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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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Calendar for November and December, 1897.

Legal, Educational, Municipal and Other Appointments.

NOVEMBER.

1. Last day for transmission by local clerks to County Treasurer of taxes on lands of non-residents.—Assessment Act, section 121.
- Last day for transmission of Tree Inspector's Report to Provincial Treasurer.—Tree Planting Act, section 6.
10. Last day for Collector to demand taxes on lands omitted from the Roll.—Assessment Act, section 154.
15. Day for closing Court of Revision in cities, towns and incorporated villages when assessment taken between 1st July and 30th September.—Assessment Act, sec. 52. On and after this date councils of townships, cities, towns or villages may enter on lands and erect snow fences.—Snow Fences Act, section 3.
- Report of Medical Health Officer due to Local Board of Health.—Public Health Act, schedule A, section 1.
30. Last day for municipality to pass by-laws withdrawing from Union Health District.—Public Health Act, section 41.

DECEMBER.

1. Chairman of Board of Health to report to the Council on or before this date.—Public Health Act, schedule A, section 3.
- Last day for appointment of School Auditors by Public and Separate School Trustees.—Public School Act, section 21 (1); Separate Schools Act, section 28 (5).
- Municipal Clerk to transmit to County Inspector statement showing whether or not any county rate for public school purposes has been placed upon Collector's Roll against any separate school supporter.—Public School Act, section 68; Separate School Act, section 50.
- Last day for councils to hear and determine appeals where persons added to Collector's Roll by Clerk of Municipality.—Assessment Act, section 154.
7. Last day for Public and Separate School Trustees to fix places for nomination of Trustees.—Public School Act, section 57 (2); Separate School Act, section 31 (5).
- Returning Officers to be named by resolution of the Public School Board (before second Wednesday in December).—Public School Act, section 57 (2).
14. Last day for payment of taxes by voters in local municipalities passing by-laws for that purpose.—Municipal Act, section 489.
- Last day for Collectors to return their rolls and pay over proceeds, unless later time appointed by council.—Assessment Act, section 132.
- Local Assessment to be paid Separate School Trustees.—Separate School Act, sec. 55.
15. Municipal Council to pay Secretary-Treasurer Public School Boards all sums levied and collected in township.—Public School Act, section 67.
- County Councils to pay Treasurer High School.—High School Act, section 30.
15. Councils of towns, villages and townships hold meeting.—Municipal Act, sec. 263 (3)

NOTICE.

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

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The Municipal World

PUBLISHED MONTHLY

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

K. W. MCKAY, EDITOR,

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

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ST. THOMAS, NOVEMBER 1, 1897.

A decision of great interest to township councils was recently given by the courts in Toronto, in connection with an application by the trustees of school section No. 6, in the township of McKillop for a mandamus requiring the council to pass a by-law authorizing the issue of debentures to raise money for the erection of a school-house, such sum to be repaid out of the school section rates. The council refused the demand of the trustees because it was not shown that the ratepayers of the section had assented to the amount required, though they had at a school meeting assented to a requisition being made for funds to erect the school-house. The motion was refused. This is in accordance with opinion previously expressed in these columns, which stated that the resolution of the ratepayers should specify the amount to be borrowed and rate of interest. See questions 171 and 318 (1897.)

The remark is often made that the time of the Legislature is too much taken up with special municipal legislation in the interests of large cities, and that more consideration should be given to the municipal acts applicable to all municipalities. The modern city offers an essentially new problem of government. They must be self-governing, and to that end their requirements must receive the special consideration of the central authorities. Uniformity of local government is at all times desirable, but the mere existence of a city confounds this. The lines of county, township and school districts are blotted out by the essential conditions of city life, and it is clear that government of cities cannot be uniform with that of a township or county, and while the special legislation so often asked for appears new, a closer examination will show that it provides for nothing more than the old problems of local government so intensified in cities that they become essentially new problems.

The Ontario Legislature will meet on the 30th of November, and the General Elections will no doubt, follow early next year. This will have its effect on the municipal elections, and contests may be looked for in most of the municipalities where the politicians will endeavor to test their strength as a preliminary to the race for control of the Provincial Government.

It sounds well and seems reasonable to urge that Municipal Government is a matter of business administration, and therefore, that elections should not be contested on party lines, but simply on local and personal issues. Fitness, honesty and fearlessness are the essential qualifications; and fidelity to local interests according to his conceptions and convictions, is the test by which a municipal candidate should be judged.

Let men differ if they will over questions of Provincial policy, only do not let their differences enter into Municipal elections. Let that expression of the electors be encouraged which, unhampered by party affiliations, seeks to insure the conduct of municipal government on business principles. Whether as a remedy for municipal evils, it is practical and effective, or whether it is impracticable and visionary is a subject for discussion.

It is thought by many that anything approaching disinterested and successful non-partisanship in municipal elections however well intended, is, under present conditions, almost impossible.

There would be more to commend in non-partisanship in local affairs if the sentiment for it were more generally honest. The fact is, however, that sincerity in the cause is wanting, and the no politics cry is generally found to come from disaffected politicians and minorities who are endeavoring to secure election.

Party divisions are desirable in Provincial and Dominion politics, and the best way to keep alive organizations for the success of political principles is by encouraging party activity in municipal affairs. Behind any defense of municipal government by party, must stand the imperative condition that the party organization be intelligent, honest and broad minded.

The success of a municipal administration must be measured by the same standard that would be applied to any large business enterprise. It should not be determined by the actual expenditures themselves, but by an intelligent comparison of the results achieved, whether greater or less than in a former year.

A final settlement of the defalcations of the late county treasurer of Brant has been arranged. The township accepted \$16,000, and the county \$6,500 in full of all claims.

Subscribers are making good use of the privileges extended through the Question Drawer, and it is now the most interesting feature of the WORLD. We think that questions of municipal engineering could very properly be considered in this department, and we would invite councils to submit their difficulties to us with plans, etc., and we will endeavor to give them the best information available.

The Provincial Municipal Auditor.

The disgraceful bookkeeping of the late treasurer of the county of Frontenac leads the *Kingston Whig* to call attention to the appointment of a provincial auditor at the last session of the Provincial Legislature, and to remark, that, despite the criticism which existed at the time, there is perhaps not a more necessary appointment in Ontario. The *Whig* adds:

"He has done a great deal of good already in correcting some of the abuses to which the councils have been blinded. It is understood that the revelations in Frontenac were due to his attention, to the fact that the books of the county treasurer were not in presentable shape, and that anticipating what a critical examination would lead to, he left his office." Such cases will do good, notwithstanding embarrassments that attend them. They will be a warning to county councils — if anything can be a warning — to see to it that the annual audits are most searching, and that the men who make these audits are competent and exacting. They will make the bondsmen or guarantee companies more careful, and the probability is that these will withdraw their bonds if there is any evidence that the public accounts are not balanced and thoroughly checked by the auditors before they give certificates as to their correctness.

Publications Received.

Proceedings January and June Sessions, County Council of Stormont, Dundas and Glengarry. A. I. Macdonell, Clerk.

City and State, published weekly in Philadelphia, Pa., in the interests of municipal reform and good government. \$1.00 per annum.

The appearance of this high-class publication has been very much improved. It is an encouraging sign of the times that such an able advocate of good citizenship has found a remunerative field of usefulness.

Voters' List of Streetsville. W. J. Pinney, Clerk.

Voters' List and Auditor's Report, Township of Sarawak. J. McKenzie, Clerk.

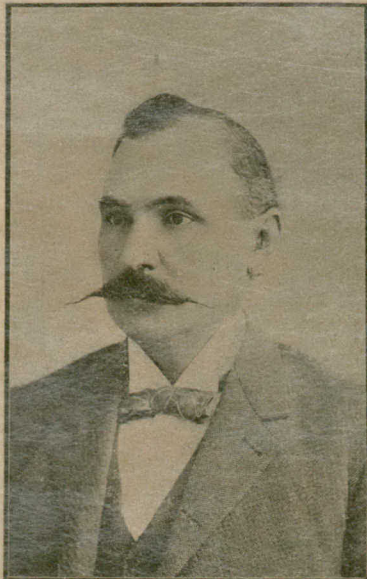
Voters' List, Belmont and Methuen. Porter Preston, Clerk.

Voters' List, Nepean. F. W. Harmer, Clerk. An interesting summary of Voters' occupations is included.

Municipal Officers of Ontario.

Clerk Township of Tilbury North.

Mr. Tremblay was born at Les Eboulements, County of Charlevoix, Province of Quebec, the 7th of August, 1858, of a family of farmers. He graduated at the Normal Laval School of Quebec, as a school teacher in June, 1893. He taught school at Levis and Ponte-a-Pic, Quebec, during four years, and attended the Laval University, Quebec, where he graduated in law in 1882. He was Mayor of Les Eboulements from 1884 to 1887. He was the Independent Liberal candidate for the House of Commons, for the County of Charlevoix in 1886 and 1887, and contested the riding three times in ten months, being defeated in the second contets, by a majority of forty-



MR. J. A. TREMBLAY.

