The Municipal World

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

Vol. 4. No. 11. ST. THOMAS, ONTARIO, NOVEMBER, 1894. Whole No. 47

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The Municipal World.

PUBLISHED MONTHLY

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

ST. THOMAS, NOVEMBER 1, 1894

A chapel has been erected at the Berlin House of Industry at a cost of about $1,000. It will seat 200 persons, and is a credit to the county.

* * *

The York township solicitor has been instructed to bring an action against ex-members of the township council for the years 1891-3, to recover moneys received by them in excess of what the present council considers were properly payable.

* * *

In addition to the particulars published in the October issue, in reference to the Oxford county House of Industry, we desire to state that the farm cost $6,000, and consists of 100 acres, all cleared. It is especially adapted for the requirements of an institution of this kind, having a clay and gravel subsoil, with one foot good loam top soil. The water supply is derived from a well, pumped by windmill, and the drainage from the institution is carried to a tank in the barn yard.

* * *

In the article on municipal lighting, to be found on page 170 of this issue, we wish to explain that the cost per light in the cities and towns owning and operating their own plants does not include interest on the investment and depreciation in value of the plant, which differs with the cost of machinery and the number of lights, etc., but is generally calculated at twelve per cent. for interest and depreciation in value. This, in the places mentioned, averages $33.60 per light.

* * *

It is important that civics, or the science of municipal government, should be taught in our public schools. The work should be commenced in our normal schools that we may have properly prepared teachers. This instruction should then extend to the high schools, and other grades of our public schools. We can well afford to drop from our present courses of study in these schools, much of which is of little practical value, to make room for this new line of instruction, which is indispensable to the welfare of the people and the preservation of our municipal institutions.

We notice through the press that in one of the eastern counties the question of county grants to local municipalities for road improvements is being discussed, owing to refusal of the county clerk to sign order on the treasurer for amount granted by county council. Some time ago, we published an opinion in reference to this question, and showed that the ordinary powers of the county council are, so far as roads and bridges are concerned, to deal with only county roads and bridges. Under the present law, county councils cannot legally use county funds in preserving, improving and repairing roads and bridges, which the said councils have not assumed and do not pretend to assume, and which they cannot assume because the grant is not for any particular county road or roads, bridge or bridges, in which the county at large is sufficiently interested to justify the assistance.

* * *

It appears to us that the system adopted in some townships of paying collectors a lump sum, with a percentage on all taxes remaining uncollected after the first of February or some later date, is not a business-like arrangement or one calculated to encourage the prompt payment of taxes. Every ratepayer knows that taxes must be paid, and it is no hardship to any one to be compelled to pay them by a reasonable date to be fixed by the council, or suffer the consequences. The statute has fixed the fourteenth of December, and it is only just that all who are in arrears after that time should pay for their delay. The principle of allowing the collector a percentage on all taxes unpaid at a certain date will, in many instances, induce these officials to be careless in their work, and we would expect them to be more interested in seeing that a large proportion of the taxes are not paid prior to the time after which they would be entitled to the percentage.

* * *

One of the principal duties of members of township councils is dealing with ratepayers who want some favor in the way of drainage outlet. It is an easy matter for a man to imagine that the highway will be greatly benefited by a drain, when he finds it necessary to procure an outlet along or across a highway when draining his own property. It is always advisable to have written agreements when work is done jointly by the municipality and individual ratepayers. In order to make these agreements binding on present and future owners of property, it is advisable in all cases, no matter how small the drain, to serve the preliminary notices for a first meeting, as provided in the Ditches and Watercourses Act. This can be done without expense, and the agreement, when arrived at, can then be put in proper form, as laid down in the act, filed with the clerk, and enforced at any time when necessary by either the municipality or the individuals interested.

Membership in local, city and county councils has no connection whatever with questions of Provincial and Dominion politics, upon which the people are divided, yet many would-be candidates are already looking for nomination because they are the most active partizans of the successful party in their municipality. If our almost perfect system of municipal government is to continue, politics should be separated from municipal elections. Municipalities should be treated simply as business corporations, to be managed on an entirely non-partizan basis for the benefit of the people. In order to place their affairs on a business basis, a thorough system of municipal house-cleaning is necessary in many communities. To accomplish this, we must interest those who have sufficient intelligence to understand civic duties, and who have the courage to vote for or against men and measures, regardless of the fact that they are supported or opposed by a particular party.

* * *

"The first duty of a government," remarked the lieutenant-governor in his address of welcome to the American Public Health Association, "is to assist in keeping public health as good as possible—and so long as I am lieutenant-governor of the province of Quebec, the first duty of the legislature will be in that direction."

Needed the Services of an Expert.

An aged citizen, in whose veins there mingled Caucasian and Ethiopian blood in about equal proportions, called at the collector's office in the court house the other day and hung about until he found a chance to speak to him.

"Is dis de collectah?" he inquired.

"Yes," replied the official. "What can I do for you, uncle?"

"Got a bill of fo' dollahs an' sixty cents ag'in' a man down on Jeff'son street," said the aged caller, handing him a soiled and pocket-worn scrap of paper. "Wisht you'd c'lect it, sah, I cain't.—*Chicago Tribune.*

The Bicycle System.

First Citizen—"It is not enough that bicycles carry bells; the law should enforce a regular system of signals that all can understand."

Second Citizen—"What would you suggest?"

First Citizen—"Well, I don't know, exactly, but it might be something like this: One ring, 'Stand still'; two rings, 'dodge to the right'; three rings, 'dive to the left'; four rings, 'jump straight up and I'll run under you'; five rings, 'turn a back handspring and land behind me,' and so on. You see, us folks who walk are always glad to be accommodating, but the trouble is to find out what the fellow behind wants us to do."—*New York Weekly.*

Collectors' Duties.

In cases where collectors have to resort to compulsory measures, although they are authorized to levy in person, and without the authority of any process, yet it is scarcely contemplated that the collectors themselves would, as a matter of course, act the part of bailiffs and auctioneers in seizing and selling; so, while the power is given to the collector, still it is also said he may, by his agent, levy, and when the baliff or agent is appointed he should receive a warrant in the following form:

City of } To A. B., my Bailiff.
to wit: }

You are hereby authorized, and required, to distrain the goods and chattels of C. D. of, etc., which you shall find on the premises of the said C. D. at, etc., or any goods and chattels in his possession wherever the same may be found within the county of, etc., for the sum of, etc., rated against him for taxes on the collector's rolls of, etc., for the year, etc., and now in arrear and unpaid, and in default of payment of such arrears of taxes and the lawful cost of the said distress according to law, for the recovery of the said arrears of taxes together with said costs, and for you so doing this shall be your sufficient authority.

Given under my hand etc., this day of A. D., 18

E. F., Collector.

* * *

In section 124 it stated that the collectors may levy the taxes with costs by distress of 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. The person who ought to pay the same is the person in possession of the land in respect of which the taxes are payable at the time of the seizure. If he is not actually assessed for the premises, etc., as mentioned in section 27 of chap. 143, R.S.O. 1887, he is entitled to exemptions mentioned and enumerated in section 2 and following sections of chapter 64, R.S. O., 1887. If there is any agreement between the person actually assessed, and the person in possession as to payment of taxes, they should fight it out between them, and the collector or his municipality should not be compelled to enquire into or be guided by the terms of the agreement

* * *

Costs allowable to collector or his bailiff in enforcing warrant of distress:

Enforcing warrant:

Where amount of taxes does not exceed $20	$ 50
Where amount of taxes does not exceed $60, but above $20	75
Where amount of taxes exceed $60.	1.00
For every mile necessarily travelled in going to seize under warrant, where money made, or paid after levy	12
Every schedule of property seized, not exceeding $20	30
Exceeding $20 and not exceeding $60	50
Exceeding $60	75
Every bond, when necessary	5c
Every notice of sale, not exceeding three, each	15
Necessary disbursements and allowances for removing or retaining property seized	3%

Five per cent. on the amount realized from the sale of property seized, such percentage not to apply to any overplus.

If warrant be satisfied in whole or in part after seizure and before sale, collector or his bailiff to be entitled to charge and receive three per cent. on the amount realized.

Municipal Insurance.

The Peterborough board of trade considered the question and decided that they had not sufficient information to take definite action. An argument advanced against the scheme was "That councils were not as careful as corporations and companies, and that municipal insurance would be unfair to the people."

The Galt *Reformer* says:

The question of municipal insurance will be looked at very much from the experience of the locality where it is discussed. Taking Toronto, Guelph, Hamilton, London and Galt, there is very little doubt such a system of insurance would pay them well, but taking other places without a proper system of waterworks, and with them it is very questionable.

. . . . . .

