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MISSING

THE MUNICIPAL WORLD

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Calendar for September and October, 1897.

Legal, Educational, Municipal and Other Appointments.

SEPTEMBER.

2. County Model Schools open.
4. Make return of contagious diseases to Registrar-General.—59 V., chap. 17, sec. 11 (4.)
6. Labor Day.
14. Last day for Judge to defer judgment in appeals from Court of Revision for Shuniah.—Assessment Act, section 68.
15. County selectors of jurors meet.—Jurors Act, section 13.
Last day for County Treasurer to return to local clerks amount of arrears due in respect of non-resident lands which have become occupied.—Assessment Act, section 143 as amended 1895.
20. Clerk of the Peace to give notice to Municipal Clerks of number of jurymen required from the municipality.

OCTOBER.

1. Last day for returning Assessment Roll to Clerk in cities, towns and incorporated villages where assessment is taken between 1st July and 30th September.—Assessment Act, section 52.
Last day for delivery by Clerks of Municipality to Collectors of Collector's Rolls, unless some other day be prescribed by by-law of the municipality.—Assessment Act, section 120.
Notice by Trustees of cities, towns, incorporated villages and township boards to Municipal Clerk to hold Trustee elections on same day as Municipal elections, due. Public Schools Act, section 58 (1).
Night schools open (session 1897-8).

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.


FORMS REQUIRED BY JURORS' ACT.

R. S. O., CHAP. 52.

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| Oath to be taken by Selectors, section 21, per dozen | 20 cents |
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FOR MAKING REPORT, 1897.

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The Municipal World

PUBLISHED MONTHLY

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

K. W. McKAY, EDITOR,

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Editors

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ST. THOMAS, SEPTEMBER 1, 1897.

Clerks' Fees—Revision of Voters' List.

A more than usual interest is being taken in the revision of the Voters' Lists of the Province, as it is expected that the elections to the Legislative Assembly will be held on the list of 1897.

The revision brings considerable extra work to the clerk's office, and for this he is entitled to the following fees, to be paid by treasurer on the order of county judge:

1. Two cents for every name in list of complaints received.
2. Two cents for every name entered in any necessary copy of said list of complaints.

Three copies are generally required:

- (1) To be posted in clerk's office;
- (2) To be delivered to County Judge;
- (3) For use by the Judge at Court of Revision.

In preparing list for use at court, make up a book of foolscap or larger paper and rule the left-hand page, and on every other line enter: Number, name of complainant, name of party complained against, Grounds of complaint alleged, leaving the whole of the right-hand page for memorandum of decision by judge.

3. Eight cents for every necessary notice to any party complaining or complained against, and to the assessors.

Some judges require the notices to be made in duplicate, one to be retained by the bailiff for memorandum of services; in such case the clerk is entitled to pay for each notice.

4. Three dollars and mileage for every day's attendance on the sittings of court.

5. When the clerk serves the notices of complaint or appeal he is entitled to actual and reasonable disbursements necessarily incurred by him.

When the clerk is required to make up statements of alterations by judge, and enter same in the Voters' Lists he should charge two cents for each name in each statement, and for corrections entered.

Responsibility of Collectors and Their Sureties.

In view of the fact that the Collectors' Rolls must, in a short time, be delivered to the collectors, who are required to furnish security for the faithful performance of their duties, it may be interesting and useful to municipal officers to refer briefly to those sections of the Assessment and Municipal Acts, and some of the decisions of the Courts touching the responsibility of collectors and their sureties. Section 120, of the Assessment Act, makes it the duty of the clerk to deliver the roll, certified under his hands, to the collector on or before the 1st day of October, or such other day as may be prescribed by a by-law of the local municipality. Hughes, C. C. J., Elgin, in the case of Vienna vs. Marr, held that the roll not being "certified under the hand of the clerk," the collector was not liable to the corporation for negligence in not distraining on the goods of a party assessed; and in the case of the Town of Trenton vs. Dyer, the Supreme Court held affirming the decision of the Court of Appeal, that the provision as to delivery of the roll to the collector, certified by the clerk, was imperative, and its non delivery with such certificate was a sufficient answer to a suit against the collector and his sureties for failure to collect the taxes. Strong, C. J., says "The case of Vienna vs. Marr was, in my opinion, well decided, and shows that the collector was not bound to act under an uncertificated roll." But a formal certificate on the roll is not necessary. It is sufficient if the clerk signs the roll. In Whitby vs. Harrison, Robinson, C. J., said: "We think the signature of the Clerk sufficiently verified the roll to enable the collector to receive the money, for his signature at the end sufficiently authenticated the roll as that in which he was to make his collections." It is the duty of councils to appoint a collector as soon as convenient after the annual election; section 254, Consolidated Municipal Act, 1892, and section 12, Consolidated Assessment Act, 1892. The appointment must be made by by-law; See section 282, which says: "And the powers of the council shall be exercised by by-law when not otherwise authorized or provided for." It is the duty of the collector, before entering upon the duties of his office, to *make and subscribe* the declaration of office provided by section 271, Consolidated Municipal Act, 1892. He is liable to a penalty of not more than \$80, nor less than \$8, if he does not, within twenty days after knowing of his appointment, make the declaration of office required; section 277, Consolidated Municipal Act, 1892. But the fact that a collector of taxes received the money without the roll having been delivered to him, and without having taken the oath of office, forms no defence for his surety to an action for not paying over such money; Whitby vs. Harrison. The action in Trenton vs. Dyer, was for not collect-

ing taxes due to the town of Trenton, while in Whitby vs. Harrison, the action was for not paying over taxes which had been paid to the collector. Before entering upon the duties of his office the collector shall enter into a bond to the corporation of the municipality for the faithful performance of his duties; section 223, Consolidated Assessment Act, 1892. Section 224, Consolidated Assessment Act, provides, "Such bond shall be given by the officer, and two or more sufficient sureties, in such sum and in such manner as the council of the municipality by any by-law in that behalf requires, and shall conform to all the provisions of such by-law." Under this section the council should pass a by-law requiring the collector to furnish a bond with such number of sufficient sureties (not less than two), and in such sum as they may consider proper, conditioned to collect all rates and assessments of the municipality for the year for which he is appointed, and to pay the same over to the treasurer of the municipality once a week, or every two weeks, as the law provides, the last instalment to be paid over not later than the day fixed by statute for the return of the roll, and to discharge all other duties required by the Municipal or Assessment Acts. For the time when the roll is to be returned, and the manner of payment of taxes, see sections 132, 133 and 134 of the Assessment Act, and section 6 of the Assessment Act, 1894. After the passing of the by-law a bond should then be prepared in conformity with the by-law, and executed by the collector and the number of sureties required by the by-law. To an action upon a bond it is a good defence by a surety that he signed the bond on condition that some other person would sign it as surety, and that such other person has not signed it, and in order to guard against any such defence being set up the council should employ some officer of their own to witness the execution of the bond, or notify each surety that the bond has been delivered by the collector, and that it purports to be signed by certain persons, giving all their names, and the council should, upon being satisfied with its due execution and sufficiency, pass a resolution accepting the bond.

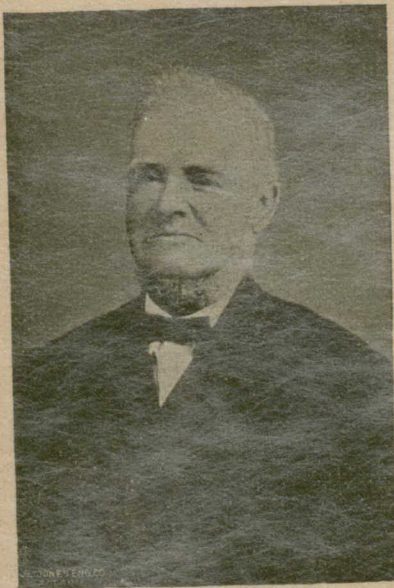
The council should always see that the collector, where the same collector is appointed for successive years, returns the roll of one year before he receives the roll of the following year, so as to prevent him from applying the taxes of the latter year in satisfaction of the previous year's roll. Section 281, Consolidated Municipal Act, authorizes the acceptance of bonds or policies of guarantee companies instead of or in addition to a bond of the officer with sureties.

McSmith—How do you account for there being so many queer views of life?
Bumpus—So many amateur photographers.

Municipal Officers of Ontario.

Clerk Township of Vespra.

