

The Municipal World

Published Monthly in the Interests of Every Department of our Municipal System—the Best in the World

Vol. 4. No. 2.

ST. THOMAS, ONTARIO, FEBRUARY, 1894.

Whole No. 38

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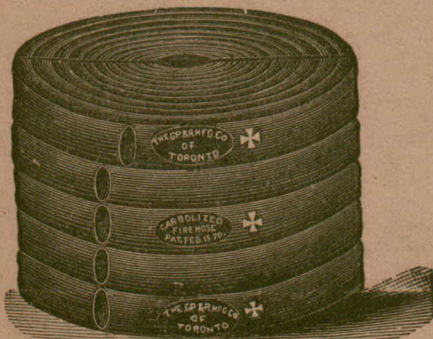
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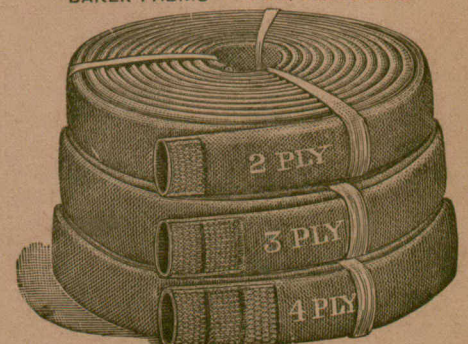
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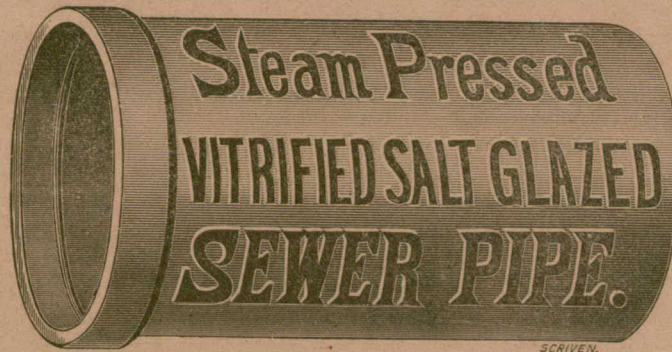
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CALENDAR FOR FEBRUARY AND MARCH, 1894

Legal, Educational, Municipal and Other Appointments.

FEBRUARY.

1. Last day for Railway Companies to transmit to Clerks of Municipalities statements of Railway Property.—Assessment Act, Section 26.
- Last day for Collectors to return their Rolls and pay over proceeds.—Assessment Act, Section 132.
- Last day for County Treasurer to furnish Clerks of Local Municipalities with list of lands in arrears for taxes for three years.—Assessment Act, Section 140.
7. First meeting of Board of Education at 7 p. m., or such other hour as may have been fixed by resolution of former Board at the usual place of meeting of such Board.—Public Schools Act, Section 106; High Schools Act, Section 13.
9. Provincial Good Roads Association meets at Toronto.
14. The Legislative Assembly of the Province of Ontario meets at Toronto.
15. Last day for Assessors to begin to make their rolls.—Assessment Act, Section 49.
28. Last day for Councils to pass By-laws limiting number of Tavern Licenses to be issued for the ensuing year, or for imposing a larger duty for tavern or shop licenses—Liquor License Act, Sections 29 and 34.
- Last day for City and Town Councils to pass By-laws to prescribe further requirements in Taverns.—Liquor License Act, Section 42.

MARCH.

1. County Clerks to transmit Minutes of County Council to the Minister of Education, also report of Auditors (Public Schools Act) Section 114.
- Auditors' Reports on the accounts of High School Boards and the Boards of cities, towns and villages should be mailed to Education Department.
- Separate School supporters to notify Municipal Clerk.—S. S. Act, Section 40.

* NOTICE *

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

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The Municipal Index

BEING AN

ALPHABETICAL INDEX

TO ENACTMENTS IN THE REVISED STATUTES OF ONTARIO, 1887, AND SUBSEQUENT STATUTES OF THE PROVINCE OF ONTARIO WHICH AFFECT MUNICIPAL CORPORATIONS, THEIR COUNCILS AND OFFICERS.

By **ALLAN MALCOLM DYMOND,**
Barrister-at-Law,

Law Secretary to the Department of the Attorney-General of Ontario, and Law Clerk to the Legislative Assembly

PRICE - - \$3.00

This Work, which is a digest of the Municipal Law of Ontario, has been compiled with the view of enabling Municipal Officers, as the well as Legal Profession, to find with the greatest of facility, enactments which concern the powers, duties and privileges of Municipal corporations or their Officers, and which are now scattered through nearly 6,000 pages of printed matter. The chapter and section of the Statutes, as well as the page of the volume which contains the section are given.

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K. W. McKAY, EDITOR,

Box 1252, St. Thomas, Ont.

ST. THOMAS, FEBRUARY 1, 1894.

The addresses delivered by many of the newly elected mayors and Reeves throughout the province at the opening sessions of the various councils show that these chief executive officers take a deep interest in their various municipalities.

The numerous reforms proposed, together with suggestions as to the proper enforcement of municipal by-laws, the passage of new by-laws in the interests of the citizens, the more important being those relating to public works, such as waterworks, sewage and improvement of streets, all go to show that Ontario municipalities are keeping up with the times. The growing desire for improvements of this class is suggestive of increasing intelligence and a higher regard for the public welfare.

* * *

The article on direct municipal taxation concluded in this issue draws our attention to some municipal expenditures which may be avoided by doing away with the county courts and quarter sessions. This would materially lessen the fees payable by counties to the officials referred to, and probably result in greater benefits than many of the plans suggested. The administration of justice expenses being payable in part by counties and the Government, many are not in a position to suggest what should be done to decrease the municipal expenditure. Let the discussion continue, and probably in the near future some radical changes will be the result.

The question of election of county officials and the fee system is receiving considerable attention from the provincial press. The *St. Thomas Journal* states:

What we urge as necessary in the public interest is a thorough reform of the civil service, so far as it relates to the class of public servants now known as county officials. The present system is not a business-like system. Those sound business principles which we generally apply in the management of our schools and of our civic affairs are not applied to the branch of the public service under consideration. As the outgrowth of years of development of the country, we have too many officials, enjoying too large salaries. There are certain of these offices which could be safely amalgamated, one efficient man, with the necessary clerical assistance, doing the work as well as two or three now perform it, and at a considerable saving to the public.

The Provincial Prisoners' Reform Association, in a circular recently distributed, said, in reference to care of the poor in counties: "The establishment of poorhouses is in the hands of the county councils, and as an encouragement to the counties, the Ontario Government has offered a bonus of \$4,000 for the erection of every such poorhouse. We are very sorry to learn that in many of our rich counties the jails are used as poorhouses and that the aged destitute poor, however respectable, are compelled to end their days in association with the degraded, the vicious, and the criminal. This is out of harmony with the spirit of the age, with common humanity, and with the dictates of religion.

Referring to this blot upon our county municipal system, the inspector of prisons for Ontario, in his annual report for 1891, makes use of the following language, which, to our mind, is not at all too severe:

"It is a disgrace to the people of this province to allow their aged poor, who have committed no crime against the laws of the land, to be incarcerated within prison walls, clothed in the distinguishing garb of prison criminals. In most cases, these people have lived honest and respectable lives, and perhaps, have reared and educated large families, but from circumstances over which they had no control, have lost children, property and health. It is inhuman, unchristian, and unpatriotic, and should be prevented by most stringent legislation, if not immediately remedied by the authorities of the various counties.

* * *

The *Globe* recently published a statement in reference to the loose manner in which the affairs of the township of York have been conducted in the past. Charges of misappropriation of sinking fund, excessive allowances to members of the council and other illegal expenditures of considerable extent are said to be sufficient to demand an official investigation, which the council for 1894 have ordered. In conclusion the article states:

This, then, is the case of York township. The lessons which it may contain for other municipalities are not new, but in some rural localities it may serve to emphasize the necessity for closer scrutiny, even when councillors cannot be suspected of "overdrafts," and of greater care and method in the keeping of municipal finances. It has been suggested in connection with this subject, that the provincial legislature should exercise a supervision over municipal sinking funds and finances generally. The legislature is in the habit of imposing strict conditions and regulations upon municipalities that come to it for power to consolidate their debenture debt; but there is no system of examination or inspection by which it can be insured that these conditions and sinking funds are being properly attended to. It is suggested, therefore, that a system of provincial inspection would find a useful and valuable work to perform.

* * *

A majority of the ratepayers of the city of Chatham voted in favor of a by-law to make all improvements to streets, etc., on the frontage plan.

As we have before announced, a meeting for the formation of the Provincial Good Roads Association will be held in Toronto on the 9th February. It is to be hoped that at least every county will appoint a delegate, and that the meeting will be representative.

We consider it very necessary that the rural municipalities should be well represented, as they are more particularly interested in the movement, and will, in any event, be the authorities controlling the expenditure of the money necessary to make the desired improvements on whatever plan may be proposed.

One of the most important duties of the association should be the appointment of a strong executive committee that will be representative. On this, municipal delegates should be given the preference. The executive committee should wait upon the government with a view to having such legislation enacted at the approaching session as will assist in carrying out the aims and objects of the association. The government should also be requested to provide for the expenses of the association for future meetings.

It is not to be expected that an association of this description can be carried on in the public interests without a contribution from some source sufficient to pay the actual expenses. This, for the first meeting, has been assumed by the Canadian Institute, merely for the purpose of bringing about the meeting, which, from discussions through the press, appeared to be desirable in the interests of the province as a whole. Further than this, the Institute and its officers have no interest in the movement, other than as private citizens.