The question must be argued out fairly. We all admit the immense advantage which our insurance companies have proved to the insurer, and without the clearest proof of advantage it would be folly to adopt a newer plan. Insurance companies have their periods of heavy losses and depleted exchequers, only it is possible that they have to take the income from the good places to pay the losses in the bad. The board of underwriters is largely responsible for the agitation in favor of municipal insurance in those localities where it is strongest. That board, nearly all the places we have named say, discriminates against them in the rating given them and despite the facts of few and trifling losses in proportion to the income derived from their insured properties, every now and again issues a new rating which has discovered that some added implement increases the risk and that over all there must be an additional rate of ten, fifteen or twenty cents, until no matter what the additional fire appliances may be, the rate creeps up to practically what it was in the days of volunteer brigades and hand fire engines.

The Ensign, an assessment insurance paper, contributes the following expert opinion:

The Guelph board of trade estimates that something over $60,000 per year profit would result from the adoption of the municipal insurance plan in their little city. To compare this with Toronto's estimate of $73,000 profit, it must be borne in mind that Alderman Lamb's committee calculated upon charging only 30 cents per $100 for the insurance, and charging the cost of the whole fire protection, patrol force, extension of waterworks, interest and debentures, sinking fund, etc., to the insurance account before arriving at the balance of $73,000 profit. Still we believe Guelph's estimate is either a misprint or a miscalculation. Nothing like half of the sum stated can be saved in so small a city. The same basis of estimate would indicate that $65,000 can be saved by this system in St. Thomas, which is somewhat larger than Guelph.

Although we are conscientious advocates of mutual insurance in all its forms, and do not believe in making profit out of the misfortunes of others by trading upon their fears, nor that insurance should mean other than "protection," we are in extreme doubt as to the "rosy" figures from the Royal City. Visionary calculations will do infinite harm to the movement. The committee of council of the city of St. Thomas, assuming Guelph's calculations to be right, has approved of the plan, but will give it further detailed consideration for the purpose of reaching independent statistical conclusions.

* * *

The canton of Basel-Stadt, Switzerland, enjoys the municipal fire insurance system. Basel-Stadt consists of the city proper, with a population of 60,000, and three rural communities. It forms part of the Swiss republic. It is independent, so far as its independence and legislative powers are not restricted by the federal constitution. Its legislative authority is exercised by the great council, consisting of about 130 members, elected by universal suffrage. The executive is vested in the government council, consisting of seven members, and elected by the great council.

The General Obligatory Mutual Fire Insurance Institution provides compensation for damage sustained on buildings caused by (a) fire; (b) lightning, with or without ensuing fire; (c) water, or measures taken to prevent the spreading of the fire.

The carrying of additional insurance with other companies is prohibited on such buildings as are subject to insurance in the Fire Insurance Institution.

The noting, valuation and classification is made by the valuation commission. The valuation commission is composed of five regular and two supplementary members; it is selected by the government council on recommendation of the finance department.

Aldermen at Large.

The cities of St. John and Fredericton, N. B., have abolished the ward system, and will hereafter elect aldermen by a vote of the whole city. The advocates of the change urge that as the work, good or bad, done by the aldermen, generally affects the whole city, and not a particular ward, the extension of the voting power is the only rational method of election. The evils of the ward system are admitted, and in many of our larger towns and cities the reduction of the number of wards has been tried, in hope of bringing about a reform. The experiment of doing away with the wards altogether, now being tried in New Brunswick, is a more radical step, and the result will be closely watched.

No Use.—A peculiar application was made recently at one of our municipal councils, a farmer formally making in all seriousness a claim for $1 refund for dog assessment for 1892 on the ground that he had no use for him.—*Uxbridge Journal.*

CORRESPONDENCE.

This paper is not responsible for opinions expressed by correspondents.

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

Judge Hughes on Voters' Lists.

To the Editor of THE MUNICIPAL WORLD:

Dear Sir, —The September issue of THE WORLD gives a synopsis of a recent judgment by His Honor Judge Hughes respecting the preparation of voters' lists. This is important if not extraordinary, and will be read with interest by all clerks of municipalities throughout the province: for I venture to say that very few of those who have had the care of preparing voters' lists have interpreted the law as it is set out in his judgment, in fact it intimates as much that the errors practiced have been general.

Having had the responsibility of preparing voters' lists several times, I have lately been presumptious enough to think that I fully understood the intent of the Act regarding same, and though my ideas have been pronounced at variance with the law by this decision, I still maintain that the practice prevailing is preferable to the law as laid down. He decides that where a voter is entitled to both municipal and electoral franchise his name must be placed in part one of every polling subdivision, and he may vote wherever he chooses. The common practice, however, in preparing lists, has been to place a person who is entitled to both electoral and municipal franchise in part one of the list in the ward or polling subdivision in which he resides, and if entitled to a municipal vote in other wards, placed in part two of the list. The question is asked in judgment: How, or by what right, has a municipal clerk, etc., to place a voter in part two of list, who is entitled to the legislative franchise? to which the answer might be given, "no right," the fact that a resident male voter is placed in the second part is prima facie evidence that such person has the legislative franchise in another ward, in which ward he must,as a matter of fact, have a municipal vote also. If the law says that a man can vote in only one ward or polling place for elections to the legislative assembly, why should the voters' list say different? — giving him the right to vote in three or four wards, or as the case may be, and thereby leaving the way open to corrupt practice, the penalty for which offence, "voting more than once," is fifty dollars and costs. Why should the register indicating a man's right to vote permit him to criminate himself, it may be unknowingly. Is there any necessity for it? The Act says, as pointed out, that the name of the same person is not to be entered more than once in any such part. Does the Act mean other than it says? I submit that to prepare the list, as His Honor decides it should be prepared, would impair the efficiency of the working of the Act, and lead to irregularities and confusion at the holding of elections which may be prevented. His Honor states it is the same in principle where a taxpayer has property in several wards of the city, he has the right to vote for mayor in whichever ward he chooses, but referring to section 139, of the Municipal Act, it will be found that such person can only vote for mayor in the ward or polling subdivision in which he is resident, and it is reasonably clear that he cannot reside in more than one. Consequently we are perplexed in endeavoring to harmonize His Honor's words with the section referred to.

TOWN CLERK.

Preparation of Voters' Lists.

To the Editor of THE MUNICIPAL WORLD:

Dear Sir,—As my opinion is contrary to that expressed in the September number of THE WORLD, I submit that as legislative vote is at place of residence, how can a voter be entitled to vote in two polling subdivisions any more than in two towns. When a voter's business keeps him three-quarters of a year in one town, going to his residence in another town for Sundays, and occasionally other times — his residence being with his family away from his place of business—what right has voter to legislative vote at business town? and, to return to original point, what right has voter to legislative vote in any polling subdivision except where he resides?

Yours truly,

R. E. S.

[Our correspondents have evidently overlooked the fact that in preparing voters' lists they are to be guided wholly by the Voters' List Act and not by any provision of the Election Act in reference to polling divisions in which votes should be received.

In 1892 a prominent member of the legislature drew our attention to section 85 of the Election Act of that year, which provides:

"In case the name of a person entitled to vote is entered on the list of voters for more than one polling subdivision in an electoral district, such person shall only vote at the polling place for the subdivision in which he resides, if entitled to vote in such subdivision, under a penalty of $200. But this provision shall not affect his right to vote in another polling subdivision under a certificate properly granted under section 87 of this Act."

And we gave it as a reason for stating that a person should only be entered in the list for legislative vote in the subdivision in which he resides, and if qualified in polling subdivisions in other wards he should be placed in part two.

After reading His Honor's decision we found that the opinion we had previously formed was wrong, and published it for the information of clerks in the preparation of voters' lists in the future.—ED.]

The Secrecy of the Ballot.

During the last local election in the district of Nipissing the following incident occurred: Away up north on the shore of Lake Temiscamingue dwells a sturdy bachelor Scotchman, an elector for the first time. He was told all about the non-secrecy of the Mowat ballot, which made Sandy determined to vote in such a manner that forever would that vote be secret.

The poll was held in Sandy's house, the kitchen the polling booth, on the kitchen table the ballot box, around the table sat the deputy-returning officer, clerks and scrutineers, Sandy's bedroom being the inner sanctuary where the ballots were marked.

In this bedroom Sandy kept his wardrobe, also a strong box locked with a strong lock.

When Sandy presented himself before the deputy to vote he was given a ballot and instructed how to vote, to retire to the said bedroom, to mark the ballot with a cross opposite the name of the candidate for whom he intended to vote; how to fold, to bring it back in the kitchen, to hand it to the deputy, who would put it into the box. Sandy disappeared; after a long time he reappeared. A self-satisfied smile illumined his rugged face as he sat down.

"Ye wull no get it," said Sandy.

"But I must have it to put into the box."

"The ballit is a' richt, I pit intil' the box mysel', and locked it, and here is tha key (producing the key of his box in his bedroom), an' I wad like to see the mon wha can tell hoo I voted."