Mr. Sneath was appointed Clerk and Treasurer of the united Townships of Vespra and Sunnidale, County of Simcoe, in January, 1854. When the townships were separated he retained the offices for the senior township. In the thirty-first year of his service Mr. Sneath was banqueted by the ratepayers, presented with an address and a valuable gold watch in appreciation of his services. During his



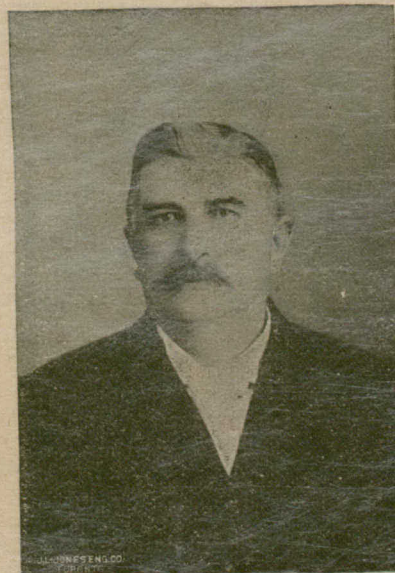
MR. G. SNEATH.

long term of office he has not been absent from a meeting of the council. He has also held several other offices. For forty years he has been the secretary of the Vespra Agricultural Society, and for a number of years held the office of secretary-treasurer of the Electoral District Agricultural Society of North Simcoe. Mr. Sneath was born at Croyden, near London, brought up and educated in the town of Nottingham, England. He came to Canada at the age of 19, engaged in school work, and subsequently in farming. He was for a number of years Local Superintendent of Schools for the Township of Vespra, was appointed on the Commission of the Peace in 1856, and is now one of the senior magistrates of the County of Simcoe. In 1845 he married the eldest daughter of the late John Munro, Esq., of Inverness, Scotland, and has been blessed with a large family. One son is now Warden of the County of Simcoe, and another is a member of the Township Council of North Norwich, County of Oxford.

The audit of the books of the defaulting treasurer of Simcoe has been completed and the deficiency is \$62,857.02.

County Treasurer Norfolk and Clerk Village of Delhi.

Roger Crysler, son of the late Roger Crysler was born in Delhi, June 19, 1843. When three years of age his parents removed to a farm in Middleton, three miles from Delhi, where he was brought up and educated in the public school. He was married on December 19, 1867, to Miss Jane Ann Smith, daughter of the late J. K. Smith, of the Township of Windham, when he launched into mercantile pursuits, to which he devoted his attention for twenty-three years. While thus employed he became prominently identified with municipal politics, and in 1880 was elected Deputy-Reeve for the



MR. ROGER CRYSLER.

Township of Middleton. This position he held till 1887, when he was chosen Reeve. In 1891 he resigned this office and declined re-election. During the year 1888 he was Warden of the County of Norfolk. In the incumbency of all these public functions he acquitted himself with credit and obtained the lasting approval of the municipalities. In 1894 the village of Delhi was incorporated, and Mr. Crysler's municipal experience and business qualifications were brought into requisition in his appointment as Village Treasurer and Clerk, positions with which he is still entrusted. In the month of March, 1895, the lamented death of T.W. Walsh, Esq., created a vacancy in the treasurership of the County of Norfolk, when Mr. Crysler was appointed Mr. Walsh's successor. Mr. Crysler has held the office of incumbent's warden of St. Alban's Church, Delhi, for twenty-three years, and carries a strong attachment to the religion of his youth. In institutions

of any sort he is by nature warmly conservative, and would not be found to advocate any measure to replace what had worked improvingly well until it had been demonstrated superior in every respect to that which it was intended to replace. While, however, this is a strong feature in his character, his genially tolerant disposition and warm social instincts, with much frankness of utterance, draws towards him the sincere attachment of many friends who would not always agree with him in his conservative views. His humane sentiments are ever on the alert to relieve and improve. It is hoped by his many friends that years of future usefulness are yet in store for him as an efficient servant of the people.

An Ottawa physician calls the prevailing disease Klondicitis. It does not yield easily to local treatment. When the patient is put on ice and short rations he generally recovers.—*Hamilton Herald.*

Clerk Township of Draper.

Mr. Cairns was born in Peebleshire, Scotland, in 1829, and came to Canada in 1870, and located in township of Draper,



MR. D. CAIRNS.

Muskoka District. In 1894 he was offered the position of Township Clerk, which he accepted.

Patriotism and Ignorance.

Tommy—Isn't it funny, ma, how ignorant it makes a man when he gets to be a patriot?

Ma—Why, Tommy, what gave you that idea?

Tommy—Why, ma, didn't the lecturer say last night that the man who is a patriot should know no north nor south nor east nor west.

Municipal Economy vs. Municipal Waste.

Municipal waste is much more apt to result from spending more than is necessary for a needed improvement than from the inauguration of unnecessary improvements. It is very seldom that the city starts improvements which are not needed. Municipal economy is not in stopping improvements, but in seeing that the city gets a dollar's worth for each dollar it spends and in not giving away the city's revenue and assets. If our franchises are given away, and through the failure of the municipal authorities to protect the citizens, railroad fares are placed at five cents instead of two or three cents, the people pay a pretty big contribution on account of poor city government. If gas is \$1.25 a thousand when it might be but 50 or 60 cents, if proper municipal foresight had been exercised by our officials, the people pay a pretty big contribution there. If the Board of Health does not do its duty, or is inefficient, or does not get a sufficient appropriation on account of the large amounts of money spent elsewhere, our lives and our children's lives are endangered and the increased sickness and death becomes a great drain upon the people and swallows up their savings.

If the people realized that whenever the Board of Aldermen grants a franchise for less than it is worth, the city has so much less money to spend for needed improvement; that whenever the legislature passes an act to vacate assessments for benefit which are part of the costs of a new park it makes a present to some property owners and deprives the people of the means of establishing a park at some other place; that whenever an office is run in an extravagant manner it deprives the people of something which would make life better worth living, then we should have good government.

The city's purse can be protected only through the election of honest and efficient public officers. The city's money is to be saved in the small details of administration. But even honest and efficient public servants are the better if their masters, the people, take an intelligent interest in the way they perform their work. If the people are sovereign they must occupy themselves with their domain, or see it distributed among their courtiers who bow the knee to their masters only for the opportunities which managing the estates of a careless sovereign afford.—From "The City's Purse," by Henry De Forest Baldwin, in June *Municipal Affairs*.

While the pioneers knew the necessity of good roads and performed their work zealously, there is a sentiment beginning to prevail in certain sections, and among the rising generations, adverse to performing work on the public roads.

"Do you consider your wife your better half, Wormly?"

"Not much! She's the whole thing."

Taxation of Telephone Poles.

In an appeal from the decision of the Court of Revision, Judge Ardagh, of Barrie, decided that the poles and wires of the Bell Telephone Co. were assessable, and liable to taxation by the town. This is regarded as a somewhat important case. The Bell Telephone Company appealed against the assessment of their property in the Town of Barrie for \$3,000. The case was argued on July 27th, H. H. Strathy for the town, and F. E. P. Pepler for the company. Mr. Pepler's main contention was that the wires and poles being attached to the streets could not be at all assessable, being part of the said street. His Honor held that even if the poles and wires did form part of the streets they were not servants of the town, and were, therefore, assessable in any case as occupying so much of the town's property. Therefore he dismissed the appeal. Three years ago His Honor gave judgment sustaining a somewhat similar appeal by the company, but he took as his authority in this case the more recent case of the Gas Company vs. City of Toronto rather than the former judgment of Fleming vs. Toronto Street Railway Company.

Equalization Appeal.

The town of Blenheim appealed against the equalization of the County of Kent for 1897. The county judge to whom the matter was referred adjusted the assessment of real property, and disposed of the personal property and income as follows:

"So far as the assessment of personal property is concerned, I find that all the township assessors have apparently supposed that the personal property of farmers was exempt from taxation. Briefly stated, it is only farmers' stock that is exempt, and every farmer should be assessed for the machinery on his farm, his vehicles, etc., less the amount for which he owes for the same. He should also be assessed for the produce he has on hand at the time of the assessment. The evidence is to the amount of personal property which has thus escaped assessment in the various rural municipalities, and was very vague and inconclusive, but sufficient evidence was given to show that the amount was large, possibly exceeding one million dollars. It will, I believe, be conceded that the average personal property of each ratepayer in the various townships liable to assessment is at least equal to that of each ratepayer in the towns and villages. Yet I find that under this head the latter have been assessed for much more than the former. This is an injustice, and for the purpose of equalization I strike off all the assessment made on personal property or income."

The county council of Simcoe received thirty-nine offers of property suitable for House of Industry purposes and the committee in charge have been inspecting the best locations and will report at the November session of the council.

Disfranchised by Technicality.

