

PAGES

MISSING

THE MUNICIPAL WORLD

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

Vol. 7. No. 3.

ST. THOMAS, ONTARIO, MARCH, 1897.

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Legal, Educational, Municipal and Other Appointments.

MARCH.

5. Make Returns of Deaths by Contagious diseases registered during February. Auditors' Reports on the accounts of High School Boards and the Boards of cities, towns and villages should be mailed to Education Department. Separate School supporters to notify municipal clerk—Separate School Act, sec. 40.
31. Last day for councils of cities, town, villages and townships to pass by-laws limiting number of shop licenses therein for ensuing year—Liquor License Act, Section 32. Night Schools close (session 1896-7).

APRIL.

1. Clerks of counties, cities and towns separated from counties to make return of population to Educational Department.—Public School Act, Section 129. Last day for Free Library Board to Report estimates to the Council.—Free Library Act, Section 6.
- Last day for petitions for Tavern and Shop Licenses to be presented.—License Act, Sections 11 and 31.
- Last day for removal of Snow Fences erected by Councils of townships, cities, towns or villages.—Snow Fences Act, Section 3.
- From this date no person compelled to remain on markets to sell after 9 a. m.—Municipal Act, Section 497 (6).
- Last day for Boards of Park management to report their estimates to the Council.—Public Park's Act, Section 17.
7. Last day for Treasurer of Local Municipalities to furnish County Treasurer with statement of all unpaid taxes and school rates.—Assessment Act, Section 145.
8. Last day for Collector to return to Treasurer the names of persons in arrears for water rates in Municipalities.—Municipal Waterworks Act, Section 21.

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, MARCH 1, 1897.

A Provincial Municipal Auditor.

The most important Municipal Act at present before the legislature is that providing for the appointment of a Provincial Municipal Auditor, who will have authority to regulate the form of books of account to be kept by treasurers, and the system of bookkeeping to be adopted, and the manner in which securities and moneys of municipalities and School Boards are to be kept, and the auditing of the said accounts; that the auditor shall prepare sets of books for use by the various classes of municipalities, except cities, and when approved by the Lieutenant-Governor in council these books are to be procured and used in these municipalities. The auditor may also, if directed by the Lieutenant-Governor in council, prepare books of account for the use of School Boards. The auditor may, at any time, on his own motion, when requested by a member of the municipal council, if directed by the Lieutenant-Governor in council, or if required by requisition in writing, signed by thirty ratepayers, make a full inspection of the books and moneys in the hands of the treasurer or collector, or the auditor may authorize the work to be done by some person to be approved by the Lieutenant-Governor in council. The auditor is to have full power to summon witnesses, and to compel the production of books and documents in the same manner as in court; and municipal treasurers, within five days from their appointment to office, are to inform the auditor of their appointment, giving him their full name and post-office address, and the auditor is to report to the municipality and to make such recommendations as may seem to him to be necessary for the due carrying out of the law. It is to be the duty of the members to see that the act is duly carried out. The expenses of an inquiry made by the auditor are to be paid by the municipality

to the Provincial Treasurer when the auditor personally conducts the inquiry, or to the person deputed by him in other cases. The auditor is to be paid by salary. He is to report annually upon the number and character of the investigations made by him, and as to any changes made in the rules or laws which he may consider advisable. Every bank or company in which the treasurer of a municipality or School Board has deposited moneys as such treasurer is to state the balance in the hands of the bank or company at any time, when requested to do so by a member of the council or School Board, and shall quarterly, on the first days of January, April, July and October in each year, deliver to the head of the municipality or chairman of the School Board a statement showing the balance of such treasurer's account at the close of business on the last day of the preceding month, and the statement is to be read at the next regular meeting of the council or School Board."

* * *

We believe that a change in the audit system of local municipalities is more necessary than a provincial auditor, and that provision should be made for the appointment, by county councils, of an auditor to act with a similar official appointed by the council of each local municipality. County auditors co-operating with a provincial auditor would have no difficulty in securing a uniform system of book-keeping and efficient audits in every municipality. The defect in the present system is that the local auditors are inefficient. The appointment of a provincial official will not remedy this, but it will make special audits for which municipalities are to pay more frequent. The aim of new legislation should be to make the annual audit so efficient that special investigations will be unnecessary.

The services of county auditors would be required for a portion of the year only, and in large counties two auditors might be necessary to overtake the work in proper time. After the first year all treasurers would keep their books according to a uniform system, and carry out the auditor's instructions. There would be no extra expense attached to the county auditor system as they would take the place of one of the auditors now paid by the local municipalities.

* * *

The Municipal Act now requires the treasurers of all municipalities except townships to keep a cash-book and a separate bank account. This should be made compulsory in all municipalities and in addition every treasurer should be required to keep a journal and ledger; also a debenture register.

* * *

The *Newmarket Era* says: It is understood the Government is considering the idea of appointing an official who will be called a special auditor of municipal accounts. This official, it is said, will

have an office in the Parliament Buildings, and will have the same duties as inspectors and superintendents already appointed in other departments. We quite fall in with the idea of better and more efficient municipal auditing; but a Provincial officer will scarcely reach the end desired. Each county should have an auditor whose duty should be to annually examine all municipal accounts of county, township, towns and village treasurers.

* * *

To the Editor of THE MUNICIPAL WORLD.

DEAR SIR,—I note that in the editorial paragraph referring to my paper on "municipal accounts" in your January number, that you speak of my suggested auditors as "provincial" auditors. That was not quite my idea. What I propose is county auditors or inspectors to have charge of all the municipalities in the county. I did say that as they must check the work of the county council, they ought, perhaps, to be appointed by the province and paid by the county. But I look upon the question of who is to appoint this official, as a delicate one, which I would like to see discussed freely. I recognize that it is one of those questions of patronage, which are so difficult to deal with. If I had my way, I would soon get rid of the patronage feature of it, and put it on a basis of business, and business only. I should like very much to see the whole question freely discussed, for I judge from the "bills" which have been before the legislature and which have been "tabled," that there is a general feeling that improvement is needed, but possibly a want of a well defined scheme, fully dealing with all the technicalities of the situation.

Briefly, what I propose is, a uniform system of accounts, and county auditors, all under the supervision of a provincial superintendent. This last feature, I consider a vital part of the scheme.

Yours truly,

A. C. NEFF,

Chartered Accountant.

* * *

The report of the Welland House of Industry for 1896, stated that the cost per inmate per week was \$1.72, this should have been \$1.59. The affairs of this institution were made the subject of a special investigation at the January session of the council and a more economical management will no doubt be the result.

* * *

The investigation of irregularities connected with municipal elections in Ingersoll shows that deputy-returning officers must comply strictly with the requirements of the Act, that they should remain at the polling place from 9 a. m., until 5 p. m., and that the clerk or returning officer has no authority to excuse a deputy and take charge of the polling place during his absence.

ENGINEERING DEPARTMENT.

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

Durability and Town Streets.

The system employed by most towns in the Province is most extravagant, and would not and could not be maintained by wealthy communities. Large sums of money are expended each year in what is called repairing streets, and this money is expended each year without any thought of producing durable work, but as a temporary means of tiding over one year, to be repeated the next. In any public work permanency is the dictation of true economy. If a work is to last for a number of years it should be built in the first instance with this object in view, and the economic worth judged from the service rendered, durability and ultimate cost. The streets of a town are among its most important features and the most necessary part of its equipment. Close them up and a town would be ruined, yet no branch of a town's affairs receive less serious thought or more abuse and maltreatment. Each yearly appropriation for their improvement is looked upon as an annual allowance established by custom, defended by precedent only and supported by loyalty. No anxiety occurs as to the results produced by the expenditure, except an anxiety to know that the requests of the greatest number of electors will be satisfied, regardless of the actual needs of the town or proper plans and principles of construction.

The energetic merchant in a town recognizes the necessity of a well-equipped and well-designed place of business. In its construction he carefully estimates every detail as to duration, class and extent of business, and the capacity and design of building required to accommodate it. He purchases the most durable material obtainable within reasonable cost, and the most serviceable but economical fittings. To this end he applies his available means, and if his credit is good, obtains the further capital needed. The interest on the investment may be greater than his annual outlay on temporary appliances would have been, but the additional ease, regularity and volume of trade, adds many times to his general profits. It is in a similar light that street improvements should be regarded. Their benefit to the community should be considered. The requirements of each street should be carefully weighed. The plans and methods the most suitable should be studied. The length of time these streets will be needed should be a portion of the problem. When these things have been argued to a definite conclusion the results should be judiciously balanced by business-like methods of expenditure to meet these ends.

It is not pretended that street improvements cost nothing. But we find towns annually spending money for which they

receive no permanent benefit. In the great majority of cases, even pursuing the present system of annual grants, much better results should be looked for. But towns should know that the public streets are a very pressing object of expenditure. They should be willing to draw sufficiently upon their resources and their credit to obtain a class of improvements that will be a source of profit, not loss, to the town. I have seen nearly two miles of streets converted into handsome park-like drives for \$5,000. This amount of money, raised by the issue of debentures, can be paid, interest and principle, in ten yearly instalments of about \$600. Five thousand dollars may seem a large amount of money, but no citizen has to pay for two miles of street, nor for one mile, but for a very small fraction of one mile, for there are other citizens to the right of him, to the left of him, in front of him. If he owns a 66 foot lot his annual payment will be about \$2 a year. For this he gets the street in front of his property placed in a condition in keeping with a well-kept lawn. Not only so, but the entire street on either side of him is a source of service and pleasure. As a means of increasing the value of private property alone the investment is profitable. A man's standing is measured largely by the house he lives in. The character of a town is criticized from the same standpoint, and no town can afford to advertise itself as a place of neglected streets.

To urge and increase taxation, in however slight a degree, is seldom a popular task. People do not stop to consider what these taxes are for. Take away your schools, take away your town hall, take away the electric light, gas and waterworks; take away sidewalks, and everything which you pay for as a corporate body, and the economy of the expenditure will be more apparent. An individual property owner will improve his own residence, his own private lawn, his own place of business. There are certain public improvements as necessary to him as an individual as is the character of his house, and yet as an individual he cannot procure them. This is the object a community has in organization as a corporation, and ordinarily we find them economically and wisely constructing systems of waterworks, sewers, etc. With streets, however, their importance to the community has been overlooked, and the methods and means of obtaining them are correspondingly immature.