From that day to this no Mowat official has seen that "ballit."

A Simple Test of Water Pollution.

In cases in which it is suspected that a well or spring is polluted by a neighboring privy vault, Dr. Noerdlinger recommends saprol as a simple test whether the water is, or is not, affected by the soakage from the vault. Saprol, a new disinfectent, now much used in Germany, has a penetrating and persistent taste and smell. It was nsed by Dr. Noerdlinger in the disinfection of a privy vault. Subsequently the occupants of the premises complained that the water from the well on the place tasted and smelled of saprol.

Testing the limit of dilutions which is still capable of being detected by the taste he states that, whereas salt ceases to be appreciable to the taste when diluted in water beyond 1 to 426 parts, saccharin 1 part in 1,000,000 and strychnine or saprol 1 part in 2,000,000 of water may still be tasted.

Chief Justice Rushe and Lord Norbury were walking together, in the old times, and came upon a gibbet. "Where would you be," asked Norbury, pointing to the gibbet, "if we all had our deserts?" "Faith, I should be travelling alone!"

ENGINEERING DEPARTMENT.

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

Roads and Roadmaking.

In the construction of a good road it will be necessary to take into consideration the following: Climatic influence, geological formation, material, drainage, traffic, location, elasticity, cost and maintenance.

It is well known that many roads which have been laid with really sound materials and apparently fairly constructed have signally failed in their purposes owing to the negligence of their constructors in not taking into consideration the climatic influences of the district in which such roads are laid. Severe storms, intense frosts, low humid atmosphere, sudden hot droughts with occasional heavy washouts, entail severe strain upon the best constructed roads, by removing the lighter surface material and converting it into mud, breaking up or disintegrating the cohesiveness of the heavier material and so displacing the sectional divisions of the road strata. For want of immediate attention to its repair a road is left in a weak condition, consequently its usefulness is gone necessitating a heavy expenditure to restore it to its original state.

The often serious results of these climatic influences can be materially lessened and their damaging propensities modified. Against severe storms and washouts there should be provided properly constructed water outlets, clear open drains and gutters and a well made grade falling from the crown of the road. These protections will reduce the force of the surface washings. Severe frosts are often injurious in their effects on roads, especially in the spring season. Care therefore is necessary to see at once to the water outlets, relevelling places, upheaved ruts in roads which are subject to frequent traffic on them of heavy vehicles, raked back, and the keeping of the surface to the original grade. From an economical point of view a few dollars spent at the right time may save hundreds of dollars at some future period in restoring the road to its proper condition. The full action of the sun and wind upon the road surface is another important factor, it being one of the means of keeping it dry and hard. Trees should also be kept well trimmed, fences maintained at a low height and thus encourage these beneficial helpers.

Geological formation is an important factor and roads should not be constructed until a well drained and solid foundation has been secured. Many roads have been made without much thought or care having been bestowed upon the strata and beds upon which their foundation materials are laid and which is shown by the surface of such roads losing entirely all uniform appearance and causing constant outlay for their maintenance.

Outside of certain districts and of rocky places, the strata upon which such roads are constructed in the majority of cases will come under the following classes of soils and subsoils, viz.: Silicious, calcareous, clays (both light and heavy), marls and loams.

Silicious soils of a flinty nature and calcareous soils having properties of lime, present no great difficulty in securing a firm, dry and solid foundation for the construction of roads. On soils of a clayey nature, either light or heavy, it is absolutely necessary to secure perfect dryness of such beds which can only be obtained by a perfect system of draining both at bottom and surface.

Soils that vary considerably in their natural properties classed as rich and poor earths in many places are intermixed with a large proportion of flint and other hard materials, the component parts of which are generally small. Other marls are softer and hold moisture tenaciously, requiring a through system of drainage to enable the roadbed to be perfectly made. Swamps and morasses being of a soft and spongey nature, better known as low wet grounds under the name of marshes and bogs, present the greatest difficulty in road construction and in several places have entailed heavy charges for their proper maintenance. Such localities demand perfect drainage.

In the construction of a good road it is absolutely necessary to have material in each of the sectional divisions of good, sound and durable qualities. The sectional divisions are now commonly placed under three heads, viz.: Upper, middle, lower vertical sections. It is necessary that each separate section of its construction should be laid in the gradient form of the proposed formation of the road from the fact that the traffic is more upon the centre than on either of its sides, and helps to keep the cohesiveness and component parts in more compact form and elastic shape preventing displacement of materials. The materials of which the several sections are formed may be described as follows:

Lower section—Solid broken rock rough cobbles, iron slag, slate refuse, shale and similar heavy substances from the various quarries. As such materials can be obtained in almost any district in which roads are required to be made in more or less quantity, constructors should be guided of course in the selection of the material by the facility with which it can be procured.

Middle section—Materials of porous and yet durable nature. These qualities are found in burnt clays, stones taken from silicious soils, broken rocks, or similar hard and durable substances, which should be broken to a size that would pass through a two and a half inch ring and of either cubic or angular shape. Here again contractors should be entirely guided by localities.

Upper section—Lighter and smaller materials of a strong, dry and durable nature not easily disintegrated which will retain their solidity after severe tests of sun and frost or sudden changes to either high or low temperature. These qualities are found in small broken rocks, crushed stone from out of silicious soil, stone from sand or gravel pits; cinders also are at times used where the traffic is light and in such cases are useful, but on roads over which there is a large amount of heavy traffic cannot be recommended. The size of material should not be larger than would pass through a one inch screen. The immediate surface of this section should have smaller material, such as gravel or heavy sand, that would pass through a half inch screen.

It may be well to define what is meant by the term "burnt clay," as its introduction for use in road construction is of comparatively recent origin and as yet has not been extensively used, but may ultimately come into general use. The use of burnt clays or ballast is limited to districts that are known to have subsoils of white or blue clay and as a matter of economy in the construction of roads through such it is found to be as cheap and as desirable material as can be obtained. The modus operandi is as follows:

Take a road that has been constructed through a heavy clay district, such as parts of the counties of Essex, Kent and Lambton, where gravel is scarce, one of a medium width, say a local road twenty feet wide. In summer weather or during the hot season. the soil in the proposed road should be cut out to a depth of two feet into large spits and laid roughly one upon the other and left in that condition for about ten days. By that time the sun's rays will have evaporated the moisture held by soils of this nature. So soon as the spits are dry they are submitted to the action of fire in the following manner: A circle is formed twenty feet in diameter surrounded by a wall made of the roughest and largest spits two feet high; in the enclosure thus formed straw or other light combustible material is laid; small pieces of wood are placed on these, and over them are placed other spits so as to form a cone or pyramid, the whole structure to be about eight feet high. Fire is then applied to the several parts at once, due care being taken to see that the spits sink evenly until the whole mass is well alight. After being well banked the mass is left for a day or two and as soon as it attains a good red appearance is drawn down, the wall broken, the spits are thrown on top and others added as required from day to day until all the earth dug has been submitted to the same process. In a length of one hundred yards of road thus served it would take about six fires to burn the 12,000 cubic feet contained therein; the cost of labor would probably be twenty-five cents per cubic yard. The burnt clay is then, after cooling, relaid upon the road and forms the middle section, and will last for years.

Commuting Road Tax.

"Farmer Hopeful" writes to the Woodstock *Sentinel-Review* offering the following detailed plan, for providing better and permanent country roads :

1. A division of the township into districts. 2. Appoint in each district a commissioner, who shall be paid by the corporation a reasonable sum for services rendered. 3. The council to instruct the commissioner in each district to prepare plans and specifications for making permanent roads on certain roadways which they will designate in his district. 4. All statute labor, formerly employed on the said lines or roadways, to be commuted at seventy-five cents per day, to be collected at the same time and in the same manner as the general tax. 5. The commissioner to have jurisdiction only over such roadways as the council may set apart from year to year. All other portions of each district to continue the present system of statute labor until the corporation can reach them, a portion being taken under the new system each year (I believe five years would be required to take over every road in an ordinary township). 6. All roads under the management of a commissioner to be graded and gravelled or macadamized so as to be a permanent road. Bridges and culverts to be built as at present from the general tax. Any job of work to be performed on a public road, involving an expenditure of twenty dollars or more, to be let by tender.

This plan will necessitate the council providing funds for immediate use to be repaid from year to year by the commutation tax. To illustrate, suppose the statue labor amounts on an average to twenty days per mile. Reduced to cash that means fifteen dollars. Now we will take one mile of roadway to grade, gravel or macadamise. This will cost say sixty or forty-five dollars more than our tax for one year. That sum to be provided by the council and charged against the district in which it is used. The next year the road will only need slight repairs by a few loads of gravel or broken stone applied in depressions on new grading, costing say $5, leaving from the second year's tax $10, to be applied as follows: Interest on $45 advanced, $2.70 ; balance $7.30 to be applied to reduction of indebtedness, which would leave our liability in the third year $37.70. As the cost of repairs would be less each year, in the course of ten years we would reimburse the council, and have every road in the township a first-class gravel or stone one.