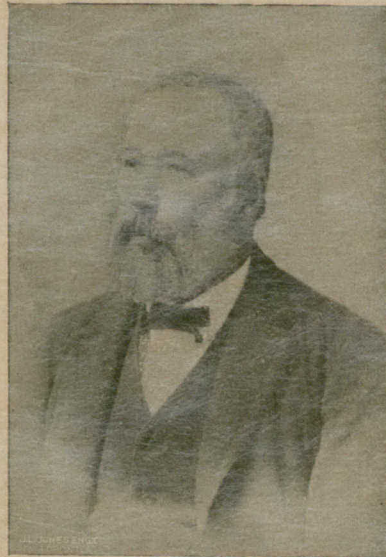
two, by S. X. Cimon. In September, 1893, he left Quebec, and opened an office in Tilbury, Essex County. He was appointed clerk of Tilbury North, in 1895. He was married in June, 1887, to Miss Alice Kane, of Murray Bay, eldest daughter of J. A. J. Kane, notary public. In addition to his municipal office Mr. Tremblay is a notary public and a real estate agent. He is also an active society man, being a member of I. O. F., C. M. B. A. and A. O. U. W.

Clerk Township of Hullett.

Mr. Campbell was born in 1837, in the north of Scotland within sight of John O'Groats. He received his first rudiments of education at the Free Church School at Reay. When 16 years old he entered a wholesale merchantile house in Glasgow, and afterwards attended the old Glasgow College.

In 1857, he came to Canada, and after spending a few years in the County of Peel, he settled in Londesborough, Town-

ship of Hullett, on the farm where he now resides. He was for fifteen years



MR. JAS. CAMPBELL.

township auditor and in 1889 was appointed clerk and treasurer of his township.

Clerk Township of Front of Leeds and Lansdowne.

Mr. Darling was born on the banks of the St. Lawrence, in the township of Lansdowne, county of Leeds in 1852.



MR. J. D. W. DARLING.

He has been engaged in general store keeping since 1872 succeeding his father who commenced business in 1845, and who was reeve of his municipality and warden of the united counties of Leeds and Grenville for a number of years. Mr. Darling was appointed clerk in 1880, and since that time has not been absent from a meeting of the council.

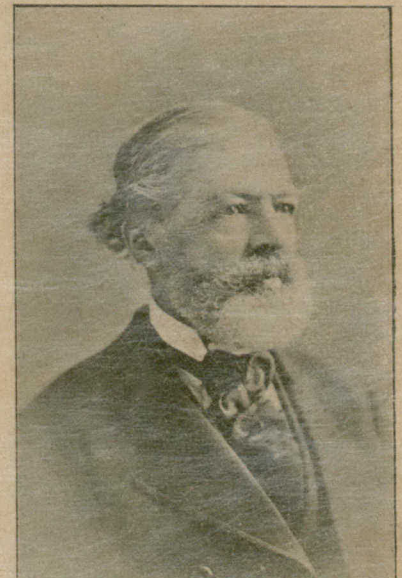
Clerk Towaship of Westminster.

Mr. Anderson was born in England in 1816, and came to Canada, settling on the lot where he at present resides, in 1833.

At the time of the rebellion in 1837, he volunteered for service and was appointed ensign, and went through the regular grades until 1864, when he was appointed captain of the 5th company of the East Middlesex Militia, which position he still holds.

In 1857 the Westminster Mutual Fire Insurance Company was established. Mr. Anderson was appointed director and secretary, and has since been continued in office. This company, among the first, is now one of the most successful township mutual companies in the Province.

Mr. Anderson's municipal record dates from 1859 when he was appointed auditor. He was afterwards a member of the township and county councils until 1870, when he was appointed township clerk of



MR. H. ANDERSON.

Westminster. He has always taken an active interest in Agricultural Societies, and served some twenty years as secretary of the township and county societies. He was the first general superintendent of the Western Fair which is held in London, and in 1874 was appointed superintendent of the Provincial Exhibition, and from that time until 1881, he superintended the erection of the buildings and management of the fair in every city where it was held. For his excellent services in this connection he was presented with a medal by the Agricultural and Arts Association, and a gold watch and chain by his staff.

Mr. Anderson's record is certainly a remarkable one, and we are pleased to know that after so many years he is still able to attend to the duties connected with his municipal and insurance offices.

We hope that many of the young men now in office will profit by his experience, which shows that faithful service is the only true road to future success.

The Municipal Acts, 1897.

At the last session of the Legislature, 250 amendments or additions were made to the Municipal Acts. The amendments are to be found in Schedule C of the Statutes Amendment Act, being Cap. 15, and in the Municipal Amendment Act, 1897, cap. 45. The first contains 143 clauses, of which 128 relate to Municipal matters; the latter contains some 85 sections, of which 61 amend or relate to the Municipal Act itself. Then in the same year we have an act to amend the Municipal Arbitration Act, an act respecting a short form of certain municipal by-laws, and an act to provide for auditing municipal and school accounts. Some attempt has been made in parts of chapter 45, to proceed with these amendments in a systematic manner, namely, to amend or repeal an earlier section before dealing with a later one, but even the spasmodic effort made seems to have early exhausted the energy of the draughtsmen, for they were soon amended. The monotony of even an attempted numerical order is also further relieved by the occasional insertion of an addition to the statute without any reference to any section, division or heading in the original acts, thus providing for the grateful official all the excitement of himself finding a suitable resting place for the unfortunate waif within the borders of its native act. This latter statute, also includes under its title the "Municipal Amendment Act," amendments to such well recognized divisions of municipal law as the Assessment Act, the act respecting Pounds, the Railway Accidents Act, the act to impose a tax on dogs and for protection of sheep, and the act for preventing the spread of contagious diseases amongst animals, most of which, in former years, had been accorded the honor of separate chapters, an honor which had a basis of reason, inasmuch as, historically, assessment statute law has been found in a separate chapter for many years, and there is a separate chapter for it in the current volume, while railway accidents, the protection of sheep and the contagious diseases of animals, do not immediately suggest themselves to the ordinary mind as branches of municipal law.

We have already referred in these columns to the amendments that are now in force. Schedule C of chapter 15, contains 143 amendments which go into force on the first day of January, 1898, by which time we expect the Revised Statutes will have been distributed. In the revision of the Municipal Act we are informed that the arrangement of the sections has been changed. This will render it difficult to distinguish the new legislation from the old. Some municipal officers are under the impression that many of these amendments are now in force, and there appears to be no good reason why we should not have had the benefit of good legislation at the earliest possible date.

Better than Asphalt.

In its issue for September, the publication entitled *City Government*, announces the discovery by a New York inventor, of a paving material made of a special cement and coal ashes. It says the pavement will cost less, and last twice and even thrice as long as the best asphalt pavement. The new pavement can be put down in blocks or in sheet form, like asphalt. It is asserted that the blocks have stood a crushing test of 20,000 pounds to the square inch; a fire test of 2,000 degrees without cracking when thrown into water while at white heat; an absorption test of about three-fourths of 1 per cent. in thirty hours, and an abrasion test of 1.5 per cent. in rumble with 400 pounds of cast iron for half an hour. This is accepted as an indication of what the same material will stand in sheet form, although there may be some differences in favour of blocks made under great pressure.

The new pavement can be made of coal ashes, crushed rock, sand or iron slag and the patent cement with which the materials are bound together, constitute only 20 per cent. of the entire ingredient mass. No heat is required in laying this material, and the successive layers with which streets are veneered, weld together solidly. The mixture hardens so rapidly, that streets covered with it can be thrown open for traffic in twelve hours. The surface, which is rolled with steam rollers, is said to be without the slipperiness that is one of the objectionable features of asphalt. *City Government* announces that a block of this new pavement will be laid at Columbus, Ohio, for test purposes, during the progress of the Mayors' and Councilmen's Convention in that city, and it will thus be brought to the observation of thousands of city officials. There ought to be great interest in this exhibit, as the new pavement, if successful, would provide a means of escape from asphalt rings, and at the same time furnish a means for the profitable use of the coal ashes which are now disposed of in many cases with difficulty.

Clerk of Bowmanville to Resign.

Mr. R. Windott who has been clerk of Bowmanville for the past forty-five years, has decided to resign his position at the end of the present year. The *West Durham News* states that general regret will be felt, that he has been forced through ill health to take this course. He has been a most faithful servant, and from his intimate knowledge of municipal matters, has at all times rendered valuable assistance to the members of the council. We hope that although he is retiring from the clerkship, he will be spared for some years yet, to enjoy a well earned rest.

"They tell me, judge, that the wine at this hotel is particularly fine."

"You should know by this time, sir, that I never accept hearsay evidence."

A Tax Exemption Commission.