A street properly constructed and paid for in ten years is not a worn out property. The boulevarding, the grading, the draining and foundation should be as good as when first constructed. It will remain to keep the surface in repair. The ultimate cost of a street designed and paid for on proper principles is a measure of economy, and will in the end decrease taxation.

The council of Peterborough county has recommended that several townships join together in the purchase of a stone crusher.

Sewage Disposal.

A partial chemical purification, is the method now being generally selected where any purification is necessary. The attempt thereafter is to secure as great a dilution of the resulting matter as possible. It is the removal of the remaining impurities, which is difficult and expensive. The efforts of inventors are directed towards this latter portion of the problem, so far with but little success at a reasonable cost.

The city of Hamilton, Ontario, after a consideration of the advisability of collecting all the sewage from the numerous outlets, and discharging it into the bay at one point far removed from the city water front, has decided that the first cost was too great and the future nuisance too probable to warrant the adoption of the plan. It is therefore proposed to collect the sewage at two points of discharge and purify it by chemical process, carrying the effluent to the waters of the bay, where it will be comparatively unobjectionable if the purification is not complete. The works at one outlet are now nearing completion and consist of the usual precipitating tanks, power house and sludge press. The chemicals are applied in a receiving-well from which the sewage is lifted by centrifugal pumps a height of eighteen feet to the tanks. The sewage is turned into the works by a dam in the outlet sewer over which excess of storm-water is discharged without going through the works. On the line to the receiving well is a "sand pit," in which is deposited heavy debris, and where floating matter is screened out. A by-pass is in use when the pit is being cleaned. The works will take care of 500,000 gallons a day and cost about \$35,000.

Width of Roadway.

The width of driveways on the majority of roads has already been fixed by sharp, open ditches, and where the road has been coated with gravel it will usually be found impracticable to alter it now. A gravelled strip, however, of eight feet in the centre is sufficient to accommodate the traffic on the greater number of roads, and a greater width than twenty-four feet between ditches will generally be found needlessly expensive to maintain. If roads were properly underdrained so that the open drains could be very shallow, a less width than twenty-four feet would generally be not only cheaper but better. A less width than eighteen feet is rarely advisable.

The manner of expending money appropriated from the general funds to make roads is a sort of legitimate election fund. The people expect it and the council have no other course to pursue. The character of the work done, is only temporary patchwork, an effort to keep in repair roads that were never constructed.

Construction of Town Streets.

The construction of town streets is a matter distinct in many particulars from the building of country roads, and it is beyond the province of this article to more than draw attention to a few of the leading requirements. In making broken stone roadways on the residential streets of towns, the width to be paved is one of the first considerations. As a usual thing, on unimproved streets, the sidewalk is close to the fence and the remaining portion between the walk is used as a driveway. This leaves an unnecessarily wide amount of pavement, from 22 to 26 feet is ample to accommodate traffic, is cheaper to construct and keep in repair, and present a better appearance. On business streets, of course, it is necessary to pave the entire street allowance, either with sidewalks or for vehicles. There should be a line of cedar (or flagstone) curbing to define the roadway and protect the boulevard.

Perfect drainage, cleanness of material, rolling, and perfect crowning are imperative in making town streets. Methods have to be modified slightly, however, to suit the different circumstances, as for example, in the matter of drainage. Deep open drains are more objectionable in towns than in the country, and they should invariably be replaced with tile under-drains. The angle between the curb and the surface of the roadway will afford a sufficient gutter for surface drainage. Outlets must be as frequent as possible. Surface and tile drains may empty into sewers if such exist.

A street should be brought to a regular and uniform grade, before sidewalks are laid, and before the roadway is paved. In order to do this properly, the entire construction of the street should be undertaken at one time. Low lots adjoining should be brought up to the grade of the street with any surplus earth. In preparing the roadway to receive the gravel or other metal, an excavation below the grade of the street should be made, of sufficient depth to receive it.

A heavy roller is indispensable in doing perfect work. With it, the earth sub-grade must first be consolidated, then the gravel or stone placed on the roadway in layers, not exceeding four inches in thickness, and each layer thoroughly compacted.

The road metal (gravel or crushed stone) should be screened to remove sand and earthy matter. Special attention should be given to coursing the metal into various sizes, placing the stone of largest diameter in the bottom layers. The depth of gravel or stone to be placed on a street, depends on the amount of traffic. Lightly travelled residential streets will be sufficiently strong with five inches at the curb, and eight in the centre, this may vary up to nine at the curb and twelve at the centre for very heavily travelled streets. Streets in the business

portion of a town should have a surface covering of ten or twelve inches of stone over the entire width. All the above depths, are the measurements after consolidation with a roller.

Street Rails and Pavements.

The expense of maintaining pavements adjacent to rails, except the grooved form, is so great a burden that in cities where the pavements are maintained on streets with tracks, the few dollars annual expense for removing by a small brush or scraper at intervals, accumulations in the groove, amount to nothing compared with the hundreds of dollars necessary to maintain pavements of granite, asphalt, brick, macadam or any other material adjacent to the objectionable forms of rails known as T, center-bearing, or side-bearing rails.

City engineers are all familiar with the fact that a large part of the maintenance of pavements upon streets with tracks is due to the presence of those tracks. In narrow streets the tracks cause often one-half the expenses of maintenance. Mayors and boards of aldermen are steadily recognizing this fact, and, as opportunity occurs, they arrange that the expense must be borne by the street railway companies. In too many instances street railways pay but a tithe of the expense they should bear.

Good things at first come high, but their maintenance is not expensive. Cheap tracks, or wood, and poor forms of rails, cause great expense in a few years. As soon as the newspapers and public in our towns discover that they are paying a large part of the bill each year in connection with street pavements, which should be paid by the railway companies, they will find it caused by the poor forms and settings of the rails now in use. The engineers will then be sustained by the legislative bodies of our cities, in their demands for a properly designed grooved rail, correctly set, also certain other provisions easily discovered upon investigation of street railway companies and their workings.—[Municipal Engineer.

Statute Labor as a Joke.

If a section of the people persist in looking on their statute labor as a joke, if the present waste and injustice continues, and the roads are permitted to remain in an unsatisfactory condition, a hindrance to individual and national progress, if, after a fair trial, it is found that the statute labor law cannot be operated on business principles, it will be the inevitable result that ratepayers will demand its abolition and the substitution of a law that will be less easy to evade. This has been the result in numerous townships, and if the old system is to exist its friends must make a radical change in the present methods of administration, and prove its worth.

Drainage.

The drainage of a road is quite as important as the gravelling, but the best way to obtain this must be one adapted to the nature and elevation of the soil, and the direction and extent of natural water-courses, etc. It is imperative, however, that provision shall be made wherever the soil is in a low or wet location; or is of retentive nature, that it shall be drained both on the surface and below it. Sandy or gravelly soils very frequently do not need sub-drainage while clay always requires it. Unless there is natural sub-drainage, artificial under-drainage must be resorted to.

Considerable has been done in making open drains by the roadsides in most townships, but a great many of these need deepening and cleaning to provide better sub-drainage. A much better practice, however, than having deep open drains, is to use tile placed below frost line. These should, wherever practicable, be placed beneath the present open drains on each side of the road. No matter how good the material placed on the surface of a roadway, unless the natural soil beneath is kept dry, the metal is forced down and the mud comes to the surface. When roads in this country are gravelled, they are frequently termed "macadam." The important feature of the road built by Macadam, was the drainage, not the surface covering.

Tile and open drains must be kept free with a good fall to an unobstructed outlet. It is useless to drain water from the roadway and then keep it standing in drains until it soaks into and softens the natural soil under the gravel. At all seasons of the year, particularly spring and fall, when obstruction of snow and ice are likely to occur, the outlets should receive special attention.

Tires.

People tax themselves in time, labor and money for constructing roads, and then purchase narrow tired wagons to destroy them. If tires of from four to six inches were used on lumber wagons, a very great change would be quickly noticed in the condition of the roads. The difference between a narrow tire and a wide tire on a road, is about the same as the difference between a pick and a pounder. The one tears up, and the other consolidates. When wide tires come into general use, a great part of the question of good roads will be solved, as the wear of the road is nearly as important an item to consider, as its construction. With wide tires, the cost of keeping roads gravelled would be reduced one half.

It is objected to broad tires that they are heavy to draw over a rutted or stony road. It is, however, the narrow tires, which are so largely responsible for the ruts, and for working the stones loose, instead of which, wide tires would keep the roadbed smooth and compress stones into it.

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.

Fines Payable by Justice of the Peace to Treasurer.

72.—CLERK.—Are the municipalities entitled to the fines that may accrue from cases tried by Police Magistrates and Justices of the Peace in which the offences are committed, or should they be paid to the county treasurer? Please give authority.

For the application for fines imposed under the authority of the Municipal Act see section 423, and for the application of penalties see cap. 89 R. S. O. 1887, and R. S. C. cap. 180, section 1.

County Bridges—Township Lines.

73.—X. Y. Z.—We understand by the statute, that the county must build and maintain certain bridges on townlines between townships within the county. This being the case, are there any recent decisions as to what constitutes or what is the length of a "bridge"? Where or what is the difference between a bridge and a culvert?

The only decisions throwing any light upon the question are McHardy vs. Ellice, and North Dorchester vs. Middlesex. In the last case there were three streams; (1) Doty's Creek crossed by a bridge sixty-seven feet in length between supports, (2) Kettle Creek crossed by a bridge thirty-one feet nine inches in length (3) Caddy's Creek crossed by a bridge nine feet between supports. Mr. Justice Ferguson held that the county was liable to maintain the first and second bridges but not the third. The Statute does not anywhere make any reference to the length of a bridge. It is not easy to distinguish between a bridge and a culvert. Mr. Justice Patterson in McHardy vs. Ellice says, "I think the duty while confined to what is not improperly called a river attaches wherever the road is crossed by a stream which requires a bridge, as distinguished from a mere culvert, in order to make the road fit for ordinary travel." And in the case of South Dorchester vs. Middlesex, Mr Justice Ferguson says "As to the Caddy Creek bridge the span is said to be nine feet only. The witness said that a culvert would be sufficient in this place. It is true that a culvert may mean a large or a smaller waterway, but the line must be drawn somewhere. I apprehend that Mr. Justice Patterson used the word and intended to use it according to its ordinary significance, and with reference to culverts as

commonly used in the construction of roads, etc.