Then why not at the end of ten years reduce our statute labor tax to twenty-five cents per day, which would be sufficient for repairs. Or if the present rate of seventy-five cents per day were collected for twenty-five years, not only would our roads equal the celebrated stone roads of Scotland, but we would have a sidewalk on every public road in the township.

Proposed By-Law.

TO PROVIDE FOR THE COMMUTATION OF STATUTE LABOR IN THE TOWNSHIP OF—

The Municipal Council of the Township of———in council assembled, under the authority of section 521 of the Consolidated Municipal Act, 1892, enacts :

1. That from and after the passing of this by-law, the sum of———cents per day shall be paid, as commutation of statute labor required to be performed by persons liable, according to the schedule laid down by the said township.

2. That the commutation tax shall be entered in a separate column of the collector's roll, and shall be collected and accounted for like other taxes.

3. That the clerk be required to furnish annually, on the direction of the council, a statement showing the amount of commutation taxes paid in each statute labor division of said township.

4. That the statute labor divisions within the said township shall be those now existing, or the same as they may be hereafter modified by this said council and such new ones as may from time to time be established by by-law or resolution of the said township.

5. The said council shall annually appoint a pathmaster to each statute labor division of the said township of———

6. The said pathmaster shall expend such commutation tax in his division subject to the direction of the council of the said township or commissioner appointed by them.

7. That the said pathmaster shall collect from each person between the ages of twenty-one and sixty years of age, who resides in his division and who is not otherwise assessed, the sum of——— cents in lieu of statute labor required to be performed by section 91 of the Consolidated Assessment Act 1892.

8. That all by-laws or as much of said by-laws as is inconsistent with this by-law be and is hereby repealed.

NOTICE.

NOTICE is hereby given that the above is a copy of proposed by-law to provide for the commutation of statute labor in the municipality of the township of——— and that the votes of the electors will be taken thereon on.....
.....
at the usual polling places, being the places at which the municipal elections of the said township are——

Dated this——, day of———, 189—.

.....
Township Clerk.

Government Bonus and Good Roads.

"*The Canada Farmers' Sun*" recently published an article on *Public Highways*, which included the following reference to the Government of Ontario, granting bonuses to Ontario municipalities to assist in building *Good Roads* :

Every dollar invested in improving our roads and concession lines is a good investment for the province. In ancient Rome the building of those magnificent Roman roads through the empire, which can be seen after the lapse of centuries today, was the work of the central government. And why not? Why should the Government of Ontario not invest some portion of the $3,000,000 annually expended by the province in the building of good stone roads through our townships? It is considered the correct thing for the Government of Ontario to grant Government aid to any railway that can get a sufficient pull upon the Government to justify the grant; many of which would have been built whether aided by the Government or not. The benefits of some of these roads to the country have often been of a most problematical character.

* * *

We would propose that any township should, on application to the Legislature of Ontario, be allowed a bonus of a fixed sum per mile for every mile of necessary stone or gravel roads built by them in the township, such bonus to be paid on the certificate of a Government inspector, and that the farmers with all horses required on their own concession lines have the first right to be employed in the laying of these roads. By this means a direct benefit would be derived from the expenditure of this money by the farmer, and every citizen in the country who has to travel over our roads would be benefitted, and instead of our highways being a disgrace to our country, they would be a credit to us. The Government that would give such a boon as this to the people of Ontario would place the country under an everlasting debt of gratitude to them, and generations yet unborn would bless them.—*Farmers' Sun*.

* * *

President Pattullo, of the Provincial Good Roads Association, in an able letter published in the following issue of the "*Sun*," showed that the foremost advocates of reform in roadmaking are not in favor of "*Government Bonuses*," and stated that :

"There was a time when the public highways belonged to the whole country, but with the introduction of the railway this time has long since passed. They are now no longer national, or even provincial in their character. They are simply local mediums of transport to the various centres of population situated on the railway lines of the country, the latter being the real national mediums of communication in the present day. Therefore, I have never been able to see on what principle either the Federal or the Provincial Governments could be asked to make or maintain these rural highways, any more than they should pave the streets of our towns and cities, or provide for the disposal of sewage therein. Believing that rural roads are local, not provincial or national in their character, they should be made and maintained under local authority and out of local funds, just as civic thoroughfares or other local objects.

* * *

Legislation will not make good roads, neither would government bonuses, until there is an intelligent public opinion behind it. Under a bureaucratic system in some countries of the old world, good roads are made without the people who share the blessings of them knowing very much about how they come. But we live in a democracy in this Canada of ours ; and before we can get good roads or efficient government in any direction, we must educate the people. But this education must rest on a spirit of self-reliance, out of which will grow intelligent self-help, rather than reliance on the paternalism of government which has been the fertile parent of inefficiency and corruption in this and other countries. Our municipal machinery can be so improved as to secure the great boon of good rural highways in all the older and well organized parts of the country at least. And the resources and credit of these older municipalities are such as to enable our people to be self-reliant in this as in other respects.

Bridges.

Considerable time and thought has been expended by bridge builders in perfecting methods for the speedy erection of iron bridges. The profits of the job and the fortunes of the promoters of the enterprise may many times depend entirely with the speed with which the iron can be put in place and self supporting, be swung clear of all obstructions. Probably nowhere else could be found a better illustration of the adage "time is money." For bridges of very small span and not very great height, a gin pole is sometimes used for the erection. It is easily moved to the different points where wanted, either by hand or with the assistance of a team. This is the simplest plan of raising iron and requires no description.

For bridges of greater height and longer span a false work must be erected and carry the iron until it is self supporting. The false work is made up of piles driven into the ground, or if there be a rock bottom the piles are set on end and well braced together and anchored to the bottom sometimes with heavy chains. The false work is brought to within a few inches of the top of the pier and on this a frame work is built which carries the upper chord, the lateral bracing, and everything in fact but the floor system. The iron is raised to position inside this frame work by block and falls fastened to it. If it is desired to provide for the passage of trains during erection this can be accomplished by filling in the space between the false work and the rails with ties, but care must be taken that these ties are so spaced as not to interfere with the placing of the floor beams. Then in placing the stringers it is very easy to put them in, one panel at a time, and not interfere with traffic. This method of raising bridges is still practiced to some extent, but has nothing in particular to recommend it, it takes a great number of men, since an engine is seldom used for raising the iron into position. A great deal of time is lost in building the frame work or skeleton for supporting the iron, and then such is not the only object which is desirable to obtain in successful bridge erection. Due regard must be paid as well to the economical use of materials. This point is also lost sight of in the above method of erection. A great deal of material is used in the frame work since each and every span requires such a skeleton.

For this reason the stationary frame work is replaced by a movable frame called a traveller. The traveller marks a very great advance in economy in bridge construction. A traveller but 33 feet long is sufficient to erect a number of bridges with spans varying in length from 100 to 200 feet.

The traveller for a through span as usually constructed consists with two or three bents with their braces. A bent is built up of two plumb posts just far enough apart to clear the iron work when it is desired to move the traveller. Outside of the plumb posts are the two batter posts which incline from the bottom to the top thus putting the spread caused by the batter at the top instead of the bottom. This makes the traveller somewhat unstable, and it is customary to run guy ropes out from the floor corners to steady it.

The bents are capped with a long timber running clear across. At the bottom there are one or two sets of wheels depending upon the arrangement of the posts on a side. If the two posts are not separated and are framed into the same timber but one set of wheels will be necessary. If the posts are separated by a short timber, two sets of wheels will be necessary and the traveller will take up more space on the false work. Part of the wheels are usually flanged and part flat without flanges. The block and falls are fastened to the top of the traveller, and runs to a hoisting machine operated by a stationary engine, placed at some convenient point upon the false work.

The false work is the same as above described except that allowance must be made for the stringers and plank carrying the traveller track so as to bring the rail above the top of the pier. Also if it is desired to maintain traffic during erection the single cap of the false work is replaced by timbers bolted to the side of the piles, and the plumb posts are sunk up between these timbers and inside the iron stringers thus dispensing with the ties of the other method.

Care must be taken to so space the bents of the false work so as not to interfere with the driving of the pins and the placing of the floor beams, and the plumb piles must be well within the iron stringers so as to avoid cutting.

It will also be found more convenient to extend the plumb posts so that the traffic track will be elevated at least two feet above its permanent position. Then all the iron work, floor beams, stringers, ties, etc., can be put in place without tearing out any of the false work and only cutting it a little to get the floor beams in place.