The proceedings of the meeting after the election of officers will consist in the reading of papers, containing the experience of practical roadmakers, together with plans, specifications and estimates showing the cost of improved roadways, with suggestions as to how money should be raised by municipalities desiring to make improvements, and also a comparative statement showing the increased cost and the resulting benefits as compared with the present system of roadmaking.

* * *

The mayor of Chatham, in his opening address at the first meeting of the council, stated:

I would strongly recommend, that such of our officers as are compelled to furnish bonds to the corporation, should, in their own interests, and for the complete safety of the municipality, obtain their security from one of the Guarantee Companies doing business in Canada, similar to the methods adopted by our banking institutions.

It would be only right if every municipality furnished guarantee bonds for its officers, the improved systems of accounting required to be adopted before these companies will furnish the securities, should more than repay municipalities for the expense, to say nothing of the additional security.

Assessor's Duties.

The provisions of the act relating to the assessment of property should be the subject of careful consideration, not only by assessors but by all members of municipal councils. To see that the municipal taxes are raised equitably throughout a municipality should be the first duty of the people's representatives; the second duty being to expend the taxes economically and in the best interests of the rate-payers.

All assessors should be provided with an Assessor's Guide, compiled from the Assessment Act. These may be obtained from any municipal stationer. They contain only the parts of the act necessary for the information of assessors in the discharge of his duties. In townships the assessment of personal property is a small item while in other municipalities it is the subject of considerable discussion, especially if the wealthiest inhabitant is not rated for the full and often exaggerated amount of personal property he is supposed to be possessed of. The following brief directions will be found of value.

ASSESSMENT OF LAND.

Land or real property includes all buildings or other things erected upon or affixed to the land and all machinery or other things so fixed to any building as to form in law part of the realty and all trees or underwood growing upon the land and land covered with water, and all mines, minerals, quarries and fossils in and under the same.

Land occupied by the owner shall be assessed in his name, but when a married woman is assessed as owner, the name of the husband shall also be entered upon the assessment roll, as occupant. All land not occupied, the owner of which lives in the municipality, who has given the necessary notice, shall be assessed against the owner of the land. If the land is occupied by any other person than the owner, the land must be assessed against the owner and occupant together. When the owner does not reside in the municipality, or in the province, then when the land is occupied it should be assessed in the name of and against the occupant, and he shall be deemed the owner thereof for the purpose of imposing and collecting taxes. When land is assessed against both the owner and occupant or tenant, the assessor is required to place both names within brackets on the roll, and write opposite the name of the owner the letter "F," and opposite the name of the tenant or occupant the letter "T," and number both names. When the land is owned or occupied by more persons than one, and all three names are given to the assessor, they shall be assessed therefor in the proportions belonging to each one respectively.

PERSONAL PROPERTY.

Personal property includes all goods, chattels, interest or mortgages, dividends from bank stock, dividends on,

or shares or stocks of other incorporated companies, money, notes, accounts and debts at their actual value and income. The net personal property of any person, providing the same is under \$100 in value, is exempt.

Income derived from personal earnings is exempt to the amount of \$700. Income derived from any other source than personal earnings is exempt to the amount of \$400, but no person shall be exempt in respect of income for a sum greater than \$700, whether derived from personal earnings or from other sources, or from the two combined. Rental or other income derived from real estate except interest on mortgages, is also exempt.

A long list of property, both real and personal, exempt from assessment, is given in section 7 of the Act, assessors should make a note of those that apply to the property of persons or companies assessable in their municipality.

FARMERS' SONS.

In townships the sons of the residents are entitled to municipal votes, providing they can qualify as provided in section 79, of the Municipal Act: A leaseholder, the term of whose lease is not less than five years, is deemed an owner.

(a) If the father is living, and either the father or the mother is the owner of the farm, the son or sons may be entered, rated and assessed, in respect of the farm, jointly with the father, and as if such father and son or sons were actually and *bona fide* joint owners thereof.

(b) If the father is dead, and the mother is the owner of the farm, and a widow, the son or sons may be entered, rated, and assessed in respect of the farm, as if he or they was or were actually and *bona fide* and occupant or tenant, or joint occupants or tenants thereof under the mother.

(c) Occasional or temporary absence from the farm for a time or times, not exceeding in the whole six months of the twelve months next prior shall not disentitle a son to be considered *bona fide* resident as aforesaid.

(d) If there are more sons than one so resident, and if the farm is not rated and assessed at an amount sufficient, if equally divided between them, to give a qualification to vote at a municipal election, to the father and all the sons, where the father is living, or to the sons alone where the father is dead and the mother is a widow, then the right to be assessed under this Act shall belong to and be the right only of the father and such of the eldest or elder of the said sons to whom the amount at which the farm is rated and assessed, will, when equally divided between them, give a qualification so to vote.

(e) If the amount at which the farm is rated and assessed is not sufficient, if equally divided between the father if living, and one son, to give to each a quali-

fication so to vote, then the father shall be the only person entitled to be assessed in respect of such farm.

(f) A farmer's son entitled to be assessed under any of the preceding provisions, may require his name to be entered and rated on the assessment roll as a joint or separate owner, occupant or tenant of the farm, as the case may be; and such farmer's son so entered and rated shall be liable in respect of such assessment as such owner, tenant or occupant.

COMPULSORY EDUCATION ACT.

The assessor of every municipality is required, in making the assessment, to enter in a book, to be provided by the clerk, the name, age and residence of every child between the ages of 8 and 14 years, resident in the municipality, and the name and residence of such child's parent or guardian. This book is to be returned with the roll for the use of the truant officer.

ASSESSMENT AMENDMENT ACT, 1893.

The following are amendments to the Consolidated Assessment Act of 1892 made by the Assessment Amendment Act, 1893:

Section 7 is amended by exempting from taxation the property belonging to any municipality and in use as a public park, whether situated within the municipality owning the same, or any other municipality or municipalities.

Also by providing that the assessors of every municipality shall make the annual census of all the children within the municipality between the ages of 5 and 21 years. This is the information required to be placed in column 7 on the assessment roll.

A further amendment also provides that when a ratepayer who in the next preceding year was assessed as a public school supporter is being assessed as a separate school supporter or vice versa, it is the duty of the Assessor to give such ratepayer a written notice that such change is being made, in addition to all other notices required by the Assessment Act.

Some years ago, when Thornbury was a part of the township of Collingwood, the township leased to a millman for sawmill purposes a piece of property in the village. Two years ago a Mr. Pedwell bought out the owner of the mill, and since that time Thornbury has diverted the course of the Beaver river, injuring the sawmill property, so Mr. Pedwell alleges. The township of Collingwood claimed that the town of Thornbury did not own the property, and that it still belongs to the township, never having been ceded. The question of damages caused by diverting the water was referred to arbitration, when the town was ordered to pay \$300 and all costs, said to amount to \$2,500 more.

CORRESPONDENCE

This paper is not responsible for opinions expressed by correspondents.

Tile Drainage Expenses.

To the Editor of THE MUNICIPAL WORLD:

DEAR SIR,—In your last issue a correspondent in the question drawer gives us some information in reference to the payment of expenses incurred by townships loaning money under the Tile, Stone and Timber Drainage Act. When reading your article in the November number, the statement "the expenses must be paid by the borrowers", agreed with my own view of the matter, and is the practice followed in townships with which I am acquainted.

I would like to hear from some other clerk where the municipality pays all the expenses, except perhaps those of the inspector, in order to enable a favored few to tile drain their land with government money, paying only $4\frac{1}{2}$ per cent therefor. If such is the intention of the act, it should be amended at next session of legislature.

Yours truly, H. R.

Saleable Debentures.

To the Editor of THE MUNICIPAL WORLD:

DEAR SIR,—I beg to acknowledge the receipt of your letter of the 5th inst., asking whether debentures issued on the sinking fund plan are more saleable than those issued on the equal annual instalment plan, and if so, would the difference pay an ordinary municipality for the extra work in connection with the management of the sinking fund. I have no hesitation in saying that debentures issued on the sinking fund plan sell better and for a higher price than those payable by instalments and are in much greater demand. The difference in price should more than compensate for the extra trouble attending the investment of the sinking fund.

I may also add that the system of adding the interest to the principal and including both in the debentures and dispensing with interest coupons detracts much from the value of the debentures, as it involves the trouble of dividing the amount of each debenture into principal and interest when paid, and if the debentures get into several hands the purchaser of those having the longest time to run receives neither principal or interest until the debentures purchased by him respectively mature. Purchasers willing to pay the highest prices do not care to purchase instalment debentures. I would also point out that municipalities meet with a great deal of delay, trouble and expense, by having their by-laws and debentures badly and irregularly drawn, passed and executed. It would more than pay them to have their by-laws and debentures drawn by a solicitor familiar with such matters. Personally, I am always glad to assist any municipality in making the necessary calculations for the purposes of their by-laws under which debentures are to issue.

Yours truly,
G. A. STIMSON.

Direct Municipal Taxation.

BY G. H. GREENSON, ESQ.

In the January number the origin of some of our county institutions was considered and reference made to the increasing fees payable to officials, and the declining usefulness of the quarter sessions, in support of his contention that these are unnecessary, the writer says:

There is little doubt that if statistics were procured by the legislature it would be found that with the exception of such a place as the city of Toronto, perhaps, there is little or nothing to justify its continued existence in the province, while the enormous expense incurred in juries and otherwise, is a serious burden upon an already overburdened public. Nine-tenths—we might say nineteen-twentieths—of the light, local criminal business of this country is now discharged by the county judges criminal courts and police magistrates, and if the jurisdiction of the county judge was made absolute (indeed several classes of offences are now triable in that way, see 32-33 Vic. ch. 32 Sec. 2, and we find in 39 Vic. ch. 21, 40 Vic. ch. 4, and 47 Vic. ch. 42, provisions under which the "Jurisdiction of the magistrate is made absolute in the province of Prince Edward Island and British Columbia and in the district of Kewaten" "in all cases, without the consent of the person charged" there is little doubt that, judging from the manner in which the summary judgments of these courts are now received by the public that perfect satisfaction would be given.