Packages Returned in Ballot Box to be Sealed—Measure of Public School Three Mile Limit.

74.—A. B.—1. Is it intended that ballot boxes shall be sealed after ballots are counted at an election, or the packages containing the ballots only?

2. What is the intended meaning of "direct line" as used in sub section 5, of section 88, Public Schools Act, 1896? Is it intended to mean the most direct public road, or a direct line from residence to school house?

1. The packages.

2. The rule is that distance is to be measured in a straight line unless there is a clear indication that another mode of measurement is to be adopted. Under this act the distance must be ascertained by measuring in a direct or straight line between the residence and the school-house.

Taxes—Ditches and Watercourses Costs.

75.—W. W.—I have your collectors guide, and still it is deficient of what I want. As collector for the north half of Maryborough, I have one man who has paid his ordinary taxes, but our engineer has made an award under the Watercourses Act, and our council has dug this ditch and paid for it. It cost this man \$66.11, but he will not pay it, and has forbid me seizing for that amount. You understand ninety acres of his hundred is in my territory or on my rolls, and ten acres of this same hundred is assessed to the corporation of Drayton village. All along the tenth concession up to the first side road is in the corporation of Drayton, and all the man's buildings are on the ten acres; he forbids me from seizing on that account. The award of this ditch calls to be dug on the west half of lot sixteen, in the eleventh concession of Maryborough, but the engineer gave this man his choice, to have the drain on either side of the line fence between this man and his neighbor. This drain is situated on the back side of the farms, all in my municipality, but the buildings and stock of this man are on the front and in Drayton. Now, how am I to collect my money (\$66.11) from him, on his share of the ditch? His neighbor has paid his share \$111.00, I had to seize and sell him, but his barn and stuff was not on the ten acres.

Assuming that the amount is properly upon the collector's roll, it is collectable in the same manner as municipal taxes, see the Ditches and Watercourses Act 1894. If you will refer to the guide at pages six to ten you will find that under sec. 124 Consolidated Assessment Act, 1892, you may levy the tax with costs on the goods and chattels of the person who ought to pay the same, or of any goods or chattels in his possession, wherever the same may be found within the county in which the local municipality lies. As Drayton and Maryborough are both in the same county there can be no difficulty.

Qualification of Councillor.

76.—E. D.—A township councillor is assessed as owner to the amount of \$3600; his two sons also appear on the roll as M. F. and Occupants for the same property. The property is encumbered by a mortgage to the amount of \$4000.

1. Is he duly qualified for the office of township councillor?

2. If not, can proceedings be taken at any time of the year to unset him?

3. Would it change the situation if the sons were on the roll as M. F. and T?

1. Yes.
2. No.
3. No.

Toll Rate to be Collected.

77.—H. B. B.—Can a Toll Road Company collect toll from a person driving along their road for less than half a mile, if he turns off at the first side road he comes to—the Toll Road Company having a gate at the side road?

By sec. 85, cap. 159, R. S. O., 1887, tolls may be taken by any company at each time of passing each gate upon the road constructed or owned by that company. If a person uses the company's road he does not appear to have any right to pass a gate without paying the legal toll, unless he comes within sec. 3 of cap. 196, R. S. O., 1887, which exempts a proprietor from toll when he passes through a toll gate for the sole purpose of going from one part of his lands to another part thereof, provided his vehicles do not proceed more than one half a mile along such turnpike road either in going or in returning, and are using such road for farming or domestic purposes only.

Qualification of Ward Councillor—Protestant May be Separate School Supporter.

78.—CLERK M.—1. Can a ratepayer of a municipality run for councillor in a ward in which he has no property, provided he has sufficient property in another ward of a municipality?

2. Is a nomination for councillor, for a ward of a municipality, legally made by persons who have no property in said ward, but who have property in other wards of said municipality?

3. Can a protestant become a supporter of a Roman Catholic Separate School in the section in which he lives?

4. Or could his children be prevented from attending said school?

1. Yes.
2. Yes.
3. No.
4. Yes.

Farmers Sons—Statute Labor.

79.—TP. CLERK.—Are young men assessed as farmers sons exempt from Statute Labor, or must they be assessed as joint owners with their fathers to be exempt from work?

Not exempt. Must be assessed as joint owners,

Committee of Council—Position of Chairman.

80.—X. Y. Z.—I have acted as chairman of the Poor Relief for 1896. Now I am again appointed for 1897. Can I refuse and not act, or can the council make me act?

Not compulsory.

Auditors Duties—High School Fees.

81.—J. C.—Our municipality comprises a high school district. A fee is imposed on each pupil attending said school. It became known to the auditors, appointed by the council in 1897, that all of the pupils who attended said school did not pay fees, and the auditors made a demand on the high school teacher, the treasurer, and the chairman of said school board for the register for the last five years, that they might include in their report the amount of fees due and unpaid. The demand was refused and only the register of 1896 produced.

1. Have the auditors power to go into the account of fees for 1895 and preceeding years?

2. If they have the power, what is the proper proceeding, the teacher, treasurer and chairman still refusing to disclose those registers?

3. If they have not the power, what is the proper proceeding that this fee account may be gone into and all arrears collected?

1. The auditors of the municipality are required to audit the high school treasurer's account in the same manner as the municipal treasurer's accounts are audited. See sub-sec 2 sec 36 High Schools Act 1896. Sec 263 Consolidated Municipal Act confines the audit to the accounts for year ending the 31st day of December preceding their appointment.

2. This question is covered by the answer to number one.

3. Sec 14 of the High Schools Act makes it the duty of every board of trustees, when necessary, to sue and recover the amount of fees imposed. See also sec. 37 of same act. There does not appear to be any statutory provisions for an inquiry or an investigation into the financial affairs of the school board. Neither sec. 383 of the Consolidated Municipal Act, 1892, nor cap. 54 of Act 1896, applies to a case of this kind.

Stock Running at Large.

82.—B. M.—1. Is any kind of stock permitted to run at large, under the Statute Law, or must the municipality pass a by-law to allow certain stock before such can legally run?

5. If any are permitted, under statute, give kind?

3. Please give year or years of any change in law by Legislature, since Revised Statutes?

1. According to the common law every person must keep live stock on his own land. Chapter 215, R. S. O., 1887, "an act respecting pounds" is declared to be in force in every township and county in Ontario until varied under section 490 of the Municipal Act. From the language of sec. 2 of the Pound Act it appears that the municipality may pass a by-law permitting animals to run at large for it says, "the owner of any animal not permitted to run at large by the by-laws of the municipality, etc." It follows therefore that there must be a by-law expressly permitting animals to run at large in order to exempt the owner from the penalties of the pound law.

2. Any kind. Sec 2 of the Pound Act and sec. 490 Consolidated Municipal Act, 1892. For animals which may be impounded under Pound Act, see sec. 3.

3. Chapter 47, Act of 1893

Tax Exemptions.

83.—P. C. M.—Mr. Kingsford, in his recent book on "Landlord and Tenant" says at page eighty-seven, that as to taxes, "there are the same exemptions as in the case of landlord and tenant." He refers to the chapter on distress, but I cannot find anything to the point. He has either overlooked the decision of Mr. Justice Ferguson, in 24 O. R., 297, *Norris vs. Toronto*, or I don't understand that decision aright. And although the legislature has succeeded, to my notion, in making the law as to collection of taxes confusing and difficult for any ordinary collector to understand, I cannot find that there is any legislation which would have the result Mr. Kingsford says.

We have not Mr. Kingsford's book on "Landlord and tenant" before us, but if he states what you say without qualification the statement is apt to mislead. Sec. 27 of the act respecting Landlords and tenants declares that the goods and chattels exempt from seizure under execution shall not be liable to seizure by distress by a landlord in respect of a tenancy created after the first day of October, 1887, except as hereinafter provided. Nor shall such goods be liable to seizure by distress by a collector of taxes accruing after the said first day of October, 1887, unless they are the property of the person actually assessed for the premises, and whose name also appears upon the collector's roll for the year as liable therefor. See Glenn's Collectors Guide, page 8 and also page 10 for amendment made in consequence of the decision in *Norris vs. Toronto*, page 22 for a list of exemptions, and sec. 6 cap. 58, Act of 1896.

Obstruction on Highway Duty and Responsibility of Pathmaster.

84.—TOWNSHIP CLERK.—If a road overseer is notified to remove obstruction of any kind off of the road, and he neglects his duty, is he responsible for any damage that may be brought against the municipality through his neglect?

Sec. 21 Municipal Amendment Act, 1896 provides that a person who has suffered damage by reason of the default by the municipalities officer in keeping a highway in repair must proceed against the municipality; but the same section says "but nothing in this sub-section contained shall apply to or effect pending litigation or prevent any action from being brought or maintained by any municipality against any officer or employee for negligence or misconduct or for any act of omission or commission in breach of his duty as such officer or employee." This language implies liability on the part of an overseer or pathmaster to the corporation for negligence, but whether there is negligence in a particular case depends upon the facts. If there is an obstruction upon the highway which is likely to cause damage to persons travelling over the highway, and the pathmaster has notice of it and takes no steps whatever to have the obstruction removed, or to warn people of the danger, he would be liable to the corporation for the damage sustained by it owing to his negligence.

Snow Roads—When to Keep Them Open by Statute Labor.

85.—W. S.—Have pathmasters to warn out ratepayers to shovel snow after he has returned his list, that is, has he any power to allow time on next year's road work?

If not, what is the law to keep roads open in winter?

Section 521, Consolidated Municipal Act, gives the council of every township power to pass by-laws, for among other things keeping roads open in winter, and where there is such a by-law in force it is the duty of pathmasters to see that the roads are kept open during the sleighing season, and they have the right to call out persons liable to perform statute labor and they are required to give certificates

to those persons for the amount of days' work done, and such persons are to be allowed in next season's statute labor.

Township Clerk's Expenses County Council Election.

86.—N. H.—Would you kindly give opinion as to the amount a township clerk is entitled to demand for his individual services in case of a county council election, where no election was held for members of the township council. Please state the items he is entitled to payment for?