A peculiar case has arisen in connection with the Voters' List of the township of Pembroke, and one which might trouble the lawyers to straighten out. The clerk of the municipality posted up his list on the 7th of July last. By statute any voter may take objection to the list by notifying the clerk within thirty days of the posting of the list, and in case of a vacancy in the office of the clerk, by reason of death, resignation or any other cause, the notice may be served on the head of the municipality. The list was found not to contain several names which should have been on, and notice was left with the reeve of the municipality on the evening of the twenty-ninth day after the posting of the lists. This step was taken because of the absence of the clerk, whose residence and place of business were both closed up and he away camping where he could not be reached. On his return he notified the appellant that as he had not been served with the notice within thirty days he would take no action in the matter. The gentleman appealing takes the ground that the absence of the clerk, with both his residence and place of business closed up, constituted a virtual vacation of office, and the only reasonable and sensible course was to serve the reeve, and I am informed it is the intention to fight the matter out. Whatever the technicalities of the law may permit officials to do or not to do in a case such as this, the feeling here is that some twenty men, if they are otherwise qualified to vote, should not be disfranchised on what is at least a legal technicality, and if the law says they should be disfranchised the sooner the law is broadened the better.

NOTE.—The above is taken from the *Ottawa Journal*, supplied by its correspondent here, and no doubt states the case with substantial correctness. If so, it is hardly the kind of action the people of this town would have expected from the clerk of the township of Pembroke, who has heretofore not been looked on as one likely to encourage such Yankee sharpness. Doubtless, however, the matter will receive fair adjudication when brought formally before the county judge, as it now will be. Meantime, it is well that the affair should have the widest possible publicity.—*Pembroke Observer*.

We think that the appeals were properly served on the head of the municipality in the absence of the clerk, under section 18 of the Voters' List Act, 1889.

Tax Exemption Convention.

A municipal tax convention will be held at Toronto on the 9th and 10th of September in the council chamber of the city hall. A number of municipalities principally towns and cities have appointed delegates. The principal question to be considered is "the abolition of tax exemptions." The convention has been arranged by a committee of the Toronto City Council, and the circular of invitation states that duly authorized delegates should present a certificate from the clerk of the council appointing them; all delegates will be supplied with badges, and full information regarding the business of the convention at the opening meeting; delegates are invited to prepare papers to be read during the convention, and notice of any delegate's intention to read a paper should be forwarded to the city clerk in advance, in order that provision may be made therefor in the programme.

ENGINEERING DEPARTMENT.

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

Sewage Disposal.

The Council of the city of Stratford have instructed the City Engineer to report on a scheme for the disposal of the sewage of the city. This is becoming a very important question in this country, as it has been for years past in older ones. The health authorities are anxious, as far as possible, to protect the health of the citizens, and to prevent the pollution of our streams is a very important step, and in this way they should receive universal support. In consequence of the growth of cities and towns, the collection and disposal of the mass of excrement under dry systems is found to be a very troublesome matter, and they are at best inferior substitutes for water carriage, and sewers and drains are necessary. Millions of money have been spent in trying to deal satisfactorily with this question, not only with a view to the purification of the effluent of sewage, but also to endeavor to make a profit out of the residuals. Yet no hard or fast rules can be laid down as to the best method to be adopted for the disposal of the sewage of any town, but the peculiar circumstances of each case must be considered before advice could be given on the subject—geographical position, physical arrangements, water supply, habits of the people, and the character and quantity of the sewage of the town being of the most importance.

In any case, it is necessary that the transmission of the sewage to the outfall should be effected as speedily as possible, and that the position of this outfall should be such as to cause no nuisance. The contents of the sewers should, if possible, be emptied by gravitation, as pumping is a constant expense, and economy with efficiency should, of course, be studied. The methods adopted are:

Carrying the outfall into a large body of water where no bad results will follow.

Broad irrigation, that is passing the sewage in its crude state over large tracts of land.

Intermittent downward filtration, passing the sewage in its crude state on to small tracts of land previously prepared by deep drainage.

Mechanical subsidence of the sewage in large tanks, the effluent passing on to land or into a stream.

Mechanical filtration of the sewage, the effluent passing on to land or into a river.

The introduction of lime or other precipitant into the sewage, which is allowed to settle in tanks, the effluent passing on to land or into a stream.

Where the first of these methods can be adopted no thought need be given to others, as no costly machinery will be necessary, and an abominable nuisance is

thus got rid of once and forever. The second method, that of broad irrigation, has found considerable favor among eminent engineers and agriculturists. The great sewage disposal cry has always been, "Put back on the land what you have taken from it, or some day there will be no beef and no bread." The difficulty is to always find land in sufficient quantity and so situated as to be available for such purpose. Almost any soil is suitable for irrigation, provided it is well and properly drained. One hundred tons of sewage will cover an acre of land one inch in depth.

The third method is really irrigation of land to such an extent as the land will filter or purify the sewage, the effluent passing off pure, irrespective of any effect upon the crops which may be growing upon the land. A good, porous soil, drainage to a depth of six feet, will purify the sewage of about 1,000 persons per acre. There can be no doubt that earth has a most powerful deodorizing power. Experiments have shown that as much as eight gallons of sewage can be filtered through a cubic yard of loamy soil in twenty-four hours, the soil being drained at a depth of six feet, the effluent therefrom having obtained a wonderful degree of purity. Much, however, must depend upon the character of the soil of the filtering area and the strength of the sewage being operated upon. Land, when used as a sewage farm, requires constant aeration by being dug over or plowed. Clay soil should not be deep drained, but it assists greatly to top dress it with about four inches of ashes, which should be plowed into the soil.

This is the method likely to be the most suited to the requirements of the towns and cities of this country. The methods of mechanical subsidence of the sewage in large tanks has been tried in connection with irrigation and filtration without much benefit.

Up to the present time no chemical precipitation process renders the sewage effluent sufficiently free from decomposing matter as to make it safe to allow it to enter a stream without the intervention of the nitrifying and oxidizing effect of passing it through soil. If this is not done, what is called secondary putrefication sets in and the stream is polluted.

The combination of filtration with precipitation has, it is asserted, been brought into successful operation in some European cities by what is known as the Ferozone and Polarite process, which will be more fully dealt with in these columns at a later date.

Galt is macadamizing one of its main streets.

The agitation for good roads is being enthusiastically received the country over. Object lessons in bad road-making are so general that proper methods are anxiously sought.

Timber for Bridges.

As timber is perishable, bridges made of it are temporary. Where timber is scarce, stone, concrete and iron are largely used, but where timber is plentiful its low, first cost secures its adoption. The life of a wooden bridge is from eight to fifteen years, depending largely upon the quality of the material. Whatever modesty is shown through conscious ignorance in criticising iron and its fabrication quickly disappears when we are asked to judge of the quality of timber, almost everyone being positive as to what is good timber. A first quality of a certain kind of timber is best suited for the work, but the first quality of any timber may be as different as the soils upon which it is grown. This timber should be sound, free from loose or black knots, heart-cracks or wind-shakes, and it should not be cut from dead trees. Seasoned timber, especially when it has been exposed to the direct rays of the sun during seasoning, is apt to have more or less cracks, called seasoned cracks, but must not be confounded with heart cracks and shakes. They can be distinguished from each other; the cracks, due to seasoning, are sharp, while those due to shakes are splintered. Well-seasoned timber wears longer than green timber; but since bridge plank is seldom kept in stock, and as councils rarely anticipate their needs, the material is invariably taken from the mills; sapwood is not desirable, as it will wear away faster and decay sooner. Wane or black edges are apt to occur in otherwise first-class material, but should not insure condemnation if only on one corner, if the plank can be laid with that side down; if on two corners it shows that the plank is from close to sapwood, and should not be used. Timber for joist or stringers should be subjected to the severest examination, as so much depends upon their strength.

The kinds of timber used mostly in this country for bridges are white and yellow pine, oak and cedar. Close-grained yellow pine is being used for planking and gives better satisfaction than oak; it is cheaper and less slippery than oak in frosty weather.

A number of creosoting processes have been tried with success, but unless the work is well done and all the cells and pores perfectly filled with the preservative material, the timber is injured rather than benefited. The flooring of either wood or iron bridges is subjected to the greatest wear and injury, and requires constant repairs and renewals. Councils should provide a suitable storage and keep a carefully selected stock of plank on hand, so as to secure the best being used for this purpose. The material must be paid for, and municipal councils ordering quantities can purchase cheaper than contractors. They are desirable customers and can secure the best quality.

Maintenance of Iron Bridges.

