C. has the right to impound these cattle.

3. Yes. The by-law allowing cattle to run at large does not make it lawful for them to roam at will over, or commit damage upon, private property.

Tile Drainage Levy.—Municipal Line Fence.—Township Bridge.

265.—C. H. L.—The council of this municipality, in 1886, appointed an inspector under the Act respecting tile, stone and timber drainage debentures. This inspector certified to the necessary amount of tile placed in his own land, and made application for a loan of $300. He obtained the required amount, and shortly after sold his farm and left the locality. The purchaser subsequently discovered that no tile or very little was placed as represented. However, he has ever since paid his assessments on said loan, though under protest. Said purchaser now makes application to council to be relieved from any further payment, stating that council had no right to accept certificate from inspector in regard to his own property. Has the council a legal right to collect this assessment?

2. Our public grounds, where town hall is situated, has public street on three sides, with a row of private lots on one side as in the accompanying diagram. Has the municipality a right to keep in repair or build line fence between public grounds and private lots?

3. On a certain road, which originally was built over a ravine, but subsequently was diverted for the purpose of building a dam and grist mill. This dam, I understand, was built by private enterprise. Across this dam and present roadway there is a bridge or wasteway with timbers built up from a depth of twelve or fourteen feet. Said bridge is now out of repair and present owner of mill refuses to put it in repair, stating that it is public property. What proportion of this bridge should the council build or repair?

4. Or can the council legally build a bridge suitable for their own purposes right over this bridge irrespective of it or the sub-structure?

1. There is nothing in The Tile, Stone and Timber Drainage Act to prevent a council from loaning money to its inspector. The only prohibition in the Act is that contained in section 12, which prohibits the council from loaning to any member of the council. Section 17 authorizes the council to levy and collect a special rate upon the land in respect of which the money is loaned to repay the amount loaned and interest thereon, and the effect of this section and the by-law, Form 1, is to make the rate a lien or charge on the land. We are, therefore, of the opinion that the purchaser in this case must pay the rates as they become due, and that if he neglect to do so they may be recovered in the same manner as other special rates imposed under the provisions of The Municipal Act.

2. We are of the opinion that The Line Fences Act does not apply to grounds upon which a town hall is erected, and, therefore, that the municipality is not bound to either build or repair any part of the fence between these lands and private lots.

3. Assuming that this road is a public highway, the municipalities must maintain it or close up the road. We cannot see how the mill-owners can be compelled to contribute any part of the expense of maintaining the bridge.

4. If the road is a public highway, the council may build such a bridge thereon, as the public necessities require.

Limited Restraint of Cattle Running at Large—Statute Labor.

266.—G. S.—1. Incorporated village of a large area being about five miles across one way and four miles across the other all except a portion in centre being farm property and bush land. The business portion of said village is about in the centre and it is very desirable that cattle should not be allowed to run at large in this part of the village. At the same time it would be hard on the farmers to pass a by-law to prohibit cattle from running at large all over the village. Would it be legal for the council to pass a by-law to prohibit cattle from running at large in the business portion of the said village, and could council enforce the same?

2. Can money be taken from commuted statute labor money and used for keeping certain streets clean during the summer months? Is it legal?

1. Yes. The by-law should describe definitely the area or streets to which it is intended to apply. See subsection 2 of section 546 of The Municipal Act.

2. Yes, if directed by by-law passed pursuant to subsection 5 of section 561 of The Municipal Act.

Taxation of Solicitor and Client's Bill.

267.—CLERK.—Are solicitor's fees as between solicitor and client taxable by the taxing officer, or does the Act refer only to such fees as have been charged in cases which have been before the Court?

Yes.

Abolishing Statute Labor.

268.—W. P.—1. Has a municipal council power to abolish statute labor? I do not mean commute, but entirely abolish.

2. If they have not this power, what is the very lowest rate per day they can commute it? In my opinion statute labor is a farce and a fraud, and to commute it is not much better. I fail to see the object in commuting, for this reason: If I have four days statute labor to perform on an assessment of say $700, and the said labor is commuted at, say 75c. per day, I will have charged against me the sum of $3.00. If statute labor is abolished entirely, and the roads are kept in repair by grants made by the council, I will have to pay a just proportion of the grant in my taxes. What, then, is the use of commutation? My policy would be to wipe it out entirely, no commutation about it; then employ practical men to repair the roads and pay them. Each ratepayer will then have to contribute towards these repairs as per his assessment, the same as he is assessed for statute labor. I am anxious to get reliable information on this subject previous to a meeting of council.

1. Yes. Section 101 of the Assessment Act provides as follows: The council of every township shall have the power to pass by-laws to reduce the amount of statute labor to be performed by the ratepayers or others within the township, *or to entirely abolish such statute labor and the performance thereof by all persons within said township*. See also subsection 6 of section 561 of The Municipal Act.

2. Our answer to question No. 1 renders it unnecessary to reply to this.

When Preparation of Voters' List Commenced.

269.—WROX.—1. In a municipality where there are no appeals from the assessment to the court of revision, and where the roll has been returned by the assessor to the clerk on the first day of May, what is the date on which the clerk may begin to make out the voters' list?

2. I think you should revise your answer to clause 6, of question 226, by G. G. A., in your May number.

Subsection 16 of section 6 of The Voters' List Act provides as follows: "An assessment roll shall be understood to be finally revised and corrected when it has been so revised and corrected by the court of revision for the municipality, or by the judge of the county court in case of an appeal, as provided in The Assessment Act, or when the time during which the appeal may be made has elapsed, and not before." This subsection is not perfectly clear. It states that the roll shall be understood to be finally revised (1) when it has been so revised by the court of revision, or (2) when so revised by the judge of the county court in case of an appeal, as provided in The Assessment Act, or (3) when the time during which the appeal may be made has elapsed and not before. Subsection 19 of section 71 of The Assessment Act requires the court of revision to finish its business before the 1st day of July, and section 75 gives a right of appeal to the county judge within five days after the date fixed for the closing of the court of revision. If there is any appeal from the assessment roll to the court of revision the clerk cannot know whether there will be an appeal to the county judge until after the 5th day of July, and he cannot, therefore, complete his voters' list until after that date, and if there is any appeal to the county judge he must wait until after the judge has disposed of all appeals. Subsection 16 does not say that the roll shall be understood to be finally revised if there is no appeal to the court of revision when the time for giving such appeal has expired. The words "the appeal" in the latter part of the subsection appear to refer to the appeal to the county judge. Sections 55 and 56 of The Assessment Act give the date on which the assessor is required to have his roll completed, and subsection 2 of section 71 requires a complaint to be made to the clerk within fourteen days from that date, or within fourteen days after the return of the roll in case the same is not returned within the time fixed for that purpose. Independently of subsection 16. However, the roll must be regarded as finally revised upon the expiry of the date limited for entering complaints

with the clerk; and when no appeal is lodged with the clerk within that time he may begin the preparation of his voters' list. The question, however, which you ask is, "when the clerk may begin to make ont the voters' list," and as to that we may say that while he cannot complete his list until after the date above mentioned there is nothing to prevent him from beginning it before these dates if he wants to do so.