The Kingston *Whig* favors the appointment of a competent commission to consider the question of tax exemptions and we would recommend the following extract from that paper to the consideration of every council. The *Whig* is not in favor of commissions as a rule—it has seen how fruitless so many of them has been, how little good has followed the labor that has been put into some of the reports—but it does think the exemption question is one which should be specially enquired into by a committee of experts. The work, well done, would be surprising to most people. It would stimulate thought upon the subject and lead the sooner to a better understanding of it. But as a preliminary to all agitation for reform there must be the calculations, carefully made, showing the various forms in which exemption has been granted, the extent of it, and the manner in which it affects the people by a comparison of the taxable with the non-taxable properties.

This commission, composed of able men who have had a direct connection with the assessment departments of the city, and therefore know all about them, could prepare blanks, calling for certain statistical matter, the ultimate consolidation of which would give the council and the legislature something to work upon. Who should appoint this commission? The government, of course. It has been interested in the question by the resolutions that the exemption convention has been passing, and it can safely defer action until the whole situation has been reviewed, and in a clear, definite and intelligent way.

A Yankee Election Card.

If I shall be elected jailer of Morgan county (you all know I am a candidate), I don't expect to make a law nor repeal one, and I don't intend to enact a financial bill nor a tariff bill, but I do expect to execute that part of the Kentucky statutes that applies to the office of jailer. I will feed and care for the prisoners as best I can, and take care of the public buildings and keep them clean.

I have been voting for Democrats for local offices, more or less, all my life, and now I want some Democrats to vote for me, and, by gum, I must have them, for its a ground-hog case. I feel sure that the Republican party in this county will stand by me to a man, but that won't quite reach. I am bound to have some Democrats.

Pledging myself, if elected, to discharge the duties of the office faithfully and honestly, and earnestly soliciting your support, I am yours very truly.—Jas. H. Cole, in *Morgan County Democrat*.

"I have here a neat and pretty little letter opener," began the agent. "So have I at home," said the business man sadly. "I'm married."

ENGINEERING DEPARTMENT.

A. W. CAMPBELL,

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

Park Ornamentation.

Nearly all the larger towns and cities of Ontario have possessed themselves of parks of greater or less extent and pretensions. In some instances, as with the City of Chatham, these parks consist of a block in the central part of the town containing an arbor, or bandstand, the grounds prettily decorated with flower beds, shrubbery and trees. In other instances, of which Mohawk Park, Brantford, is an example, these parks are considerable stretches of woodland, in the vicinity of a lake, river or picturesque ravine, which are the yearly object of some expenditure in the matter of foot-paths, drives, drainage, grading and sodding. In other instances these "parks" are merely fields, the beauties of which are enclosed with a high-board fence. The following ideas on park ornamentation are condensed from a paper read before the English Association of Municipal and County Engineers, and should be of interest to municipal officers associated with the care of these public lawns in this province:

"It is impossible to lay down any fixed rules to follow, as no two sites are alike in the character of their surroundings or background, in their elevation, in the configuration of their surfaces, or their size. Except in a few instances, the area would be limited, and where this is the case the size can, to a certain extent, be disguised, and the site apparently enlarged by the disposition of the paths and the position of the shrubberies and trees, so arranged that when standing on one side of the site elongated views can be obtained of the grass on the other side, either over the shrubs or between patches of shrubberies. All objectionable contiguous and distant objects, such as the backs of houses, walls, chimney shafts, etc., should be shut out of view from the interior of the site as much as possible by the planting of quick-growing trees and shrubs, and care must be taken that suitable distant scenery is not obliterated from view.

The building of walls, either of stone or brick, to enclose a site, is most objectionable, as they never harmonize with trees or shrubs, and if there exist any such walls which cannot be interfered with, strong-growing ivy should be planted to quickly cover their surfaces. No doubt a wall would be required for the frontage line of a street, but in this case it should be a dwarf one, surmounted with iron palings. On those sides of the site which are exposed to cold winds a screen of quick growing hardy trees, such as pines, sycamores, poplars, etc., should, if possible, be planted; the former are to be preferred, as they are not deciduous, and

therefore offer protection when most required, viz., during winter months; and if a deep soil can be obtained, either naturally or artificially, they grow very quickly, and the object in view is soon attained. The sombre appearance of some of them may be avoided by either planting two or three varieties, or intermixing with deciduous trees, in order to obtain a combination of greens to prevent a monotony. A screen of this kind is essential where the site is an exposed one, as cold winds have a far worse effect upon plant growth than frost; indeed the latter has a beneficial effect upon all but tender plants unless very severe, by retarding growth during a period of required rest.

If a refreshment or shelter kiosk or arbour houses are required, the former should be erected at an equally accessible point from every part of the site; the position, however, must be subservient to effect. A good plan would be to have the kiosk constructed with two floors, the lower story utilized for refreshments or a shelter perhaps, enclosed and glazed, and the upper story, of a less floor area, roofed, having open sides with an ornamental wood or iron railing, for the location of the band, as by this means the sound would be better blended and distributed; or small arbour houses might be erected here and there over the site, their positions being again controlled by the effect they will have upon the other details of the site. These arbours might be made very inexpensive, and certainly very effective, by constructing a brick or concrete foundation with a framework of hard wood fixed thereon, covered with matchboarding stained a warm color and varnished, and a tiled roof. A light framework of iron might be substituted for wood, covered with strong galvanised netting, and ivy planted round the outside of the arbour.

Ivy is not used so much as it ought to be for this purpose, perhaps on account of its slow growth as it is usually planted; if, however, the ground is properly prepared and quick growing varieties obtained, it would only be a matter of a couple of years before such a structure was covered. A trench four feet wide should first be dug where the ivy is required to be planted, to the depth of the surface soil but no deeper, the subsoil should then be dug over with a long fork and disintegrated, and have at least a barrowful of rotten manure to every yard of trench incorporated with it; this should be well trodden down and the surface soil replaced upon the top again well trodden down; the plants should have previously been grown in pots at least forty inches in size, and have at least four feet of stem, and be planted four feet apart, well trodden in, watered, and if the weather is dry mulched with manure; as soon as growth starts the latter should be pitched out, in order to allow lateral shoots to break and form low growth. Ivy is a gross feeder, and if planted as

nurserymen generally do, by simply digging a hole and putting the roots into it and covering them up, it is a long time before any result is obtained, but if planted as the author advises growth soon commences. A very good effect is obtained by mixing the species of ivy, thereby obtaining the several shades of green, and the space around the arbour to the width of the trench might be either made into a flower border, a few shrubs planted, or the turf, if there was any replaced.

Upon the position of the walks or drives depends greatly the general effect of the laying out of sites. How often are there to be found sites made hideous by a series of walks formed by tar paving interlaced over the grass surface of the site, for no rhyme or reason, and to still further accentuate their ugliness, flat flower beds are formed along the borders, instead of a few shrubs and trees to hide the bad effect the walks give. The general appearance of such a site has somewhat the same result upon the eye that a discord has upon the ear. A walk should never be made unless there is some reason for its use, as an expanse of grass is much to be preferred. No two walks should run parallel with one another, as in this case one would be sufficient if it were made a little broader. Straight walks should be avoided, but, if a necessity, a clump of shrubs or other subject might be interposed to hide its length; the narrower the walk, the shorter should be the length seen. If the walk is a broad one, trees may be planted on both sides, such a distance from the sides that, when they are well developed, the branches would meet and overhang the walk. At the same time there must be some apparent reason for a curve, and to cause this a clump of shrubs or a tree might be planted for the necessity of having a circuitous path. All curves should be well set out; the narrower the path is the greater can the curves be made, and as in straight walks, but short lengths of curved walks should be visible, this being dependent upon their width.

Should a carriage drive be required it should not be made too close to the boundary, and there should be a plateau of grass between the shrubbery and the edge of the drive. If another drive is wanted through the middle of the site a large bank of trees and shrubs should be planted or a kiosk built to break up its length, and also trees planted on either side. In the author's opinion there is nothing equal to good bright binding gravel for paths. Tar paving appears to find favor in some localities, probably on account of its better wearing qualities, but undoubtedly for effect gravel is to be much preferred. Gravel no doubt breaks up when the traffic is heavy, and also on account of climatic influence, but this might to a certain extent be obviated by making the paths broader than if they were tar-paved. It is hardly necessary to

state the paths should be well made and well drained.

The first thing to do would be to plant indiscriminately forest trees where required for a back ground; a couple here, one in another place, perhaps two in another place, perhaps two or three again in another position, except where a screen is required, when trees should be planted thickly, say twenty feet apart, or even in some cases less, the object in the latter case being to gain height for obstruction. Where the fruit or flowers of orchard trees cannot be interfered with, the author strongly recommends the planting of such trees amongst shrubs, as the foliage is not only equal in appearance to other deciduous trees, but the bloom is charming in spring and the fruit useful in summer and autumn.

Trees and shrubbery are generally planted too deep, even by nurserymen. A hole should be made large enough for the roots to be spread and extended their full length and deep enough to come to the hole just above the roots, and after planting the ground should be made solid all around with the heel and the shrub or tree staked to avoid disturbance or movement in the root. All ground, the subsoil of which is inclined to be wet, should be well drained; it would be far better to plant a tree on a mound than in undrained soil; in fact, some trees and shrubs do better when thus planted. Where isolated trees are planted on wet subsoil it is better to form a mound. They not only thrive better, but also a better effect is given to a tree where the latter is not of very tall growth. In purchasing trees or shrubs it is essential that they should have a mass of fibrous roots and not one or two thick tap roots.