* * *

The writer gives statistics showing that in the county of Ontario during five years ending 1890 there had been a total of 32 jury cases tried at the sessions and county court, and that the cost to the county was \$237.50 each for jury expenses alone, and that his argument against the existence of the quarter sessions applies equally to the county court.

* * *

The third question—the possibility of their extinction or alteration is now to be considered. We have in this province, fourteen superior court judges, and it is, with many, a matter of wonder how they get through with the mass of work which devolves upon them. Let us turn now to another feature in judicial affairs—county judges. We have one of them in every county in the province, and in nineteen counties two. There are 64 of them I think. If the entire annual judicial labor of the whole lot was lumped, it is very doubtful if it would approach the labor of the fourteen men above spoken of.

The quarter sessions and county court are ready to depart, they are even now in articulo mortis, and the fragment of business which still appertains to them can be easily disposed of—the so called county judges criminal court, with absolute jurisdiction in all cases triable now at quarter sessions, aided by judicious appointments of police magistrates to act as they now do, would meet all the requirements of the county in respect of minor criminal offences; and there does not seem to me

to be any good reason why a judge could not work a circuit of three or four counties or even more. In this way the province might be parcelled out, so to say, among fourteen men. The same mode of procedure would equally apply to division courts, and thus, twenty eight or thirty men, or perhaps less, would do the work of the whole sixty-four.

Let the county, under the provisions of the statute, give the sheriff a fair remuneration for his actual services in connection with criminal justice, without fees, leaving him his civil service fees as he now has them. In our day and in a democratic country, such as ours is and is likely to be, nobody expects that an official is to grow rich, cocked hats and javelin men are quite out of place among us.

The clerk of the peace is the clerk of the court of quarter sessions. If the court goes, the clerk should go also; the trifling amount of business which comes to him now in connection with criminal matters, should be done by the county attorney. Now, it is using two men to do not half one man's work. A great deal of the apparent work or business of this office is in no sense of any use or benefit to the public. The necessary work is closely connected with the action of the county council and should be paid for by salary through that body. The county court—surely eleven cases (or twice that number) in five years, could be got rid of with the help of the division court.

Having thus got rid of one half of our juries, for pity's sake let the other, and really essential, half, be selected in some way less expensive and more in accordance with common sense than the idea which is at the bottom of the present method, namely, that the position of a man on the assessment roll is the actual measure of his intelligence and fitness.

Another remark and I have done. It is quite evident that there is a feeling of unrest and dissatisfaction with the present state of affairs generally in our country. If there are existing evils, and we do not doubt their existence, what is the remedy? We are the freest people on the face of the earth. Our laws are just what we choose to make them. If they are good we should see that they are honestly and faithfully executed. This is the duty of every man. It is the part of a fool and coward to fold his hands in his difficulties and say, "I will give up." It is the part of an honest, upright man to look his difficulties square in the face and say, "I will contend with them and overcome them."

We are vastly mistaken if we, for a moment, suppose that the recuperative energies of a young country, such as ours, could be stopped or stayed by slight derangements or difficulties in the method or mode of government. Nothing but conduct on the part of the people of the most radically destructive character in which they themselves must be involved, would prevent the progress of this country in the present day.

ENGINEERING DEPARTMENT.

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

**The Statute Labor System and
Provincial Association.**

We notice that at the last municipal elections, a number of townships submitted a by-law to the rate-payers, for the abolition of the statute labor system, and we believe in every instance the by-law was defeated. The reason for this is obvious. For the past few years the members of municipal councils and others, interested in municipal matters have been discussing these questions, and trying to devise some plan to take the place of the present system of roadmaking.

The agitation of this question has, at last partially awakened our people to the fact, that there is something radically wrong. They are beginning to understand that much of the money expended yearly on our roads is being wasted, because the work is generally conducted in a careless and unsystematic manner, and while the people consider that a remedy should be introduced, yet they do not consider it wise to abandon the old plan until a better one is proposed. And we think it is a waste of time and money, on the part of municipal councils to submit a by-law until some better system is formulated, and the people shown that it is to their advantage to adopt it. All the writing and talking which it is possible to do about abolishing the statute labor system; wrongful as it is, will amount to nothing, so long as there is no practical scheme proposed as a substitute.

Preaching a reform of this kind, is an up-hill job. Old ideas deeply imbedded by custom cling like old roots, and must be irradiated in much the same manner. What is required, is a clear comprehensive plan, to take the place of the present system, and until this is done, it will be impossible to get the people to vote against it, although they may be easily convinced, that good highways are the cheapest. Let those townships which have submitted the by-law, benefit by the experience of their defeat, together with all other townships which are considering this question, see that they do not neglect to take advantage of the opportunity, and accept the invitation to attend the convention, which is to be held in Toronto, on the 9th of February next, for the purpose of considering this great question, to arrive at the best plan as a substitute. With representatives familiar with the wastefulness of the present system, and the urgency of a better one, there should be no difficulty in arriving at a plan which will be economic, beneficial, practical and uniform, and then there will be a basis for the advocates of this great reform to work upon, and there will be something to show the people what they may expect in return for the old system, and this plan properly

drawn and explained to the rate-payers, no difficulty will then be experienced in carrying these by-laws, for until this is done and reliable information given as to the manner of carrying out the work, and the cost of construction and maintenance, the people are justified in defeating the by-law.

No sensible man will attempt to defend the present system, and every one who has given the matter any thought, recognizes this as a relic of barbarism, but it is upheld by custom for the want of a better plan, and there is nothing harder to overthrow than principles which are sanctioned by custom.

Sewage Disposal.

Referring to the interesting and instructive letter of W. F. VanBuskirk, C. E. in our last issue on the question of sewage disposal we might say, that it is a question that deserves more attention, than it has received in this country up to the present time.

Among the many almost unworked fields of Canadian engineering, this question of sewage is one of the greatest, and we trust that more of our active engineers will continue the discussion of the question.

The reason for this field being unworked is evident. Until quite recently, only a few cities, and those the larger ones in Canada, had even approached to a complete system of sewerage, and much emphasis was placed upon the abolition of cess-pools and similar nuisances, that but few persons thought of the unsanitary conditions, which were in so many cases caused by discharging the sewage of thousands of people into a stream of water; if only the sewage could be conveyed away from their premises and out of the town or to the outskirts of the town, or even discharged into a stream within the town limits, the majority of the citizens were satisfied. The "self purification of rivers" theory or fallacy tended to set at ease the minds of those few, who raised the question of whether waters receiving sewage, would not finally become foul. The work of various river pollution commissions of England, and similar work performed in Europe in latter years, together with the developements and the gradual acceptance of the germ theory of disease, finally directed the attention of American sanitarians to the subject of the purification of sewage before its final discharge into natural bodies of water.

The Massachusetts legislature and state board of health, and a few other state boards, the American Public Health Association and a number of sanitary engineers, have in late years been doing much educative work, and this educative work, coupled with the rapid pollution of streams and similar factors which have prompted it, has resulted in the adoption of some form of sewage purification in about

thirty towns in the United States, and many more communities are discussing the subject and will shortly move in the same direction.

It behooves the local boards of health in the different cities, to carefully consider the systems of sewerage purification.

Mr. VanBuskirk correctly says "that there is no great mystery or secret about sewers and sewage disposal, known only to the provincial board of health and its proteges. "The local board of health and engineer is most particularly acquainted with the sewage and drainage of the municipality, knows the requirements of the place, and who is more capable of studying out the remedy? Irrigation, intermittent filtration and chemical precipitation are the systems employed, and by visiting places which have adopted one or the other of these systems, and considering the natural location of the town, its system of sewage and drainage, its requirements, the plan adopted, and the success which has attended it, makes it a small matter for them then to decide, which of these plans is the most suitable for them. Then it is for them to devise any improvement which may better meet their requirements, being personally interested in this matter, and responsible for the proper working of the system, even after construction, it is reasonable to believe, that the local board of health with the assistance of their local engineer, will be more deeply interested in the economic expenditure of the money in construction, and the successful operation of the work after completion, than any engineer, who may simply be so fortunately situated, as to have the recommendation of a powerful body operating in all parts of the province. A great deal of money has been squandered by municipalities in calling into requisition the assistance of experts, whose principal function is to charge high fees, while the local engineer is obliged to do all the work.

We boast of the high standard of qualification, necessary to be admitted to the Canadian Society of Civil Engineers, and the simple fact of holding a membership in this society is proof, that an engineer is qualified to take charge of any class of municipal work, and it is not necessary that he should be obliged to have endorsement from any civil or political body, to warrant the municipality in placing any municipal work in his charge.

Let local authorities consider well their own interests when undertaking this question, and study it out for themselves, view the work and experience of others, then try to make what improvements are possible to suit their own case. In this way their own people will be better served, and an object lesson will be set for the benefit of the general public.

The health of cities enters so largely into the prospect of their future advancement that they should immediately take hold of the consideration of this important question.

Bridges.