2. Clause 6, of question No. 226, is a misprint. It should read as follows: "Where assessment is made between 15th February and 30th April in a town municipality is it consistent with The Assessment Act, and The Municipal Act for the council to have the taxes payable half-yearly or quarterly? Can half-yearly or quarterly payments of taxes be legally accomplished in any way? If so, how?"

Assessment of Railroad Bridge.

270.—D. D.—Our assessor for current year has placed upon the roll as real estate the C. S. railway bridge over Welland river, and as said railway company have appealed against such assessment, we wish you to advise us whether we can hold it. Said railway bridge is not wholly within our township but in making his valuation the assessor only included one half said bridge and valued it at $5000. We have been informed that the adjoining township north of said river have assessed the other half of said bridge at equal value. This bridge was never included in any of the statements of railway lands sent to clerk annually by railway company's solicitor and has never been placed on assessment roll before.

Is the above assessment legal?

1. Section 31 of the Assessment Act requires every railway company to annually transmit, on or before the 1st day of February, to the clerk of every municipality in which any part of the roadway or other real property of the company is situated, a statement showing:

1. The quantity of land occupied by the roadway, and the actual value thereof, according to the average value of land in the locality, as rated on the assessment roll of the previous year;

2. The real property (other than the roadway) in actual use and occupation by the company, and its value; and

3. The vacant land not in actual use by the company, and the value thereof, as if held for farming or gardening purposes.

It is perfectly clear that the bridge in question is not assessable under clause 2 or clause 3 of the foregoing statement. If it is assessable at all it would be so under clause 1, but we do not think it is assessable under that clause either, because it is confined to the *quantity of land occupied by the roadway, &c.* These words and the rest of the clause which requires the actual value thereof, that is, of the land accupied by the roadway, according to the average value of land in the locality, to be given, make it clear that the taxation of this property is confined to this land alone, and we are, therefore, of the opinion that the assessment of the bridge in question is illegal.

Alteration of School Sections.

271.—J. J.—A motion and by-law were passed by the C township council in 1895, detaching lot 5 from S. S. number 10 and attaching it to S. S. number 8—and the lot has been assessed in S. S. number 8 ever since. I wish to know if the by-law is sufficient authority for changing this lot 5 from S. S. number 10 to S. S. number 8?

There are four lot 5's in S. S. number 10, one each on concessions 6, 7, 8 and 9. The by-law does not specify which concession this lot 5 was on.

BY-LAW NUMBER 7, A. D., 1895.

To change the limits of School Section No. 8 and No. 10.

Whereas application has been made to have lots 5 and 6 detached from school section No. 10 and have same attached to school section No. 8.

And whereas due notice has been given to all parties interested, and whereas all parties who desire to be heard have been so heard, and whereas no sufficient reason was given why no change should be made.

Therefore be it enacted by the municipal council of the township of ——— that lot 5 be detached from school section No. 10, and the same be attached to school section No. 8.

Passed Feb. 18th, 1895.

Signed by reeve.

Signed by clerk.

We do not think the by-law is sufficient for the purpose for which it was passed. From the description of the land intended to be dealt with in the By-law, it is impossible to say which lot is meant by reference to the by-law itself.

Regulation of Shooting in Towns.

272.—SUBSCRIBER.—The Sudbury rifle club have a shooting range inside town limits. Must they not get permit from council to practice? What is the law?

Subsection 9 of section 586 of the Municipal Act provides that the councils of towns may pass by-laws "for preventing or regulating the firing of guns or other firearms."

Irregular Election.—Duties of Auditors and their Qualifications.—Duties of Clerk and Assessor.—Appeal From Court of Revision.—Report of Dog Tax.—Statute Labor Commissioners.

273.—In a certain municipality that has lately been organized in the Province of Ontario, nomination day, to elect a reeve and four councillors for 1900, was conducted in the following manner: The township clerk read auditors' report, called upon the electors to nominate a reeve; gave thirty minutes for the same; called upon electors to nominate councillors; gave thirty minutes time. One reeve and four councillors were nominated. Clerk vacates the chair, called upon the electors to choose a chairman, which was accordingly done. Said chairman gave the electors privilege to discuss the auditor's report and all other subjects. After a brief discussion, said chairman rises to his feet and declares reeve and councilmen elected by acclamation. All this occurred before the hour of twelve o'clock noon.

1. Is this election legal? If not, what steps are necessary to disqualify and unseat said election?

2. Is it necessary that the auditors should be sworn?

3. Is it necessary for the auditors to bring before the electors a separate balance sheet or report, or can they merely sign their names to treasury books?

4. One of the auditors is treasurer's security. Can he act?

5. Auditors' report omitted clerk's salary. Council claimed clerk was engaged by the year, therefore salary could not appear in report before his term expired. Is this correct?

6. Has clerk to produce minute book of the council on nomination day?

7. What are the duties of an assessor? Has council the power to instruct the assessor to assess all lands in said municipality at a certain rate per acre, improved lands and wild lands alike?

8. Suppose said council refuse to grant any redress to the assessed parties who have appealed to the Court of Revision, to be held on the 26th day of May, 1900, what is the next step to be taken, or is there any redress?

9. Council passed a by-law to impose a dog tax. There was a petition presented to said council at their April sitting, praying for a repeal of said dog tax, signed by thirty-nine resident ratepayers in the municipality. Said council threw petition out stating it was too late in being presented. Can electors compel council to reconsider the petition and repeal dog tax.

10. Before said municipality was organized, there was a board of statute labor commissioners in two of the townships which now compose said municipality. The board of commissioners instructed their secretary-treasurer to call a public meeting of the ratepayers on the 31st day of January, 1900, to hear their annual report and to disorganize. At the said meeting the secretary-treasurer was instructed to present said commissioners' books to the council for their acceptance, as they deemed the council took their place. Said council refused to have anything whatsoever to do with their books. Can commissioners compel council to accept books? If so, what steps are necessary?

1. The nomination proceedings were irregular. Subsec. 2 of sec. 128, of The Municipal Act provides that "the clerk or other returning officer or chairman shall, after the lapse of *one hour* from the time fixed for holding the meeting, declare the candidate duly elected, &c." In the Queen ex rel. Corbett v. Jull,—5 U. C. P. R. 48—it was stated by the presiding judge that by allowing an hour to elapse between the nomination and the proceedings to close the election in case of no further nominations, the legislature means to protect the electors against haste and surprise. Unless an opportunity be given to the electors present to express their assent or dissent there cannot be an election by acclamation. In the case suggested, however, the time for questioning the validity of the election has been allowed to expire, and nothing can now be done. See section 220 of The Municipal Act.