Iron bridges are expensive to construct, and therefore demand the closest attention in order to procure the greatest service. Because a bridge of iron does not imply that it requires no further care after the contractor receives his final certificate. If iron is neglected it is only a question of time until it becomes destroyed. Iron, exposed to the atmosphere, rusts, and its life only depends upon the thickness of the bar. A large bar rusts as much as a thin one, but, of course, there are circumstances of location that will cause rusting to proceed with varying rapidity. In no case should plates or parts be used of less thickness than one quarter of an inch. Bridges should also be designed so that all parts will be open for inspection and within reach of the paint brush, and when this is impracticable, the concealed surfaces should be perfectly sealed, so that moisture cannot enter and work its sure destruction. Paint is the great protector of iron, and now that so many iron structures are being erected, councils should see that they are always kept perfectly painted. They should insist that manufacturers should be more careful in preparing the iron for shipment than they generally are, especially in cases where competition is great and the only margin for the contractor is made up of small economies. At the factory, each piece can be inspected and examined with a care impossible to exercise after the parts are all assembled in position at the site. All new iron has a scale on its surface easily detached under vibration, and enough of this remains on, after being worked to render ineffectual the painting. The use of wire brushes or scrapers will remove all this and render the painting more effectual. The paint should be thoroughly well rubbed into the surface, and the boiled oil and turpentine with which it is mixed should be of the best quality, as the value of the paint depends largely upon them. The mineral paints, prepared from iron ores, are the best priming paints, since they are inexpensive and, therefore, less liable to adulteration. After a bridge is erected it should receive two coats of tinted lead paints, care being taken that the brush reaches all the joints and crevices. The color of the final coat should be of such a tint as to most quickly show the first indication of rust. Cream buff or grey answer this purpose excellently. All iron bridges should have two additional coats of lead paint the second season after their erection, which will then last several years before requiring renewal. A safe practice is to examine these bridges every spring for signs of rust, which, if discovered, should be attended to as soon as possible. This care will preserve the iron for an indefinite length of time.

It is undeniably the case that in some sections the roads are to-day in a worse condition than they were ten years ago.

Instruction Required.

It is to be regretted that certain councillors look upon their election as a certificate of fitness to perform any public service involving even scientific knowledge, and that the extent of their public career depends upon the amount of such pretended service rendered. In this delusion many otherwise good men, eager for public preferment, have sacrificed their own aims. The public is an impartial judge, and the verdict strictly upon the evidence, regardless of its severity, and, although this evidence may not be produced at the first trial—the polls—how many are here convicted, the strong point being, he undertook the expenditure of our money on a work about which he was ignorant, with the result, imperfect work and wasted money. The man successful in public business as in private is no pretender. In the latter he alone would suffer, but in the former all the taxpayers of the municipality, many not being able, feel keenly the effects of his folly. What is to be gained by such pretence? Councillors are elected not as specialists in the various kinds of public works, but as members of an executive, and should exercise their best judgment in securing proper administration, the main point of which is the employment of the most suitable men to perform the different works so as to produce the most durable, serviceable and economical results. The fullest information on any subject is none too full. This is an age of specialization, and in every department of life men are devoting their time exclusively to a study of its requirements. In the matter of road and street construction, the present agitation shows clearly how complex the subject is and how little we know about it. In this, as in other matters, the necessity and importance of practical education is clearly demonstrated.

Niagara Bridge.

The new steel arch bridge just completed by the Grand Trunk Railway over the Niagara River is the largest of the kind on the continent. The bridge has an arch span in the centre of 550 feet and a trussed span at each end of 115 feet. The total length of the bridge is 1,100 feet, and the centre of the arch is 226 feet above the water. The bridge has two floors. On the upper floor are two railway tracks and on the lower floor a carriage way in the centre and a double trolley track and sidewalks on each side. The width of the top floor is 30 feet and the lower 57 feet. The new structure replaces what was commonly known as the "Suspension Bridge," which was completed in 1855. Seven years were spent in building it, the new one only taking about that many months. The river is now spanned by three distinct types of structures—arch, cantilever and suspension.

Help Those Who Will Help Themselves.

There are townships in the Province where the roads are bad. The people are taking a warm interest in the direction of their improvement, which will be slow on account of a scarcity of material. There are other townships where material is abundant and convenient, but the character of the population is such that they seem to prefer the discomforts and loss occasioned by bad roads to the trouble of attempting to improve them. They are even opposed to having the question discussed for fear they may learn something about the true principles underlying this great work which must be observed if good results are to be expected. They would rather waste their time on the road and injure its condition than suffer the indignity of being instructed as to how their efforts could be turned to advantage. To them literature on the subject is most obnoxious and the presence of a Provincial expert the greatest interference with personal rights. It is manifest at present that no instruction can remedy such a state of affairs. Unless there is a desire on the part of the people to help themselves no good can result from the invasion of doctrine or specialist.

During the past year the number of municipalities requiring the assistance of the Provincial Instructor were so great that he found it impossible to comply with all on account of devoting some of his time to indifferent sections. Wherever progressive municipalities willing to be advised wish assistance we think every effort should be made to assist them, and where a community deliberately prefer to adopt a course of action that is opposed to its best interest it should be left to its own devices, until time will permit of a campaign of effective and persuasive teaching, which will embody the construction of some sample pieces of road, which will stand in contrast to their shiftless structures. In the meantime the good work of the surrounding sections will have its influence and render the work of conversion less difficult.

Barrie is macadamizing the road between Barrie and Allandale.

The good roads meeting in the city of Ottawa was held under the auspices of the Board of Trade. While only a few of the commercial bodies in the country have taken definite action in favor of improved roads, there is no question of the hearty concurrence of the others whenever they see occasion for their action. The movement deeply concerns every commercial and financial interest in the country. We are handicapped in all the markets of the world by an enormous waste of labor in the primary transportation of our products and manufactures, while the local markets are restricted by difficulties in rural distribution, which at times block all the channels of transportation, trade and finance.

The Development of American Cities.

The Hon. Josiah Quincy, Mayor of Boston, contributed to the *March Arena* a suggestive article on the functions and duties of city governments.

The principles of sound administration in Mr. Quincy's view, are very simple, and they are the same in America as in Europe: "If a large American city wants good government it must intrust to some one man the full power of executive direction." Mr. Quincy is thoroughly convinced of the advantages of single-headed departments in the city government. "The task of directing any important department of a great city calls for ability of a high order. Public opinions must be educated up to the point of demanding that, whatever play may be given to political forces, only men of the requisite qualifications shall be intrusted with high municipal office. A very large and important part of modern municipal work is of a purely technical character. The engineer, the landscape gardener, the architect, the physician, and other men of professional training, have to be intrusted with it, either as regular officials or through special engagements. It is of the first importance to a large city to have a regular and capable professional force, maintained upon a permanent basis, independent of political changes; and this is perfectly possible, even when the party system of government prevails. It is cheaper to have a dual organization, one political and one technical, than to forego the advantages of having trained and experienced experts connected with every branch of work. When outside professional work or advice is required for special pieces of work, the rule that only the best talent is good enough for the city should be constantly laid down and adhered to. The amount of public money that has been largely wasted in our American cities in erecting buildings designed by second or third rate architects is something not pleasant to contemplate. An aroused public opinion can readily control matters of this character.

MUNICIPAL OWNERSHIP.

"The question whether such public services as lighting, by gas or electricity, and passenger transportation in the streets should be intrusted to corporations or performed directly by the municipality is one which is giving rise to a great deal of discussion in this country, and the sentiment in favor of municipal ownership is unquestionably growing. The fact that franchises and locations in the streets have been so universally given to private corporations in our great cities, and that an enormous amount of money has been invested in their securities, makes any attempt to inaugurate the European practice of public ownership, with operation either directly by the city or under a lease from it, exceedingly difficult. But, aside from the question of dealing fairly with vested interests, there seems to me to be

no reason why an American city should not take up any service of this character which may be recommended by business and financial considerations. There is no principle that stands in the way, for instance, of the municipal ownership and operation of an electric light plant. It is purely a commercial question in each particular case. The electric lighting business, in particular, with the present improved dynamos and engines, is one which a properly organized city ought to be able to conduct for itself with some economy and advantage."

To the objection that the civil service of most American cities is still unequal to the strain of enlarged municipal activities, Mr. Quincy replies that the placing of new responsibilities on the municipal administration will have an educating effect on the citizens, which will bring them into closer relations with their local government.

"It should also be borne in mind that municipal ownership does not necessarily involve municipal operation. Even the highly organized cities of Europe, with their permanent civil service systems, find it better policy to lease certain franchises for a term of years than to operate directly such branches of public service as street railway systems or gas works. Many who are alarmed at the suggestion that an American city should manage a great and intricate electric railway system, with its hundreds, or even thousands, of employees, are quite willing to consider fairly, as a question chiefly of finance, the proposition that a city should acquire the ownership of the street railway locations and tracks in its streets, with a view to leasing them on proper terms and conditions for a period of years. It does not follow because municipal operations may be decidedly inexpedient that public ownership and control may not be desirable and beneficial."

POWER OF THE CORPORATIONS.

The baleful influence of quasi-public corporations now exerted in city governments is fully appreciated by Mr. Quincy.

"Their influence over nominations and elections, where they choose to exert it, may often be a determining one. Even a corporation holding a municipal franchise that has nothing further to ask of the city, and only desires to be allowed to prosecute its business without interference, is often drawn into municipal politics by the skillfully planned attacks of politicians, who have purposes of their own in view. In short, the connection between quasi-public corporations and the city is necessarily so close that corporate interests are bound to make themselves powerfully felt at times, both by their command of capital and by their influence over large numbers of employees."