It frequently occurs within the last few years, that municipal councils call for tenders for the construction of an iron bridge in their municipality, and plans and specifications are submitted from various manufacturers, who in filing the tenders for the work, present specifications showing the class of material to be used in the structure, proposed to be built by them, and the manner in which the work is to be done. These specifications usually differ as widely as the amount of the tenders. And while it is becoming the universal practice, as it should be, that all such plans and specifications are submitted by the council to their own engineer, or some expert specially chosen for the purpose, yet a number of councils very unwisely depend too much upon the reputation of some one of the bidding companies, take chances and award to contract, giving the work as close attention and supervision as they possibly can.

I have decided in this, and subsequent issues to set forth some facts as to what the material, workmanship, and details of construction should be. It will possibly be of interest to municipal councils when receiving tenders, to use in comparing the various specifications. Each specification should contain the following:

All parts of structures shall be proportioned to sustain the following stresses:

1. By the weight of the structure itself considered integrally and separately for each particular member.

2. The bending effect produced on every individual member by the side pressure of the wind, and the weight of the member itself shall be considered.

3. Dead load. In determining the total weight of the structure for the purpose of calculating stresses, the weight of the iron shall be assumed at the rate of two-thirds pounds per lineal foot of bar of square inch area. The weight of the steel at the same rate as for iron with two per cent added. The weight of the timber shall be assumed at the rate of four pounds per foot, board measure, for oak and yellow pine, and three pounds for white pine.

4. A live load upon each square foot of floor including foot walks of 80 pounds for all spans over 200 feet, and proportionately for all intermediate spans.

Or a concentrated load of eight tons on two pairs of wheels, eight feet centres. No span, however, shall be proportioned for a less load than 1,500 pounds per lineal foot.

5. Wind stresses shall be calculated.

a. For a wind pressure of thirty pounds per square foot on the exposed surfaces of floors, of both trusses and railings and on a moving load surface of six square feet per lineal foot of bridge.

b. For a wind pressure of fifty pounds per square foot on the exposed surfaces of floors, and of both trusses and railings,

the direction of wind giving the greatest surface, being assumed in the calculations and the greatest results shall be taken in proportioning the parts.

6. For iron in tension, rolled bare, 12,000 pounds.

For iron in tension, plates, and shapes, 10,000 pounds.

7. In compression for lengths less than 50 times the least radius of gyration, 9,000 pounds.

8. In shearing across fibres, 9,000 pounds.

9. On pins closely packed, tension and compression on extreme fibres, 10,000 pounds.

10. On bearing surfaces, 15,000 pounds.

11. The bearing surfaces of pins and rivets shall be reckoned from the diameter, not from the semi-circle.

12. For steel in tension, 14,000 pounds.

In compression for lengths less than fifty times the least radius of gyration, 12,000 pounds.

For steel in shearing, 10,000 pounds.

In bending on pins closely packed, 27,000 pounds.

On bearing surfaces, 18,000 pounds.

For compression, steel members whose lengths exceed fifty times the least radius of gyration, the stress per square inch shall be determined by the same formula as prescribed for iron members, but a sufficient number of tests shall be made on full size members to determine the value of the constants in the formulae with a factor of safety of four.

For wood oak and pine on extreme fibres in bending tension and compression 1,200 pounds; on bearing surfaces transversely to fibres, 400 pounds. Alternate stresses on members subjected to alternate tensile and compressive stresses shall be designed and proportioned to resist both.

Purification of Water Supply.

In his report to the board of water commissioners of the city of St. Thomas, the city engineer stated: "The common practice of emptying drains and sewers into water courses is fraught with the greatest dangers to the public health. Cess-pools, privy vaults and defective drains are the most dangerous sources of contamination for water of private wells. The disease germs in such cases are the most dangerous that can be taken into the system, and if the drainage of these places reaches our drinking water, even if in a very slight degree, these germs will surely be taken into the system. The popular belief that 25, 50 or 100 feet of intervening earth between our cess-pools and vaults furnishes ample protection is entirely fallacious.

These words are worthy of consideration. Water polluted by sewage is liable at any time, through receiving the discharges of the sick, to become infected with the germs of one or the other of the infectious diseases and the danger to the public health incurred from drinking such

polluted water, is that the living germs of disease, may, with the water, gain access to the human body, and through their activity induce disease in us. We know that a number of infectious diseases are spread by sewage-polluted water, and although but a small percentage of the great mass of sewage which pollutes the surface and ground waters, contains matter which may carry infection to man, yet no discrimination is made in the usual disposal of the bowel discharges of sick or healthy persons, and thus this pollution of soil or water which is at all times a disgusting practice, may at any moment prove a danger to health and life.

Fortunately for our well-being, there is a strong tendency for waters, as they exist under natural conditions to purify themselves. This natural purification is brought about by various chemical and physical actions, which may lead to the partial or complete removal or destruction of the contaminations and pollutions which a water has suffered.

Sedimentation is one of the most active forces at work in the self-purification of water. It affects the suspended matter, and under favorable conditions, it would, no doubt in time, collect all substances of greater density, than water at the bottom of the stream or lake. But where the conditions for sedimentation occur, the force of gravity which induces it, is, in many instances, overcome by currents which may be caused by winds, by the effects of heat and cold, or by the tributaries or outlets. In streams, the larger of the suspended matters are soon deposited on the bottom or on the banks, but many of the finer and lighter particles are carried for long distances dependent upon the force and flow and other conditions present in the stream. Oxidation and other chemical changes occur in both the dissolved and suspended matters in water and are active factors in self-purification, but these changes are greatly influenced by temperature, by light and by the kinds and the number of bacteria and other living things which are present.

Another means of purification of water is the death of many of the living things contained in it. The disinfectant action of light especially of direct sunlight has been shown to exert a marked influence upon the bacteria and other forms of life.

Again, in the ground waters, a most active purification is effected through filtration. As the water percolates the soil, the grosser of the suspended matters are left upon the surface and many of the finest ones are removed in different parts of the filtering medium and remain adherent through various agencies to the sand and gravel while the water passes by.

This purification by filtration is by no means a purely mechanical process, in which the bacteria are held back because the pores of the soil are so small as to retain them, for it has been shown that the

soil alone will not filter out bacteria. It is not until after a slimy deposit has been formed upon the surface of the sand and gravel that filtration is effected, and it is therefore this layer of slimy substance which effects the purifications. These various agencies are wonderfully effective in purifying water, but it is not sufficient for sanitary purposes to know that a water has flowed a given number of miles over the surface, or that it has passed through so many filters. We must either know that a water has never been polluted, or if once polluted, that it has been properly purified before it can be judged as suitable for drinking water. To know that a water has never been polluted it is necessary to trace it through unpolluted surroundings from the time it falls as rain until it is received for use. In populous countries an unpolluted water is by no means easy to find, but wherever it may be found it is a treasure.

In the majority of cases, however, in which water cannot be followed in its wanderings, in which it has evidently been subjected to pollution from human, animal and house waste, there must be positive evidence that it has undergone adequate purification before it should be used to drink or even applied to general domestic purposes.

To ascertain the pollution that water has suffered or the amount of purification which it has undergone, it is submitted to analysis, chemical, microscopic, and bacteriological, and it is advisable that every municipality should have these tests made of the public water supply at least three or four times a year, in order to know its condition at all seasons.

A Test of Civilization.

Not simply comfort and convenience in the daily intercourse of social life, but economical considerations of vast importance are involved in the question of improved roads throughout our country. The most cursory study of statistics showing the distance over the average wagon roads of our country through which a load of wheat will pay its own transportation is a convincing object lesson to any man concerning the wealth, producing, labor-saving, food cheapening effect of good roads. A farm 12 miles from a railroad station in a district with good roads is worth more than one equally good three miles removed from the railroad where the roads are as bad as they are in many farming districts where the land is rich.

Civilization has been well defined as the "aggregate manifestation of the mastery which mind has attained over matter among a given people at a given time." This definition will bear careful thought, and few physical tests more immediate indicate the degree of civilization which a community has reached than does the condition of its streets and roads.

Water Supply.

During the past few years, a number of our smaller towns have been considering the advisability and necessity of constructing a system of waterworks for fire protection. In the majority of cases, the difficulty is to obtain a supply within the corporation limits at a cost commensurate with the resources of the municipality. When the supply lies three to four miles from the towns and of sufficient elevation to permit it being brought in by gravity, the councils in most instances consider it necessary in estimating the cost, that they should use cast-iron pipes as conduit.

This is where the people are led astray by the preparation of the estimate of the cost on such a basis.

Vitrified pipe has now obtained large and increasing recognition for this purpose. It is found to be durable and to offer important advantages from the standpoint of economy, ease of application, etc. The material is certainly cleaner than any other and will always remain so. Its well-glazed surface offers less resistance to the flow of water than any other material, and when properly laid is practically indestructible.

Vitrified pipe has been used where the source of supply was so far distant that the use of cast-iron pipe for conduits would have rendered the construction on the gravity plan, almost impracticable, as the additional cost would have been too heavy a burden on the taxpayers. Of course, cast-iron pipes have to be used where it is impossible to follow on the hydraulic grade line.

The well-being, comfort, health and life of our citizens is more closely identified with and involved in the quality of water used for domestic economy, and it is now recognized, that for towns to be prosperous, a system of fire protection must be provided. The use of vitrified pipe conduits will enable many small towns to avail themselves of better and purer water supply and a system of fire protection.

Of course, there are good and inferior grades of this pipe manufactured, and it may be that in some cases, vitrified pipe has been used which gave poor satisfaction, but in the adoption of this, as in all other materials, it is necessary to see that the best pipe is secured. In the burning of the pipe, it not unfrequently occurs that a portion of it is damaged by cold air, or cracked by fire. This pipe is classed as seconds and is sold as such, at half the price of first class material; but there is such a thing as agents selling this for first class to those not posted as to what the pipe should be. We might say that the line of division between first class pipe and seconds being an imaginary one is elastic when pipe is in active demand, or when it is thought that it will not be inspected intelligently, or when it is sold on the cars at the place of shipment, at the purchasers' risk, some manufacturers who

should receive the benefit of doubt in their own inspection, ship on first class pipe orders, pipe that should properly be classed as seconds. In view of this, it is well for purchasers, for their own protection, to understand clearly what agents recognize as a standard of first class pipe.