2. The auditors should take the declaration mentioned in section 314 of the Act before entering on the duties of their office. It is no part of the auditors' duty, however, to prepare and present a report to be read at the nomination meeting. A statement is, by section 304, sub-section 6, required to be prepared by the *Council*, and posted up immediately after the meeting to be held by them on the 15th of December, in each year.

3. The auditors are not required to perform either of these duties.

4. No. See section 299, of the Act.

5. In preparing their annual report the auditors should include the clerk's salary, or such portion of it as has accrued on the 31st of December in any year, if paid, in the detailed statement of the expenditure for that year, and unpaid, in the statement of the liabilities of the township.

6. No.

7. The duties of an assessor are numerous, and it would be impossible to give them in detail here. You will find them fully set out and explained in Glenn's Assessor's Guide, (second edition.) The council has no power to fix any arbitrary rule for the guidance of their assessor in assessing or valuing the property in his township. The council should appoint a competent person to fill the office; and he should use his own judgment in making his asssessment. The assessor should assess lands according to the principle laid down in section 28, of The Assessment Act.

8. They can appeal to the county judge if your township is in territory having county organization. See section 75 and following sections of The Assessment Act. If there is no county organization, then to the district judge or stipendiary magistrate, according to the locality. Your township being in the Rainy River District, the appeal will be to the stipendiary magistrate. See section 45, of chap. 225, R. S. O., 1897.

9. No. It is optional with the council to grant the prayer of the petition or not. See section 2, of chap. 271, R. S. O., 1897.

10. No. The council is not bound to accept the books or statements of the commissioners.

Assessment of Agricultural Implements — Liability o Transient Traders—Granolithic Sidewalks—Assessment of Banks.

274.—S. C.—1. Agents for agricultural implements claim that the goods sold by them are assessed where manufactured, and are not assessable here. Can we assess and collect taxes?

2. In case their personal property is struck off the roll would they be liable under by-law passed in accordance with section 583 of subsection 30 and 32 inclusive?

3. A piano dealer comes to town, brings an instrument here, puts it in the hotel where he boards, goes out and makes sales. Would he be liable as a transient trader? The instrument is made in the province.

4. What is the life of granolithic sidewalks?

5. A branch of the Bank of Hamilton here was assessed for personal property in 1899, did not appeal but refused to pay the taxes. Are they liable?

1. The latter part of section 18, of The Assessment Act, provides as follows:—"And where any business is carried on by a person in a municipality in which he does not reside, or in two or more municipalities, the personal property belonging to such person shall be assessed in the municipality in which such personal property is situated, and against the person in possession or charge thereof, as well as against the owner."

2. No.

3. No.

4. We can best answer this in the language used by Mr. A. W. Campbell, provincial road instructor, in his official report for 1899: "The life (of a cement or granolithic work) is indefinite, for we really do not know how long concrete work will endure, but we do know that concrete structures of the Romans, built two thousand years ago, are still in existence. It is not too much to expect that the concrete walks now being laid will do service for fifty years if laid as they should be."

5. The assessment was illegal, and the bank is not bound to pay the tax, though it did not appeal.

Local Improvements.

275.—M. S.—1. Ratepayers on Queen street intend putting down a granolithic or cement sidewalk, and wish the council to put down a curbstone and cobble stone gutter opposite said sidewalk. Can they do so and charge the cost of the same to the general funds, the enclosed Local Improvement By-law being in force in the municipality?

2. Can the council assist out of the general funds in keeping up sidewalks built prior to the passing of said Local Improvement By-law along farm property, said by-law being in force?

3. Can the council assess farm property on the opposite side of the street towards the maintenance of sidewalk built prior to the passing of said Local Improvement By-law?

1. We do not think that the cost of the curbstone can be charged to the municipality at large, because that appears to be work within the express terms of the by-law. As to the cobblestone gutter, we are of the opinion that the cost thereof must be charged to the municipality at large.

2. Yes. They are simply keeping in repair an existing sidewalk, and not constructing a new walk.

3. No. As to questions 2 and 3, see section 666, of The Municipal Act.

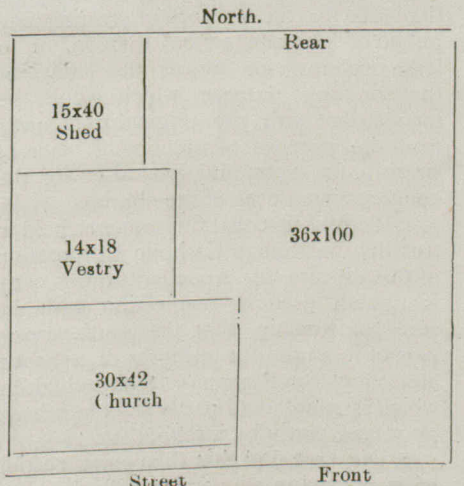
Assessment of Ore.

276.—P. M.,—A company has an option on a mine, and has a large quantity of ore on the surface. Should it be assessed, and if so to the company or valued with the land in connection?

The option which the company has, cannot be assessed because it is not properly within the meaning of The Assessment Act. Looking at section 28 of The Assessment Act we do not think the ore can be assessed at all.

Assessment of Church Property.

277.—E. W.—The church property represented on the within diagram has been assessed for general municipal purposes. The lot is used for access to the vestry and shed, also for tying up horses when not sufficient room in the shed. Is it a proper assessment?



Subsection 3, of section 7, of The Assessment Act, exempts from assessment and taxation "Every place of worship, and land used in connection therewith." This subsection also provides that "land on which a place of worship is erected, and land used in connection with a place of worship, shall be liable to be assessed for local improvements in the same way, and to the same extent as other land." This land should not, therefore, be assessed for general municipal purposes.

Cement Sidewalk—Cost of Appeal to Court of Revision.

278.—SUBSCRIBER.—1. The council of W wants to build a cement sidewalk three feet wide to the public school, three blocks from Main street. Those blocks are owned by three persons, some 40 rods, it would be unfair to ask them to pay a frontage tax as it is for the benefit of the school. Can we build it if we get two thirds of the ratepayers in the village in favor of it? There is now an old plank walk four feet wide. Those persons are not willing to pay frontage tax.

2. We have a man in our village that appealed to the County Judge last year on the ground that he was assessed too high. The judge left his assessment as it was, $300. He has appealed to the court of revision this year again. He says if we don't reduce it he will bring the matter before judge again. Can we compel him to put up costs of witness and judge's fees as he is only a tenant, and has nothing to get hold of. He does this for spite.

1. The council can submit a by-law to the ratepayers of the village providing for the raising sufficient funds by way of a loan to do the work. The assent of of a majority of the duly qualified electors voting on the by-law is necessary if the cost of the work is not to be paid for within the current year, to enable the council to pass it. If the money required to complete the work is to be paid within the year during which the work is to be done, the assent of the electors is not necessary. See section 389 of The Municipal Act.