The greatest mistake that is usually made in forming shrubberies is too close planting, and in this respect nurserymen err very largely. In shrubberies the knife should be rarely seen; it is far better to give plenty of room between each shrub, and the spaces filled up here and there with, say, a clematis growing over an old trunk of a tree, a strong-growing rose, such as a Gloire-de-Dijon or Ayrshire rose, a clump of tiger lillies, a tree peony or other tall growing herbaceous plants, and all shrubbery should have a small width left for a border. Where the edge comes into contact with grass there is probably no more effective plant for a line of coloring than a good strain of white or yellow violas. It is with the judicious planting of shrubberies and single trees on grass that the best effect is given to a site. The edges of shrubberies generally conform to too geometrical curves. Little nooks should be made here and there, while in another place the edge should jut out into the adjacent turf like a peninsula. In fact, the less artificial appearance the better the effect.

A lake forms a valuable adjunct to a site if there is a small feeder running through the latter, and if a small lake can

only be obtained its size can easily be disguised by making an island or two or forming juts of land covered with trees or shrubs, so that only a narrow view can be obtained from one end to the other, and patches of shrubberies made along its banks with an interval of grass sloping to the water. In this, as in shrubberies, as natural an appearance should be given to a sheet of water as possible, and all geometrical or formal lines avoided. A weeping willow or birch might be planted here and there, and also bulrushes and the common yellow iris along the water's edge. These latter would have to be avoided if any public bathing is done.

Culverts.

In the majority of townships the practice of using timber in the construction of culverts is abandoned and material of a more durable character is being employed for small culverts and sluiceways. Pipes similar to sewer-pipe, but of extra strength, are now manufactured for that purpose, and when properly laid with a free outlet give every satisfaction; pipes made of concrete, unglazed, are also extensively used and prove durable. These pipes can be used with safety up to a diameter of two feet if protected with a cushion of earth between them and the wheels at least eighteen inches in thickness. The carrying capacity of a single pipe can be increased by laying two or three of these pipes side by side, separating them, of course, with a foot or two to prevent them having a bearing directly on each other under excessive pressure, which has often caused trouble. But culverts beyond such capacity, subjected to excessive rushes of water, carrying float wood, etc., require an entirely different style of structure. Brick and stone have been used, and where the material can be obtained make excellent structures, but their use in general is restricted by their excessive cost, especially in districts where this material cannot be obtained, except by railway shipments. Concrete is now being extensively used for culverts of ten and twelve feet diameter, and with first-class cement, workmanship and design, excellent results can be obtained. The townships of Dunwich and Yarmouth have this year built some of these structures, which are models of perfect, durable and finished work. In using concrete it is important to see that the foundation walls are placed on a firm bottom, well below frost line and beneath the action of the current. The walls should have a batter on the side next to the embankment to allow for the action of the frost and prevent the thrust caused thereby doing injury. Crib-work should be securely braced, so that the grout may be thoroughly rammed. Clean gravel should be used in forming the concrete, but clean broken stone is preferable. The sand should be clean and sharp. The cement should be of a well-known brand, delivered in barrels or

some other safe receptacle, and should be protected from the atmosphere. Timber is perishable, and being subjected to repeated condition of wet and dry renders it a very temporary material for such purpose. Where a well-defined watercourse crosses the road the culvert is almost sure to be required for all time, and its construction in the most durable manner is the most economical. Where timber is plentiful it is mistaken for economical, but when the first cost of material and labor is considered and to this is added the cost of maintenance and renewals for a term of years it will be readily seen that durable work in the first instance, although more costly, is less expensive in the end, besides removing that troublesome feature of watching, patching and renewing, which is such a lamentable annual drain upon the municipal treasury. More than this, durable work offers a security to the travelling public and protects the treasury from claims for damages rendered by unscrupulous and reckless users of the highway, the zenith of whose glory is reached while figuring in an action against the public, with nothing to lose and everything to gain.

Working for the Taxpayer.

The town of Galt asked for tenders for the construction of a drain, when the lowest figures received were \$1,047. The tenders were considered too high and the drain was constructed by piece work under the direction of the engineer, the result being a saving to the town of \$403.29. The engineer now points out that as this particular improvement was made with such profit to the town, it would seem to be decidedly advantageous to undertake others, using similar methods, provided that there is a probability of the result being as desirable.—*Guelph Advocate*.

The result of this "trial trip" in municipal construction, in a field generally given up to the contractors, is eminently satisfactory to the taxpayer. Galt having provided itself with a town engineer, a practical and competent town foreman, and road machinery, there is no reason why their ability, loyalty and industry should not, in the interest of the taxpayer, be tried to the fullest possible extent. A saving of forty per cent. on the estimated cost of a small drain gives warrant for the argument that in other public works the same system should be pursued. It puts the corporation officials on their mettle and is fair alike to the taxpayer and the resident laborer. In view of what has been accomplished in the construction of the Ann street drain, there seems to be an opening for the introduction of the same class of work and supervision into the building of cement sidewalks. Why should the profits of the same go to any outside contractor?—*Galt Reporter*.

Instruction in Roadmaking.

Teachers are of the one opinion that it is easier to educate a child to whom no instruction has been given rather than one upon whom much training of an improper character has been devoted. In the one case the mind is free to accept tuition, while in the other it is not. The first task of the teacher in the latter case is to unteach the wrongly instructed child, and this is by no means an enviable task. Ideas are framed which unfit the mind for instruction, and prejudices are formed which place the mind in opposition to the new ideas and in rebellion with the tutor.

This is a task in which teachers do not become enthusiastic, but, on the contrary, undertake it with despair, for if the disposition is not susceptible to gentle influences the transformation becomes impossible and the task hopeless. Frequently the success of a child's life is ruined at this stage. The disposition of the child is the spirit of human nature and is to be found in the grown person.

No more striking illustration of the truth of this axiom can be found than in the present campaign for improved roads. It is clearly demonstrated that the principles of roadmaking are not understood nor being followed, and that the first necessity is to educate the people in the principles of road construction and how the work should be performed. In the early history of the country, when the pioneers commenced the work of building roads their plans were crude. They utilized such material as was most available, and adopted such construction as was consistent with their means and sufficient to meet present requirements. Their difficulties were great, their opportunities were small, their pockets were empty, but in spite of all they accomplished much, and to their energy and genius great credit is due. Many of their works were meagre, novel, but well adapted for emergency, possessing that temporary quality necessarily characteristic of the work of early settlement. This work included chopping trees, grubbing stumps, logging and burning them. To clear an allowance was of first importance, dryness of roadbed was of next importance, and an attempt was made to procure this to some extent by casting earth from the side of the roadway into the centre, thus endeavoring to raise the surface above the rising water of low, marshy and swamp lands. Where the task of providing outlets for drainage through the adjoining property was too great a foundation was attempted by laying logs (corduroy) close together across the roadway to carry the loads. Later on, to procure a dryer surface, gravel was hauled and dumped in the centre of the grade, a considerable improvement on the wet mud surface. This material (gravel) was chosen not so much on account of its durability, but as a temporary expedient, generally available and requiring no preparation. The same principles are being

almost entirely followed to-day in the rural municipalities, and, strange to say, largely in the villages and towns, and to a considerable extent in some of our cities. These old principles have been so closely followed by our people that, like the story of the boy repeating the fable, they believe in them. While many ideas have been born on road beats and many reckless mortals have launched home-made plans upon innocent road gangs, all have made the plan of the pioneer the basis for their calculations and the true principles of roadmaking the opposite of their aim. The true principles of roadmaking have been too simple to permit of the free exercise of the inventive genius of the millions of roadmakers which the annual rotary system of appointing pathmasters has created in this rapidly growing country. Each pathmaster must have his own idea, and to accept the idea of his neighbor would be an indignity; not to develop a different practice would be an evidence of unfitness and lack of ingenuity. Any effort of the municipal council, through a properly organized department or an individual trained in the science, whereby system might be established, roadmaking clearly specified and uniformity of work secured would to them be the grossest interference with individual rights. This confusion of plans and ideas is squandering our money, wasting our labor, producing bad roads and mystifying the public mind to such an extent that the greatest task which an instructor in roadmaking has to undertake is to unteach the public mind and remove the present erroneous ideas and prejudices, and so prepare the student to receive instruction along the proper lines.

Wasteful Methods.

The greatest obstacle in the way of improved roads in this country is the erroneous methods employed. It only requires a careful estimate of the money and its equivalent in labor which has been expended on our roads, to convince us that absence of means is not the only deterrent. It only requires that a progressive citizen should closely observe the manner in which work is done and money expended to convince him of the indifference, shiftlessness, wastefulness and extravagance of these methods. In this connection it might be interesting to note that some people fear that the agitation for good roads means an additional burden, but this contention surely cannot be successfully urged so long as these gross evidences of waste are practiced. No case in the history of the public institutions of this or any country can possibly afford a greater field for the labors of the student of municipal economy yet the most desperate attempt appears to be made by some people especially in the rural municipalities to deny an entrance to such a field to any person whose mission appears to be to investigate this matter in their interest.