The thickness of the pipe should be one-twelfth of its internal diameter. It should be smooth and well glazed inside and out, and the material beneath the glazing thoroughly vitrified, which is best indicated by its dark slate color. Each section should be substantially true in diameter, and straight and when struck with a hammer give back a clear metallic ring. A small fire crack, a fragment broken out of the socket, or scaled off the outside of the pipe does not impair its usefulness or affect its grade as first class, if it is otherwise sound, but it should be absolutely free from air cracks which are often so fine as not to be noticeable to the eye and are only discovered by a blow of the hammer.

If purchasers of vitrified pipe would always buy it delivered at destination, making the shippers responsible for the safe delivery of pipe, that conforms in every point to the above specifications, their interests would be protected.

New Concrete For Roads.

A successful application has been made, it appears, of the newly invented road concrete, some time ago described in the papers of Germany, and its usefulness in various directions seems to be assured. Curious enough, shavings and planing mill chips, either of common or fancy woods, and which may be stained before use if desired, are mixed with cheese—or rather, casein—calcined magnesian limestone, glycerin, silicate of soda and a little linseed oil, and this combination of substances is forced by hydraulic pressure into molds, where it is allowed sufficient time to harden. When dry, the composition is strong and solid and can be sawed, planed, polished and varnished. Among its various proposed uses are ornamental panels and wall surface coverings, etc.

What Bad Roads Lead to.

Bad roads lead to profanity: they make men swear. Bad roads lead to intemperance: men think it is necessary to fortify the inner man with a few drinks to enable them to stand a long journey through the mud. Bad roads lead to cruelty: the kindest hearted driver often has to stimulate a willing team with the lash. Bad roads lead to poverty; the wear and tear on wagons, harness and animals knock off a large per cent. of profit.

Notes and Comments.

The Supreme Court of the United States in a notable case from Indiana has declared liquor saloons to be public nuisances, the existence of which the owners of contiguous property can protest against. This decision has caused dismay on the other side.

Houses of Industry.

Continued from January Number.

BUILDINGS.

After a site has been purchased, no expenditures should be made in the direction of building until the whole property has been surveyed, a map made of it, and the location fixed, not only of the present, but of future buildings. When it becomes necessary to erect any new buildings on the grounds of an old poorhouse, if a map has not already been made of the premises, one should be prepared from an accurate survey. The map should show the farm and grounds immediately surrounding the poorhouse, also the location of all the buildings including the most trivial, and the floor plans of each. It should also show the location of all sewers, drains, and water and other pipes. From thenceforth, all extensions and improvements should be made on a general plan in accordance with principles governing the building and arrangement of these institutions, so that the incongruities and inconveniences that have originated in consequence of not having followed a general plan from the outset may be overcome as much as possible.

Poorhouse architecture has received less attention than that of almost any other class of public buildings, and it is difficult, if not impracticable, to find poorhouses that meet the entire approval of the officials superintending them.

In planning a poorhouse the following considerations are to be kept constantly in view: sanitation, convenience and economy in administration, protection against fire, and a proper classification of the inmates, including a complete separation of the sexes. It is assumed that those requiring poorhouse provision are the sick and infirm, and those, in one way or another, incapable of self-support. We see the term "able-bodied paupers" sometimes used in connection with public relief; but as the statute does not recognize such a class, they will not be considered in dealing with this subject. In attempting to classify the inmates of a poorhouse properly, it will be found that the character and condition of dependents differ so materially in different counties that no one plan will answer all localities. In sections of the province where homes are established by private benevolence for the respectable aged and infirm, no special provision is required for this class in the poorhouse. In districts where there is much intemperance and licentiousness, the class of dependents are more degraded, and larger hospital accommodation is required. A poorhouse in the average county should accommodate from eighty to one hundred inmates. The fluctuation of numbers incident to a poorhouse population ought not to be overlooked, and buildings of a sufficient capacity should be provided to meet emergencies.

The plan of a poorhouse including

a partial basement with one or at most two flats above is considered by many to be preferable. The physical condition of the inmates in the majority of cases renders them unable to climb long flights of stairs such as are at present to be found in some institutions. Provision for the escape of inmates in case of fire favors a low building.

The plan should provide for the complete separation of the sexes for bath rooms, for hospital wards and facilities for the isolation of a greater or smaller number in case of an epidemic. Ample room must also be provided for a large kitchen, convenient storerooms and cooking apparatus of sufficient size. The dining rooms should be near the kitchen, and in the basement. The laundry should be separated from the main building and have proper drying rooms attached. Cottages or separate buildings for the isolation of certain classes of inmates are necessary.

The heating apparatus should be placed in the institution when it is erected. This should be constructed in the best possible manner, and care taken in accepting the lowest tender, to see that the work is to be done equally as well. If constructed in a first-class manner, it will be economical, while, if on the other hand, a first-class job is expected for a third-class price; the repairs and improvements that will continually be required will, sooner or later, increase the price to what it would have been had a tender at an amount sufficient to pay for first-class work been accepted.

It is desirable that we should build our county poorhouses so that they may have, as far as practicable, the character of real homes. Whatever material may be used and whatever plan and style of building may be adopted, true economy will be reached by building well and requiring that everything be done in a workmanlike manner.

In locating buildings it should be seen that the situation is dry, the ground free from secret springs, and the spot sufficiently elevated to afford good drainage. It is desirable to place them so as to secure sunlight as far as practicable in all parts of the buildings at some period of the day. They should be placed so as to afford plenty of lawn space in front of them.

The best material for building, all things considered, is doubtless brick. Stone buildings for poorhouses are not desirable on account of their liability to dampness, which cannot be overcome without increased cost in construction.

Buildings containing so many sick and infirm should not exceed two stories in height, in case of fire, egress is more difficult, and the difference in the expense of constructing a two-story building and one that is higher is not so great as one would suppose, notwithstanding the cost of the roof is the same for both, because the substructure for a building exceeding two stories is more expensive than it is for a two-story one. The higher a building is carried the more it is exposed to the wind,

which takes hold of it as at the end of a lever, bringing greater strain upon the various parts, thus requiring greater strength throughout.

HEATING AND VENTILATION.

There should be numerous flues for ventilation, with registers in the rooms, both near the ceiling and the floor. The chimneys in all cases should have their foundations on the ground, and be carefully laid. In a building of brick, the partition walls should, as far as practicable, be laid in the cellar and extend to the attic. In this way the structure will be better protected against fire, and it will be stronger. The floors should be constructed so as to deaden sound and be slow in burning in case of fire. Hall, dining-room, dayroom, kitchen and other floors that are much used should be of maple or other hardwood. All stairs should be of good width, with low risers, broad treads, and plain, strong balusters. Square landings are also highly desirable. Easy stairs have much to do with the comfortable use of such buildings and the safety of the inmates. Both the upper and the lower window sashes should be made to raise and lower by means of weights, cords and pulleys. In the upper flats, the windows, unless sufficiently high from the floor, should be protected by a wire screen to prevent infirm inmates from falling out. Convenient outside iron stairways and platform landings, should be provided for the second stories of the buildings, as a means of escape in case of fire. The stairways and platforms should have railings and be accessible through doors opening outward.

In dormitories where there are numerous beds there should be not less than fifty superficial feet of floor-space to each bed. This is the minimum fixed by some standard authorities when the ceilings are twelve feet high. For an ordinary poorhouse the ceilings ought not to be higher than this nor less than ten feet. In many of our public buildings the ceilings are too high. In order to secure the requisite amount of air-space it is better to increase the superficial feet of the floor than to have very high ceilings. While it is important to provide sufficient floor-space in single rooms, not more than a liberal allowance should be given; otherwise, when the institution is crowded, an abuse will creep in by placing two beds in rooms designed only for one. As to the amount of air-space required in a hospital, authorities greatly differ. It is safe to say, that, with the most perfect arrangements possible for ventilation, there should be more than double the quantity per bed that is necessary for each inmate in an associate dormitory.

To be continued.

The ratepayers of the township of King at the January elections, defeated a by-law to commute statute labor at 60 cents per day. The by-law also provided for two inspectors for each concession, and one inspector for each incorporated village of fifty inhabitants or over, the inspector to be paid \$1.25 per day for each day actually spent on the roads.

LEGAL DEPARTMENT.

H. F. JELL, SOLICITOR,
EDITOR.

Municipal Councils.

THEIR POWERS AND JURISDICTION—
HIGHWAYS.