2. No The costs of the appeal to the Court of Revision may be given against him. If he then appeals to the judge the costs of that appeal will be in the discretion of the judge.

Oath of Elector.

279.—M. M. B.—Can a man who has made an assignment of his freehold and personal estate take the freeholder's oath at a municipal election, the estate not having been wound up?

This man is in the same position in regard to his real estate as if he had executed an ordinary deed of conveyance of same to another between the dates of the preparation of the voters' list and the election. Clause 3, of the Freeholder's Oath, as given in section 112, of The Municipal Act, is as follows: "That at the date of this election, you are, in your own right, etc, a freeholder, etc." Having disposed of his property prior to the election, he could not take the oath; but if his vote is objected to, he has the right to select for himself any one of the forms of oath mentioned in sections 112 to 115, both inclusive. See section 116 of the Act. On taking any one of these oaths, he would have the right to vote. See also the latter part of section 89 of the Act.

Legal Department.

J. M. GLENN, Q. C., LL. B.,
OF OSGOODE HALL, BARRISTER-AT-LAW.

Assessment for Local Improvements.

Through the courtesy of His Honor Judge Hughes, Senior Judge of the County of Elgin, we are enabled to publish the following very interesting judgment:

IN the matter of the appeal of the Roman Catholic Episcopal Corporation of the Diocese of London against the decision of the Court of Revision, respecting the assessment of its property in the City of St. Thomas for local improvements and frontage tax on its property on Talbot street.

THE PROPERTY.

The land upon which the Catholic Church, the Separate School, the pastor's house, and that in which the Sisters dwell, was conveyed by a deed of trust to the then existing bishop—the Hon. and Right Reverend Bishop McDonell, D. D., of the then existing Diocese of Regiopolis, and others, and their successors in office, on the 31st May, 1831, "*upon trust for the use and purpose of erecting thereon a Roman Catholic Church and to and for the use and purpose of a burial ground, and to and for a Roman Catholic congregation and no other.*" It was, but has ceased to be used for a burial ground, for many years.

The Provincial Parliament of the former Province of Canada, recognizing the Right Reverend Michael Power, the then Roman Catholic Bishop of Toronto, as the successor in office of the deceased Bishop first named, in so far as the Diocese of Toronto was concerned, and the Right Reverend Patrick Phelan, Roman Catholic Bishop and Administrator of the Diocese of Kingston, incorporated those Roman Catholic Bishops of Kingston and Toronto respectively, and enabled each of them and their successors to hold and acquire real estate in the province for religious purposes, and constituted each of them, respectively, a body corporate in his own diocese, in deed and in name, the Bishop of Toronto and his successor and successors for the time being, by the name of "The Roman Catholic Episcopal Corporation of the Diocese of Toronto in Canada," enabling him by that name to have, hold, purchase, acquire, possess and enjoy for the general use or uses—eleemosynary, ecclesiastical or educational—of the said church, or of the religious community, or of any portion of the same community, within his diocese, any lands which might be afterwards acquired.

By the same enactment, the soil and freehold, as well as the fee, of all lands and of all burial grounds and churches and chapels then belonging to and used, held, occupied possessed or enjoyed by the said Bishop of Toronto or his church, and of all churches and chapels then being erected (on the 29th March, 1845), or to be thereafter erected in his diocese, are declared to be vested in him, and his successor and successors for the time being, for the purposes aforesaid.

By Section IV., persons holding property in trust, for the benefit of churches, might convey the same to the bishop of the diocese for the time being.

We thus find that for the purposes of the trusts first named, the trustees are changed, and the newly-constituted corporation is substituted (see Statute of Canada, 1845, 8 Victoria, Cap. 82) for the original unincorporated trustees.

By the Statute of Ontario (1873), 36 Victoria, Cap. cxlii., the Roman Catholic Corporation of the Diocese of London was incorporated, and had vested in it the soil and freehold, as well as the fee, of all lands, etc., and of all burial grounds, churches and chapels held in the name of, or conveyed to the Roman Catholic Corporation of the Diocese of London.

I find also that power is given, in addition to the powers conferred by the last-mentioned Act, to borrow money on mortgage security, of the real estate of said corporation, for the purpose of erecting or finishing any church or clergyman's residence, erected or to be erected, and for enlarging the same, subject to a compliance with the requirements of the fifth section of the Act therein recited.

So that taking the whole of the provisions of these statutes into review, we find that the trust created by the instrument, of which a registered memorial was produced before me, as executed by the late Archibald McNeel, was transferred, and the trust is now vested in the Roman Catholic Episcopal Corporation of this diocese, but we do not find that there was any power conferred, to either mortgage the lands for the purpose of erecting any public or separate school thereon, or to lease or demise or convey the lands for that or any purpose which would be inconsistent with the original trust, away from the purpose of erecting a place of worship, for a burying-ground or for the congregational uses of the church.

1. We find first that the property held in trust by the Roman Catholic Corporation of this diocese, the Appellant in this case, is not all used in connection with the place of worship, that the north eastern part of it is used for purposes of a Separate school, for Roman Catholic children, which is maintained partly by a legislative grant and partly by a school tax.

2. Next we find that the centre portion of it is used in connection with the place of worship, viz., that part of the trust property on which the church is erected, and

3. Last, we find that the western portion is used, not in connection with the place of worship, but as a pastor's residence, and grounds connected therewith.

4. Under section 684 of the Act hereinafter referred to, the buildings and grounds of an incorporated seminary of learning, whether owned by the seminary, or vested in a trustee, or otherwise, are liable to be assessed in the same manner and to the same extent as other land is assessed, for local improvements, made or to be made, except that it does not apply to schools, which are maintained in whole or in part by a legislative grant or a school tax.

I take the meaning of this proviso to be that "*schools*," referred to therein, are not to be assessed for local improvements if the "incorporated seminary of learning" own buildings or grounds either vested in themselves or a trustee, or "otherwise," I take the "otherwise" to mean and refer to tenants referred to in section 668 and subsection (2) of the Municipal Act.

WHAT IS A PUBLIC SCHOOL?

The Public Schools Act and the Separate Schools Act are each entirely independent of the other, in their objects and provisions. The one is for the education of the youth of the province generally; the other is for the education of certain classes of youth in particular, and as apart from all the rest.

By the 93rd section of the British North America Act, the legislature of each of our provinces has the exclusive right to make laws in relation to education, subject to certain restrictions therein specified, which, speaking in the broad terms employed by subsection 1, are that any law to be passed was not prejudicially to affect any right or privilege with respect to denominational schools, which any class of persons had by law, in the province, at the union.

Here is a plain line drawn between what were to be regarded as laws in relation to education generally—and as exemplified by our Public Schools Acts—and those in relation to denominational schools exemplified by our Separate Schools Acts.