The operation of erection then is as follows: The castings for the fixed and roller ends are placed in position on the pier and the lower chord is then placed in position and pinned together. The traveller is then moved to the centre panel fastened in position by hooks which grasp the track, and guys run out from the corner. The posts are then brought out on push cars, picked up by the working blocks and falls, lowered into position, pinned at the foot and held at the top by another set of falls. The top chord is then brought out and placed in the same manner, and then the braces. The connections are fastened together temporarily by bolts.

After the braces are put in, the panel is self-sustaining, except the first one erected, which will be braced temporarily by a rope or board until the traveller is moved to the next panel.

Water Waste.

Many circumstances at the present time make the consideration of the question of the sale of water by measure opportune. Foremost amongst these is the fact that the latest developments of biological research have proved that organisms injurious to the health, which chemical analysis cannot detect, may exist to a dangerous extent in water hitherto held to be above suspicion. Those who supply water to the inhabitants of cities must therefore exercise greater care in the selection of the source, in the conveyance and purification of the water, in its storage and in its final distribution to the public. This greater care in each successive stage necessarily enhances the cost of the water. The governments, moreover, of the densly populated countries of Europe are beginning to enforce the laws relating to rivers and watercourses, and to prohibit the sewage of towns being discharged into them unless previously purified. The necessity of this purification, whether by chemical treatment or by irrigation, tends to cause the municipalities after making liberal provision for the domestic and trade water supply of the citizens to deter from excess in order to keep down the quantity of sewage water and the cost of purification to a minimum. Lastly, the prevailing social conditions tend to concentrate the population in the towns which, as a rule, are distant from suitable sources of water supply. Thus the concentration of the population increasing the quantities indispensible at distant centres, the protection of the streams from pollution and the more accurate appreciation of and means of testing the hygienic conditions of the water supplied, make it important to limit the quantity to the actual requirements in the interests of the consumers on whom the cost eventually falls.

It is well known that the majority of the waterworks supply a much larger quantity than the actual requirements of the consumers, and the excess runs to waste without benefit to those whose premises it passes, and to the damage of the commuity. A history of these waterworks would be a record of an incessant struggle to diminish or deter from waste. Parliament has granted them almost unrestricted powers for house inspection. They can prescribe the nature, construction and qualities of the apparatus for the conveyance and delivery of the water within private property, and can exact fines for non-compliance. Nowhere in large towns have these measures and efforts done more than mitigate the evil for a short period. As soon as the efforts were relaxed, owing to the opposition of the inhabitants, the previous condition returned; and the waterworks have been compelled to expend capital for increasing the supply, knowing well that the outlay need not have been made, had it been in their power to prevent the unrestricted freedom of the consumer with reference to quantity being abused. This abuse

results from ignorance and neglect, and from the indirect way in which the cost, resulting from waste, falls on the individual in consequence of the system of charges for domestic water.

An improvement can only be effected by a change in the method of assessment of charges for the water which passes through the surface pipe of the consumer. So long as these charges bear no relation to the quantity of water delivered, being dependent either on the rental of the premises, on the number of rooms in the house, or on the number of water taps, or other water appliances, the consumer has no inducement to use water economically, or provided sufficient water is delivered for his purposes to keep the apparatus in such repair as to avoid waste. The quantity of water which passes through his water fittings, whether wasted or not, does not effect his water rate. Thus the system of charge which permits an unlimited consumption to each householder in return for a limited and fixed payment, is prejudicial to the community. Works constructed for a definite population on the basis of an ample supply per head, which would suffice till the population contemplated in the design is reached, become rapidly insufficient in consequence of the unjustifiable demands, from the satisfaction of which there is no escape, and a premature enlargement of the works is necessitated. This process repeats itself continuously, involving additional works out of all proportion to the actual requirements and increase of the population.

The meter system has given perfect satisfaction to all consumers, where it has been applied. The general feeling is that they are only compelled to pay for what water they use, and the only way that this can be had is by a correct system of meters, and we would recommend the adoption of a more general use of the meters, and particularly in all places where large quantities of water are being used, or are likely to be used, and also the adoption of a regular schedule of meter rates to be charged, and we are satisfied that by the adoption of such a system, it would soon prove its economy to this department, and reduce the large quantity of water which is constantly running to waste to a minimum.

Advantage of Good Roads.

The Charlotte, N. C., Observer quotes a prominent farmer of Mecklenburg county as expressing the opinion that Charlotte's growth and improvement are largely due to the roads leading to the city, and saying that lands in his section had increased much in value in consequence of the better roads. He mentions two tracts which were bought last year, one for $18 an acre, which was sold this year for $25 an acre; the other for $18 per acre, which sold for $30. These figures serve but to strengthen the general belief that good roads do much for the towns with which they afford ready communication.

Municipal Lighting.

The question of whether street lighting plant should be owned by the municipality or by a private company is one which has received considerable attention, and is worthy of careful consideration.

Although it has been less than six years since the field of electric lighting was first entered by the municipality, more than one hundred and twenty-five cities in the United States now own and operate plants. So far this movement has been confined chiefly to the smaller cities, but the larger ones are beginning to discover that the element of size is not necessarily a bar to their entrance upon the same course. Chicago at a very recent date was operating successfully seven hundred and twenty-five arc lamps and the sphere of its operations in this direction has been growing rapidly. The mayors of New York, Boston, Philadelphia, Baltimore, Atlanta, and other places have discussed in their messages the advisability of the assumption by the municipal government of these public works. The following schedule shows the price paid by a number of cities and towns in Ontario for electric street lighting:

Place.	No. of arc lights.	No. of Nights allowed for Moonlight.	Cost per Night.
Barrie	33	72	$0 23.8
Kingston	100	96	30
Brockville	29	96	35
Hamilton	348	none	28
Brantford	35	none	23
Guelph	90	72	24½
Peterborough	77	65	25
Stratford	73	90	18
Belleville	39	96	35
Toronto	1000	none	29.7
Chatham	56	85	23½
Galt	39	65	22
Ottawa	331	85	23.2
Windsor	108	none	14½
Woodstock	56	to midnight	
Owen Sound	30	72	30.7
London	216	60	25
St. Thomas	31	96	28

The above information has been obtained from direct inquiry and is based on official statements coming from the various cities and towns. Of the above list Windsor is the only city owning and operating the plant with an all night and every night service, the cost is $52.92, while for the same service it will be observed places lit by a company pay almost double. As Windsor is the only city in this list which owns and operates its plant, it might be considered unfair to take it as a single comparison, but in looking over the American government report on gas and electric lighting, we find that the average cost on each arc light owned and operated by twenty-three cities is $53.04. While selecting from the parts of the country in which the twenty-three works are situated, private plants having the same arc light capacity, we find that the average cost per light per year of arcs operated by private companies is $106.01; this price is only $2.79 greater than the average charged by all the private companies, large and small, in twelve states covered by the cities given in the report, and therefore cannot be considered as out of exceptional conditions. These comparisons of municipal and private plants, of equal arc light capacity, and subject to the same territorial conditions are the fairest that can be made, excepting perhaps that between the cost of the same light under the two systems.

Many of the municipal electric lighting plants in the United States are operated in connection with the municipal waterworks and this could also be done in Canadian towns and cities and is one of the chief reasons why cities furnish themselves with light more cheaply than private companies can perform this service. The general practice, a few years ago, was for private companies to own the municipal water supply, but this has been found to be very undesirable and now it is almost the exception to find the municipal waterworks in the hands of a private company. By uniting these two services, water and light, the running expenses of the plant are made comparatively light. One building often suffices for both water and light plants, and the same power is utilized. Several cities have found it necessary to add only two or three employes to the waterwork's force. Then the municipal plant is not operated for profits, while the prices of the private companies are regulated to yield a return for the investment. Often the item of profit represents the only difference between the cost of a municipal and private electric lighting and this generally is a very large item, as evidenced by the marvellous reduction made by the private company in their contract for the city of Toronto a few weeks ago, when they were confronted by a determination on the part of the municipal council to install their own plant, and it was shown by the tenders that the cost of a new plant was well within the estimates of the city engineer and that the citizens must assume that the remainder of his estimate was correct and that by such installation they would be saved the large amount which he estimated they would in consequence of the change.

Electric lighting is one of the services, the rates of which are practically precluded from the regulating influence of competion on account of the limited number of companies that can operate in the same territory at one time and natural competition is made impossible. Rival companies occupying the same field may induce a temporary lowering of the price, but the causes that render competition inoperative make easily possible a combine of one, two or three companies and no one needs to be told that in the end, if not at the time, the consumer pays for the multiplication of engines, dynamos, lines and linemen.

Dust and mud are the alternative conditions of dirt roads, with all too brief intermediate stages, when they are for a few days about right for comfortable driving.

LEGAL DEPARTMENT.