Complaints of high taxation and small margins on sale of produce are common, yet this leak by which millions of dollars of money and millions of days of labor (which is a large portion of the annual taxation) is allowed to flow and be lost in the mud. Any attempt to stop this by devoting it to useful means, is met, not with congratulations, but with coolness and opposition. Suggestions to increase the profit on products by decreasing the cost of transportation, seems to them but the pleasant dream of a theorist.

Farmers, like business men, to be successful, should be students, sharp, shrewd, thoughtful and progressive, capable of seeing beyond the limits of their own farms, in order to take advantage of every opportunity of bettering their position, and where possible, forcing such opportunities. True, a great many of our farmers rank among our first business men and, as a community, surpasses in intelligence those of any country in the civilized world; but generally speaking, the ideas of the average farmer are too local, are confined to his own estate, cultivating, sowing, reaping and accepting current market prices. This is the mechanical part, the executive involving vastly more. To know how and what to cultivate, to know how and what to sow, and to know when and how to reap are local matters requiring much careful and scientific study and research to which the majority of our farmers give most of their attention. But to know the most marketable produce to raise, the best market in which to buy, and the most profitable market in which to sell, are questions requiring a broader business knowledge, taking the mind into a broader and more complicated field. This determined, the probable supply and the demand may be considered, and a basis of calculation formed. The value of the article depends largely on the quality. The profit depends on the cost of production and transportation.

Can Never be Over-Estimated.

The following statement regarding the importance of street improvement was made by Mr. Downey, recently Commissioner of Public Works in Chicago, and appears in the mayor's annual message for the year 1896:

"The prominence secured and other benefits coming to the city with well-paved and well-kept streets can never be over-estimated. Such a condition increases values and gives comfort and convenience to citizens. It is an evidence of public spirit and stimulates a commendable pride and ambition to improve and beautify homes. Visiting strangers pass judgment upon the character and refinement of citizens by the condition of their streets, and the standard of official enterprise and efficiency is measured by the high or low grade of a city's improved thoroughfares."

Causes of Typhoid Fever.

A careful examination of statistics from various cities in Europe and America indicate clearly that an impure water supply is the greatest known cause of typhoid fever. Unclean streets and dirty alleys may generate some cases of typhoid fever, but the disease germs which are developed and spread by means of such streets and alleys are those of other diseases almost as much to be dreaded as typhoid fever. The most recent example of the great and immediate decrease in deaths from typhoid fever, and of the disease itself is found in Jersey City, N. J. That city was using water from the Passaic river, until during the last part of 1895, when arrangements were completed by which pure water from the mountain at Paquanock was mixed with the impure Passaic water by pumping less and introducing an increased amount of the pure water into the same aqueduct which supplied that city. During January, 1896, the proportions of pure and impure water mixed were 28 and 72 per cent., respectively, resulting in 28 deaths during that month. During February the proportions were 40 per cent. pure, 60 per cent. impure, 30 deaths; March, 43 per cent. pure, 57 per cent. impure, 16 deaths; April, 58 per cent. pure, with 42 per cent. impure water, reduced the number of deaths to 9 during that month. During May of the same year 50 per cent. pure with 50 per cent. impure caused 6 deaths; June, 80 per cent. pure, 20 per cent. impure, 3 deaths; August, 76 per cent. pure, 24 per cent. impure, 3 deaths; September, 70 per cent. pure, 30 per cent. impure, 3 deaths; October, 89 per cent. pure, 11 per cent. impure, 4 deaths; November, 100 per cent. pure with no impure Passaic water, resulted in but one death in that month. Subsequent records in that city show but little trouble from typhoid fever from the pure water now used.

Newark, N. J., had a similar but more striking experience with this fever, up to within about five years, when the pure water supply suddenly reduced the number of deaths to less than two per cent. suffered by that city when it used impure river water.

Chicago is a noted example of the terrible scourge of typhoid fever due to the sewage flowing into the lake, and the lake water being pumped back into the city for drinking and cooking purposes. The reports of the health officer there show that typhoid fever killed more than three per cent. of the total persons dying from all causes during 1896. It has been pointed out that the legal value of the human life thus sacrificed in one year was \$3,750,000. If the medical treatment is added, we would have a sum exceeding \$5,000,000. It is no wonder that a drainage canal, costing what it may, will be economical in Chicago, if thereby the lake water can be freed from typhoid germs.—*Municipal Engineering.*

A Bicycle By-Law.

The following by-law has been passed regulating the use of bicycles in the Galt.

1. No person shall ride or drive a bicycle or bicycle tandem or other vehicle of a similar character upon or along any public street, park, lane, or other public place at a rate of speed faster than eight miles an hour. And when turning corners, at a rate of speed not faster than four miles an hour.

2. No person shall ride or drive a bicycle or bicycle tandem or other vehicle or machine of a similar character upon or along the sidewalk of any public street, highway, or lane, or any other public place within the town of Galt, or along the footpaths of any park.

3. Any person riding or driving a bicycle, bicycle tandem or other machine of a similar character shall keep to the centre of the road, and when passing any other bicycle or vehicle, other than a street car, travelling in the same direction shall pass to the right.

4. Any person riding or driving a bicycle, bicycle tandem or other vehicle or machine of a similar character, when overtaking any other bicycle or vehicle, other than a street car travelling in the same direction shall pass to the left of the bicycle or vehicle.

5. No person shall ride or drive a bicycle, bicycle tandem or other vehicle of a similar character without having at all times one or both hands on the handle bar of such machine, nor shall any such bicycle, bicycle tandem, or machine or vehicle of a similar character be ridden at any time recklessly or in any manner or position in which the rider loses the control of the machine.

6. No person shall ride or drive a bicycle, bicycle tandem or other vehicle, or machine of a similar character at any time without giving audible warning while approaching or passing over street crossings or intersections, or when approaching pedestrians who may be on or passing over the roadway of any street.

7. No person riding or driving a bicycle, bicycle tandem or other vehicle or machine of a similar character shall carry any child or children under five years of age on such bicycle, bicycle tandem or other vehicle or machine of a similar character.

8. No person riding or driving a bicycle, bicycle tandem or other vehicle or machine of a similar character shall coast down any hill in the town of Galt.

9. That every bicycle, bicycle tandem or other vehicle or machine of a similar character in use in the town of Galt after dark shall carry a lighted lamp.

It will be noticed that it is not compulsory to carry a bell, an "audible warning" of any description being sufficient warning to pedestrians of the approach of a bicycle. It was thought that the ringing of a bell would often lead only to confusion, and cause the accident it was intended to avert.—*Reporter.*

Compressed Air for Street Railways.

Compressed air motors have been in successful operation in France for many years, and they are now rapidly establishing themselves in public favor in the United States. They have been constructed and contested at Rome, N. Y., continuously for two years, in all conditions of weather, and have given satisfaction even at temperatures below zero. Several motors are now, and have been, running for some months on the One Hundred and Twenty-fifth Street Railway, in the city of New York, in daily service, without having lost a trip and with great satisfaction to the public.

Very erroneous opinions have been, and are yet, entertained in regard to the power lost in compressing air, the frost produced in expansion, the danger of explosion, the reheating of dry and moist air, the cost of plant, the necessity for frequent renewals of air supply, the possible length of run, the loss by transmission of air to distant points and other matters connected with the practical application of air as a motor power. The general advantages of this form of motive power are summed up as follows: An important advantage of compressed air motors is found in the fact that each motor is independent and unaffected by any derangement of feed or trolley wires, cables or dynamos. They can run on any line, in connection with any system, and, if satisfactory, the number can be increased to a full equipment. The steam required for electric or cable lines can furnish the little that is required for an experimental compressor and will be more than sufficient for a full equipment. No outside expenditure whatever is required—no conduits, poles or wires. In this respect it differs from other systems, and permits a test to be made at a minimum cost; but compressed air motors can no longer be considered as experiments. While they may not have attained the utmost limit of perfection of which they are capable, the experience in Europe, in Rome, N. Y., and in the city of New York should be sufficient to satisfy the most skeptical.

Reporter—What shall I say of this man who was found shut up in a folding bed?

City Editor—Say that he was gathered into the fold.—*New York Sunday World.*

President Insurance Company—Want to be appointed a life insurance agent, eh? What experience have you had?

Applicant—None. I'll be frank with you, sir. I wish to marry old Moneybags' daughter, and I want to be able to say that I am in business for myself. See?

President—I see. Now I'll be frank with you. Go to old Moneybags, tell him you haven't a cent and don't expect any, yet you want to marry his daughter. Of course he'll refuse, and kick you out, but if you keep at him and stick to him until he finally consent's I'll appoint you superintendent.