The case reported in 18 Ont., 606, *re Roman Catholic Separate Schools*, deals with a case in which a plain distinction is kept up throughout between what is recognized as a public school and a denominational school or separate school.

There is no right that I can find conferred upon our youth generally to obtain an education at or to enter a denominational school.

The trustees of these separate schools are elected by persons of the denominations for whom, and for the education of whose children, the schools exist as separated from *public* schools.

The sections following section 18 of the Separate Schools Act apply exclusively to Roman Catholics, and by section 18 an interpretation is given to certain expressions used in the Act—unless a contrary

intention appears—there are the "rural school," the "urban school" and the "separate school," all of which signify "*separate schools*" *for Roman Catholics* in townships, cities, towns or incorporated villages, respectively, now or hereafter established. These separate schools are for Roman Catholics, the trustees are to be themselves, and to be elected by Roman Catholics exclusively, and no one else has a right to the benefits of their educational advantages.

Under the Separate Schools Act they are open to the children of Roman Catholics and are schools for Roman Catholics only (see subsection 3 of section 18 of the Separate Schools Act). None but persons who are householders or freeholders and Roman Catholics, can take part in the election of trustees. The supporters of the school are Roman Catholics, and the trustees are to provide adequate accommodation and a legally qualified teacher for all children between the ages of 5 and 21 years, belonging to the supporters of their school (see section 28 of the Separate Schools Act), so that neither in the technical nor in the ordinary sense can a separate school be held to be or constitute a "public school."

The well known policy of the Church of Rome puts it beyond question, from a religious point of view. It is the aim of the clergy and people of that communion to impart religious instruction to their youth; they insist that religious teaching and secular learning go hand in hand, and they eschew the provision of the 7th section of the Public Schools Act as dangerous to the rising generation. Of course it is not for me here to discuss this policy further than to say that the existence of a dissentient or separate school places it beyond the generic term of a "public school."

A reference to section 42, and what follows, plainly shows the distinction between separate and common schools.

THE ASSESSMENT ACT.

By section 7, all property in the province is liable to taxation, subject to the exemptions set forth in the several subsections.

By subsection 4, certain public educational institutions are exempted from general municipal taxation, but by a special proviso (a) to that subsection, "the buildings and grounds of and attached to an incorporated seminary of learning (whether vested in a trustee or otherwise) are nevertheless liable to be assessed for local improvements, in the same manner and to the same extent as other lands, but this proviso does not apply to schools which are maintained in whole or in part by a legislative grant or school-tax.

A similar provision is found in section 684 of the Municipal Act.

Subsection 5 of section 7 of the Assessment Act exempts every public schoolhouse with the land attached and the personal property belonging thereto.

I may say here that, without going further, I do not consider that the property involved in this appeal comes within the exemption of subsection 5, because a public school is an institution of learning and a free school established under the Public Schools Act, open to, and at which every person between the ages of 5 and 21 years has a right to attend (see section 6 of the Public Schools Act).

LOCAL IMPROVEMENTS.

Sections 668, 689, 690 and 686.

It is quite clear to my mind that this is a matter, the consideration of which applies to only the owners of lands, and leaseholders whose unexpired terms of holding, including any renewals therein provided for, extends over a period not less than the duration of the proposed assessment. If the trustees of the school were the lessees and had covenanted in this lease to pay all municipal taxes on the demised property, during the term of the lease, the case might have been exceptional, and within the proviso of section 684, but that does not apply here, because there is no such lease or demise from the appellants to the trustees of the Separate School Board, or covenant from that School Board to the Episcopal corporation trustee, which is the owner of the fee in TRUST for purposes set forth in the original deed of trust, so that the trustees of the School Board have neither the right to petition for or against the local improvements, nor have they the right to appeal against the assessment, nor have they appealed, nor does the appellant corporation hold the fee in trust for the Separate School Board. The owner of the property in fee, alone, has all the rights respecting it (vide Mun. Act, section 668) for the purposes of the original trust.

THE WORK OF THE IMPROVEMENT.

By section 664 we find the mode of procedure for assessing real property for paving a street or other local improvement by special rate. The special rate to be assessed and levied is to be an annual rate, according to the frontage upon the real property immediately benefited by the work or improvement (vide section 665).

HAYNES VS. COPELAND, 18 U. C. C. P. 151.

The decision in this case, which was cited in the argument of appellant's counsel, was founded upon the statute laws then in force, with reference to municipal local improvements, and the assessment of property in the province. It was there held that subsection 3 of section 9 of the then existing Assessment Act, altogether exempted every place of worship, churchyard and burying-ground, and that the legislature made no distinction in the exemptions stated therein between assessments for general and for local purposes.

But we are now under the legislation of a later period, for by subsection 3 of section 7 of the Assessment Act (chapter 224, R. S. O., 1897), it is expressly enacted that whilst "Every place of worship and land used in connection therewith, and every church-yard or burying-ground are exempted from the general assessment for municipal rates, that 'land on which a place of worship is erected and land used in connection with a place of worship, 'are' liable to be assessed for local improvements in the same way and to the same extent as other land.'"

Section 683 of cap. 223 is a provision of the Municipal Act having a direct bearing upon what properties may be assessed for local improvements, and what are exempted, by enacting that "land on which a place of worship is erected and land used in connection with a place of worship shall be liable to be assessed in the same way and to the same extent as other lands for local improvements made or to be made."

It is quite clear to my mind that this case comes within the exceptional Section 683 of the Local Improvements Act, which changed the law from its former statutory provision as respects the assessment of land on which a place of worship is erected, and land in connection with a place of worship, which before were exempt but which are thereby made liable in the same way and to the same extent as other land for local improvements made or to be made.

Section 683 has no other bearing on the question than to show that the land of the Roman Catholic Corporation, who are appellants here, is liable for this assessment, and the same may be said of section 7 (3) of cap. 224.

This appeal is not the act of the Board of Separate School Trustees, and who have no *locus standi* here, for the land, the buildings and grounds assessed are not theirs but belong to the Roman Catholic Corporation, who is the appellant here. The title is not vested in the appellant as trustee for the purposes of a separate school, nor in the Board of Separate School Trustees, who are competent to acquire and capable of holding lands for the purposes of their school. They are mere tenants at will and are not the class of tenants referred to in subsection (2) of section 668.

Section 684 makes the buildings and grounds belonging to school corporations liable to be assessed in the same manner and to the same extent as other land is assessed for local improvements made or to be made, whether the fee or title be vested in a trustee or otherwise, but that section does not apply to schools which are maintained in whole or in part by a legislative grant or school tax. It has been urged upon me that this proviso meets the present case.