H. F. JELL, SOLICITOR,
EDITOR.

Tax Collectors.

The council of the township of Aldborough has instituted legal proceeding against the collector of the said township for the year 1893, and his sureties, to compel him (the collector) to return the collector's roll for the said year and to account for, and pay over a balance of some $2,900 apparently still in his possession. It appears that the same person has been the collector of the said township since 1889, and that for the past three years the balance due on the roll of the previous year has been paid out of the first taxes paid in the year current. A general straightening up by the collector being now necessary, the above suit is the consequence. The collector seemingly ran the gauntlet of treasurer, council, and the auditor without a discovery being made of the irregularities referred to. The above should be a lesson to all municipal councils, and lead them to keep a closer personal watch over all their officers, as in this way a more satisfactory performance of their public duties would be assured.

Apropos to the above, the case of the Township of Warwick v. Morris et al might be referred to like Aldborough.

The point in dispute was an item of $800 alleged to have been paid by the collector to the treasurer, Morris. Payments were made apparently in a loose and irregular way, the money being conveyed from the collector to the treasurer by the hands of various parties, some of whom had no knowledge of the amounts. The collector kept no memorandum of dates or amounts, or by whom sent, but receipts were generally given on each occasion. At a meeting between the reeve and treasurer and collector, these receipts were produced and the treasurer's accounts were shown to be some $800 short in their cash, and he is alleged to have admitted the accuracy of the accounts as they then stood. A few days after this meeting the treasurer called on the collector and asked to see the receipts again. The collector alleges that he then discovered for the first time that they were missing, and that the last he saw of them was when they were produced at the meeting where the accounts were checked off. Mr. Morris claimed that he had doubts as to an item of $800 and wanted to see the receipts. No trace of the receipts could be found, and Mr. Morris then refused to accept the settlement arrived at the meeting. Hence the action by the township to compel a settlement. The hearing of the case lasted all Monday afternoon and Wednesday forenoon. The jury returned a verdict for the plaintiff for the full amount, $800.

Legal Decisions.

COLQUHOUN VS. DRISCOLL.

This was a case recently decided by the Court of Queen's Bench of Manitoba, and was a suit in equity to have a tax sale deed of the west half of section 22-7-8 W., declared void and set aside as a cloud on the plaintiff's title. The north-west quarter was only granted by the crown on the 29th October, 1888, but it and the other quarter were sold together in 1890 for arrears of taxes for 1888 and 1889. It was held that the sale of the north-west quarter was void because the land was not subject to be taxed in the year 1888, but that the tax sale in question might have been good as to the south-west quarter but for the other objections. The learned judge, however, held that the sale was void on the following grounds: 1. That there was no record in the proceedings of the municipal council of any report to the council by the court of revision, as required by section 586 of the Municipal Act then in force. The minutes showed that the council had resolved itself into a court of revision, that the court of revision had dealt with the appeals brought before it, and that a motion had been carried, "that the court of revision do now adjourn," followed immediately by a motion, "that the council now take up the general business," but there was no mention of any report to council by the court. 2. That the rate by-law, passed by the council for the levying of taxes in 1888, was ambiguous, providing merely that a rate of six mills be struck for general purposes and other rates of so many mills and fractions of a mill for other purposes, not saying whether these mills were to be levied on each section or quarter section, or upon each inhabitant, or upon every dollar in value in property—although by section 603 of the said act, taxes were required to be levied equally on all the taxable property, in the proportion of its value, as determined by the assessment roll in force. The learned judge held that he could not assume that the rate was intended to be struck upon every dollar of value, and that enactments imposing and regulating the collection of taxes are to be construed strictly, and in all cases of ambiguity, which may arise, that construction is to be adopted which is most favorable to the subject.

CITY OF TORONTO VS. TORONTO S. R. W. CO.

The Toronto Street Railway Company was incorporated in 1861, and its franchise was to last for thirty years, at the expiration of which period the city corporation could assume the ownership of the railway and property of the company on payment of the value thereof, to be determined by arbitration. The company was to keep the roadway between the rails and for eighteen inches outside each rail, paved and macadamized, and in good repair, using the same material as that on the remainder of the street, but if a permanent pavement should be adopted, by the corporation, the company was not bound to construct a like pavement between the rails, but was only to pay the cost price of same not to exceed a specified sum per yard. The city corporation laid upon certain streets traversed by the company's railway permanent pavements of cedar block, and issued debentures for the whole cost of such work. A by-law was then passed charging the company with its portion of such cost, in the manner and for the period that adjacent owners were assessed under the Municipal Act for local improvements. The company paid the several rates assessed up to the year 1886, when they refused to pay on the ground that the cedar block pavement had proved to be by no means permanent, but defective and wholly insufficient for street upon which the railway was operated. An action having been brought by the city for these rates, it was held that the company was only liable to pay for permanent roadways and a reference was ordered to determine, among other things, whether or not the pavement laid by the city was permanent. This reference was not proceeded with, but an agreement was entered into by which all matters in dispute to the end of 1888 were settled, and thereafter the company was to pay a specified sum annually per mile in lieu of all claims on account of debentures maturing after that date, and in lieu of the company's liability for construction, renewal, maintenance and repairs, in respect of all the portion of streets occupied by the company's tracks so long as the franchise of the company to use the said streets now extends. The agreement provided that it was not to effect the rights of either party in respect to the arbitration to be had, if the city took over the railway, nor any matters not specifically dealt with therein, and it was not to have any operation beyond the period over which the aforesaid franchise now extends. This agreement was ratified by an act of the legislature, passed in 1890, which also provided for the holding of the said arbitration, which, having been entered upon, the city claimed to be paid the rates imposed upon the company for construction of permanent improvements for which debentures had been issued, payable after the termination of the franchise. The arbitrators having refused to allow the claim, an action was brought by the city to recover the said amount. It was held by the supreme court of Canada, affirming the decision of the court of appeal, that the claim of the city could not be allowed, that the said agreement discharged the company from all liability in respect to construction, renewal, maintenance and repair of the said streets, and that the clause providing that the agreement should not effect the rights of the parties in respect to the arbitration, etc., must be considered to have been inserted *ex-majori cantila*, and could not do away with the express contract to relieve the company from liability. It was further

held, that as by an act passed in 1877, and a by-law made in pursuance thereof, the company was only assessed as for local improvements, which, by the Municipal Act, constitute a lien upon the property assessed, but not a personal liability upon owners or occupiers after they have ceased to be such, after the termination of the franchise the company would not be liable for these rates.

Citizenship—General Foundation.

Government reaches everywhere. Not only human life upon the earth, but the earth itself and the stars are all governed. Everything made is under law.

To govern, in the first sense of the word is to steer, as a pilot steers a ship. Government guides. But more than this. It also brings to pass. To govern is not only to hold the helm, but to propel the ship. In a single word, it is to control. Government is the power that controls, or, meaning the same thing, we may say it is the power that rules.

To rule is to set and to keep in order. But order points at once to origin. These two words have the same source. They are branches of one root. They both mean an arising, like that of the sun or of the day. The origin of things and the discovery of their order both come to the beholder like the coming of the light, like the breaking of the day.

The oneness of these two is clearly seen if we closely note the real meaning of each. The order of things represents the pattern after which the things were made. There must be such a pattern for all things, else there could be something without a reason for it. This pattern was not made when the things were made, but was before them and determined how they should be made, as the pattern of a watch must be before the watch, and the watch must be made according to its pattern or it will fail. The world and everything in it, as well as a watch, must have its pattern after which it must be exactly fashioned.

This pattern of anything is precisely what we mean by nature. The word nature literally means a birth or bringing forth. Nature brings forth to the light that which had been hid in darkness, and is constantly carrying this forward to a more distinct disclosure. But the true reality thus disclosed, the true nature, is the living pattern which, as we study nature, constantly shows us more and more of its living power. All the power in nature is the power of those patterns of wisdom and beauty hid in the All Wise until He brought them forth as the expressions of His power to create and to control. He creates and governs all things according to their patterns which He possessed in the beginning of His ways before His works of old. When these are brought forth it is the issuing of the light from the darkness. It is the crowning of the world with wisdom.

So we see that the pattern of anything is precisely that which makes the thing to be what it is. It is thus in reality its source. The order of things is, therefore, quite at one with their origin. Hence to govern, which is to control things as their patterns require, is fitly called a continuous creation.

Every pattern has its exact requirement. The pattern of a watch requires that it be made in a certain way and it works in a certain way, and unless these requirements be followed there could be no watch. So of all nature and of everything in it. Its pattern require that it be brought forth and be ordered in a certain way and if this should not be, nature could not be.

The requirements of these original patterns—patterns of wisdom and truth—are what we call laws. They are what is laid, law means, literally, laid—upon that to which they belong, to set and to keep it according to its pattern. But as it is the pattern of things which determines their order, laws are nothing other than requirements or rules of order. The only definition of law which we need to have is that it is a rule of order. To know the true order of things is to know their law.