QUESTION DRAWER.

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

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

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

Alteration of Union School Section—A Correction.

400.—J.C.M.—You will please give your opinion on sec. 43, School Act, 1896, and sub-secs. thereto, if Municipal council can take lots from one Union section and add to another section. In the July number you say "yes" to my question referring to subsection 11. I think that section only has reference to non-union sections, as council can take from a non-union and add to a union.

We have reconsidered answer to question 1, No. 318, and are of opinion that a council cannot do more than enlarge a union section, and that sub section 1 of section 43 defines the procedure if lots are to be taken from a union section.

Separate School Supporters Rates.

401.—R. B. W.—Will you please let me know if a ratepayer paying a Roman Catholic Separate School tax out of the township should pay the special school rate which is two mills in our township or the \$150 equalization of school sections over the township under the new Act?

See section 40 of Separate School Act and sections 4 and 66 of the Public Schools Act. Separate school supporters are not liable for other than separate school rates.

Councillors Death—Election to fill Vacancy.

402.—J. K. W.—One of the members of Municipal Council, Mr. W., died on the 26th ultimo. All council business that should be done up to this date is finished. There is no foreseen business to do until the 15th December, 1897. Is it compulsory that we should, under the circumstances, and at a cost of not less than \$40, hold an election to fill this vacancy? How should we proceed?

Section 181 of the Consolidated Municipal Act, 1892, makes it the duty of the head of the council for the time being, or in the case of his absence or of his office being vacant, the clerk for forthwith, by warrant, require the returning officers and deputy-returning officers appointed to hold the last election, etc., to hold a new election. In the case of the refusal of the head of the council to take the steps required by this section, a mandamus might be obtained from the court to compel him to do so. In view of the short time which remains until the annual elections must be held, and that there is no foreseen business to be transacted, we do not think that the expense of a new election

should be incurred, unless some ratepayer demands that an election be held.

Application of Penalties—Deputy-Reeves in 1898.

403.—J. B.—Our council passed a by-law to punish immorality by fines. 1st—Would it be legal to insert a clause that such fines should go to the municipality? 2nd—Will there be deputy-reeves in the municipal council in 1898?

1. We think not. Section 423, Consolidated Municipal Act, 1892, provides for the application of penalties, where not otherwise ordered, which means not otherwise ordered by statute.

2. Yes.

Pound Laws in Districts.

404.—T. U.—There are a number of the municipalities in the district of Muskoka and Parry Sound (ours McMurrich) among the number that have appointed poundkeepers and fenceviewers, and have endeavored to work in accordance with the statutes as provided for the impounding of certain animals, but we are met with the statement that the municipalities in these districts have not the power to enforce the laws for restraining certain animals or collecting poundage fees. I should like to know through THE MUNICIPAL WORLD,

1. Have the municipalities in these districts the power?

2. If they have not, why not? as we here in these districts (where there are large tracts of waste land) want the privilege of using these tracts for pasture, and yet we want the power to restrain breachy, unruly or entire animals.

At page 34, R. S. O., 1897, a list of the townships comprising the territorial district of Parry Sound is given, and the township of McMurrich is included. Sec. 18 of chapter 135, R. S. O., 1887, provides, "The council of every municipality in any of the said districts, whether incorporated under this act or otherwise, shall have power to pass by-laws for such purposes as are from time to time authorized to be passed by the councils of townships." Section 1 of chapter 215, R. S. O., 1887, provides, "1. Until varied or other provisions are made by laws passed under the authority of section 490 of the Municipal Act, the act shall be in force in every township, city, town or incorporated village in Ontario." Under these provisions you have all the powers provided by the Pound Act.

Pay for Improvements on Land to be used for Road.

405.—T. E. C.—A township in Algoma was surveyed into 160 acre lots with no road allowance. About the year 1887 the government passed an order in Council allowing three per cent. on quarter sections and five per cent. on river lots for roads. A owns a lot and has cleared it right up to the line and fenced it. Council passed a by-law to establish and open a road on this line, 33 feet to come off A's cleared land.

Can A compel the Council to pay him for clearing the land taken for roads? Can A compel the Council to build fence, or any portion of it along new road?

Under section 483, Consolidated Municipal Act, the council is required to make compensation for lands which are expropriated, including cost of fencing, when required. In determining the amount of compensation the value of the three per cent. or five per cent., as the

case may be, should be considered, and compensation should be allowed to the extent of the difference between the value of the improved land taken, including the cost of fencing, and the value of the percentage of land reserved under the order-in-council. A cannot compel the council to build the fence. The cost of fencing is allowed as part of the compensation and he must build the fence himself.

Assessment of Lands Omitted by Assessor.

406.—F. D. N.—Will you kindly say how to proceed in the following: Our assessor has overlooked two properties, which fact was not discovered until final court of revision was over. Can the rate be collected this or any following year?

For an answer to this question we refer you to section 154, Consolidated Assessment Act, which provides the procedure to be taken in a case of this kind.

Poll-Tax \$1.00

407.—R. K. T.—For some years the collector of this municipality has always collected \$2.00 as poll-tax, but this year there appears to be an objection, on the grounds that \$1.00 is all which can be collected by law.

One dollar is all that can be legally collected.

Poundkeepers' Duties.

408.—J. H. O.—1. Are cattle liable to be impounded if found trespassing and doing damage on Sunday. (There is a by-law in force in the village forbidding cattle to run at large.)

2. Is there anything in our laws or customs to prevent a poundkeeper from acting as such on Sunday?

3. Is he obliged to act on Sunday, the same as on any other day? Now I will tell you what led up to the above simple questions. Yesterday (Sunday) I was having a walk into the country and met a farmer, and he asked me questions similar to the above (of course, he apologized because it was Sunday), and we did not agree on the answer. I think I have every number published of THE MUNICIPAL WORLD and Miscellany that was published before, and I can't see anything re Sunday question, but lots about poundkeeping. Now, the farmer I met is a magistrate, upwards of seventy years old has been a councillor, and I recollect him serving as poundkeeper, while I am nearer seventy than sixty years old, and am serving as clerk for my twenty-fourth consecutive year, and yet we do not agree on—as you will think—a very simple question.

1. Yes.

2. No.

3. Section 3, chapter 215, of the Pound Act, R. S. O., 1887, provides that the poundkeeper shall impound any horse, etc., distrained for unlawfully running at large, delivered to him, but he is not bound to attend to his pound duties on Sunday.

High School Grant.

409.—LINCOLN CO.—The County Council and the High School Boards of the County being unable to agree as to the liability of the County to the said High School, the matter was referred to the County Judge to settle for the next three years; the Judge has made his award.

Now the point on which your decision is required is, Has the County Council any power or authority vested in it to make any voluntary grants to said High Schools during the term of the said award?

Yes, but the amount must be apportioned among all the high schools of the county in proportion to the liability of the county to each high school. See section 35, High School Act, 1896.

Drainage Outlets.

410.—COUNCILLOR.—Our Council is in dispute. If I want to put in tile in my field and it has to cross the road has the Council got to give me an outlet for my tile, and has my neighbor got to give an outlet from the road or have I got to go across the road and across my neighbors farm at my own expense?

The council is not obliged to put in outlets for tile. Your remedy is under Ditches and Watercourses Act. You have no right to go upon your neighbor's land without his consent.

Collector's Seizure.

411.—P. S.—Can a collector go out of his own municipality, but in same county, and make a seizure for taxes on a non-resident residing out of the municipality, for instance?

A is assessed on resident roll for land, but does not live on it. Collector cannot find anything on the land to levy a distress on but goes out of his own municipality in same county, to where A is living, and makes a seizure on his chattels for those taxes against the land assessed. Is it legal?

Assuming that A is properly on the resident roll, the seizure is legal. See section 124, Consolidated Assessment Act.

Resignation of Councillor—Vacancy—Election

412.—H. E. H.—A member of council (2nd Deputy-reeve) tenders his resignation. Resignation is laid before the Council at next meeting but no action taken. The Council does not meet again for some time and ignores the resignation a second time. Meantime three months and over have elapsed during which time the Second Deputy-reeve has absented himself from the sittings of the Council?

1. Must the Council accept this resignation?
2. Must another election be held before the usual time if the place is not filled by acclamation?
3. Are the remaining members of the Council liable for neglecting the matter?

1. No. See sec. 179, Consolidated Municipal Act, 1892, which enables a member to resign with the consent of the majority of the members present.

2. Section 177, Consolidated Municipal Act, 1892, makes the seat of this member vacant, and requires the council to declare the seat vacant and to order a new election. If there is no important business to transact it would probably be in the interests of the municipality not to hold an election unless some ratepayer demands an election to be held.

3. An application may be made to the courts, if the council refuse to order a new election, for a mandamus, but we do not think the members of the council are personally liable to a penalty.

Deputy-Reeves to be Elected in 1898.

413.—F. H.—Will deputy reeves be elected at the next municipal election as formerly, in townships not divided into wards?

Yes.

Five Months' School—Grants—Councillor Employed by Commissioner.