But after every consideration which I have been able to bring to the proviso of section 684 I am of the opinion that it relates only to the buildings and grounds of, and owned by a school corporation and attached to a university, college or other incorporated seminary of learning (referred to in the first part of the section) whether vested in a trustee (or in the

school corporation itself) or otherwise, where "the schools" are maintained in whole or in part by a legislative grant or school tax, and that that proviso does not apply to this case, for the Separate School Corporation here are neither owners nor *ceste qui trustent* nor tenants, within the meaning and competence of the law in question, nor are they the appellants, nor do the appellants legally represent the interests of the Roman Catholic Separate School Corporation in this appeal. All that the Roman Catholic Episcopal Corporation can represent is the interests created by the trust deed of the late Archibald McNeel.

The buildings and grounds occupied for separate school purposes are not the buildings of the separate school trustees or attached to a seminary of learning, either vested in a trustee for school purposes or otherwise held for school purposes. They are the buildings and grounds of the Roman Catholic Diocesan Corporation, the appellants, in this case, in trust, and only for the purposes of the trust set forth in the deed of the late Archibald McNeel, and which buildings and grounds belong to the appellants for church purposes only, although occupied by the Board of Separate School Trustees as tenants at will or on sufferance.

In conclusion, I find it my duty to say that the case has been one which has greatly perplexed me, and after the best consideration I have been able to devote to the subject, I do not consider that I have a right to say that the city engineer was wrong in his assessment of this property for frontage tax, as laid down by him, and that it is my duty to dismiss this appeal.

Ince v. City of Toronto.

Judgment on appeal by defendants from judgment of Falconbridge, J., for $3,000, in favor of plaintiff in an action by the widow and executrix of Thomas Henry Ince, deceased, for damages. The trial Judge held, inter alia, that the condition of the granolithic sidewalk on Richmond street west, Toronto, where deceased sustained the concussion of the brain from which he died, was caused by the unnecessary slope of the sidewalk which made the gutter lower than it need be, and that the accumulation of ice and snow at the place of the accident was promoted by placing the catch basin on Richmond street instead of Yonge street, and that the evidence showed that numbers of persons had slipped and fallen on the same spot, which was on one of the most frequented thoroughfares of the city, and within easy telephonic communication of the corporation officers. Held, that there was no evidence of negligence or of notice of any specially dangerous condition, at the time of the accident, of the pavement, which was constructed in accordance with the plans of engineer of defendants. Appeal allowed with costs and action dismissed with costs.

Important Decision.

(Under the Ditches and Watercourses Act.)

Judge Ermatinger, Junior Judge of the county of Elgin, has given out his judgment in the appeal on the McAllister Drain award. This was an application of Alex. Sillars to reconsider the award made by Jas. A. Bell, P. L. S., and A. Smith, P. L. S., was called on by the township of Aldborough and made his award. Six of the persons in Dunwich appealed to the judge against the award and a large number of objections were taken and argued on four different occasions, twice in West Lorne and twice in St. Thomas. The fatal objection was that the township of Aldborough had not revoked the appointment of the engineer, who was acting before Mr. Smith, as required by the act, and therefore that Mr. Smith was not properly acting as engineer. The judge, following Turtle vs. township of Euphemia (Meredith J.,) reported on page 34 of the March issue of the WORLD, set aside the award with costs against the township of Aldborough, amounting to $132.80.

Re Township of Dover and Township of Chatham.

Judgment on appeal by the corporation of the Township of Dover from report of the drainage referee made upon appeal to him against the report, plan, profile, specifications, estimates and assessments of the acting engineer of the appellants, made for the repair, improvement and better maintenance of the Dover and Chatham town line drain, and assessing lands and roads in the Township of Dover for the work. The referee, with the consent of the respondents, allowed the assessment against them to the extent of $750, and in other respects allowed their appeal. The main ground upon which the referee founded his report was that the engineer had not exercised an independent judgment. Held, that the engineer exceeded his jurisdiction and his report was invalid. Appeal allowed with costs.

Re McLellan and Corporation of Township of Chinguacousy.

Judgment on appeal by the corporation from award of "official arbitrator," awarding McLellan, the claimant, $250 compensation for the entering upon, taking, using and injuriously affecting his lands, and costs. The claimant's lands are composed of the east halves of lots 2 and 3, in the first concession west of Hurontario street, and the corporation caused to be constructed a ditch across lot 3 from the allowance for road in front of lot 3 to the River Etobicoke. The corporation brought itself by by-law within The Municipal Arbitrations Act. The arbitrator held that this was not a case within The Ditches and Watercourses Act, and that the ditch in question, constructed under the award of the township engineer, affected only the claimant's lands, and was built for the purpose only of carrying the water from the highway to the river, and must be considered properly a work under the provisions of The Municipal Act for which the corporation was liable to make compensation to an owner whose lands were injuriously affected, and that the method of fixing such compensation was by arbitration under The Municipal Arbitrations Act, and on the evidence he awarded damages in the foregoing amount. Held, that the official arbitrator had no jurisdiction. Appeal allowed with costs.

Bollander v. City of Ottawa.

Judgment on appeal by defendants from order of a Divisional Court (30 O. R. 7) setting aside the judgment of MacMahon, J., whereby the action was dismissed, and directing that judgment be entered for plaintiff, an auctioneer in the City of Ottawa, restraining defendants from interfering with plaintiff in the exercise of his calling as an auctioneer in selling upon any of the markets of the City of Ottawa by auction any of the commodities for the sale of which thereon such markets were established. The Court below held that the power to regulate and govern auctioneers conferred on municipal councils by R. S. O., 1887, ch. 184, sec. 495, sub-sec. 2, did not give power to prohibit the exercise of any lawful calling, and that sec. 503, sub-sec. 2, gave no implied power to prevent an auctioneer exercising his calling in the markets. Appeal dismissed with costs.

Jones v. Township of Westminster.

Judgment in action tried at London, brought to recover damages for injuries sustained by plaintiff, who, while riding a bicycle upon a highway in the township, was thrown off his wheel and injured, owing, as is alleged, to the road being out of repair. It appeared in evidence that two or three weeks before the accident the pathmaster of the defendants had constructed a tile drain across the road and in completing it left a small ridge a few inches high, as he usually did in such cases, in order, as he said, to provide for the inevitable packing caused by travel and rain, otherwise a cavity would be formed in the road more dangerous than a slight ridge. Held, upon the whole evidence, that the plaintiff had failed to make out that the road in question had not been kept by defendants in a reasonable state of repair. Action dismissed with costs.

Re Johns and Township of Darlington.—Judgment on motion to quash local option by-law of the township of Darlington, on the ground that, contrary to the published notice of it and to the provisions of The Municipal Act, the by-law was voted upon within and not after one month from the first publication in the newspaper. Order made quashing by-law with costs and directing payment out of court to applicant of amount deposited by him as security for costs.

McCrimmon v. Township of Yarmouth.