Renfrew is constructing a system of sewers and waterworks, and intends following these works with a system of improved streets.

Effect of Rolling.

One of the main advantages of rolling in the construction of a road consists in the diminishing proportion of new or solid matter that is there incorporated in the structure of the road surface. If the surface of an ordinary road that has not been rolled is broken up and the material washed it will be found that one-half of it is soluble in water, mud, dirt and fine sand. The stones, having been loosely thrown on the road, have lain so long before becoming consolidated by the traffic, and have undergone in the meantime such excessive abrasion that the proportion of mud, dirt and pulverized material in the metaling is increased to that extent. The stones are really only stuck together by the mud. This accounts for the fact that, although an unrolled macadamized road may indeed, after long use, have a surface that is pretty good and hard during dry weather, and may offer then a very light resistance to traction, yet when subjected to a few hours rain becomes deep in mud. By the employment of a heavy roller upon the newly laid metal the stones are rolled in and imbedded immediately, and the mass of stone is at once consolidated into a layer of almost solid stone. The fragments take on a mechanical grasp, and the voids or pores are all closed, leaving the bed capable of resisting effectually the action of ordinary traffic, and containing the smallest quantity of soluble matter to form mud in wet weather.

Over 200 townships in Ontario are now using grading machines, some of them having three or four, and it is surprising the improvement that is being made on the roads in the townships.

A few years ago grading machines cost \$300. The agitation for good roads created a demand. This demand secured competition, and a few days ago Dufferin County Council purchased seven at \$150 each. Road-rollers and rock-crushers are as necessary as graders. They are much too high in price, and it is to be hoped a similar reduction will soon be made in these indispensable implements, so that the good work may proceed more rapidly.

Pointing a Moral.

"I don't know," remarked Senator Sorghum, "when I was more impressed with the fact that there is frequently a valuable lesson to be drawn from the most trivial circumstance than I was at dinner the other day. One of the children got the wish bone."

"Oh, yes. One takes one end and another takes the opposite, and the one who gets the longest is supposed to get his wish."

"Exactly. And I took occasion then and there to impress upon their youthful minds how much of this life depends on having a good pull."—*Washington Star*.

Location, Construction and Management of Poorhouses.

By HON. H. H. GILES, WISCONSIN.

(Continued from August issue.)

To provide accommodation for the greatest number and to better utilize the space, the central corridors in the wings be made wide enough for day rooms for paupers, lighted by a bay-window in the outer end and a recess on the sunny side extending to the outside, with a bay window. One room in each wing should be reserved for a sick-room or hospital.

All the halls, the kitchen, dining-room and other parts much used should have hardwood floors, as a matter of economy, as well as cleanliness. If the use of tobacco is allowed, a room should be set apart for smoking, and its location should be such that the odor of the smoke will not pervade the whole house. A tight board fence should reach back from the poorhouse some distance, making separate yards for the sexes, with separate privies for each, upon the plan of our best school houses.

Allow no intercourse between the sexes, except at the common table for paupers.

In visiting one of the county poorhouses fourteen years ago we called the attention of the matron to the lack of all facilities for keeping the sexes separate. Her reply was, "Oh, there is no danger; we are very watchful."

At our next visit, one year after, almost the first remark of the "watchful" matron was, "We have got caught; you gentlemen knew more about it than we did."

This separation should be carried to the extent of separating husband and wife (except possibly in the case of old people) should they become inmates of the poorhouse.

No children of sound mind and body should be retained in a poorhouse. Unthinking officials often do retain them, because it is cheaper to do so than to find a home outside or pay for their support elsewhere. In some states—New York, Michigan and Wisconsin, for instance—the law declares against the practice. To keep all children out of the poorhouse is an important step in diminishing pauperism. No insane or idiotic person should be kept in a poorhouse. If absolutely necessary so to keep them, let them have separate rooms and grounds for exercise and work. To allow them to associate with the paupers causes constant friction and annoyance.

No able-bodied and sound-minded man or woman should find a home in the poorhouse. All such should be made work and earn their own livelihood outside.

The selection of an overseer is the most important matter connected with the management of a poorhouse. A first-class business man is absolutely required. No place-hunter or political bankrupt is wanted. If payment for services rendered the party is desired, better grant a pension; for the taxpayers can better afford it.

The best guide is to have a man who has successfully managed his own affairs and give him a fair salary for the entire services of himself and family. Sometimes a cheap man is hired, and the saving of two or three hundred dollars' salary is followed by a loss, through his shiftlessness, of twice or thrice the sum; and the same niggardly parsimony is carried into the whole management until the institution becomes a stench and a nuisance. Having found a man who is all right, before a bargain is closed, the proper officers or committee should visit his house and look upon his wife. If she "stretcheth out her hand to the poor," if "she openeth her mouth with wisdom, and in her tongue is the law of kindness," if "she looketh well to the ways of her household, and eateth not the bread of idleness," if "her children rise up and call her blessed, her husband also, and he praiseth her," then let the bargain be closed with a fair salary for the services required.

The overseer should not be allowed any pecuniary interest in the board or labor of the paupers or from the produce of the farm or from any source connected with the running of the poorhouse.

A most pernicious practice prevails in some localities of letting the keeping of paupers by contract at so much per day or week or month, and giving the contractor the use and products of the farm. Most decidedly, earnestly and emphatically do we protest against this system of poor support. In all cases under it, the contractor aims to make money; and, as county boards are close and drive sharp bargains, the profits of the keeper are made at the expense of the poor paupers he agrees to care for. He may be a good man, as the world goes, and start in with the best intentions to be kind and humane and considerate of the welfare of those under his charge; but such is human nature that in time avarice gets the better of what philanthropy he did possess, and the poor dependents suffer. The contract system of poor support is a premium on neglect.

To have a well-conducted poorhouse the public must take an interest in its management. It must receive frequent visits of inspection, and reports of its condition must be published. A committee of ladies of the place near which it is located should make at least monthly visits, and as much oftener as is deemed necessary. In counties where there is a charity organization it should provide especially for frequent visits to the poorhouse.

Every person that has to do with public institutions realizes how difficult it is to bring county poorhouses up to a creditable standard of neatness, cleanliness and orderly management. Permanent improvements, and even ordinary and necessary repairs, are neglected, and the numberless things that go to make a home pleasant are left undone. It costs something to do these things, and officials are

ambitious to establish a character for economy and withhold the necessary appropriations to meet the expense. It will be conceded that it is not always safe to trust the care of the dependent class to the average county board and expect liberal treatment without some kind of supervision.

There should be in every state a rigid inspection of poorhouses. Where state boards of charity exist the duty of inspection will be done by them. To reform a badly managed poorhouse is almost a hopeless task, and when run under the contract system at a saving of a few hundred dollars to the county, nothing short of a moral earthquake will arouse the people to measures of reform. The experience of all who have had to do with official visits to county poorhouses will justify these remarks.

There seems but one way to reach the evils that become connected with the county management of poorhouses, and that is to make it for the interest of the people of the county to have good poorhouses and to have them well managed.

How can that be done? We answer, it can be done simply; and yet effectively.

1. Provide for some kind of state supervision and inspection. In states having boards of charity this has already been done.

2. Let the supervising authority provide simple yet strict rules for the management of poorhouses, covering the accommodations to be provided and having regard to cleanliness, dietary, etc.

3. Provide for the payment from the state treasury of the sum of fifty cents per capita per week to every county that provides suitable accommodations for the care of its paupers, and cares for them as the rules prescribe; such sum to be paid only on the certificate of the inspector or supervising authority that the rules governing the management of poorhouses have been complied with.

We believe that this plan should be operated successfully, and that it would work a reform in poorhouse management.

Cornwall has decided to macadamize one of its beautiful resident streets.

Stratford will macadamize two of their principal residential streets this season.

St. Catherine's is making good use of their new steam roller in repairing a number of streets.

Ingersoll has invited tenders for macadamizing Thames and King streets, the main streets of the town.

A few years ago road rollers were unknown in Ontario. To-day Toronto, Ottawa, Kingston, Brockville, Galt, Stratford, St. Catharines, London, Niagara Falls are all using steam rollers weighing from ten to eighteen tons. A number of municipalities are using horse rollers of from five to eight tons weight, and all say they are essential to good work.

QUESTION DRAWER.

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

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

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

Liability for Tax Sale.

342.—A. M.—I bought a lot of land, 50 acres, from Government for 50 cents an acre. Paid \$10.00 on it and got receipt for same. Always had plenty of hay cut on it to pay taxes. Taxes for 1895 were not paid; collector did not look for anything on said lot. Lot was sold by County Treasurer for taxes. Now can said lot be sold for taxes?

The lot could not legally be sold this year for the 1895 taxes. The fact of their being sufficient distress on the lot would not invalidate the sale. The land itself could not be sold in any event but only your interest in it.