There is no sum fixed by statute for the services of the township clerk. We do not think he is entitled to anything except the reasonable expenses incurred by limit. See sections 11, 15, 21, 22 and 23 of the County Councils Act, and section 176, Consolidated Municipal Act, 1892.

Clerk or Treasurer.

87.—J. B. F.—Is it legal for a clerk to hold the position of Treasurer? If not, please quote section, also decision, if any?

We have repeatedly expressed the opinion that the position of clerk and treasurer cannot lawfully be held by the same person. We are not aware of any decision upon the point. The clerk is required to make a declaration under section 271, Consolidated Municipal Act, 1892, that he has no interest in any contract with or on behalf of the corporation, save and except that arising out of his office or position as clerk. How can he make this declaration if he is treasurer of the corporation? It is a rule that offices which are incompatible cannot be held by the same person. There are duties to be performed under the Municipal Act which indicate that those offices should be held by different persons. See, for example, section 176, which provides that election expenses shall be paid by the treasurer to the clerk.

County Council Grants for Roads.

88.—COUNCILLOR.—The county council of Lambton has passed by-laws appropriating \$8,000 to be expended on the leading roads within the County. Does not say boundary lines, and it is left in the hands of the commissioners, where they see fit, with 5 per cent. commission. We argue the by-laws are illegal under sections 533, 46 and 18. Please give explanation of the whole. County bridges and county lines are excluded. Small sums may be expended on town lines as the commissioners may see fit.

2. The municipalities think this money might as well remain in their hands, and could be expended with less expense when the rest of the money is expended.

3. It seems to be an established right of the council, and cannot be given up under the present act of electing county officers. We think they have not the knowledge of spending money in the municipality as the Reeves and councillors of their own municipalities. Is it legal?

4. Let the county officers attend to county work, bridges, boundary lines and county roads established by by-law, if they have any, but they do not assume any, but just deriving this money within the municipality as may be required.

Without the by-law before us we cannot say whether it is valid. We do not consider it bad because it appropriates \$8,000 to be expended on the leading roads within the county. If there are roads in the county which it is bound to maintain

(see sections 532 and 534) the by-law is not necessarily illegal. It will be assumed that the appropriation is intended for the maintenance of county roads. If the by-law, on the face of it, contemplates the expenditure of money upon other roads it is invalid. The county may grant aid to local municipalities for making roads and bridges, under certain sections of the Municipal Act, but if the county council intended to do that, the by-law ought to mention the roads to be repaired and the municipalities to be aided. See section 566, sub section 5, Consolidated Municipal Act, 1892, and sections 26 and 27, Municipal Amendment Act, 1896. If the council intend to expend money upon roads which are not county roads, an injunction can be applied for to the courts.

First Meetings of Council.

89.—CLERK.—1. On what day and hour should the first meeting of the new council be held?

2. What should be done if the council neglect to meet for the first, as the statute calls for?

See Sec. 223, Con. Mun. Act, 1892.

Sec. 223 is directing. If the Council did not meet on the day fixed by Sec. 223, another day and hour should be fixed for meeting, and due notice of it should be given to the members.

All Dogs to be Assessed.

90.—T. K.—Please advise me for the information of assessors, the minimum age at which dogs may be assessed and the owners become liable for dog taxes, or in other words. At what age may a pup be assessed as a dog or bitch?

The statute does not fix any minimum age, so that it is the duty of the assessor to assess every dog without regard to age, unless there is some by-law of the municipality, exempting dogs under a certain age from assessment.

Taxes on Personal Property Purchased from Assignee.

91.—TOWN CLERK.—A merchant is doing business in a rented building (landlord paying the taxes on said building) fails shortly before the collector's roll is in the collectors hands. The goods which are assessed as personal property to the merchant, are sold by the assignee. The purchaser continues the business in the same building, adding to his stock from time to time, but refuses to pay the taxes against the personal property of the original owner, claiming that the council should, at the time of the assignment, put in their claim. Can the collector seize, not being able to distinguish the old stock from the new? The insolvent had nothing to seize, and left the country before the collector had time to begin operations.

The purchaser who has bought the goods is not liable for the vendors taxes, whether the collector is able to distinguish the old from the new stock or not.

Tax Exemptions—Tenant Liable.

92.—B. W. H.—On page eight, Collector's Guide, I find (section 27) as follows: The goods and chattels exempt from seizure under execution, shall not be liable to seizure for distress by a landlord for rent, etc., nor shall such goods be liable to seizure by distress by a collector of taxes, etc., unless they are the property of the person actually assessed for the premises, and whose name also appears upon the Collector's Roll, etc.

1. Does this mean that the owner or tenant assessed, whose name is on the roll, has no right to claim the exemptions numerated on page 22 of the Collector's Guide? Has the person assessed no exemptions whatever? If he has not, what force is there in this list of exemptions, and to whom would they apply? I was under the impression that they applied to the owner or person assessed, as well as to anybody else.

2. Suppose a tenant has had his name placed on the roll, and moves off the place, having paid all his rent; can such person be seized for taxes for premises he occupied when assessment was made? The lawyers here seem to have doubt about the matter.

1. Yes. The person actually assessed, and whose name also appears on the collector's roll, cannot claim any exemptions. If such person was to rent his premises to A the latter would be entitled to claim exemptions. Other cases might be mentioned.

2. Yes.

Taxes Non-Resident Lot—Poll Tax Exemption—Appointment not to be by Tender.

93.—J. W. G.—A non-resident lot is assessed at \$40. What should be the taxes levied at fifteen mills? Should it be \$2 or 60 cents?

2. If such non-resident owner presents certificates from another municipality for statute labor performed, would that exempt owner from poll tax in lieu of statute labor?

3. Where council fixes salary of town constable or janitor, is it lawful to consider applications for such positions, where applicant states a different salary? Or could such offices be let by tender?

1. Sixty cents.

2. Yes.

3. All officers appointed by a council shall hold office until removed by the council; section 279, Consolidated Municipal Act, 1892. A council has no right to make any appointment to office by tender. See sub-section 2 of section 278, Consolidated Municipal Act, 1892.

Election or Vote by Ballot.

94.—F. J. C.—Is it legal for the council to devote or decide a question by ballot? If it is, what section of the Municipal Act gives them such authority?

No. The voting must be open unless the Legislature authorizes voting by ballot. We are not aware of any act giving a council the right to vote by ballot except perhaps in the case of the election of warden under the new County Councils Act. It is claimed by some that in this enactment the Legislature exceeded its power, and that all votes must be open.

Treasurers Costs—Tax Sale.

95.—J. E. M.—As treasurer of this town, it becomes my duty to sell some lots or parts of lots for taxes in arrears for 1894 and previously. In my blank forms there is no column for the costs; I suppose this should be in the advertisement. How soon should advertisement be commenced, and how long continued? Several parcels are small subdivisions. Will it do to say so many feet each way, name and side of street, and distance from corner of original lot or cross street?

2. How are costs figured up?

1. The advertisement must contain a statement of the proportion of cost chargeable against each lot for advertising and for the commission authorized by the act.

See sections 164, 168 and 176, to ascertain when lands may be advertised for sale. See sections 160 to 163, Assessment Act 1892. The advertisement must be published four weeks in the Ontario Gazette, and once a week for thirteen weeks in some newspaper in the county. See sec. 164. It must also contain the notice required by sec. 165. The descriptions should be sufficient for inserting in a deed of the land; sec 170 shows the mode in which the land shall be sold.

2. Reference to the sections above referred to will enable you to see how the cost should be figured up.

Crown Lands—Assessment of and Taxes On.

96.—N. H. B.—A number of people have taken up land in our municipality from the Crown, but did not pay the Crown dues, after two or three years left the place. Others came and bought the land from the Crown. We have assessed first party, but they did not pay the taxes. Can we collect from second party?

See section 19a, Consolidated Assessment Act, which provides that such land shall be assessable to the extent of the interest of the owner only.

Auditors and Treasurer.

97.—P. C.—It has been a custom for years in our township that the treasurer's accounts be audited at his residence. This year our auditors are objecting about making their audit at the treasurer's office as usual for the following reasons, being in presence of the Treasurer they claim that they cannot discuss freely about errors or frauds they might discover in his accounts. Having to take their meals there at the treasurer's expense, they feel like being under his obligation. In taking their meals at the treasurer's office they feel like having to do their work in a hurry so they will not make him tired of them, and therefore cannot pay all the attention they should in the accomplishment of their duty.

Now they have asked the Council the power to take the books away wherever they like to, but the treasurer refuses to deliver the books into their hands. Two of the councillors are supporting him, for the reason they say, that the auditors furnishing no bonds must not be trusted with the books for fear something might be destroyed or lost.

Can the auditors force the treasurer to give them his books, and can they take them wherever they like to, provided of course they be acting honestly?

What steps should they take to do so?

Is it to the Council or to the reeve alone the duty to give the treasurer the order to deliver his books into the auditors hands?

Can they take them out of the Township to audit them?

We consider the course of the treasurer right.

Arrears of Taxes—Non-Resident Land—Occupied.

98.—CLERK—Is a man who lives in an adjoining municipality and who owns land in the municipality, and who is assessed on the Resident Roll as a non-resident, the lot is in arrears for taxes, and as such was sent down by the County Treasurer as required by law. Is the assessor to return that lot as occupied or unoccupied?

If the land has become occupied, the assessor should so return it, see section 141-2-3, Consolidated Assessment Act, 1892. For the mode of assessing such land, see section 18 of same act.

Auditor Only.

99.—R. B. W.—Can a ratepayer act as Township Auditor holding the office of Road Overseer, and receiving a small remuneration during the year from the township?

No.

Qualification of Councillor—Legality of Proceedings.

100.—J. B.—All the members of the council have been elected by acclamation. The deputy-reeve is assessed for \$600 on the last revised assessment roll, but had sold his farm previous to nomination day. He has bought another farm, but the deed is not signed. He took his seat at first council meeting, signed the declarations of qualification and office, moved and seconded motions for the appointment of officers, etc.

1. Could this deputy-reeve be disqualified and fined?
2. Is the work done at the first meeting legal?

1. No.
2. Yes.

Collector's Authority—Liquor License By-Law.

101.—CLERK.—1. To extend the time for a collector in a township to return his roll after the 14th December or the 1st of February, is it necessary to do so by by-law, or will a resolution do?