Judgment in action tried at St. Thomas. The plaintiff sues on behalf of herself, her children and the estate of her deceased husband, for damages for injury to property and health owing to the flooding of the land with water which flowed through a drain called the Bailey award drain, upon the construction road and on to the land of deceased. Bailey's land lies east and north of the injured land. The Canada Southern R. W. Co. are third parties. Held, that award made on the proceedings by Bailey under the Ditches and Watercourses' Act does not bind the railway company. It is not subject to the jurisdiction of the engineer under the act; Miller v. G. T. R., 46 U.C. R., 222, nor to the act which is confined to ditches "situate on the property of any railway and running along or under the railway," and the scheme of the engineer did not provide for a proper outlet, for he directed by the award the company "to carry it to a proper outlet without damage to adjacent lands giving a fall, etc." Held, also that the evidence of Smith (who under the award was to construct the third section of the drain) so connected the defendants with the conducting of the water which flowed through the award drain from Bailey's land as to make them responsible for injury to plaintiff. Claim against third parties dismissed with costs. Judgment for plaintiff for $150 if defendants agree, having regard to sections 6 and 7, R. S. O., chapter 166, the husband having died more than 12 months before action. If the defendants do not agree, reference to junior judge of County of Elgin to ascertain amount of plaintiff's damage as to liability of defendants for injury, which is found to have arisen from flow of water through the Warehouse Street culvert and assessing damages if he finds liability to exist. Further directions and costs reserved.

A Drainage Case.

The action of Mrs. McSherry against the town of Sarnia for damages for the flooding of her property on Devine street by reason of an insufficient tile outlet for an open ditch on that street, came up for trial recently, before Drainage Referee Thos. Hodgins, Q. C.

Since the action was commenced the town has taken steps to remedy the defect in the drain, and thereby prevent a recurrence of the damage to property in that locality of the town. When the action came up for hearing the referee suggested that the best thing to do was for the corporation to try and effect a settlement of the case, which was accordingly done, the town paying $135 for damages and costs, in addition to their own costs.

The town authorities could undoubtedly have effected a settlement for a small sum at an early stage in the proceedings but the town council were determined to fight to a finish. The drainage referee thought the settlement made was a most favorable one for the town. The plaintiff's counsel, in view of the efforts to remedy the evil by means of a trunk sewer, was not disposed to unduly press the claim and the settlement as above was thereby effected.—*Sarnia Observer.*

Reg. ex. Rel; Burnham v. Hagerman and Beamish.

Judgment on motion of nature of quo warranto to determine the validity of the election of respondents as Aldermen for the Town of Port Hope. Held, that respondents were properly qualified within sec. 75 of the Municipal Act. Beamish was assessed for $2,000 upon the last revised assessment roll as owner of land of which he had been in possession since 1886. His title was admitted by the former owner, who executed a conveyance shortly after the election. Hagerman's wife was assessed at $800 as owner of land and at $600 as tenant of other land. There was a mortgage on the freehold at the time of election of $665, and upon some chattels assessed at $590. Following the principle of Reg. ex. rel. Ferris, v. Spick, 28 O.R., 486, the amount unpaid on the mortgage should be proportioned between the land and chattels in proportion to their assessed value, which would make $408 of the $665 a charge to be deducted from the assessed value of the land, and leave $392 as the assessed value of the land. The wife's leasehold is free from encumbrance. Sec. 75 of the act says "partly freehold and partly leasehold," and fixes qualification in towns at $600 freehold and $1,200 leasehold. In the absence of any judicial interpretation hitherto on these words, they should be held to mean that a person having one-half freehold and one-half leasehold qualification is qualified, and, therefore, Hagerman is qualified, his wife having $392 freehold and $600 leasehold. Motion dismissed with costs.

Re Township of Colchester North and Township of Gosfield North.

Judgment on appeal by township of Colchester North from the judgment of the drainage referee, confirming a report by Wm. Newman, engineer, reporting a scheme for drainage in these townships. It was contended inter alia that the proceedings to obtain the report were not in accordance with the provisions of The Municipal Drainage Act, that the petition was insufficient under section 3, and that the engineer did not make and file the affidavit required by section 5; that the work in question was a new drainage scheme for Gosfield North, and not for improvement of existing drain number 15; that the proposed drainage work is in breach of an agreement between the townships pursuant to which Colchester North has paid Gosfield North $2,000. That the proposed work was not authorized by section 75 of the Act; that the assessments in connection with the work were unjust and improper; that the drain would work injury to land in Colchester North beyond its termination, which result had not been taken into consideration, and that evidence had been improperly excluded, and an amendment of the engineer's report improperly allowed by the referee. Held, that while an appeal is pending against a report a council cannot refer it back for amendment unless upon consent of all parties, and that treating the amended report as an original report, it is bad, because the engineer before making it had not taken again the oath of office, which is an essential requisite of jurisdiction. Appeal allowed with costs.

Struthers v. Town of Sudbury.

Judgment on appeal by defendants from judgment of Meredith, C. J., (30 O. R. 116), in favor of plaintiffs in action brought to determine whether or not the Sudbury General Hospital is entitled to exemption from municipal taxation as being a "public hospital" within the meaning of sub-sec. 6 of sec. 7 of The Assessment Act. The hospital is the property of private individuals, and the profits derived from carrying it on belong to them; it has not a perpetual foundation; no part of its income is derived from charity; it is not managed by a public body, but one object of it is the benefit of a large class of persons, and the Ontario Legislature subsequently placed it on the list of institutions named in schedule A to The Charity Aid Act, R.S.O., 1887, ch. 248, and declared it to be entitled to aid under the provisions of that act, subjecting its by-laws to the control of the Executive Government and the hospital itself to Government inspection. Under those circumstances, the trial Judge held that it was a public hospital. Held, that the institution receiving aid under the act and thus recognized as a public body and being subject to Government control should be exempted. Appeal dismissed with costs.

Re Township of Orford and Township of Howard.

Judgment on appeal by the corporation of the township of Orford from the decision of the drainage referee delivered 28th December, 1898, whereby the appellants' appeal against an assessment at the instance of the respondents was dismissed, but the assessment changed. The respondents having passed a by-law and made an assessment under the drainage act for certain work in Howard, and assessed therefor lands in Orford as liable to contribute by reason of injuring waters, and from this assessment the appeal was taken. The circumstances were the same as in township of Orford v. township of Howard, 18 A. R., 496, and the appellants contended that the law had not been varied by changes in statutes since that judgment was given. Appeal dismissed with costs.

Provincial Aid.

To the Editor of THE MUNICIPAL WORLD,—

DEAR SIR,—In your April number of THE MUNICIPAL WORLD, your article headed "Provincial Aid," attracted our attention. Although ignorant of the plan on which the expenditure of $1,000,000 by the government in aid of good roads will be made, you unhesitatingly say it is for the benefit of the farmers. We who are in close touch with the farming community, and know the burdens under which they now labor, unhesitatingly express our disapproval of the whole scheme. Our opinion is, that the matter of roads should be left with the municipalities to superintend without any interference on the part of the government, or even of a county council, and, with your kind permission, we purpose, in this short letter, to set forth some of our reasons for holding opinions which seem to be at variance with the expressed views of THE WORLD, and with a great many of the daily and weekly papers published in our towns and cities.