Liability for Railway Crossing.

343.—J. B.—We have notified the C. P. R. company that we would have a section line graded up ready for use by August 19th. The company claim that as the railway was constructed before the township was incorporated they are not bound to allow the crossing to be put in. Although the township was not incorporated, the road was laid out and had been travelled before the railway was built. Can we compel the company to put in the crossing? The township was surveyed long before the railway was built. We think that we can compel the company to put in the crossing. Are we right? The company say they may be willing to allow the crossing to be put in providing the municipality bear the entire expenses in connection therewith. This township used to be Indian land.

The railway company must put in the crossing.

Liability of Village for Accident.

344.—C. AND D.—Is the municipal council of an incorporated village liable for injuries a woman may sustain while walking along the sidewalk in company with her intoxicated son, who, being a yard ahead of his mother, steps on the outer end of a plank of sidewalk, up-ending the plank and tripping his mother so that she is laid up for a week under the doctor's care, the council, nor any member thereof not knowing that the plank was loose, the balance of the sidewalk on each side of this plank being in good condition. The council cannot be charged with negligence by any means.

Notice of the defect must be shown to render the corporation liable. This may however be construed by showing that the defect existed for such a time or was of such a nature that the municipality should have known of it.

Payment of Village Councillors as Commissioners.

345.—D. H. B.—Assuming that village councillors cannot pay themselves for their services as councillors can they vote themselves pay as commissioners who all have acted in that capacity.

Yes. See sub-section 2 of section 479, Municipal Act, 1892.

Statute Labor—Owner or Tenant—Non-Resident Statute Labor Money—M. F.

346.—ALGOMA—1. Can a father lease property that is deeded to his son from him, and then have the statute labor levied as though the property were his own? Must he not perform the proper amount of labor for the place as though his son was assessed separately?

2. Can a municipal council appropriate money which has been paid in for non-resident land for statute labor and use it for the general fund? Must it not be returned to the pathmaster to have it expended in the division from which the money was collected?

3. Can the commutation money be taken and spent in another division other than the one to which it belongs?

4. Will it destroy a vote otherwise legal and in the Voters' List because the letters M. F. (or as the case may be) are not affixed in the proper place?

1. The statute labor must be computed from the assessment roll which is final. You cannot go into the question of actual ownership now, but should see that it is properly assessed hereafter.

2. It must be expended in the division where the property is situate or tax is levied. See section 99 of Assessment Act.

3. No.

4. No.

Election of Water Commissioners.

347.—ENQUIRER—Where waterworks are about to be constructed, and it has been generally represented to ratepayers that commissioners will be elected to manage; also resolution of council agreeing to provide for the said election. Would it be sufficient compliance with section 38 of the Municipal Waterworks Act to go on and elect commissioners without submitting to the electors the question, "Do they want commissioners?"

No. The by-law providing for their election must be assented to by the electors before commissioners can be elected.

Appeal to Judge from Court of Revision.

348.—G. G.—S. C. appealed against his assessment as being too high, but the Court of Revision considered him not too high and refused to reduce the assessment. He thereupon appealed to the judge, but in another way, claiming that some of his neighbors' assessments were too low. The judge said he had no jurisdiction, but ordered the township to pay the costs? Is there any way that the council can collect the costs from S. C.?

No.

Separate School Rates or Agreement?

349.—POINT EDWARD—The Separate School Board of Trustees believe that the full amount of the school rate collected from separate school supporters has not been paid over to the Separate School Board, and have demanded an examination of the assessment and collectors' roll for twelve years back.

1. For how many years can they demand an examination of the books? What is the limitation of years, if any?

2. For how many years can they compel the municipality to pay arrears, if any?

The Separate School Board has never given any estimates to the council, but claim there was an understanding with the council made some twelve or fourteen years ago, but there is no record of any such understanding.

1. There is no limit.

2. For so long as the arrearage existed.

Of course the result of any enquiry will largely depend upon the existence or non-existence of the agreement you refer to.

Construction of Sidewalks by Local Improvement Rate.

350.—F. J. C.—1. Is it necessary to have a petition of the owners of property benefitted in order to enable the council to lay down a plank sidewalk, under section 623b, Municipal Act?

2. Can the persons owning property that would be benefited by the laying down of such sidewalk prevent the council from doing the work as a local improvement if two-thirds of the members present at a regular meeting decide to do so?

1. No.

2. No.

Local Improvements By-Law, Etc.

351.—G. M. H.—Our village council purpose putting in tile in some of the ditches along the public streets and assess the cost upon the land abutting the streets; or, in other words, pay the costs of imposing a frontage tax.

I see an article in your January number on "Frontage Tax," from which I learn that there must be a general by-law adopting the frontage tax system submitted to the people and passed before undertaking such work. I have not been able to find this provision in the statutes. Will you kindly refer me to it.

The article you refer to had reference to cases in which the municipality desired to confine all improvements to the local improvement plan, under section 625.

Your council can of course, do the above work without the passing of the general by-law.

Removal of Trees on Town Street.

352.—M. K.—A owns a lot in an incorporated town. On the street opposite said lot there are two large beautiful elm trees growing (of natural growth) the shade and roots of which largely destroy said lot for crops. A asks permission from the council to remove the trees. Several ratepayers and neighbors think that the trees enhance the beauty of the surroundings. Have they legal right to object to have the trees removed?

We think unless the trees are an obstruction to the highway or injure it by their shade or unless it is necessary to cut down the trees for the purpose of making your public improvement the council would have no power to cut them down. This is a matter entirely for the discretion of the council. We assume that the trees in question are adjacent to the lot. If a by-law has been passed under chapter 210, R. S. O., then the council can under section 8, order the trees cut down (see also sub-section 104 of section 3) whether a necessity appears or not. A tree of natural growth is same as a tree planted. *Douglas vs. Fox*, 31, C. P., 140.

Voters' Qualification District of Nipissing.

353.—C. C.—B is entered on assessment roll of municipality in column 4 M. S., and in column 17 \$25.

1. Does that entitle him to be put on first part of Voters' List or third part alone?
2. Could he vote, if on the assessment roll as M. S., at the Ontario elections and not be liable for taxes?
3. What is the lowest amount a person can be assessed for and qualify him to vote at municipal elections?

1. In third part only except in municipalities within the act respecting municipal institutions in Algoma, Nippising, etc. R. S. O., Cap. 185, where he would be entitled to be put on the first part of the list.

2. Yes.

3. In townships \$100. Except in municipalities within the above act, where every male freeholder or resident householder whose name appears on the assessment roll and who is of the full age of 21 years and a British subject is qualified to vote.

Councillor Appointed Clerk.

354.—E. B. T.—Is a municipal councillor eligible to be elected to fill the office of township clerk (the township clerk having resigned) while he is yet holding the office of councillor, or must he first resign his office as councillor before being elected, or can he hold his office as councillor until after he is elected clerk, and in that case can he vote for his own election, and if he can do so, can he then fill the offices of both clerk and councillor for the remainder of the year, or must he resign his office as councillor and the township be at the expense of a new election to fill the vacancy caused by his resigning his office as councillor?

A councillor may be elected clerk but he cannot vote for his own election. If elected clerk he is disqualified as councillor.

By-Law to Prosecute Owners of Cattle Running at Large.

355.—C. D. C.—Is it in the power of a municipal council to pass a by-law in reference to domestic animals running at large, with a provision that instead of having to impound the animals the owners may be proceeded against under a magistrate and, in case of conviction, be subjected to a fine? The act does not seem to be clear on this point.

Yes, but the powers given to impound and sell are so much greater and so much easier to work that that course is very seldom adopted.

Not Owner of Road Allowance by Possession—Owner no Right to Fish.

356.—J. B.—1. Does a government surveyed concession road allowance that has never been opened or used in any way become, after a term of years, the property of a person who owns land on each side of said road allowance? If so, what is the limit of time?

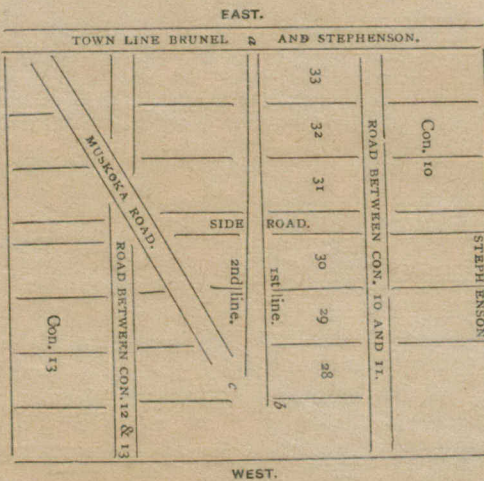
2. Would it be legal for a person who owns a water lot in Muskoka Lake, and has a Crown deed of same, to fish with a net in said water lot when no license for netting is granted on the lake?