2. Can he seize for taxes after those dates?
3. We have a by-law making tavern licenses less than \$200, and wish to lower it to about \$125. In passing a new by-law can it be drafted, read and passed at one meeting, or must it be read twice at one meeting and then lay on the table until next meeting and be read the third time and passed?
4. If it has to be laid over to next meeting is there any specified time between the meetings?
5. If the Council wish it should all the license money above \$60 be paid over to the township; also two-thirds of the \$60, less expenses?
6. If so, should it be so stated in the by-law?

1. By-law.
2. Yes.
3. Yes, it may be done at one meeting.
4. No.
5. Yes.
6. Yes.

Auditors to Report on Treasurer's Security.

102.—U. P.—Is it the duty of the auditors appointed by the township council to audit the township books to find out if the bondsmen of the township treasurer are good; that is, if they are financially all right? If such be the case, please state what section or chapter of the statutes it is to be found?

Section 263, sub-section 2a, Consolidated Municipal Act, 1892.

Division Courts—Where to be Held—Town Hall.

103.—H. H.—In our township there is great dissatisfaction with the holding of Division Courts. Said courts are held in one corner of township, whereas township hall is in centre of municipality, and a more suitable building.

1. Who has the power to appoint places for Division Courts?
2. What steps should be taken to remedy the evil?
3. Is township compelled to pay rent for another hall when they have a good township hall?

1. The judge may appoint, and from time to time alter the times and places when and at which the courts shall be held.
2. Address the judge and he will answer number three.

Officers to be Appointed Annually—When.

104.—F. J. C.—Is it the bounden duty of the council to appoint its clerk, treasurer and other town officers annually?

Our solicitor claims that the council must appoint all its officers annually. I claim he has no legal right for such an opinion.

No. Only such officers as the statute requires to be appointed annually. The others hold office during the pleasure of the council.

If the by-law is properly worded, that is, by appointing the clerk and treasurer to hold office during the pleasure of the council, it would be unnecessary to consider the matter annually. It is different with auditors, assessors and collectors.

Town Line—Authority to Open.

105.—H. F.—A owns 100 acres along the boundary between two townships, and has always occupied road allowance, as far as his clearance goes back from concession, said road never being open for public travel. B owns 100 acres in adjoining township, and asks the councils of both townships to unite in passing a by-law to compel A to remove his fence, part of which is on the centre of the road, B's object being to make use of road in getting to rear of his farm.

1. Can the council compel A to remove his fence, the council having no intention of opening road for public travel?
2. If A is compelled to remove his fence, can he compel the council to open said road through from concession to concession?

Yes. But why should the council do so if it does not want to open it for public use. A can never acquire any right as against the crown, so the council may at any time open it. If A is in possession, under either of the conditions mentioned in section 552, of the Consolidated Municipal Act, the requirement of section 553 must be observed.

Occupant and Owner—Assessment—Councillor Disqualified.

106.—J. W. H.—1. A settler has lived on a lot in Limerick some twenty years, has improved the lot and got it pretty well cleared up, but has no deed for the lot. Some ten years ago a company, by some way, got a deed for the said lot. It is disputed property. The settler requires his name on the roll for the lot, and the company will not accept their assessment bill unless the lot is included in the assessment. The settler settled under the Free Grant Act; has been located, but cannot get his deed. Now the question is, has the assessor a right to assess both parties? If not, which one of the parties?

2. A ratepayer is bondsman for the collector on roll of 1895. The roll is not all collected yet. On nomination day the bondsman was nominated for councillor, was elected and has taken his seat. On the 15th February the council authorized the collector to strike his name off the bond, and leave the collector with the one bondsman. Now, is that man qualified to sit as a councillor this year or not?

1. Without further information, we cannot do better than refer you to sections 17, 18, and 19, Consolidated Assessment Act, 1892. The case is probably within section 17, which provides that if the owner of land is not resident within the municipality, but within the Province, then if the land is occupied, it shall be assessed in the name of, and against the occupant and owner, etc. If the facts of the case, bring it within this section, let the assessor assess the lands according, and if either party is dissatisfied, let them appeal to the Court of Revision, and the Judge.

2. He is disqualified, but the time for moving may have expired. See section 188, Consolidated Municipal Act, 1892.

Collector's Percentage—Weigh Scales not to be on Highway.

107.—J. W. S.—1. Collector returns list of taxes uncollected, and demands the same per cent. on them as if collected. Can he do it legally? By-law appointing said collector reads that he shall receive 5 per cent. of all taxes he collects.

2. Can a village council pass a by-law regulating the amount of rent parties have to pay for the use of road they occupy with a weigh scales within their municipality? Or can they give parties a license to operate the same at a given sum?

1. No.
2. No. The council may erect and maintain weighing machines in villages, and charge fees for the use thereof, not contrary to sub-section 8, section 497, Consolidated Municipal Act, 1892, but we can find no authority to place such weighing machines on any public highway, the whole of which is for the use of the public to travel on.

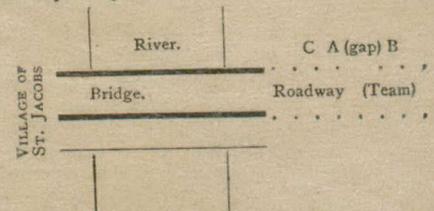
No Authority to License Theatre or Minstrel Shows.

108.—RIDEAU.—I am introducing a by-law in our council to put a tax on shows, such as operas, theatres, minstrel troupes, etc., but we cannot find anything in the statutes to justify us in doing so. Will it be legal to impose such a tax on such shows coming to our town? If so, how much would be about the proper amount?

We are of the opinion that there is no power given to municipalities to impose a tax on such shows.

Accident—Liability of Township.

109.—L. B.—The plan on this page represents bridge and roadway. The spots represent railing and posts with a scantling on top and a plank about half way up posts. A few years ago a railroad bridge was built near the village, and in taking some material to bridge through gap between posts A and B, the gap was small and they either tore out post A or took it out, which made gap six or eight feet wider, and the railings were off to post C. Said gap has always been open, and is used by village to go to river flats and other purposes. A resident of the village was driving towards the bridge with one horse in a roadcart and the horse got scared at something, he thinks a load of hay, and made a jump and in doing so tore the harness and began to run and became uncontrollable. Said driver got him turned to left side of bridge, so as to pass team on right side of bridge, and tried to keep horse on left side of road so as to pass team at gap. When he got to gap, horse bolted and run with breast up against post B and stopped suddenly, throwing out driver on ground and bruising him considerably, also breaking cart shaft and bruising horse on breast. Horse has run away before, and on one occasion bolted through gap, but had lost rig before he came to gap. Driver claims that if post A had been in, horse would not have bolted so soon, and would have got past post B, and probably got horse stopped ultimately. He therefore claims damages from township. Is township liable or not in your opinion?



We do not consider the township liable. We assume that the posts and railing were

placed where they are to prevent accidents, which might happen if there was no protection of that kind. If the horse had bolted through the gap, and the driver and his property had been injured the township would probably be liable for allowing the gap to exist, but we cannot see upon what principle the driver can recover in this case, because he has been injured by reason of his horse having run into a post, which we assume had been placed in the place where it was for the purpose of protecting people from falling over the bank. Unless he can show that the post was unnecessary, and, in fact, a nuisance on the highway, he cannot succeed in an action against the township.

Taxes on Personal Property.

110.—J. L. E.—A merchant assessed for personal property removes to another municipality on May 1st, and by some means gets on the roll for personal property. Does the payment of taxes in the second municipality relieve him from payment of taxes in the first?

No.

Alteration School Section Boundaries.

111.—F. H.—Part of a school section in this township has been incorporated by the county council at their session in December last as a village. Now a petition has been received by the council of this township signed by nearly all the supporters of that part of school section which does not belong to the new corporation. The petition is asking to take part of an adjoining school section and add it to that part which has not been incorporated with the village, and to have this a non-union section in the township. Now the question is this, can the council do what the petition is asking for or not, or will this incorporated village and that part of the section which remains in the township, have to remain or be deemed a union school for the term of five years from the time incorporation took place, or can the boundaries of this section be changed now under section 43, Public Schools Act, 1896?

Proceedings may be taken under section 43, for the purpose of altering the section.

Passing By-Law—Surplus School Funds.

112.—J. McC.—1. In August last after striking the rates to be levied in accordance with the applications from the Board of Trustees, it was brought to the notice of the council that the trustees in one of the sections had not fully complied with strict letter of the Act. A special meeting of council was held, when so much of the by-law as related to that section was amended. Through an oversight the minutes of that meeting were not published. Is the by-law invalid on that account?

2. The custom in this township has always been that any surplus over the rate required for certain purposes was put into the township funds and used for general township purposes; for example, in striking the rate for the equivalent for the township grant, or now the general school grant, perhaps a small amount was left over from the amount required. Can that amount be claimed by the ratepayers for school purposes, and carried over for next year's account, or is it legal for the township to use it for township purposes?

1. No.

2. Should be carried to next year's account.

Drainage.

113.—SUBSCRIBER.—There is a ditch dug on the boundary road allowance between Richmond and Tyendinaga; has been dug about twelve or fifteen years. It was dug by the Richmond council for the purpose of draining the boundary road. There is a large swamp on H's land which there seems to be no outlet to, without cutting through

acres of land, but when this ditch was dug it took the water off the road and also drained H's land, but not enough to satisfy H. The water runs alongside of the boundary road for about thirty or forty rods, then it goes through a culvert under the road on to W's land on the Tyendinaga side. W dug a ditch from this culvert across his land and across the next farm, but they could not get it low enough on account of the rock in the farm next to W's, and it does not drain W's land to suit him. Now H is pathmaster in Richmond and K is pathmaster in Tyendinaga. H and one of his neighbors gets K and one of his neighbors to lower the ditch in order to drain H's land better. W objects to H lowering the ditch and letting the water on to him without carrying it on. H refused to do that and W went and filled in what H took out. H notified Richmond Council and K notified Tyendinaga Council of what W had done, and asked the councils to take steps to get W to remove the obstruction from the ditch. W refuses to remove the obstruction unless the council or H carries the water on and not let it on him. The ditch was not laid out by an engineer. W says if H or the council brings on the engineer and if that is the water course, he is willing to pay his share of the costs. What I want to know is:

1. Was it legal for H to lower that ditch?

2. Have the township of Tyendinaga any right to interfere, as what W put into the ditch don't interfere with the road?

3. Will the act of the pathmaster working in conjunction with the pathmaster of Richmond, implicate the township of Tyendinaga? He was not ordered by the council to lower the ditch.