It might be interesting to notice the nature of a municipality's ownership of and jurisdiction over roads, highways and bridges within its limits. Section 525 of the Consolidated Municipal Act, 1892, vests the *soil and freehold* of every highway or road altered, amended, or laid out according to law, in the Crown, unless otherwise provided for, subject to the subsequent enactments on the subject. Section 526 gives every municipal council jurisdiction over the original allowances for roads, highways and bridges within the municipality, and section 527 vests every public road, street, bridge, or other highway, in a city, township, town or incorporated village, in the municipality, subject to any rights in the soil which the individuals who laid out such road, street, bridge or highway reserved, and except any concession or other road within the municipality taken and held possession of by an individual in lieu of a street, road or highway laid out by him without compensation. There would seem to be some inconsistency between the last-mentioned section and section 525, which might, perhaps, be reconciled by reading section 5 as applicable to roads laid out by public authority of some kind, and section 527 to roads laid out by private individuals over their own land—the right of the public in either case is simply to use the road for the purpose of a highway. The using of the highway for a different purpose, such as excavating soil, etc., would subject the person so using the road to an action at the suit of the owner of the freehold. The word "highway," in section 527, is used in its broadest sense, as including all public ways, and not only public roads, streets and bridges, but *other* highways. It does not, however, include roads belonging to joint stock companies, unless purchased or otherwise legally acquired by the municipalities in which they are respectively situated. Every individual has an equal right to use a public road, street or bridge. Municipal corporations cannot be deemed proprietors, and as such entitled to control the possession, any more than any other corporation or person interested in the streets, roads or highways. The property vested in municipal corporations is a qualified one, to be held and exercised for the benefit of the whole body of the corporation—they hold as trustees for the public, and not by virtue of any title which confers possession sufficient to maintain an action of ejectment. Notwithstanding the provisions of section 527, that every public road in a township is vested in the municipality thereof it must be taken with some limitation; for by section 532 it is

provided that "the county council shall have exclusive jurisdiction over all roads and bridges lying within any township, town or village in the county, and which the council, by by-law, assumes, with the assent of such township, town or village municipality, as a county road or bridge, until the by-law is repealed by the council, and over all bridges across streams or rivers, over 100 feet in width, within the limits of any incorporated village in the county and connecting any main highway leading through the county and over all bridges, over rivers or ponds or lakes, forming or crossing boundary lines between two municipalities. In the section lastly referred to "the exclusive jurisdiction" was alone conferred upon the county councils over the roads and bridges intended, as the grant of a power sufficiently large for all practical purposes, and indicating that the local municipality or municipalities are to be excluded from all interference in the exercise of that power.

Legal Decisions.

DWYER V. PORT ARTHUR.

The Corporation of the Town of Port Arthur passed a by-law entitled "A By-Law to raise the sum of \$75,000 for street railway purposes, and to authorize the issue of debentures therefor," which recited among other things that it was necessary to raise said sum for the purpose of building, etc., a street railway, connecting the municipality of Neepsing with the business centre of Port Arthur. At that time a municipality was not authorized to construct a street railway beyond its territorial limits. The by-law was voted on by the ratepayers and passed, but none was submitted ordering the construction of the work. Subsequently an act was passed by the Legislature of Ontario, in respect to the said by-law, which enacted that the same "is hereby confirmed and declared to be valid, legal, and binding on the town, and for all purposes, etc., relating to or affecting the said by-law, any and all amendments of the Municipal Act shall be deemed and taken as having been complied with."

It was held, reversing the decision of the court of appeal, that the said Act did not dispense with the requirements of sections 504 and 505 of the Municipal Act, requiring a by-law for the construction of the railway to be passed, but only confirmed the one that was passed, as a money by-law. It was also held that an erroneous recital in the preamble of the Act, that the town council had passed a Construction By-Law, had no effect on the question to be decided. This case will be found referred to on page 99 of Volume III., of THE MUNICIPAL WORLD.

KERFOOT V. VILLAGE OF WATFORD.

This was an action to restrain the defendant corporation from constructing a drain pursuant to a certain by-law. The

construction of the new drain was necessary from a sanitary point of view, as well as for the purpose of keeping in repair the highway, under which a portion of it passed. The local health authorities urged its construction on the defendants, who resolved to construct it, if necessary, as part of the ordinary expenditure for the current year. In June, 1893, however, they submitted a by-law for its construction to the electors, but it was defeated. The defendants, nevertheless, proceeded with its construction, but in August, 1893, they again submitted the by-law to the vote, when it was carried, and afterwards finally passed. It was clear that the defendant corporation could have constructed the drain as part of the ordinary expenditure of the year without exceeding the statutable limit of taxation. It was held that the first by-law having been defeated did not prevent the submission of the second in the same year, nor did the fact of the work having been commenced as an item of ordinary expenditure for the year incapacitate the defendants from again submitting a by-law for its construction.

RE CHAPTER HOUSE APPEAL.

In this case the authorities of the building in the city of London called the Chapter House, appealed to Judge Elliott, one of the county judges of the county of Middlesex, against the assessment, upon the ground that it was a place of worship, and as such, by sec. 7, sub-sec. 3 of the Consolidated Assessment Act, is exempt from taxation. It is true, that places of worship, with the land immediately in connection, are exempt, and it is true that this edifice was once used as a place of divine worship, but some years since it ceased to be used for that purpose. It was urged that having once been a place of public worship it retained its ecclesiastical character. To this contention, the learned judge said, he could not accede. In his opinion a place of worship is a place where worship continues to be conducted, and there was no continuance here. The appeal was dismissed.

* * *
Councils will do well to direct the attention of Assessors to article under that heading, published in the January number, what at first appears to be a small matter, becomes a serious one if neglected.

The only reason we do not hear more complaints of losses occasioned by a careless assessor's work, is that the people do not understand the cause of sudden decreases in educational grants, or the many expenditures provided for by the voter's list, and other acts which may be directly attributed to the work of the assessor.

* * *
Many capitalists do not care to purchase debentures payable in instalments as they object to having the principal money coming back on their hands in small yearly sums for which they have to find other investments with a probable loss of interest in the meantime.

Boards of Health.

In view of the fact, that the Provincial Board of Health has recommended that consumption be placed on list of infectious diseases, the action of the Ontario Legislature in reference thereto will be awaited with interest.

* * *

TUBERCULOSIS IN THE PAN-AMERICAN MEDICAL CONGRESS.

An interesting discussion took place in the section of hygiene on leprosy and tuberculosis. Dr. Lee, of Philadelphia, read a paper on the former subject and Dr. Lawrence F. Flick of the same city one on "The contagiousness of pulmonary consumption." As to the need of measures for the prevention of the spread of these two diseases, the opinion of the section was very pronounced that stricter precautions are much more needed against consumption than against leprosy. We have more positive testimony that tuberculosis is infectious than has been presented that leprosy is communicable. One member only uttered a doubt as to the contagiousness of tuberculosis, and it is quite likely that the emphatic opinion of the other members and the unanimous vote against him have caused him to modify his way of thinking. Dr. Flick referred to the error that the germs of this disease may be inhaled with impunity by the healthy, and he was strongly of the opinion that the most healthy persons are very sure to come down with the disease if habitually exposed to the bacilli of tuberculosis in badly ventilated apartments.

The following resolutions were adopted by the section:

Resolved, That it is the view of the section on hygiene, etc., that in view of the fact that tuberculosis causes more deaths than any other disease, that it is known to be communicable, especially to persons living in houses and shops with consumptives, that the attention of national, state and municipal authorities be directed to the necessity for controlling the dissemination of the disease.

1. By notification by physicians and householders.
2. By regulation of the residences of the tuberculized.
3. By controlling their movements so far as possible.
4. By the establishment of hospitals and homes for the infected poor.

* * *

The secretary of a local board of health writes about a man who kicked up a row, because his house, infected with scarlet fever, was placarded. How silly his misdemeanor ought to seem to him when he learns that the president of the United States set him an example of a good law-abiding citizen by having the White House placarded last year on account of the same disease.

A Municipal Reform.

The city of Haverhill, Mass., with a population of about 28,000, have adopted the Swiss system of Referendum and Initiative. This means that any measure, by-law or ordinance passed by the council, except such as are declared urgent, shall not go into force for thirty days, during which period the people may petition to have the matter submitted to a general vote, and if signed by 15 per cent. of the electors, an election must be held. This is the Referendum. The Initiative provides that the electors may petition to have any measure they desire, introduced and passed by the council. If the council refuses to pass the measure thus introduced it may go to a vote of the electors, and it amended in council both the original proposition and the amendment must be voted on. A writer who has investigated the workings of the Referendum in Switzerland, testifies that "jobbery and extravagance are unknown, and politics, as there is no money in it, has ceased to be a trade. The men elected to office are taken from the ranks of the citizens, and are chosen because of their fitness for the work. The people take an intelligent interest in every kind of local and federal legislation, and have a full sense of their political responsibility. The mass of useless or evil laws which legislatures in other countries are constantly passing with little consideration, and which have constantly to be repealed, are in Switzerland not passed at all."

The county council of Victoria by by-law at their November session ordered the following amendment to sec. 5 of the Municipal Amendment Act, 1893, which calls into requisition in every municipality a treasurer's cash book and other regulations:

That the word "day-book" shall be substituted for the word "cash-book" in subsections 1 and 2 respectively; that the provisions of sub-section 1 shall not apply to the receipts on account of non-resident taxes and percentages, the treasurer to be at liberty to enter the receipts mentioned, in the day-book periodically as heretofore; that for the purposes of sub-section 2, relating to the exhibition of certain books at meetings of the council, when so directed, it shall be sufficient to show the totals of all the receipts and payments up to the day on which the meeting shall be held, and to account for the amount at the credit of the municipality, by the production of the bank pass-book and the cash in the treasurer's hands; and that sub-section 3 be, and is hereby declared not to be in force.

The fact that the section of the act referred to provides that it may be changed by by-law of the council shows that the legislature did not consider it perfect. The reason sections are passed in this way is that councils often neglect the regulation of the manner in which their financial business is conducted, and in some municipalities where the treasurer has been in office for some time, such interference on the part of the council might be looked upon as a reflection on a capable man's system. We

recommend all councils to consider the regulations and only amend them when they ascertain a that change is actually necessary.