It is not accidental that the word pattern and the word father have the same source, for the first meaning of these two is the same. In the pattern of things, which is their origin, is their proper procreation, and He who has the universal pattern before Him, and makes the universe of things in accord therewith, is the Universal Father. Of Him, and through Him, and to Him, are all things.

Without question the author has authority over what he has made. The Universal Father must be the Universal King. Again, language shows its deep meaning when we find that the word 'king" is from "kin" and the King thus is the true kinsman, the source of kinship, that is the father.

In the universal kingdom we can clearly see two different worlds over which the Universal Father rules. In one, His wide creation knows as yet neither itself nor Him, but is kept in order and beauty for the time, if it shall ever come, when it shall have the open eye and the perfect liberty of the sons of God. This is the world of nature as we commonly term it, a world of wondrous interest, but which we leave at present for that higher world which is conscious of its author and conscious of itself, and which can obey government with a full knowledge and a free choice. This is the world of intelligence, a world which may have we know not how many spheres, but which comes before us for our present contemplation only as the world of human intelligence upon the earth

The human family is everywhere under the government of the great King, and the laws of this government can be clearly seen if we carefully study the pattern after which the human life upon the earth was originally constituted, and by the requirements of which alone it can be orderly controlled.

(To be continued.)

SPECIMENS OF COURT ROOM WIT.

A lawyer by the name of Mayne, who was a highly respected but decidedly heavy person, had risen to a judgeship, while Jeffrey Keller, who had entered on his legal career at about the same time with Mayne, but was more noted as a wit than as a lawyer, was still much in want of clients and fees. The latter was in a court-room one day, when Mayne was solemnly presiding, and he turned to a friend who sat beside him and plucked at his sleeve. "See there!" he whispered; "there sits Mayne, risen by his gravity, and here sits Keller, sunk by his levity. What would Sir Isaac Newton say to *that*, I'd like to know?"

* * *

Erskine once had a client named Bolt, whose character having been traduced by the other side, Erskine confidently assured the jury that he was known among his neighbors as "Bolt upright." He opened a certain coach accident case in this wise: "Gentlemen of the jury, my client is a respectable Liverpool merchant, and the defendant, Mr Wilson, keeps The Swan with Two Necks in Lad Lane, a sign seemingly emblematic of the number of necks people ought to possess who travel by his coaches." Once he told a jury that the plaintiff, the owner of a wild beast show, claiming damages for the loss of a trunk, "ought to have followed the example of his own sagacious elephant and travelled with his trunk before him."

* * *

The sarcastic Judge Maule did not spare his judicial brethren. "I do not believe," he said to the counsel once, "that any such absurd law has ever been laid down, although it is true that I have not yet seen the last number of the Queen's Bench Reports." When a witness was telling an impossible story, and declared that he could not tell a lie, for he had been wedded to truth from his infancy, Justice Maule observed, "Yes, but the question is, how long have you been a widower?" The counsel who objected to a bill of costs in a case before Justice Maule and a jury, declared that the account was a "diabolical bill." The judge told the jury, however, that even if the statement of counsel were true, it was still their duty to "give the devil his due."

The township council of King this year adopted a new plan of dealing with claims for sheep killed by dogs. Two or three valuators were appointed in each polling division, and any one of these can value a worried sheep and issue a written certificate. The owner, armed with this certificate, proceeds to the council and makes his claim on oath. The money is then paid. In Uxbridge township the system that is followed allows any neighbor to make a valuation, and both he and the owner attend council and give their evidence on oath.

QUESTION DRAWER.

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

R. E. S.—Re. Unlawful fence and damages by horse in October Number.

If the horse has no right to run at large, why is not its owner liable to damages whether fence is legal or not? If he is liable to damages, who should assess them but the fence viewers.

We overlooked the second part of R. E. Y's question on page 157 of THE WORLD. The owner of the horse is liable for the amount of the damages done under the circumstances mentioned by our correspondent, but a careful perusal of sections 20 and 21 of the act, will, we think, lead him to come to the same conclusion as expressed in the answer to the first part of R. E. Y's. question.

That when the dispute is in reference to damages on property not enclosed by a lawful fence the fence viewers have no authority.

J. M.—Our township council received a petition praying that a by-law be submitted to the ratepayers of the township, to grant aid to the Carp, Almonte and Lanark Railway Company by taking stock in the same.

Notice was immediately given by one of the councillors, that he would at the next meeting of the council introduce a by-law in conformity with the prayer of the petition.

In the meantime the ratepayers in a certain portion of the township, deeming that they could in no wise be benefited by the proposed railway, drew up and presented to the council a petition praying that the certain portion of the township, defining the boundries, etc., be excluded from the operations of the proposed by-law. Would it be proper for the council to entertain the last petition and submit a by-law to a portion of the township?

If not, by what authority, and in what way, could the township be divided so as to exclude the part injuriously affected?

Sec. 634 of the Consolidated Municipal Act, sub-section 1, 1892, gives a township council power to pass by-laws for subscribing for any number of shares in the capital stock of an incorporated railway company. Sub-section 4 gives such councils power to pass by-laws for granting bonuses to any railway company, etc. Sec. 635, sub-section 1, provides, that, in addition to the powers conferred by section 634 a portion of a township municipality, which may be interesting in securing the construction of a railway, or through or near which any such railway may pass or be situated, may aid the said railway by granting money or debentures, by way of bonus or gift, or by way of loan to such railway, etc. We are therefore of the opinion that a portion of a township would not have the right to aid a railway by subscribing for any number of shares in the capital stock of the company, but would have a right to aid a railway in the manner mentioned in the sub-section last cited. If the council take the latter course, the preliminary proceedings are clearly laid down in said sub-section and following sub-sections.

X. Y. Z.—I am aware that the adjoining municipalities are jointly required by law to keep up the townline, but when one of the municipalities causes water to flow upon the road out of the natural course, so as to damage the road and wash away the bridge, should not the municipality causing the damage be at the whole cost of the necessary repairs?

This municipality has already paid damages to private individuals along the stream by reason of the overflow of water.

The municipality causing the damage should bear the responsibility. We think, however, it would be best for all parties to take the necessary steps under the Drainage Act to enlarge the watercourse, so that it will have sufficient capacity to carry off the water.

GORDON—Lot was sold at land sale, the original owner sent the money to redeem property, the letter was directed wrong and came back to original owner, was sent again but was too late, the treasurer has the purchasers' money and the original owners money, who owns the property and which will the treasurer return money to?

The purchaser at the tax sale is the owner, and the treasurer should return the money sent by the original owner to him.

CLERK.—Would it be lawful for a municipal council to strike off a portion of a school section, without annexing it to another or forming it into a new section?

A number of ratepayers in our township petitioned to be taken from their school section in our township and annexed to a union school section of two other townships. Arbitrators from each township were appointed by the council, the three arbitrators represented the three school sections interested, now in their award they said that our township is to pay over to the newly formed section, the sum of twenty-five dollars. Was it lawful and right that the township as a whole should pay this money, or should the school section that has been receiving the school taxes for a number of years back from the portion now handed over, pay this twenty-five dollars.

1. No.

2. Assuming that the proper preliminary proceedings have been taken as provided by section 87 of the Public Schools Act, 1891, sub-section Et seq. by sub section 8 of said section. The arbitrators are made the judges in the matter referred to by our correspondent. If any party or parties concerned in the arbitration, consider that the arbitrators have erred in their judgment, then an appeal should be taken to the county council or Minister of Education, if the union school section is within two or more counties, in the manner provided by Sections 88 and 89 of said act.

J. B.—Twenty seven land owners signed a petition for a creek survey. Thirty land owners outside were brought in the award by the engineer.

At the court of revision 19th November, 1894, will it not go by vote of the majority of those fifty-seven men affected by the $5000.00 award, whether the by-law or petition be quashed, or sustained? The question I want to ask is, can everybody affected by the award, vote, for or against by-law or award, and will such majority rule? Some of the signers wish to withdraw, (too costly.)

The facts are stated by our correspondent in a somewhat hazy manner, but we gather the following: That 27 land owners signed a petition to the council to have a certain creek deepened, straightened, widened, or cleared of obstructions, under section 3 of the Drainage Act, 1894. That pursuant to such petition the council procured their engineer to make the necessary survey and report—that said report showed there were 57 persons, owners, as defined in section 3 of the said act, who would be benefited by the carrying out of the said drainage works; that in compliance with said petition and report, the council passed a by-law in form similar to that given in section 20 of said act, and fixed the 19th November, 1894, for the holding of the court of revision. From the above, if such are the facts, we are of the opinion, that on application made to the high court at Toronto, as provided in section 21 of the said act, the by-law if, and when finally passed by the council would be quashed, as there are not a sufficient number of signers to the petition on which the by-law is based, that is the petition is not signed by a majority of the owners to be benefited as defined by said section 3 of the said act. The council has no right to quash the by-law. They might abandon it however, and cause the parties to begin proceedings again, seeing that the provisions of the said act are strictly complied with.