4. Was H right in lowering that ditch? If not, what steps should he have taken to drain his land?

5. Was W justified in filling the ditch?

6. The ditch has been dug about thirty or forty years. Would the fact of the ditch being dug so long make it a watercourse?

1. No. He should have proceeded under the Ditches and Watercourses Act. 2 and 3. The councils may render themselves liable, if they refuse to prevent injury by their officers acting in the supposed discharge of their official duties.

4. Same answer as No. 1.

5. Yes.

6. A right to discharge water upon land may be acquired by twenty years user. The recent enlargement of the ditch, shows that there has not been a twenty years user.

Drainage—Trustee or Deputy-Returning Officer—Purchase of Land for Road.

114.—T. R. E.—Under the Municipal Drainage Act the engineer of the initiating municipality made an assessment on the adjoining municipality for the construction of a drain. The drain is completed and cost two-thirds of the estimate.

1. At what time must the adjoining municipality pay its assessment?

2. How should the adjoining municipality proceed to recover its portion of the surplus where the initiating municipality denies its right to any share?

In one ward of an incorporated town the person appointed by council as deputy-returning officer was nominated (with others) as public school trustee, and ran for the trusteeship, at the same time serving at the poll as deputy-returning officer, receiving his own and his opponents' ballots. He received the largest number of votes.

3. Was his action lawful?

4. Is he a properly elected trustee?

5. What effect has his action on the election?

6. Is there any way to prevent this occurring again?

A petition was presented to the township council setting forth that the road on the river bank had become dangerous by the river washing away a portion of it, and asked that the council take action to have the road made wider. The council, by resolution, appointed a committee to investigate and take action. The committee reported

that they had bought land from the adjoining farm to make the road sufficiently wide. The council received the report and passed a resolution. "That the treasurer be instructed to pay. (giving the name of the farmer) the sum of \$72 for 36-100 acres of land purchased for road when a properly executed deed is received. There is no By-Law.

7. Is the treasurer justified in paying the above resolution?

8. If council have not taken proper action, how should they proceed?

1. Within four months, after service upon, the reeve of the adjoining municipality a copy of report, etc. See section 61, Drainage Act, 1896.

2. By an action in the proper court if the money has been paid over.

3. Yes.

4. Yes.

5. None.

6. By appointing for deputy returning officer those who are not qualified to be trustees, or by getting the legislature to pass an act to prevent it in the future.

7. Yes.

8. We can see no objection to the course taken.

County Grants to Roads.

115.—ENQUIRER.—By what authority does the county council of Lambton appropriate money to be expended on the roads in the several municipalities within the county? They have passed a by-law appropriating the sum of \$8,000 for this purpose, appointing themselves commissioners, thus securing for themselves \$400 as commission, charging 5 per cent. on the amount expended.

The county council has no authority to spend money upon any roads, except such roads as are within its jurisdiction, unless there is some statute authorizing it to do so. See sections 532, 533, 534, Consolidated Municipal Act, and sections 23, 26 and 27, Municipal Amendment Act, 1896. Without having the by-law before us, we cannot say whether it contemplates the expenditure of money upon roads, other than those in respect of which it has authority to expend money. But if the by-law does not show that the council intends to expend money upon roads, upon which it has no right to expend money, we do not think the by-law would be quashed because the court would assume that the intention of this council was to spend the money lawfully. If the council should at any time attempt to expend the money illegally, an action could be brought to enjoin it. It is lawful to pay a commissioner for services rendered under sub-section 2, of section 479, Consolidated Municipal Act.

Collector's Time—Commutation Statute Labor—Separate School Limits—Assessor or Collector—Tax Sale.

116.—J. A. M.—1. Can a municipal council, by by-law or otherwise, legally extend time for collection of taxes after first of February?

2. Can a municipal council legally commute Statute labor on part of a municipality and not on the whole, and should a by-law be passed to that effect?

3. Can the trustees of a separate school collect separate school tax from a municipality in which there is no separate school, there being a separate school in the adjoining municipality within three miles?

4. A owns four lots of land in different parts of municipality. Can statute labor be levied according to assessment of each separate lot, or must it

be struck on total assessment, and then labor be divided to each lot?

5. Is it illegal for one man to hold both the office of assessor and collector?

6. In selling for taxes any portion of a section of land, it being a broken section, would it make sale illegal, it being described as the N. W. quarter of Section 25, Korah, the broken not being mentioned?

1. The proper course is by resolution to authorize the collector to continue the levy and collection of the unpaid taxes pursuant to Sec. 133, Con. Assessment Act, 1892.

2. Yes, by by-law. See Sec. 94 of same act.

3. Yes under the provisions of sections 40, 44, 46 and 55, Separate Schools Act, R. S. O., 1887.

4. When a person is assessed for lots or parts of several lots in one municipality, not exceeding in the aggregate two hundred acres, the several parts shall be rated and charged for statute labor, as if the same were one lot, and upon any excess of said parts in like manner. See sub-section 2, section 100, Consolidated Assessment Act, 1892.

5. Yes.

6. We do not think so.

County Bridge on Deviated Town Line.

117.—W. H. M.—The Elora road was built by the Government, and afterwards assumed by the county, and later on thrown back on the municipalities by a by-law of the county council, but the by-law made no provision for maintaining those bridges, and the County built Rae's bridge in the Township of Elderslie since the by-law was passed, on the ground that where the Elora road leaves the boundary, the deviation is the same as the boundary, or assessment in lieu of the boundary. The boundary from this point south being almost impossible to open up. Over Willow Creek is another bridge which requires to be built, and it being on the same deviation, it is claimed that the county should build it also. There is a by-law for the county of Bruce that all bridges on boundary lines over eight feet long must be built by the county, also all bridges over 100 feet long in towns and villages. Now the question is, should the county build Willow Creek bridge, which is over eight feet long, and being on this road near Rae's bridge, which was said by the county council two or three years ago to be a deviation? From this information can you give an opinion as to whether the county is liable to build Willow Creek bridge, which is above seventy-five feet long?

If Willow Creek Bridge is on a road used in lieu of a township line, it must be maintained by the county.

Town Market Regulations—Meat—Vegetables.

118.—J. D. H.—There are some ratepayers that still think the council has power to regulate the sale of meat in less quantities than the quarter, also green vegetables, if the council establish a market.

Can the town council, by establishing a market or otherwise, prohibit the sale of meat in less quantities than by the quarter, also green vegetables by those living outside the town limits?

The council of every city, town and incorporated village may pass by-laws for establishing markets, and to regulate the sale of meat in less quantities than the quarter carcase. See sub-sections 1 and 5, of section 503, Consolidated Municipal Act, 1892. The council cannot discrim-

inate between persons inside and those outside the town.

Statute Labor—Clerk's Duties—Fees and Salary.

119.—SUBSCRIBER.—1. Can any corporation collect taxes for road work while the property assessed has no road work done at or near the property, and no road has ever been made, whereby the owner can drive even an empty rig at any time in the year on to said property?

There are 200 acres of land in Muskoka, so situated between hills and rivers that no road has ever been made to give an outlet for said land. Taxes and road work have been paid for the last 14 years.

2. Can a village clerk collect fees for himself and poll clerk while attending to his duties as such in a village which holds its meeting for the election of public school trustees on the same day as for council? Are these officers entitled to double fees while acting in double capacity? And under such circumstances is the clerk entitled to a fee of \$5 for making out a roll for school election when not instructed to do so by the trustees?

1. Yes.

2. If there is a by-law fixing the remuneration of the clerk, he is not entitled to anything more, except where the legislature has expressly provided for extra remuneration. See sec. 278, Consolidated Municipal Act 1892. We are not aware of any act entitling him to be paid extra for services in connection with the holding of elections. Under Sec. 176 of the same act, he is entitled to receive from the treasurer the reasonable expenses incurred by him, but that section, we think, applies only to such money as he has had to pay out for the purpose mentioned. The officers mentioned are not entitled to double fees. The clerk is not entitled to the fee of \$5.

Appointment of Officers—Tenure of Office.

120.—COUNCILLOR.—1. Does the tenure of office of municipal officers cease at the expiration of each year, or does it continue until another appointment?

2. If at the first meeting of a municipal council in the new year the council proceed to appoint a new Treasurer without dismissing the old one or without receiving his resignation, is the new appointment legal, and would the acts of the old treasurer be legal if he continued to pay out money on the reeve's order?

3. Would a resolution of council appointing the old treasurer as treasurer pro tem until the new one gave the required bonds be deemed in law sufficient authority?

4. In case a council shall have appointed by by-law a new treasurer and still retain the old one as in previous question, are they liable for the salaries of each treasurer, or only of the proportionate amount according to the time required to secure the new treasurer's bonds?

5. Where an appointment of treasurer has been made as in the previous sections or any illegal appointment by which an additional expense is incurred, are the reeve and councillors personally liable for the extra expense. And would those councillors voting against the resolution or by-law making such illegal appointment clear themselves of such financial costs?

1. All officers shall hold office until removed by the council. See sec. 279, Con. Municipal Act, 1892, but it is the duty of the council to appoint assessors and Collectors yearly. See sec. 254 of same act.

2. The new council is not bound by what the old council may have done, so far

as the appointment of treasurer is concerned, and had the right to appoint a new one. The payment by the treasurer of moneys, otherwise than upon the authority of some act of the Province or under some by-law or resolution of the council, is illegal.

3. The passing of the resolution, though not proper, to appoint a treasurer, shows that the council did not intend to put an end to the old treasurer's term of office until the new one gave the required bond, and that was the proper course, having in view Sec. 249, which provides that a treasurer before entering upon the duties of his office shall give such security as the council directs.

4. The old treasurer would be entitled to be paid down to the time when the new treasurer furnished the required security and entered upon the duties of his office.

5. The reeve and councillors have not incurred any personal liability, by reason of their action in respect of this matter.

Remission of Part Taxes—Collector's Authority.

121.—SUBSCRIBER.—The council of our township at its second last meeting in December remitted a man's taxes on account of loss by fire. At the next meeting the council reconsidered the resolution, and remitted one-half of the taxes, I mean the township and county tax. After the taxes were remitted, the man paid the school tax, before the council re-considered the first remittance. The man refuses to pay the remainder of the taxes. He paid the school tax, but he got no receipt.