In your article to which I have referred above, you state that the Premier's announcement, that is, to spend $1,000,000 on good roads, has met with universal satisfaction. Such is not the case. Blenheim, one of the largest and wealthiest townships in Oxford, contains nearly 1,500 ratepayers, and, almost to a man, they are opposed to any such scheme. We know whereof we speak, for a petition has been circulated in this township praying the government to make no change in the law, whereby the county councils cannot take over certain roads from the municipalities without the consent of those municipalities. And so long as that law remains as it is at present, this township will look after its own roads, and ignore the small grant to be offered. In the other municipalities in the county a similar feeling prevails; our county council, itself is equally divided on the question. The farmers feel that the cost of the whole scheme will be borne most by themselves, and they don't want it.

Now, Mr. Editor, let us consider the cost. In Oxford the system, it is anticipated, will include one hundred and seventy miles of road. At an estimated cost of, at least, $2,000 per mile, these one hundred and seventy miles would cost $340,000. This estimate is based upon the cost in the county of Hastings, and is in accord with the opinions given at the Good Roads Convention, held in Toronto last December. Of this $340,000 the government would give us our share of $1,000,000, or about $25,000. Bleinheim's equalized assessment amounts to over one-ninth of that of the whole county, so that we in Blenheim would be assessed for about $40,000, and as part payment we would get about $3,000. To bring this down to the individual, we find that a farmer assessed for $5,000 would pay about $87, and of this amount the government is generous enough to make him a grant of not $7. This outlay would give Blenheim only seventeen and a-half miles out of a total of over one hundred and seventy-five miles. The other roads would still have to be maintained by the township in addition to our part of the county roads system—the latter at a cost of $800.00 per mile. Is it any wonder that the ratepayers object to such a scheme? We believe that, if the matter were fairly placed before the ratepayers in other townships, that they would stand aghast at such an expenditure.

But the cost only is the least objectionable part of the plan, though that is bad enough. The proposed legislation is an infringement on the rights of the people. We all know that, in matters of legislation, as well as of trade, the tendency is to centralization. Just as trade has centered in one or two large towns in each county, at the expense of the villages, so is there a tendency for our Provincial government to control everything in the province from Toronto, and take away from the local councils privileges which they highly prize. The proposed system of county roads is a most glaring example of that pernicious tendency. In the event of the scheme becoming law, the government at Toronto will control our leading roads, just as they control our schools, and this is but the first step in a course which will lead to abolition of township councils. For, with the control of roads taken from them, what further use have we for a local council? Following this course, our boasted democracy would soon become an oligarchy. What right has the Ontario government to control our highways? What right has it to compel us yearly to pay a sum of money for keeping them in repair, without the taxpayer having a voice in the matter? There is a principle at stake here which is worth contending for.

In Blenheim we claim to be as progressive as in any part of Ontario. The people read and think for themselves. Our roads will compare very favorably with those in any part of the province, and we are well satisfied with the existing conditions. With active, energetic and painstaking councillors, who study the best methods of road building, and employ road-making machinery, our prospects for good roads are bright, indeed. We believe in agitation along this line and in good literature on the subject—the kind of articles, for instance, which appear monthly in THE WORLD. The people throughout the whole province are taking a deep interest in this subject. Then our market places and railroad stations are within short distances of every one. There is no agitation in the rural districts for a change. This agitation comes from the towns. In Oxford, as we stated above, the county council is equally divided. The seven in favor of the county roads system are, with one exception, representatives of urban municipalities; those opposed are from the townships.

Now, Mr. Editor, the chief object in view in writing this letter, is to place the other side of the question before the councils in other townships, so that they may consider the costs and the consequences of allowing the government to take a step which will lead to depriving the people of privileges which are of first importance in a self governing province. Thanking you for your valuable space,

BLENHEIM COUNCILLOR.

Long Standing Litigation Ends.

The long standing litigation between Cornwall and the Waterworks Co. has at last been settled. The matter has been fought out in the different law courts since June, 1897. The Waterworks Company completed their system in 1886, and a mortgage of $80 000 was put on the same, the Farmers Loan and Investment Company being trustees for the bondholders. In June, 1897, the town decided to expropriate the works and a Board of Arbitration was agreed upon and awarded the company $86,492, with $2,000 costs. The Waterworks Company appealed on the grounds that the bondholders were not notified. This appeal was dismissed. The town then paid into the Ontario Bank the amount of the award, placing the money to the joint credit of the company and the mortgagees. Both refused to accept the money, and the company instituted an action to get possession of the works. This action was not tried until after Judge Street's decision, that the award was valid against the company. The action of the company was dismissed as premature, but held that the payment to the bank was not a valid payment of the monies under the award, and it was directed that this money be paid back to the town. The statutes provide, that if the award is not paid within six months the property shall revert to the original owners, and that all the costs of arbitration shall be paid by the corporation. This six months had elapsed at the time of the decision that the money paid was not a valid payment. The company then commenced a new action on this ground to recover possession of the works, and this is the action which has just been settled by the town agreeing to pay $110,000; this amount to cover the award, costs and interest, and the complete to cessation of litigation, and the works are be handed over to the town. As against this $110,000, town has received the revenue of the works during the last three years. The total costs involved in the litigation amounts to over $22,000.

Arrogant Corporations.

When charter powers were conferred upon our telegraph and telephone companies very little concern was shown by legislators for the rights of municipalities. Perhaps the men in office who granted the charters cared little for the future. That they were careless as to safeguards in the public interest has been amply demonstrated by results. These companies are defiant when facing municipalities, and arrogant when managing a lobby in which the pliant legislator shines as a pilot. It was shown in parliament the other day when the subject of the nationalization of the telegraph business of the country was brought up, how few friends the telegraph companies have. One year ago the Bell Telephone Company had the astounding audacity to attempt to secure legislation at Toronto that would enable it to raise its rates, though at the same time its stock was selling away above par—it being now quoted at 180. These corporations use the public streets and pay nothing for the privilege. They keep their property in a disgraceful condition, and when remonstrated with sneer at objections from municipalities. The latter, however have recently shown a desire for co-operation along defensive lines, and those corporations that are exhausting the patience of civic bodies are inviting reprisals which may come much sooner than they expect. Companies operating under charter obtained either at Toronto or Ottawa cannot with safety affront the people to whom they are responsible for honest and beneficial service. Particularly must the telegraph and telephone companies be made to realize that they cannot flout municipalities at will. The people will in the near future require to be reckoned with if tax-dodging and other abuses of which we have to complain are continued.—*Gall Reporter.*

"Diamond Jubilee," the Prince of Wales' Derby winner, is not in it to-day with the Imperial favorite, "Little Bobs."

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