1. No.
2. No.

Opening Road—Dispute as to Line.

357.—D. E.—About twenty-four years ago the township of Stephenson opened a road on the blind line between concessions 11 and 12. They got a legal surveyor to survey the road. He started at townline of Stephenson and Brunel,

and ran the line, as shown *a-b* on plan, to Muskoka road. About three years ago some of the owners of lots brought in another surveyor to run their lines. When he ran the blind line he located it *a-c* on plan, being five rods further to the north at the Muskoka road than the first surveyor made it. The road is thirty-three feet wide, taken off the lots south of blind line. Now the people on the south of blind line want the council to move the road, which has been travelled the last twenty-four years, over to the line run last, which the council refuses to do. The council claims the road was run by a legal surveyor in good faith, and have had possession the last twenty-four years, and the road belongs to the township. Some of the parties south of the line say they will move the road over to the line run last, which the council has forbidden them to do. Please let us know through next paper if council is right.



WEST.

The council is right.

Quorum of Council—Clerk's Extras.

358.—X. Y.—1. What constitutes a quorum in a municipal council of four councillors and a reeve?

2. Can a by-law be considered legal that is passed when there are only two councillors and the reeve present, two councillors being absent?

3. Our township clerk was engaged at a salary of \$55 for the year. Can he legally collect anything for extras, such as work in connection with the Ditches and Watercourses Act or correspondence and writing, and preparing by-laws, notices, etc., in lawsuit over a road, preparing debentures and correspondence in connection with the borrowing of money, no mention having been made about extras in agreement or by-law fixing salary? Please answer a councillor.

1. Three. See section 235, Municipal Act.

2. Yes, if passed by concurrent vote of three.

3. The council is required by section 278 of the Municipal Act to pay a clerk for services under the Ditches and Watercourses Act. This is generally fixed by by-law and apportioned by engineer as costs of awards. Other extras are in discretion of council's who should pay clerks a reasonable sum for their services.

What are extras will depend largely on the by-laws and rules of the councils who can fix the duties of the clerks.

Collection of Arrears of Taxes—Resident and Non-Resident Land.

359.—A. W.—A is assessed for a lot of land with about forty acres cleared; the clearing is

cropped every year. The crop is taken off the lot as soon as it is harvested and put in B's barn along with B's crop. When the collector comes for the taxes A will not pay them, as he has sold his crop. The collector finds nothing on the lot to distraint as A owns no stock. The amount of the taxes are sent to the county treasurer. The returns have been made to the county treasurer for two years. The lot is in crop this year again.

Can the collector issue a county treasurer's warrant and seize and sell the crop as soon as it is harvested in the field, or must he wait until after the first of October; that is, for the two years that have been sent to the county treasurer?

There are also timbered lots in this township that are assessed on the non-resident roll, with arrears of taxes against them. The owners peel hemlock bark on the lot in the summer. Can the collector seize and sell this bark at any time by issuing a county treasurer's warrant?

The collection of these arrears is in the hands of the county treasurer. He may, on being notified that there is distress upon any lands of non-residents in arrears for taxes in a township or village, issue a warrant to the collector who may levy the amount due, but there is no similar provision in respect to residents.

Sheep Valuations and Claims for Damages.

360.—D. E.—We have in force in this township a by-law which provides that any one having sheep killed or injured by dogs must, if they intend to apply to the council for compensation therefor, have said sheep or injury thereto valued by one of the appraisers, of which there are four in the township. Said by-law also provides that no claim for damage not valued by one of the appraisers shall be entertained by the council.

1. Has municipal council power to pass such a by-law?

2. If so, would council be justified in refusing to compensate when owners of sheep failed to comply with same?

1. No.
2. No.

Statute Labor Defaulters in 1896 to Go on Roll for 1897.

361.—I. R. B.—Certain pathmasters failed to return their road lists in 1896, on which there was a certain amount of unperformed work, until it was too late for the clerk to put the price of said work on collector's roll. Can it be collected this year by putting it on collector's roll? Work above referred to is statute labor on highway.

Yes, as against the original defaulters.

Contracts with Councillors and Officers—Moving Road Fences.

362.—D. A.—Our council required a piece of land to make a sidebank road in order to evade a steep hill. They offered owner \$10 for said land which he accepted. Owner of said land is a member of the council. It is claimed by a member of the council that this councillor has violated his declaration of office, and is disqualified. If so a pathmaster took timber for a culvert off the reeve's farm and reeve was paid for it, and another took gravel off the deputy-reeve's farm and he was paid.

1. Are these three disqualified by these acts?
2. The fences on a sideline are not in proper place. The township surveyor has located sideline and council is going to act in the matter. Are these the proper steps: Notify all parties whose lands are affected, pass a by-law for establishing the sideline according to survey, require pathmaster to notify owners of fences to remove them and failing to remove them, indict said parties for trespass on public highway.

1. No.

2. Yes, but you had better indict them before removing the fences, and so avoid any action for damages in case the indictment should be void.

Widening a Stream—Liability for Damages, etc.

363.—T. U.—W. B. is the owner of lots 18 and 19, con. 12 in the township of Mc. on lot 18, con. 12. There is a stream with a water fall locally known as the Little Falls, there is a long level with a sluggish current so that there is 1000 acres or more unfit for cultivation or even clearing in consequence of wet. The outlet of this level, the head of the Little Falls, is contracted so with rock that in the spring and during freshets such as we have had this summer, the water is unable to get away and backs up over this level so that the 10th con. 1 1/2 miles south is flooded for 3/4 of a mile and in some parts to a depth of two feet or over, and in the spring it often continues for three weeks in this condition.

The municipal council have been asked by petition of the ratepayers to take steps to widen and deepen this outlet by about four feet, the council is willing to do so, as it would greatly benefit the road as well as other reasons, but the owner A. W. B. says no unless the municipality construct a dam so that after the flood is gone they may put in stop logs to hold the water up to its natural level which is probably about four feet below its highest flood mark; This the council do not think right as they would be using public money to make available a water reservoir for the mills (situated two miles below the falls) which now naturally are no use. I may just mention that the mills referred to are supplied with a water power formed by the union of two streams of about equal size, this being one of them and neither being sufficient by itself.

1. Can the municipal council compel the deepening and widening of this outlet in accordance with the wish of the ratepayers in any other way than that dictated by the owner of the land?

2. If they can what proceedings should they take?

3. Cannot they, when it is for a public good and in the interest of the municipality, expropriate so much of this property as shall be necessary for the work by giving proper notice as required for opening roads. I might say that taking four feet from the top of a fifty foot fall should not destroy it?

1. Yes.

2. They can proceed under the Drainage Act, or under the Municipal Act.

3. Yes. The property owner would only be entitled to such actual damage as the lands affected sustained.

Use of Streets when Market Crowded.

364.—A. P. McD.—1. Can a city corporation charge toll for selling produce on the public street?

2. Can they obstruct said streets by having vehicles placed thereon?

3. Are they not liable for damages to life or property in case of a collision with said vehicles?

I mean the city of Ottawa. The corporation of the city of Ottawa obstructs York street in their city, and other streets after they have filled the market square with vehicles and if a runaway took place and collided with said vehicles placed on street which caused serious loss to both life and property would the corporation be liable?

1. No.

2. No.

3. Yes.

Landlords Notice To Collector—Collector Liable.

365.—R. C.—Landlord A told collector B that he wished him to collect the taxes from his tenant C as the tenant C was going to have an auction on a certain day and thereby dispose of all his chattels thereby defrauding Landlord out of the amount of taxes. Collector B proceeded to farm house on day of sale and demanded taxes from tenant and auctioneer who was proceeding with the sale, the auctioneer pledged his word that he would pay taxes next morning if collector would not stop sale, on those grounds sale was allowed to proceed, next morning on calling on auctioneer, collector was told that the auctioneer was served with a letter from tenant C's legal adviser forbidding him to pay more than half the taxes as tenant C's partner, he having a partner who was liable for the other half. Now collector B accepted half the taxes from auctioneer and on looking to C's partner was unable to collect, now collector returned the property with only half the taxes paid the other half being left over against the property. Now is the collector liable? If not has the landlord no recourse?

The collector is liable, and the taxes cannot be charged against the land.

Exemption By-law—By-law Necessary to Borrow Money—Use and Care of Corporation Seal.

366.—S. H.—In a town in Algoma, they have a water system for domestic and other purposes. There is a by-law passed exempting the owner from municipal taxation.

1. Can he be made to pay school taxes?

2. Have the council power to place the plant on the assessment roll for this year, the assessor having omitted to do so, if so what steps have we to take?

3. Is it lawful for a corporation to borrow money without a by-law authorizing same?

4. Is it lawful for any other person but the clerk to place the seal of the corporation on a note or any other document in connection with the corporation?