1. Can the council compel the man to pay the township and county tax?

2. Was the council right in re-considering the first resolution after the man paying what he was asked, the school tax?

3. If the council can compel the man to pay the remainder of the taxes, what steps are they to take in order to collect them?

1. If the collector has not yet returned the roll, the council may instruct him to make the taxes in the ordinary way.

2. The council had the right to reconsider the first resolution.

3. Without knowing whether the collector has returned the roll we cannot express an opinion upon this point.

Arrears of Taxes—Sale—Clerk's Error.

122.—J. F.—In 1893 the county treasurer sent statement to village clerk to put a certain amount of arrears of taxes on the collector's roll for that year, as the lot had become occupied by A, and the clerk neglected to do so, and in the fall of 1894, the said lot was sold by the county treasurer to B for the amount of taxes so neglected to be put on, and the matter ran for over two years before the occupant A knew anything about the lot being sold.

1. Who is the proper owner of the lot, as both A and B claim it?

2. Would the clerk be liable to A for the value of the lot, or would the town be responsible?

1. A is owner.

2. Town should refund amount paid to county treasurer to B.

School Rates—Deficiency to be Paid.

123.—A. J. Y., NIPISSING.—1. In levying rates for schools we have each year levied from \$10 to \$25 in excess of the amount asked for to provide for certain taxes on non-resident lands

that were in arrears and could not be collected off until sale of land for taxes. Having paid each year the amount asked for by each section, can the township be compelled to pay over the excess levied before they realize on same from the non-resident lands?

2. Have they any right to levy any amount in excess or can they be compelled to pay over the excess even when collected?

3. In paying over rates can losses (indigent or personal property not collected) be provided for?

1. The township must pay over all moneys collected.

2. Only such amount as is required should be levied.

3. The council should impose a sufficient rate to raise the amount required by the trustees. Section 203, Consolidated Assessment Act, provides that councils are not to be held answerable for any deficiency arising from the abatements of or inability to collect, the taxes on personal property other than for county rates.

Liability of Treasurer's Surety.

124.—T. C.—In our village, the offices of clerk, treasurer and collector were amalgamated, and G was appointed to fill the three. B became his bondsman. In 1889, 1890 and 1891, the auditors reported everything straight and right, and the council accepted said reports in each and every year, and further on 5th June, 1892, the minute book of council shows the acceptance of treasurer's statement of account, village owing treasurer \$9, which was paid. At the end of 1892 the clerk, treasurer and collector absconded, that is, G absconded, and the council appointed a sub-committee to examine the books and accounts of the municipality, and they reported as follows in 1889: Committee found a discrepancy of \$44 in 1890, \$600 in 1891, \$700 in 1892; that, by forgery and otherwise, the treasurer was defaulter to an amount sufficient to bring the total discrepancy amount to about \$8,000. In July, 1893, our council pressed B, and he settled with the village by paying \$1,100, thinking himself legally liable. In 1896 B entered action against the village to recover \$1,100. From the outline before you, has he any chance of recovering any part or all of the said \$1,100.

The rule of law is that money voluntarily paid under a mistake of law, but with a knowledge of all the facts, cannot be recovered back. But money paid under a mistake of a material fact may be recovered back. Before we can express our opinion as to whether B can succeed or not, it will be necessary to know the grounds upon which he seeks to have the money repaid to him. What are the material facts which he now claims he was not in possession of when he paid the money? Were there any misrepresentations made to him, to induce him to pay the money, and if so, what were they? We may say upon the facts as they are given, that he probably has a difficult task before him.

School Teacher, Councillor or Contractor—Assessor or Collector.

125.—W. J. B.—Is it legal for a school teacher who is also a councillor (being a ratepayer) to take contract of building a school house in section where he is at present teaching?

2. At the first meeting of council we appointed an assessor who was at the time collector, not knowing at that time it was illegal. Will it be necessary to appoint another assessor, as the collector will not finish his collecting until May?

1. We have been unable to find any statutory provisions making such a contract illegal.

2. Yes. Another assessor ought to be appointed.

Qualification of Councillors.

126.—SUBSCRIBER, NIPISSING.—A was assessed as owner of lot 6 in 3rd concession since 1890, was elected reeve and took declaration of qualification on said property in 1897. B was at the time of the election the registered owner of that same property, but before A took declaration of qualification, B had declared by affidavit before a J. P. that A was the owner of that same property since three years, and he (B) had no claim whatever on said property since three years.

Could A be unseated on the ground that he was not the owner of the property at the time of his election?

If A was entitled to vote at the election, and in addition to the qualification of a voter he was assessed in the assessment roll, for at least \$200 freehold, he would be qualified.

New School Section—Financial Settlement.

127.—CLERK.—On the 25th December last came into force a township by-law detaching from public school sections A, B and C, and forming into a new public school section on certain lands. The school property in section A is of comparatively little value and the trustees, for the purpose apparently, of avoiding the trouble of making a settlement with the new section levied no school rates in 1896 and therefore have little or no money on hand. Sections B and C levied their ordinary rates and have a considerable balance on hand and will be required to pay over to the new section in respect of each lot attached an amount probably equal to two or three years' rates, such as they have heretofore been paying.

Must these moneys be paid over to the trustees and applied generally to the benefit of the new sections or can such an adjustment be made under Sec. 40 of the act as will result in each ratepayer getting credit for such moneys only as his property was the means of bringing into the section? If applied generally it would seem that those detached from section A will be given an unjust advantage over the others in the new section.

We are of the opinion that the arbitrators have power under section 40, to adjust and settle all matters in a just and equitable manner, and that they are not bound to give those persons whose properties were detached from A, the advantage which a general application of the balance in hand in sections B and C would give them.

Tenants on Assessment Roll—When to Vote.

128.—P. R.—In your answer No. 49, Question Drawer, February number of THE MUNICIPAL WORLD, you have omitted to answer the latter clause of the question asked. I will now put the question in another form, viz:

Has a party who is placed on an assessment roll as a tenant, but who is not rated for any amount, and pays no taxes, a right to vote at municipal elections?

Yes, if he comes within sections 80 and 85 of the Consolidated Municipal Act.

Clerk's Duties and Salary.

129.—B. C.—I ask your legal adviser's advice on R. S. O., chapter 184, Municipal Act, section 97 (2), section 120, section 124, duties of returning officer. The same law seems to govern Dominion and Provincial returning offi-

cers. The question is, Have I, as returning officer, a right to be paid for distributing the ballot boxes and ballots? It is claimed that it is included in clerk's duties as clerk.

If you are paid by salary you are required to discharge all duties imposed upon you as clerk without any further remuneration, except for services for which the Legislature has provided extra remuneration; for example, services under the Ditches and Watercourses Act. See subsection 2 of section 4 of that act, and section 278 Consolidated Municipal Act, 1892.

Transient Trader's License—Purchaser of Bankrupt Stock—Selling Other Goods.

130.—F. J. C.—We have a by-law in this town imposing a license on transient traders. Some time ago a party bought a bankrupt stock which became bankrupt in the town, and immediately commenced selling the same, and also began purchasing other goods and selling them with his bankrupt stock. Now our by-law is in the words of Sec. 9A of Sec. 489, Municipal Act, 1892. Would the purchase and sale of other goods, not the bankrupt stock, subject the party to pay the license demanded by the by-law?

We are of the opinion that the party referred to must pay the license to entitle him to sell the other purchased goods. The intention of the legislature, though it used perhaps more words than were necessary, was to exempt the stock of an insolvent estate only.

Improper Assessment—Arrears of Taxes and Sale.

131.—J. H. M.—Certain lands in this township have been improperly assessed, as to description, for the past three years. The accumulated taxes with interest and costs amount to upwards of \$100. The county treasurer, when advertising his tax sales, discovered that these lands were improperly described, and of course could not include them in the advertisement. Will the township have to bear this loss? If not, what means can be taken to recover same?

From the facts stated we are unable to say who should bear the loss. On receipt of further particulars we will be pleased to give an extended answer to the question, as it is of the greatest importance to all municipalities having land in arrears for taxes.

Sale of Tax Sale Purchase by Council—Treasurer's Payment to Trustees.

132.—A. W.—There was some land bought in by this municipality in 1895 at land sale, now what I want to know is:

1. How should we proceed to sell the said land?

2. How should the order be drawn for school levy in the name of the treasurer of school section or in the name of the township treasurer?

1. Pass a by-law authorizing the reeve and clerk to sign deed to purchaser.

2. The money is payable to the secretary-treasurer of the section. The amount of the order on the township treasurer should be filled in by the clerk and forwarded to the secretary-treasurer, who should secure the signature of the trustees and attach seal of the section to the order as the authority for township treasurer's payment to him.

Township Commissioners, or Road Improvements and Maintenance on a Business Basis.

Many councils are now considering the question of road improvement and maintenance. It is well known that most municipalities have no particular plan other than that which suggests itself as the work becomes necessary. The adoption of a business-like system would result in superior work and decreased taxation.

Human nature is the same the world over, and the favoring of doubtful voters and ward magnates in the purchase of material, and by giving small jobs of work, has been known to be the means of continuing in office many representatives who, under other circumstances, would never have thought of violating the solemn obligations to which they subscribed when assuming office.

The direction and oversight of municipal improvements should be placed in the hands of a supervisor or commissioner, who should be a man specially adapted to the work, and whose tenure of office should be as secure as that of the average clerk or treasurer. The supervisor should have charge of all road and bridge improvement, and should be required to report to the council at each meeting; no works should be undertaken until they have been reported upon by him and approved by the council. He would not necessarily be actively engaged during the whole year. He should have charge of all township machinery and material required in the work connected with this department. The many economies that would result will readily suggest themselves to councilors of experience.

PATHMASTERS.

Road divisions, or "beats," should be about three miles in length. A pathmaster should be a permanent officer, and his division should be such, that the most of his travel will lead him over the greatest portion of it. He should not receive a salary, but should, as a slight recompense be preferred in doing small jobs under the supervisor, where the work is not considered of sufficient importance to be let by contract. He should in addition, give special attention to all emergency work, such as washouts, broken culverts and bridges. If the time required to oversee statute labor in this division, is more than would be needed for his own statute labor, he should be paid for such excess under certificate of the supervisor or council, the object being to secure proper supervision of all work performed; the council or supervisor to determine whether the excess time was actually necessary to oversee the work of the division in accordance with the local by-law of rules and regulations, which should provide for this.