414.—C. S. D.—1. (a) Can a school opened after summer holidays in a new school section claim a grant from municipality, said school only running five months at time of levy? (b) Is it legal to levy over whole of municipality for said school grant? (c) When does school year expire, so that said school would be entitled to municipal grant?

2. In a township where the statute labor of the village is collected as ordinary taxes and money expended by road commissioner, is it legal for a councillor to engage himself and team with road commissioner the same as any other ratepayer or resident, and draw pay from municipal treasury?

1. (a) No. (b) The answer to (a) disposes of this. We may say, however, that if the school has been kept open long enough to entitle it to the grant the amount of the grant would have to be levied upon the taxable property of the public school supporters of the whole township. (c) The school year begins in rural municipalities on the third Monday in August and ends on the 30th of June. See section 89, Public Schools Act.

2. We do not think so. The municipality may pay any member of the corporation for acting as a commissioner, superintendent or overseer over any road or work undertaken and carried on in part or in whole at the expense of the municipality. See sub-section 2 of section 479, Consolidated Municipal Act, 1892. But this section does not include a councillor not an overseer, but employed by the overseer. Section 431 of the act declares that contracts by members with the corporation shall be held void in any action therein against the corporation.

Pounds and Road Fences—Fine—Voters' List.

415.—H. M.—1. Your answer to question 388 appears to be that where there is a By-Law settling the height, etc., of a lawful fence, and cattle to run at large, land owners must erect fences along the road side. Our council supposed that such a by-law only related to line fences and that land owners were not obliged to fence along the road. Will you please give the place in statute compelling land owners to fence along road?

2. Last fall one of our councillors was fined by a Police Magistrate for acting as a member of the Board of Health being a councillor. He paid the fine; should the municipality get the amount of fine or who?

3. Would it be legal to have a column in Voters' List giving the amount of assessment of the real property?

1. Question was answered with reference to the Pound Act only. Section 2 of that act empowers the council to pass a by-law permitting certain animals to run at large. When there is such a by-law the animals are lawfully on the highway, and if there is a by-law regulating what shall be a lawful fence within the municipality, and such cattle escape into lands adjoining the highway over a fence which is not a lawful fence according to the requirements of the by-law, the owner is not liable for damage under the act. If, on the other hand, animals are not permitted to run at large the owner is liable without regard to whether the fence is of the height required by the by-laws or not.

See also sub-section 17 of section 489, Consolidated Municipal Act, under the heading "Fences," and sub-sections 18 and 19, under the heading "Line Fences."

2. The fine is payable to the treasurer of the municipality for the use of the local board of health and subject to its disposition.

3. Nothing more than the law requires should be printed in the Voters' List.

Editor May be Clerk—Reeve and Deputies as Formerly.

416.—J. L. S.—1. Can a man run a newspaper and be also clerk of a village council, and do it legally? The objection is that he can use his newspaper as a great influence for himself and friends at municipal elections and against his enemies.

2. Will you kindly inform me if at the next municipal election there will be any deputy-reeves or will there just be the reeve and four councillors?

1. Yes.
2. The offices are to be filled in the same manner as formerly; that is by electing a reeve and such number of deputies as the municipality is entitled to. See sections 70 and 71, Consolidated Municipal Act, 1892.

School Accommodation—Inspector—Grants Withheld.

417.—TRUSTEE.—In our section we have a good brick school built and paid for. The ratepayers of the section are satisfied to let it remain as it is. The inspector claims that there is not accommodation for the number of pupils attending said school, and withholds government grants till we comply with his request. Can he do so? If not, what steps should be taken to have the same forwarded, or if he can withhold the grants when we comply with his request, can we have all grants forwarded that are held back?

When the trustees fail to comply with the School Act or the regulations of the Education Department it is the duty of the Inspector to withhold his order for the amount of the legislative or municipal grant, and it is his duty in such case to report to the trustees and to the Education Department his reasons for so doing. See sub-section 3 of section 83, Public Schools Act, 1896. It is the duty of the trustees to provide adequate accommodation for all the children of the supporters of public schools between the ages of 5 and 16 years, resident in the municipality. Sub-section 3 of section 62. If it is true that the trustees have not provided adequate accommodation the inspector is within his right in withholding the grant. As soon as the accommodation is furnished the reason for withholding the grants will be gone and they should then be paid.

Incorporation of Village—Effect on School Section.

418.—T. S.—S is now an incorporated town, but previous to 1893 belonged to a township. When incorporated no agreement was made re school sections, and no union school section was formed. Can School Board demand from township money to be levied on residents in township within two miles from school in town, and in township limits to support said school?

Section 49 of the Public School Act, 1896, says: "In case a portion of the

territory composing one or more school sections becoming incorporated as an urban municipality the boundaries of such school section or sections shall continue in force and shall be deemed a union school section, etc." See also sections 51, 70, 71 and 72.

Error in School Section Rates—Correction—Clerk or Deputy-Returning Officer.

419.—F. M.—1. There is a union school section in this township, to which we have to contribute nine-sixteenths of the maintenance. In 1891 when the law was changed, so that we had to provide \$100.00 for each school, their share was \$47.37, being nine-sixteenths of \$100. Now they, that is the trustees of that section, claim that our clerk has made a mistake each year for five years, and raised the full amount they asked for by special rate on the section without allowing them this \$47.37, and they now claim from the township \$47.37 by five—\$236.85. Can they collect it? What would be the mode of procedure, and what should the council do?

2. What is the reason a township clerk is not qualified for deputy-returning officer at municipal elections?

1. Section 67, sub-section 3, of the Public Schools Act, provides for the correction of errors in collection of rates in previous years. The council should, in levying the trustees' rates for the union section, take the errors into consideration and levy an amount sufficient to correct any errors that may have been made during the previous three years.

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

Trustees Police Village Cannot Overdraw—Provincial Auditors Act Applies.

420—SUBSCRIBER.—1. Can Police Trustees of an unincorporated village draw on the township treasurer for more money than they asked to be levied, which was passed by municipal council during each or any year?

2. Was there an Act passed at the 3rd session of legislature to make better provision for the keeping and auditing of municipal and school accounts? and if so, was Police Trustee villages included in this Act?

1. No. See sections 663, 664 and 665, Consolidated Municipal Act, 1892.

2. Yes.

Taxation of Telegraph or Telephone Poles.

421—J. M. D.—1. What powers have townships with regard to telephone or telegraph poles? In our township a number of poles are obstructing the winter travel on the sides of the public highways. Can we order the company to remove them to a part of the highway where they will not obstruct?

2. Can we tax them same as towns or cities, or can we prohibit them from using our highways?

1. Section 2, chapter 71, Ontario Statutes, 1882, provides, "The Bell Telephone Company of Canada may construct, erect and maintain its line or lines of telephone along the sides of and across or under any public highways, streets, bridges, watercourses or other such places, provided the said company shall not interfere with the public right of travelling on or using such highways, etc." Under this Act, if the poles obstruct the public travel the company can be compelled to remove them to a part of the highway where they will not obstruct the travel.

2. There has been a diversity of opinion among the judges as to whether property of this kind is the subject of taxation. The question was discussed in the case of the Consumers' Gas Company vs. Toronto, which was carried to the Supreme Court. Some years ago it was held in the Toronto Street Railway vs. Fleming, that the rails laid along the public streets were not assessable, and upon the strength of this decision we expressed the opinion in a previous number that telephone poles and wires were not assessable, and in the Consumers' Gas Company's case Mr. Justice Osler held, upon the authority of the same case, that the mains and pipes of the gas company laid in the public streets were not assessable, but the rest of the court did not agree with him. Chief Justice Strong, in the Gas Company's case, referring to the Fleming case, said: "The Chancellor attempted to distinguish that case from the present, but I confess I do not think it is susceptible of distinction. I was a party to that decision, but I do not hesitate to say that I now think the rails were 'things affixed to the land,' and as such liable to assessment as real property, and that that case was consequently wrongly determined." The Chancellor, in giving his judgment, quoting James, L. J., says: "Where any part of the soil is permanently occupied by anybody for profitable purposes, as for instance, where it is occupied by a company by means of its water or gas pipes or telegraph poles, then the persons so occupying is rateable in respect of such occupation." Two of our county judges have held that telephone poles and wires are assessable. In view of these decisions, your telephone poles and wires ought to be assessed, but you cannot prohibit the company from using the highway.

Monthly Cattle Fairs.

422.—J.—1. What power have municipal councils in regulating monthly cattle fairs?

2. Have such councils power to rent grounds and compel sellers at such fair to sell on those grounds?

3. Can council prevent hotelkeepers from opening yards in connection with hotel and running opposition fair grounds?

Sub-section 10 of section 495, Municipal Act, 1892, authorizes the councils of counties, cities and separate towns to pass

by-laws regulating public fairs. We are of opinion that these councils may rent grounds for fair purposes, but cannot compel sellers at such fairs to sell on these grounds, and that the council cannot prevent hotel-keepers from running opposition yards.