TOWNSHIP CLERK.—1. A is assessed for 100 acres, B is a hired man living in A's tenement house, first, how should they be assessed?

2. C and D are assessed as joint owner and tenant, should the road work be placed opposite their names individually half to each? or the total number of days to them as though they were one person assessed?

1. If the tenement house is located on the 100 acres A and B should be assessed jointly as owner and tenant respectively.

2. The total number of days based on the valuation of the property should be placed in the proper column opposite the property.

L. K.—1. A reeve of an incorporated village receives no compensation for his services, is he not entitled to some remuneration for his work in preparing the financial statement which is required to be made out at the end of the year?

2. Will the council of a village this year authorize the reeve to issue his check on the treasurer for the yearly amount required by the school board as heretofore, or for only the sum required by the board each month or quarter?

1. Section 232, of the Consolidated Municipal Act, 1892, provides that "The head of the council of any county, city, town, or incorporated village, may be paid such annual sum or *other remuneration* as the council of the municipality may determine." In view of this enactment ALONE we would certainly say he is entitled to the remuneration our correspondent suggests.

2. We presume our correspondent refers to the annual school levy. If so, the same practice will be followed this year as formerly. If the money is borrowed, however, for school purposes by the council, the treasurer of the school corporation will receive the same in monthly instalments on the requisition of such school corporation.

F. J. C.—On page 157 MUNICIPAL WORLD for October, 1894 you say that the high and public school boards ought to submit their estimates to the council in detail, and if this is not done, the council has the right to make enquiries of the

board as to how the amount is arrived at. They have a right, but have they any legal right to demand a detailed statement of the estimates? What means have the council to enforce this demand if the school board should refuse to comply with the request of the council in this regard? Can the council refuse to grant the estimates or consider them unless this request for details is first complied with if made by the council? We must not take it for granted that the school board would comply with such a request unless legal means can be taken to comply a compliance?

Yes, the legal right exists; otherwise the council might be called upon to levy and pay over to the board any amount or amounts they might demand no matter how unreasonable and possibly to be devoted to illegal purposes.

COUNCILLOR.—If the council of a township establishes a piece of road on a blank line and an owner of the land which the road runs through, presents a claim to the council for $100 for fencing the extra half he would be required to do. The council considering the claim too large, and they can get it done at a much lower price. Would the municipality be compelled to keep the said fence in repair?

2. If the road was made on the opposite side of the line, can the municipality be compelled to build half of the fence on the said line?

3. If a council appoints an assessor and two assistants to assess a township, can there be any legal steps taken by the council to have the said assessment stand for three or five years?

4. In our township some twenty five ratepayers petitioned the council to have a new school section formed, the petitioners were composed of ratepayers belonging to three different school sections which were established by the council one year before. The council claimed there could be nothing done for five years, can these ratepayers have an independent school at the end of the five years? If so what steps should they take?

1. No.

2. If the preliminary steps have been taken as provided in section 546, of the Consolidated Municipal Act, 1892, the liability of the municipality for fencing would be the same as in the case of an original road allowance.

3. No.

4. We presume from the language used by our correspondent, the school sections referred to were established or formed out of existing sections, including possibly additional territory not heretofore included in any school section. If the council sees fit they can form an independent school section for these ratepayers at the end of the five years, conforming to the Public Schools Act as set forth in section 81, of said Act, *et seq.*

TOWNSHIP CLERK.—1. Is there any statute definately fixing the charges and commissions the county treasurers are entitled to for collecting non-resident taxes, and arrears of taxes?

2. Does section 176 and 179 Consolidated Assessment Act. 1893, apply to all sums collected by the county treasurer or only a certain part of them? If a part what part?

3. In the district of Parry Sound, the sheriff acts as treasurer, has he any privilege or emoluments over and above a county treasurer with reference to collection of taxes?

1. Not unless the lands have to be sold in order to enforce payment of the taxes in arrear, when the county treasurer is entitled to the commission mentioned in section 176, of the Consolidated Assessment Act, 1892.

2. The sections referred to relate only to such sums as are collected by the county treasurer by sale of the lands in arrear for taxes.

3. Section 1 of chap. 50, of the Ontario Statutes, passed in the year 1892, subsection 5a, provides as follows: "The judge of the district court of Muskoka and Parry Sound may by his order in writing direct that the said sheriffs (*i. e.*, the sheriffs of said districts), respectively, shall retain out of the moneys collected by them in the performance of their duties with respect to the collection of taxes under this Act (*i. e.*, chapter 17, of the Acts of Ontario, passed in 1889), a sum over and above the 2½ per cent, provided by section 176, of the Assessment Act, but such sum, including the 2½ per cent., is not to exceed the ten (10) per centum which, under section 157, of the Assessment Act, may be added to arrears of taxes on the first day of May in each year, and shall be actually received from the parties concerned by the sheriff under the provisions of the Act in that behalf."

N. and H.—1. Can a municipal council grant money to agricultural or other societies without a vote of the ratepayers?

2. If a motion to grant money is lost, is it in order for one who voted in the minority to move to reconsider the question?

3. And is a grant legal, while there remains a motion on the books to the contrary, it being not rescinded.

1. Yes. See section 479, subsection 9, of the Consolidated Municipal Act, 1892.

2. The general rule is that a member of a council who voted against the motion should move its reconsideration. It seems to us it would be best to move the rescission of the motion refusing the grant, and if this carry, move the resolution for the second time.

3, The former or contrary motion should be rescinded.

CLERK.—A and B join farms; B will not repair his part of the fence, the fence has been divided.

1. How should A compel B to repair his portion of the fence?

2. Is A's stock liable to be impounded, or for damages, providing they go over B's part of the fence, and damage neighbors C and D; animals not allowed to run at large in the township?

3. Have a township council any power to extend the collectors time after the first day of February?

4. Is it necessary to notify the collectors security when the time is extended after the 14th day of December?

Questions 1 and 2 do not refer to municipal matters and should be referred to our correspondent's solicitor.

3. Not legally.

4. This will depend a good deal on the language used in the collector's bond, but on general principles we are of opinion that the obtaining of the consent in writing of the sureties is always desirable to the extension of the collector's term for the return of his roll.

The Income Tax Law He'd Like.

From Brooklyn Life.

"How did you feel about the income tax?"

"I am in favor of having a law passed giving every man an income large enough to be taxed."

Rules and Regulations for the Government of Common Gaols.

(Continued.)

Prisoners condemned to death, shall have a suitable cell allotted to them, apart from all the other prisoners, in which they shall be guarded day and night, and to which their spiritual adviser shall have access.

All articles which the Gaol Surgeon may deem dangerous or inexpedient to leave in their possession, shall be taken from prisoners condemned to death; and no one except his spiritual adviser shall be allowed access to any such prisoner without a written order from the Sheriff.

Every prisoner, unless under sentence of death, shall be allowed to have exercise in the open air, during which they must be attended by one or more of the gaol officers; but if, during such open-air exercise, any prisoner attempts to escape, or is found to be plotting to escape, or misconducts himself in any way, the gaoler may withdraw the privilege of such exercise indefinitely, in which case such prisoner shall not be allowed to go into the gaol yards until the priviledge is restored, unless the gaol surgeon certfies that it is necessary on account of health.

Whenever, in the case of a prisoner charged with an indictable offence, the crown attorney having charge of the prosecution considers it in the interest of justice, and requires, by writing under his hand, that such prisoner shall be kept separate and apart from the other prisoners the goaler shall see that such requirement is strictly carried out, and that such prisoner is kept separate and apart from all the other prisoners, and that he or she is not afforded any opportunity to communicate in any way with any one, except his or her legal adviser or clergyman, or such other person as the Crown Attorney shall in writing sanction.

Prisoners shall be allowed to see and consult with their legal advisers and clergymen at any hour between 10 a. m. and 5 p. m., or earlier or later if such legal advisers and clergymen have the written consent of the sheriff to that effect; and such consultations may, if the legal adviser or clergyman desires, be made apart from all other prisoners or any officer of the goal. Other persons may be allowed to see and converse with prisoners at such hours and on such days as the sheriff may fix, but such visits and conversations must take place in the presence of a gaol official.

Prisoners waiting trial, or in custody under civil process, shall have the right to send and receive letters at all reasonable times, provided that the contents of such are not in any way subversive of goal discipline; but prisoners under sentence shall only be allowed to write to relatives once a week, unless the sheriff's consent is obtained to write oftener.

(To be continued.)

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