DUTIES OF SUPERVISOR.

1. The supervisor should prepare a plan of his district, or township, showing all

roads, and the location on them, of all culverts, bridges and watercourses, classifying roads according to their requirements.

2. He should prepare a list of all culverts and bridges, showing dimensions, material used in construction, their condition, and the direction of the watercourses passing through them, with memoranda as to the source of the water and location of the outlet.

3. The plans and records should show, as to roads, whether they are of gravel, stone or earth, graded or ungraded, the system of drainage, and nature and extent of traffic upon them. He should carefully study the present and future requirements of traffic on all roads, the class of roads best suited to such traffic, the width and depth of metal, width of graded portion, amount of crown and other details of construction.

4. He should possess full information as to location, extent and quality of material suitable for road construction and amount of plank and timber obtainable from ratepayers in the township or district suitable for repairs.

5. He should report to the council as early as possible in each year, showing the number and location of culverts and small bridges to be rebuilt or repaired, with a detailed statement of all material required for this work, and an estimate of the cost. It would also be advantageous to have a probable estimate of material required during the following year, presented each fall so that, if thought advisable, it may be purchased and delivered on the ground during winter months, or other most convenient season, so as to utilize as much as possible the labor of ratepayers during the slack season.

6. His report should specify the condition of all bridges, indicating those which require repairs or reconstruction together with an estimate of cost, and a statement dealing with such special protection work on streams as he may deem worth the council's consideration. There should also be a reference to any needed re-location or deviation of existing roads, with a view to doing away with bridges, culverts, expensive grades, cuts or other features which tend to prevent permanent work and economic maintenance.

7. He should consult with all pathmasters and report to the council, showing the number of days' labor in each division, the work to be undertaken, and the amount of money which should be appropriated by the council to properly utilize the statute labor.

8. He should arrange with divisions desiring to compound statute labor for a term of years, with view to construction of permanent and finished work.

9. He should take stock annually, and report to council on all machinery and implements, showing their condition and where kept.

10. He should carefully examine all

parts of the township where gravel and stone exist, and should, by borings and tests, determine the quality and extent, and report thereon to the council. All material, stone, plank, gravel, etc., should be purchased by the supervisor in large quantities, and under instructions from the council, the required amount to be determined by his estimates referred to above. As far as possible the material should be purchased by tender, and due consideration should be given to any ratepayer having material for sale. When purchased it should be delivered and stored at convenient points, and placed in charge of, and used by the pathmaster, subject to the order of the supervisor and in emergency work.

11. He should prepare specifications of all work for which the council makes money appropriations. Contracts should be awarded to lowest bidder, if proper security is given, but the work should be subject to the approval of the supervisor, and all accounts should be certified by him before payment.

A municipality is merely a business corporation, the people its stockholders, the council its board of directors, and the officials the managing staff. If as much attention were paid to the management of a municipality, as is devoted to a business enterprise of similar proportions, economy in many directions would follow. No business enterprise could afford to change its board of directors or manager each year, or trust its affairs to an inexperienced executive.

The present system of electing councilors by wards, together with the ward system of expenditure in operation in many townships, is the cause of much municipal extravagance and mismanagement. The great bane of municipal government is the ward system. There is not inducement offered the ward member to interest himself in the general affairs of his municipality. The idea of a council elected irrespective of ward division is the correct one. It enlarges the constituency of a councillor, and calls for a wider application of his influence. The aim should be to adapt the public expenditure and improvements without consideration of ward boundaries.

The township is a small enough unit for local government. It is impossible to find a township, the four wards of which require the same amount of money each year. Then again, there is a great difference of opinion as to how such money should be expended. Some are inclined to be economical and others opposite, with the result that each member tries to get the lions share. A councillor who, by manipulation, succeeds in securing this, is sure of re-election. The ward is his first, last, and only consideration. On the other hand, in a council elected by a whole municipality, the members are not interested in any particular section, and each receives what its actual requirements demand.

Steel Tracks for Country Roads.

Steel tracks for country roads will not materially affect the Good Roads problem for the present, whatever the future may develop. They will belong to the age of horseless vehicles, if that ever comes, and what new features may arise before that time, is difficult to foretell. The proposal is a new one, no practical use has yet been made of it, and it will still have to pass through the experimental stage before we can form a safe estimate of its value.

Steel tracks will not do away with the necessity for good macadam roads. They will be merely an adjunct to the latter, used more as a measure of economy to lessen the cost of maintaining the macadam. A macadam road under excessive traffic is the most expensive form of pavement that can be used. On highways over which there is much heavy traffic, I have no doubt but that steel tracks might be very useful. Heavily loaded wagons would use them, preventing of ruts, but it would have to be shown that the additional cost of building and maintaining the steel track would still effect a saving. The steel track construction will add from \$1,000 to \$1,500 per mile to the original cost of the macadamizing, and the cost of maintenance is uncertain. There would be a difficulty in keeping the macadam flush with the steel rails, an objection now raised to the placing of electric railway tracks on macadam streets. Wagon wheels turning on and off the steel track have a tendency to create ruts. Single horses would travel between the tracks, but horses hitched double would tread on the line of the rails. This would tend not only to chip up the macadam from the side of the rails, but with the rails of the width suggested, five to ten inches, the foothold for horses would be rendered very insecure.

To estimate, as has been done, that a load five times as heavy can be drawn over a steel track than over a macadam road is misleading, unintentionally so, no doubt. It is not simply the power to move a load over the level, which we consider, but also the power needed to lift the load up a hill. Unless double tracks are provided, and switch lines extended into the barn yard, the size of the load would be limited still further by the poorest piece of road encountered in reaching the steel track, and in turning out to pass other vehicles. The speed could be increased, so that a farmer might jog along at a faster pace, and draw two loads over the steel track in place of one over the macadam. But the size of the load must be limited by the poorest piece of road, and by the steepest grade, not by the most favorable section.

Good roads are not merely for use in drawing farm produce. That is a small part of the benefit. The solution of the question is still, and will be for a good many years, first-class macadamized roads. Some of these, those required to support

an excessive heavy traffic, as I have pointed out, may be protected, as a measure of economy, with steel tracks. Such a road as Yonge street, along which passes a large percentage of the vehicles entering Toronto from the north, might profitably be provided with such a track, if the invention proves to be an economic success.

Electricity.

The Peterboro', Ont., Power Company will shortly start up its three-phase plant for supplying power to the various manufacturers in that city.

A special meeting of the Chatham, Ont., city council recently approved the proposed city and suburban electric railway, and decided to submit a by-law to permit its construction at an early date.

The Ingersoll Radial Electric Railway Company applies for an Ontario charter to build a line from Ingersoll, Ont., to St. Mary's through Thamesford and Kintore, and to Tilsonburg through Salford and Mt. Elgin, and to Brownsville through Verschoyle and Culloden.

Application will be made by A. H. Edwards, Carleton Place; J. B. Riley, Plattsburg, N. Y.; T. Henry, Montreal, and J. Fowler, Arnprior, for the incorporation of the Lanark County Electric Railway Company, and to Oliver's Ferry and Smith's Falls on the South, and Almonte and Carleton Place on the north.

The annual statement of the Toronto Street Railway shows a net profit of \$282,026.47, as against \$301,301 in 1895. Two dividends at the rate of 14 per cent., each have been declared, amounting to \$210,000 leaving after the deduction of an allowance for pavement charges amounting to \$60,000, the sum of \$12,026.47 to be carried forward. The operating expenses for the year were \$17,845.55 greater than last year, chiefly due to improvements in apparatus. The number of passengers carried was 23,537,911, as against 23,355,228.

It is impossible to condemn in a manner too pointed, the inefficiency of the system usually adopted in providing for the improvement of streets, a fact made apparent by their wretched state.

A large portion of our ratepayers in the rural districts insist upon the retention of the statute labor as a sort of holiday to be spent in gossip and story telling. In this way the work on their farms, at a most important season, is neglected; the condition of our roads, a most important adjunct to agriculture, is sacrificed, a premium is placed on indolence, shiftlessness is encouraged, and a bad example is set to our youth and rising hope. Would it not profit us to declare a national holiday for the social features, making it a punishable offence to interfere in any way with the performance of the labor which the laws of the country command should be devoted to the improvement of our public highways.

Applying Gravel to the Roadway.

The gravel placed on the country roads has in most cases been merely dumped in the centre without any further treatment. The first effect of this is to drive vehicles to the side of the road. These side tracks are used until late in the fall, when they have been cut up and flattened to such an extent as to destroy the shape of the road, preventing surface drainage. Water is held at the side, soaks into the roadway, and the gravel is forced down into the mud and is largely wasted.

Gravel should be nicely spread on the roadway and thoroughly rolled so that travel will at once use it. The objection is made to the use of clean gravel that it will not consolidate, a difficulty entirely removed by the use of a roller. If a roller is not used, the gravel should be raked into the wheel tracks, and into the hollow worn by single horses, until the whole roadway is hard and smooth under traffic.

It is difficult to find a township with a scattered and scant population, which has worse roads than the average town, notwithstanding the greater ability of the latter to pay for the proper construction of a comparatively short street mileage.

It is contended that we have an immense mileage of roads, little traffic over them and a comparatively sparse population; and that therefore the study of roads is something to be postponed until the country is wealthy, and able to undertake the construction of highways in an expensive manner. All this is rather but a more potent reason why we should, as a country, conserve our energies, and exercise them in the most judicious manner.

The present conditions of this country, the resources which favor distant transportation are well organized. The development of the railway and steamboat transportation has provided for these needs in a measure which has been attained only in some of the richest European countries. It is otherwise with the ways which serve for local intercourse; these have been so far neglected that their ill condition operates as a distinct check on the social relations upon which the character of our local communities intimately depends.

The history of European roads is interesting as being the history of civilization. The Romans built roads reaching out from Rome over which passed their armies conquering and planting the seed of civilization in every province. Their roads were models of perfection and permanency, and after the downfall of the Empire their roads did not dissolve as ours do under one April shower, but stood through the centuries all the abuses of neglect, and to-day even are models of permanent roads.

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