Deputy-Reeves to be Elected.

423—J. S. I.—Are first and second Deputy-Reeves to be elected for the coming year 1898, the same as they were last January?

Yes.

Impounded in Adjoining Municipalities Illegal.

424.—G. W. T.—A has a cow which breaks into B's garden. B threatens to impound said cow, and in doing so drives her into another municipality to pound. Can B legally collect damages, and also the pound-keeper collect expenses from A, there being other pound-keepers living in the municipality in which A and B live? I can see nothing in the Pounds Act governing such a case.

We do not think that A is liable to either B or the pound-keeper under the Pounds Act. It cannot be said that A's cow was running at large in the other municipality; she was driven there by B. The pound-keeper had no legal right under the circumstances to receive her, because as she was not running at large in his municipality there was no breach of the pound by-law in that municipality.

Taxation of Alligator Boat or Tug.

425.—H. L. M.—I would like to know if a steam boat or what is known here as alligator on inland lakes and rivers for towing saw-logs can be assessed or not?

No. Sub-section 28 of section 6, Consolidated Assessment Act, 1892, exempts the following property from taxation: Vessel property of the following description, namely, steamboats, sailing vessels, tow barges and tugs, but the income earned by or derived through and from any such property shall be liable to be assessed.

Line Fences—Trespass on Tax Sale Lands—Assessor or Collector.

426—P. M.—1. A and B live on adjoining lots; A has notified B to make his part of the line fence lawful, and B has not done so, stating that there has been nothing crossed the fence as yet. Can A compel him and how?

2. Who has power to stop trespassing on lands sold for taxes for the year following after the sale is made?

3. Can an assessor legally act as collector, not having jurors selected at the time of his appointment?

1. Yes. He may take proceedings under the Line Fences Act, Chapter 219 R. S. O., 1887.

2. Under section 174, Consolidated Assessment Act, 1892, the purchaser has certain rights of action, but if the owner is in possession and his crops are damaged by trespassing animals he would no doubt have a right of action against the owner of the animals for the damage sustained by him.

3. The fact that the jurors have not been selected would not prevent the assessor from collecting taxes if the council authorized him to do so. Section 254,

Consolidated Municipal Act, requires the council as soon as convenient after the annual election, to appoint assessors, and collectors; different men should be appointed to fill these offices.

Gravel Pit on Road—Line Fence—Damages—Statute Labor—Collectors Roll—Dog Tax

427—J. S.—1. Committee of Council in letting contracts for gravelling on roads of township Contractors to find the gravel, they open the pit on roadway. How close to line fence can they go before owner of property can find fault and who is responsible for any damage that may arise, that is, contractors or Council?

2. Can Council by motion order the pathmasters to return their instructions by a given time, and if not returned in said time can they collect the amount in taxes whether the work has been done or not. Work has been performed in some cases since the given time but the amount appears on collector's roll for current year?

3. Dog tax levied annually and collected and put in general fund of township. Council do not pay for sheep destroyed by dogs. Can Council be compelled to pay for sheep destroyed by dogs, from dog tax?

1. The rule of law as between adjoining landowners is that neither one is at liberty to dig so deep and so close to the line as to cause a subsidence of the surface of the land of the other. If the contractors infringed upon this rule they would certainly be liable, and if the council would avoid liability they should warn the contractors against digging so as to endanger the surface of the land of the private individual.

2. The council may, by motion, order pathmasters to return their lists at a given time, but the clerk has no authority to enter statute labor on the collectors roll until it is returned by the pathmaster as not performed.

3. Unless the council has passed a by-law declaring that the dog-tax should be maintained but that the application of the proceeds should be dispensed with as provided by section 8, of chapter 214, R. S. O., 1887, they must apply the fund to satisfy damages for sheep destroyed by dogs.

Statute Labor Commutation By-Law—Regulations as to Expenditure.

428—A SUBSCRIBER.—1. Our Councillors are submitting to the electors the question of commuting Statute Labor and substituting the payment of 75 cent per day. If the question is answered in the affirmative under the new system, are pathmasters appointed for each sub-division as they now exist and expend the money thus obtained in their several divisions, or is it customary for the council to appoint a Board of Commissioners to do this work for the whole township, and expend the same, regardless of existing sub-divisions, or is this matter optional with Council?

2. What are the regulations as to time of payment under commutation system?

1. Pathmasters should be appointed as in the past, but the council may regulate the manner and the divisions in which the commutation money shall be expended. Commissioners may be appointed and the money expended through them or the pathmasters as the council may think proper.

2. The commutation rate should be entered on the collector's as roll directed by section 94 of the Assessment Act.

Closing Street.

429—W. N.—Has a village Council the power to permanently close a street that has been travelled by the general public for over twenty years on petition of parties who have purchased all land on both sides of said street, there being ingress and egress from other streets now opened?

The council may close the street taking the proceedings provided by section 546, Consolidated Municipal Act, 1892.

Assess Promissory Notes.

430—J. L. M.—In your October number T. F. W. asks a question re Personal property, assessment of. The case stands this way. A was asked by the assessor to give him a statement of his personal property or income. A refused to give the statement. The assessor had knowledge of A holding a note for \$450 against the municipality, so he assessed him for the same. A then appealed to Court of Revision but would not give a statement of his earnings or income or his personal property, so the Court sustained the assessment. If the Court was wrong, please quote the section of Statute that governs in that behalf. The Court of Revision understood the Statute to mean notes or accounts at their face value was personal property, and that after it exceeded \$100 that the party could be assessed.

Under sec. 10, Municipal Amendment Act, 1893, as amended by sec. 50, Municipal Amendment Act, 1897. The council has limited powers to borrow money temporarily until the taxes can be collected, and to issue promissory notes to secure the repayment of the loan. These notes when issued under and within the authority of these acts are valid, and are a species of property which is liable to assessment, when the municipality issues debentures upon the security of which money is borrowed, such debentures on the land of the borrower are exempt from taxation. See sub-section 16, of section 7, Consolidated Assessment Act 1892, but we cannot anywhere find that promissory notes are exempt. See also sub-section 10, of section 2, of the same act. Assuming that the note was issued regularly the view taken by your Court of Revision, that it was personal property, is right, and that being so it is not exempt under sub-section 22, because it exceeds \$100.

Promissory Notes.

431—CLERK.—Re answer to question 383 second part. Where do you get authority for the statement that a promissory note is not personal property liable to assessment?

See answer to No. 430.

Sale of Sand or Gravel on Highway—A Correction.

432—J. M. D.—In the June No. 242, you say that a council has no right to sell sand or gravel off a road allowance. Please give Act or authority.

We find that the legislature has delegated the power to sell sand or gravel on any allowance for a public road, subject to certain provisions. See sub-section 6 of section 550, Consolidated Municipal Act, 1892.

Pathmasters' Declaration—Collector's Bond.

433—H. M.—1. Is it necessary for pathmasters who are re-appointed by a council to take the declaration of office each year?

2. If a council extends a collector's time until say June, does this effect the strength of the bail bond?

1. No.

2. No. See section 133, sub-section 1 and 2, of Assessment Act.

High School Grants and Fees.

434—1. Where a County Council grants aid to high schools as provided by section 35 of the High School Act of 1896, would a Collegiate Institute (in a Municipality separated from a County) where County pupils attend on the same terms as at other High Schools in the County come in for a proportionate share of the additional sum so raised?

2. Should money raised for High School purposes be raised by a special rate or should it be paid out of the general fund? If out of general fund how would the matter be adjusted between county and municipality that make provision for its share of the maintenance of County pupils as provided by section 31 (5)?

3. Section 37 implies that County Councils have power to regulate the fees to be paid by county pupils. Have they power to abolish the fees altogether on county pupils?

1. Upon the best consideration which we have been able to give this question, our opinion is that the Collegiate Institute is entitled to a proportionate share of the additional grant. Looking at sections 30 to 35 inclusive, it might be argued that the word "County" did not include municipality separate from it, and therefore that the apportionment was confined to the high school of the county, using the word in its more limited sense, but the latter part of sub-section 6 of section 11, referring to a high school situate in a city or in a town separated from the county says, "and such school shall for all the purposes of this act, be considered a county high school."

2. Section 3, sub-section 5 is now useless. When county councils had authority to make indiscriminate grants and determine the apportionment of the same local municipalities not in a district were, by giving the necessary notice, able to limit their liability to their share of the cost of the maintenance of county pupils. In addition to this they are now liable for supplementary grants made under the provisions of section 35 and section 31, sub-section 5 has no effect.

High school grants are raised by special or general rate as the council may by by-law direct.

3. The county is not bound to impose fees, but if it has already passed a by-law, the act says that the scale fixed shall continue in force for three years.

Great Lawyer—I am tired to death.

Sympathetic Wife—You look tired. What's been the matter?

I've been making my speech for the defense for three days now, and, tired or not, I'll have to go right along with it tomorrow, and perhaps the next day.

Can't you cut it short?

Not until the jury have had time to forget the evidence against my client.

PAGES

MISSING