* * *

We notice that some county councils have decided to petition the local legislature to provide for the reduction of voters' councils by raising the number of voters required for a deputy reeve from 500 to 800. We see no objection to this, if at the same time the act is amended by requiring a village to contain the same number of voters before becoming incorporated, and by providing that when a village voters' list shows less than that number of names they shall be attached for the purpose of representation in the county council, to the township or townships to which the village originally belonged. This would in some instances entitle the village and township combined to a representative and effect no saving. Until the district system is advocated for the election of county councils, no move for reform in this direction will ever be successful.

* * *

A correspondent in the *Globe* writes in reference to the effort of the Prison Reform Association to bring before municipal authorities the necessity of classification of prisoners in county goals, as follows:

I have not a little experience with county councils, and I must say frankly, though regretfully, that I see very little hope of accomplishing anything in county goal reform through moral suasion. County councillors, are unfortunately, elected yearly, instead of for a longer time, as they should be, and, as a result, they will incur no expense that will in any way lessen their chances of re-election. The only remedy, in my judgment, is a radical one, viz: Firstly, to make it compulsory on the part of county councils to make special provision for the poor of the county; and secondly, for the government to assume absolute control of common goal management. On general principles, I am opposed to the centralization of increased power and patronage in the hands of the government, but this is an exceptional case, and necessity knows no law.

Our prison system requires unification with a central controlling power, the same as our educational system, if not made a part thereof, and the sooner this is brought about the better.

* * *

A county clerk and practicing barrister writes: I find your paper very entertaining and valuable, and I must take occasion to compliment you and your co-editors on the success that has attended your efforts. The different heads are carefully and ably managed and are authorities on the various subjects on which they treat. The legal branch is of great interest to me, not only as county clerk, but in my profession, as all the recent decisions on municipal law are carefully and correctly reported. The correspondents' branch, too, is a great boon to municipal officers, as it gives them an opportunity of ventilating their respective grievances, real or imaginary, in such a manner as to bring them prominently before those concerned.

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 possible all the facts, as many received do not contain sufficient information to enable us to give a satisfactory answer.—Ed.

W.—1. The clerk made a mistake by writing the word (paid) after \$6.00 for statute labor on the collector's roll, and the collector did not collect it. The mistake has been accounted for in this way: The pathmaster had not returned his list when the roll was made. Afterward, the list was sent in and the clerk trying to rectify it, wrote, paid, and mistook the name. Can this money be collected, and how shall the council proceed.

2. Another ratepayer left seven hours work of his statute labor undone, the pathmaster returned it undone, the clerk failed to put it in the collector's roll. The amount is 87½ cents. Can this money be collected, and how.

1. We think the clerk had no authority to make the entry in the collector's roll which resulted in mistake mentioned. The collector should be required to collect the amount from the person in default in the regular way.

2. We think the clerk would be responsible. If, on demand, the party in default refuses to pay the amount it might be charged against him in next year's list, but we do not know that he can be compelled to pay it or how it can be collected from him.

Clerk.—Can a municipal council pass a by-law allowing 5 per cent. discount on all taxes paid in on or before the 14th December.

Yes. See section 53, Consolidated Assessment Act, 1892.

W. H.—Can municipalities in the Muskoka district impose a tax or pedlars, license on hawkers, etc., there being no county formation, and unless the townships impose a license there is none collected?

Section 36 of the Act respecting municipal institutions in the districts of Algoma, Muskoka, Parry Sound, Niepissing, etc., chap. 185 of the Revised Statutes of Ontario, 1887, provides that "Except in the cases of townships and villages attached or belonging to a county for municipal purposes, the councils of townships and incorporated villages in provincial judicial, temporary judicial, and territorial districts shall have power to pass by-laws for the purposes mentioned in sub-secs. 2 and 3 of sec 495. of the Consolidated Municipal Act, 1892." The last mentioned section provides for the passing of by-laws for the purposes mentioned by our correspondent.

A. R.—A. is father, B. is son, assessed as follows:

	Value	Total
A. Owner lot Con. \$1,200		\$1,800
B. Owner lot Con. 600		

B. does not own the property, is a son living at home and assessed as owner. Could A. qualify as councillor if there was an encumbrance on the property of \$1,400?

Yes.

2.—A. is father, B. and C. are sons, assessed as follows:

	Value	Total
A. Owner lot con. \$900		\$1,300
B. Owner lot con. 400		
C. Owner		

B. and C. are not owners, only living at home. There is no encumbrance on the lot, assessed at \$400, the other is encumbered. Could A. qualify as councillor on lot assessed at \$400? he is owner.

Yes.

W.—Can a person who has been elected to the office of councillor be legally qualified, who had, at the time of his election, and still has, an unsettled account against the municipality?

We think the person referred to, had, at the time of his election, such an interest in a contract with, or on behalf of the corporation, as would disqualify him under sec. 77, Consolidated Municipal Act, 1892.

A.—Is it the duty of the auditors appointed by a municipality to audit the school moneys that are placed in the treasurer's hands as well as all township moneys?

We assume that the school moneys you refer to are those mentioned in sections 122 and 124 of the Public Schools Act. For the purpose of disbursing these moneys, the local township treasurer acts as sub-county treasurer, and his sureties are liable to the county for any default in the school grant accounts. The sub-treasurers are required to report to the county auditors on form provided by the Education Department; the vouchers are sent with the report to the county auditors and kept on file with the county vouchers. We are of the opinion that it is not the duty of the township auditors to audit the school grant accounts.

J. E. H.—A municipal clerk receives a salary with extras from voters' list appeals, selection of jurors, registrations, etc. Is he entitled to any fee for acting as returning officer at municipal elections? Is he entitled to any fee for acting as returning officer at a special election, where a by-law is submitted?

We are of opinion that the clerk is entitled to reasonable extra fees for acting in the capacities last mentioned.

COUNCILLOR, PARRY SOUND.—Is a postmaster or his assistant, by reason of holding such office, disqualified for holding the office of reeve or councillor in the district of Parry Sound?

No.

ALGOMA.—In a township municipality, where there is no county organization, is it legal to base the municipal grant to schools on the previous year's time that schools were kept open?

2. It does not seem reasonable that the council in August, when making their estimates should grant, say \$100 to a school for the then current year, as a school might not re-open or might be closed after August.

3. Our council in 1892 made a grant for the time schools were kept open in 1891, and in 1893 made a grant for the time schools were kept open in 1892. Is that right?

4.—Is it the intention that a council shall appoint two auditors at their first meeting, who shall immediately audit last year's accounts to December 31st, or do they audit to any other time of year?

1 and 2. We presume the grant referred to by our correspondent is that provided for in sec. 109 of "the Public School Act, 1891." If so, the grant is based on the time the school is kept open during the year previous to the time when the annual levy is made in August. The teaching year begins on the third Monday in August, and ends on the following 30th day of June. See sec. 193, of the Public School Act, 1891.

3. No.

4. A council must appoint two auditors at its first meeting. The auditors shall examine and report upon all accounts affecting the corporation or relating to any matter under its control for the year ending December 31st, preceding their appointment, and shall prepare an abstract of the receipts, expenditure, assets and liabilities, to be dealt with in the manner mentioned in sub-section 2 of section 263, of the Consolidated Municipal Act, "Et. Seq. The auditors shall also, if directed by by-law of the municipality, examine into and audit the accounts of the corporation monthly or quarterly, and may also be required to make an audit in the event of a change of treasurers in their municipality."

W. T.—A lawyer was returned to our village council this year; he owns no property here, only rents a small house, worth about \$600; he did some business for the last council, for which he was paid \$95.00, and he was attending another small case for which he is to receive \$25.00. Is he eligible, or can he take the declaration without perjury? See section 73.

Our correspondent's information is not sufficient as to the basis of this person's property qualification. Is the house assessed on the last revised assessment roll at \$400 or over, and what is the duration of his tenancy? We think, however, that the person referred to, had, at the time of his election, such an interest in a contract with or on behalf of the corporation as would disqualify him under sec. 77, Consolidated Municipal Act, 1892.

W. H. S.—Can a township clerk claim a pension from the township after serving say for forty years? If so, how much, and upon what conditions?

Section 280, of the Consolidated Municipal Act, provides that a gratuity may be given in certain cases after 20 years' services. A clerk cannot claim a pension for long service.

J. M. D.—A school section bought and built a new school house on another lot and about half a mile from the old school house; converted the old school house into a dwelling house, leased it with the land attached to a private individual. Is the tenant liable for taxes on the old school house?

Yes.

J. S. F.—Can a man occupy the dual positions of assessor and collector of taxes in a town?

We are of opinion, from the present reading of the statutes relating to the subject, that one and the same person cannot hold the offices of assessor and collector in towns. See declaration office set forth in sec. 271 of the Consolidated Municipal Act, 1892, and answer to "New Subscriber," in March number, page 86, 1893.

T. U.—Is a deed from the crown necessarily absolute evidence as to the quantity of land liable to assessment in a lot or part of a lot, or an island in a lake and separated from the main land surrounding the lake, the deed stating the quantity of land, more or less?

In case an objection is taken by an assessor to the quantity of land returned, and thus proven by a deed, would it necessitate the survey of the land in question, to make a valid assessment of the land in question?—for example, R. X. is assessed for an island, computed by the assessor (in the

absence of the owner) to contain forty acres. The assessment notice was left with the agent of R. X., but in December, the owner, R. X., objects to his tax bill, on the ground of wrong assessment and produces an affidavit from some other person that said R. X. holds a deed from the crown, stating that the island in question contains by admeasurement ten acres more or less. Is such evidence conclusive that the island cannot be assessed for any more. The assessor still holds the opinion that there is forty acres.

It is the number of acres that should be assessed, not what the deed may call for. Some lots over-run in acreage; others fall short, owing to incorrect surveys. If the deed of the island called for sixty acres, would R. X. still consider that the assessor should be guided by it.

The assessor should assess the acreage as he finds, and on appeal, the owner must show under oath that he is wrongfully assessed. A measurement of the island by a competent surveyor would determine the acreage to the satisfaction of the court of revision.

Our town was incorporated by special act of parliament in May, 1892, making our school section a union between town and township. The date of our incorporation and legal time for notification did not admit of making an equalization of the assessments in the time specified by Public School Act. (Section 95.) The equalization was made in August, but the township portion of section would pay only to their own assessment, and have paid thus for two years.

1. Was town right in their action?
2. Can town collect balance caused by equalization?
3. What is meant by equalization.
4. How is rate to be levied.
5. How is proportion obtained. Section 95.
6. Should trustees send in full requisition for year's expenditure to both council boards?
7. In case of taking action, who should be plaintiff, school board or town council.

1. We think equalization was made in proper time.

2. Yes.
3. Valuing all the taxable property in the section on the same basis, the value of the portion situated in each municipality determines the proportion of tax payable.
4. The same as other school rates.
5. From report of equalization required to be made by assessors under sec. 95, Public School Act.
6. Yes.
7. School board.

E. G. ALGOMA.—Has a township reeve as a J. P. any jurisdiction beyond the limits of his own municipality, or has he the same powers as any other justice of peace?

Reeves in Algoma have no jurisdiction as justices of the peace beyond the limits of their respective municipalities. See sec. 4, chap. 37, 52 Vic.

A. has a timber license from the government for a lot in our township, and is taking off pine, cedar and hemlock, said lot belongs to the government. Can we seize the timber for taxes? Yes.

If one of the councillors fail to qualify at first meeting can the next man with highest number of votes take his place, or must we hold another election?

G. has been elected councillor and refuses to act, as we don't wish to compel him, can we take the next man with the highest number of votes or must we hold another election.

A new election must be held in both cases. See section 181, Consolidated

Municipal Act, and section 277, which requires municipal officers to refuse office or make the necessary declarations within twenty days under a penalty.

In the year 1892 the collector did not legally return his roll. It was handed to the clerk without an affidavit. Will such irregularity effect the future sale of land for taxes. If so, what must be done?

If the collector did not make returns required by sections 131 and 136 of the Consolidated Assessment Act, of 1892, the treasurer should have taken proceedings mentioned in section 231 of said Act. If so much time had not elapsed since the return of the roll, the council might have availed themselves of the provisions of section 133 of said act, by appointing another collector to complete the work. The provisions of the Assessment Act must be complied with before land can be sold for taxes.

If, as the result of the neglect of the treasurer or collector the municipality is liable to loose the taxes on lands not properly returned, these officials may be proceeded against as provided in sections 225 and 227 of the Assessment Act.

G. C.—How should a person be assessed who lives in a house on his father's farm, and has an interest in said farm, and also owns property in said township, independent of his father?

As owner of both.

A person is appointed deputy returning officer for municipal election. Does such appointment disqualify him from being appointed reeve?

Yes.

The question of grants to high schools will be before the legislature again this year. Some counties are very much dissatisfied with the present act which discriminates unfairly, in counties where rural and detached high schools respectively exist in the same county in favor of the high school so detached, and urge that sub-section 2, of section 31, of said Act, should be so amended as to eliminate the evident injustice made apparent in the fact that high schools, separated from a county, contribute no return or corresponding equivalent for the moneys paid to them under the Act, other than those educational advantages resulting from all well regulated high schools in the district; whereas, taxpayers of the high school districts in the counties, who are already locally taxed for high school purposes, and who contribute and pay with other ratepayers of the counties, all the legitimate disbursements of the counties, now find themselves compelled, under the present act, to pay, in addition to the support of their local high schools, their quota of taxes to another high school situate in a municipality detached from the counties altogether. This is a manifest injustice which should be remedied.

The county council of Lennox and Addington in a petition to be presented to the legislature, set forth:

1. That if the words "three years" contained in the last line of section 37, were struck out and the words "one year" substituted therefor, that such change, if made permissive only, and not compulsory, would afford relief to those county

councils, who had inadvertently placed the fees of the pupils too low, or who had unwisely placed them too high, thereby, perhaps numerically prejudicing their schools.

2. That as it is the evident intention of the high school law to compel all county councils to bear a share of the cost of maintenance of the schools at which county pupils attend, and as there is no provision made in the act for the payment for county pupils, who, by reason of their remoteness from a school in the county, prefer to attend, and do attend a more contiguous school in an adjoining county, where an unreasonable fee may be imposed for their attendance at such latter school, that the sum of one dollar per month, or a fraction of a month, per county pupil should be paid by the county for the maintenance of all detached and contiguous high schools at which county pupils may respectively attend; provided always that the said county pupils attend the nearest high school to their respective residences.

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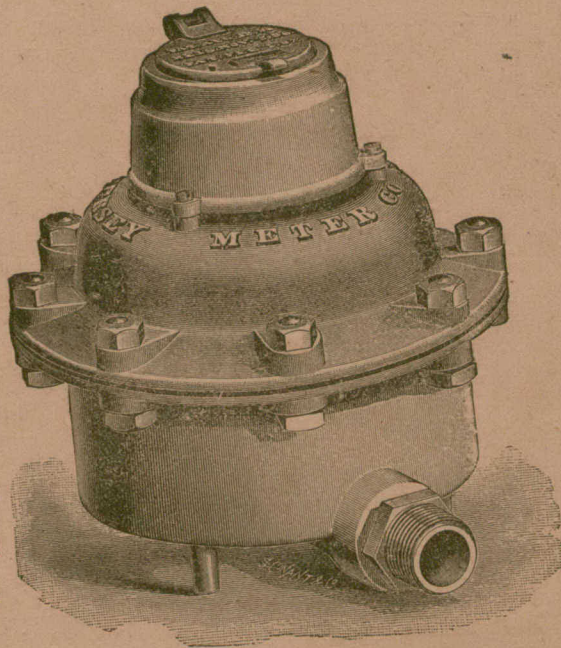
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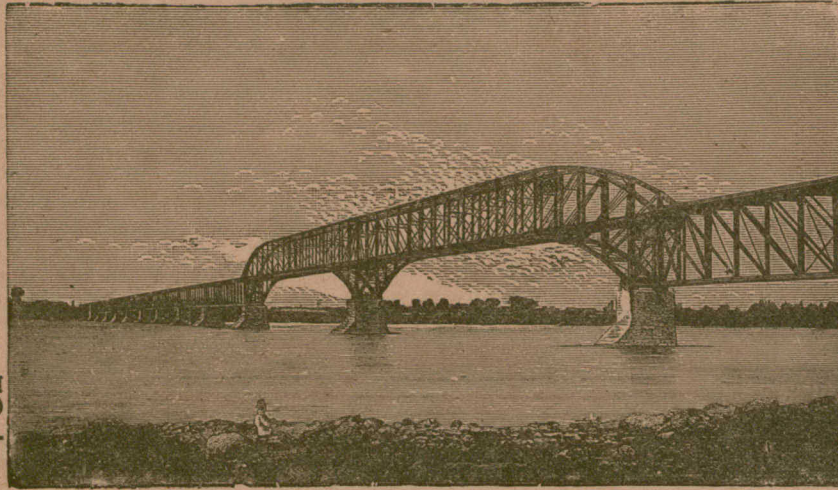
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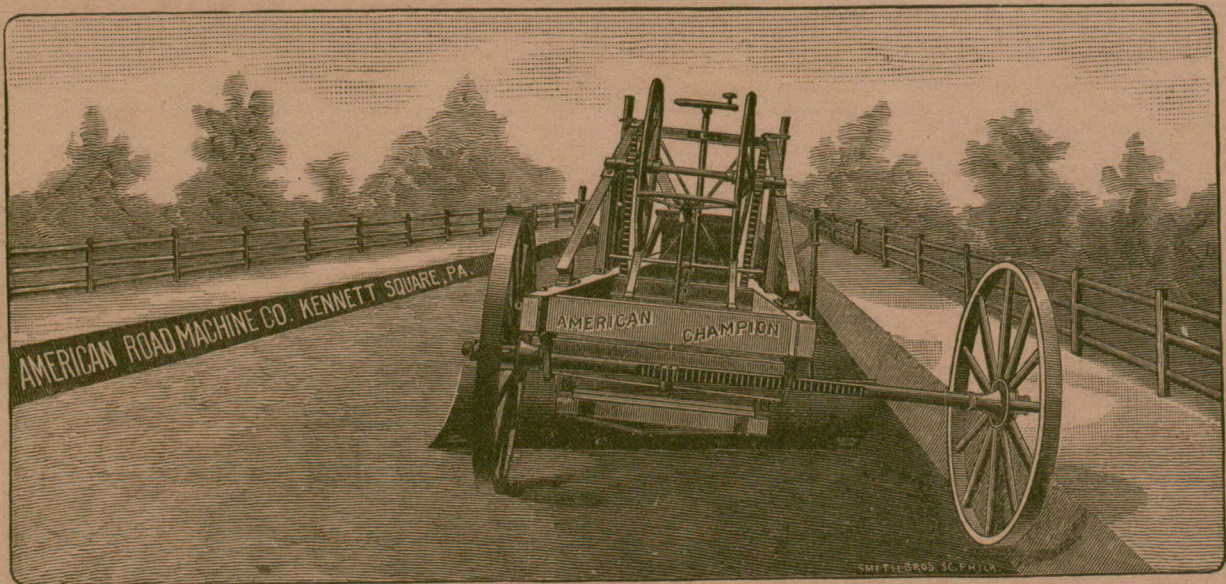
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