5. Who should be the caretaker or custodian of the corporate seal?

1. We think not, but it will largely depend upon the wording of the by-law.

2. Yes. See section 154 of the Assessment Act, 1892.

3. Yes, if they can find any one that will advance it. The trouble would be for the lender when he came to collect. A by-law should be passed in all cases to secure the lender and protect the officers of the corporation.

4. The seal may be attached by the clerk or any officer of the corporation authorized by the council.

5. The clerk is the proper custodian of the seal in the absence of any rule or by-law of the council.

Rate of Assessment—Drain Outlets on Roads—Clerk or Deputy Returning Officer.

367.—R. B. W.—1. The Cramahe council recently held a court before the county judge. It was shown the parcel of land in dispute was not assessed higher than adjacent property but had been in the market for some time and was sold for \$2200 assessed for \$2700, the judge reduced it to \$2200 on the ground that that was the cash value. Should property be assessed cash value or be equalized?

2. If a ratepayer drains his lands to the roadside, is the municipality responsible to carry the water away?

3. Can a township clerk act as deputy Returning officer?

1. The actual cash value.

2. No.

3. You don't say at what elections. He

cannot at municipal elections, but there is no reason why he should not in legislative or parliamentary elections.

Municipalities Liability for Road.

368.—A. B.—A. B. lives on a gore lot which has no frontage on the concession or sideroad the boundary line being a river with no road allowance on the bank. He has paid taxes on it for over twenty years. Can he compel the council of the township to furnish him a road to his place or claim exemption from taxes?

If he has no outlet for his property he can compel the municipality to give him one.

Transient Traders Refunds.

369.—T. J. C.—We have a transient traders' by-law in accordance with the statutes. Now is the trader entitled to a return of taxes on the premises occupied by him or only on the value of his stock in trade? The corporation would be entitled to the taxes on the premises whether they are occupied or not by the trader and therefore we do not see any reason why the taxes on the premises should be credited to the trader, but his stock in trade is an increase of taxes to the town and could properly be refunded to him or charged against the license paid into the town treasury, but not so the taxes on the premises occupied by him.

Only on the stock in trade.

Voters List Printing—Assessment of Lots Overlooked by Assessor.

370.—C. A. R.—Our clerk got the Voters' List printed out of the county, there is a paper printed in our own county.

1. Is the Voters' List illegal because it was not printed in our county?

2. The council always let the clerk get the printing done where he liked. If the Voters' List is not legal who pays for the printing.

3. Will the council have to get another list printed.

4. Our assessor left the county before he finished the assessing we at the Court of Revision put on some lots but there are some other lots we have found out since. Can the council order them to be put on now.

1. No.

2. The municipality.

3. No.

4. Yes. See section 154 of Assessment Act.

Dog Tax By-Law—Payment for Sheep Killed.

371.—T. W. G.—A by-law has been passed every year by the municipal council, upon the petition of a number of ratepayers, abolishing the dog tax, this last spring a regular petition was presented and a by-law was passed to abolish the dog tax, and worded to continue in force until repealed. No dog tax has ever been collected in the municipality. One of the ratepayers of the township found some of his sheep killed this summer, the place they were pasturing in was wholly unenclosed and un-cleared, now he claims damages for the sheep from the council though he did not see any dog kill the sheep and cannot prove that they were killed by dogs. He claims that the council is liable under statute for two thirds the value of the sheep, as he has found the mutilated carcasses. Bears have killed a few sheep in the township this year, and some think that bears have killed these. Some members of the council hold the opinion that if he could prove conclusively that the sheep were killed within an enclosed pasture, by dogs, and could not find the owner of the dogs, that the council would have to pay the damages, others are of the opinion that when there is no dog tax and consequently no fund to satisfy these claims for

damages by by-law, that the township cannot be held to satisfy claims out of the general funds of the municipality and are therefore not liable.

1. Does the passing of a by-law abolishing dog tax exempt the township from liability for damages for sheep killed by dogs;
2. If not, is the municipality liable for sheep killed in unenclosed pasture?
3. Is it essential to prove the killing by dogs to recover damages from the municipality?

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

Drainage Act Decisions.

372.—I. J.—1. Is there any legal decision on record requiring a municipal council undertaking drainage repairs under section 72 of the Drainage Act, 1894, to serve the head of a municipality liable to contribute to the cost of said repairs, with a copy of the by-law provisionally adopted by the first-named council, in addition to the copy of the engineer's report and assessment mentioned in section 72 (3).

2. Is there any legal decision on record requiring a council undertaking drainage repairs under section 72 to provisionally adopt their by-law for said work before serving the head of a municipality liable to contribute to the costs of said work, with a copy of the engineer's report and assessment mentioned in section 72 (3).

1. Yes. Broughton vs. Grey. 26 O. R. 694.

2. See the above case. Upon this there was a difference of opinion among the judges of the Divisional Court and the case went to the Court of Appeal where the case was dismissed owing to a difference of opinion among the Judges of that court.

Grant to Indigent and Security.

373.—D. W.—A comes to a municipal council and asks the municipality to lend him an amount of money to send his child to a hospital, offering, as security, a lien on stock. Can the council lend the money on such security, and is such security legal?

For what purposes can a municipal council lend money, and on what security?

Sub-section 12 of section 479, Municipal Act authorizes the council of every municipality to pass by-laws for aiding in maintaining any indigent person at a hospital etc.

Section 13 of the Municipal Amendment Act, 1893, empowers councils to take real estate security for grants made to individuals for charitable purposes.

Would suggest that the council grant the amount required to be expended by the clerk with the understanding that he take a lien on the stock and refund the amount to treasurer when received.

Trustees Working for School Contractor Not Disqualified.

374.—W. E.—Trustees of School Section No. 5 advertised for tenders to build a new school house, and the lowest tender was accepted. The party who got the contract hired two of the trustees of said section to build the new school. Are the trustees disqualified from acting as trustees by working on the new school and receiving money for same.

Not disqualified under Public Schools Act, 1896.

The Problem of Municipal Reform.

(By Hon. H. S. Pingree, in *Arena*.)

The number of persons who write essays on municipal government, preach on municipal government, and deliver orations on municipal government is out of all proportion to the number doing work for municipal government. This condition of things is not the smallest "problem" of municipal government. It would seem at times as though everybody wielding a pen or wagging a tongue were wild to point out just what "work" ought to be done, while nobody pitches in to do the work. But when anybody happens to grab a grub-hoe and strikes out into the municipal field, all the essayists and the preachers and the orators find something wrong about the way the grub-hoe is wielded, the size of the grubber's boots, and the streaks of dirt flying about. There is no elegant way of doing such work. The elegant way is to urge somebody else to do it, and when nobody responds, fall to making speeches of complaint in some elegant clubhouse.

Municipal governing is doing certain lines of work for a city for the least sum of expense. That is all there is in it. But that is much.

A perfect municipal government is a body of men working together for the interests of the city.

A less perfect municipal government is a body of men working for the interests of the city, whose notions of such interests are involved with class, and the building up of certain special interests which they regard as the building up of the city.

A bad municipal government is a body of men hired by special interests before or after elections to steal contracts from a city. Most cities are governed by such interests, and most of the stockholders make speeches and fill columns of the newspapers. Some of these steal a contract Tuesday night, and deliver an oration on municipal reform at the regular banquet Wednesday night, in full dress, before the applauding Society for the Prevention of Chilblains.

Contracts are the centre and almost the entire circumference of municipal government; and in these days of well-defined theory there are but few who do not know what ought to be done in a city.

Municipal ownership will provide the minimum of contracts of importance, and there is no reason why a city should not do all public work, like paving and sewer-construction, etc., by the day.

"I understand, Rastus, that your daughter is quite a singer."

"Deyn't no doubts erbout dat, boss."

"That's lucky. I suppose you will have no difficulty in getting her a position in one of the church choirs in town."

"She tried dat, boss, but it did'nt wu'k. Eb'y time she dun open her mouf it made sich a draf in de chu'ch dat de congregation caught col', sah, an' she hatter resign."—*Richmond Dispatch*.

Publications Received.

Voters' List, Township of Tyendinaga.
A. B. Randall, Clerk.

Voters' List, Township of Georgina.
D. Ego, Clerk.

Voters' List, Village of Port Colborne.
F. D. Noble, Clerk.

A Handy Book on Fire Insurance Law.
By R. J. McLellan, Esquire, of Osgoode Hall, Barrister-at-Law. The Carswell Co., Publishers, Toronto.

This volume only contains about 200 pages, but is very complete, and goes fully into the whole Fire Insurance Law of Ontario from 1874, including the Ontario Insurance Act of 1897, in so far as it refers to Fire Insurance (and which is a consolidation of the Fire Insurance Law of Ontario). All of the decisions of the Ontario courts and of the Supreme Court of Canada are quoted and commented upon.

There is a history of the origin and change in the legislation affecting Fire Insurance of Canada.

The volume goes fully into what property may be insured and what may not, the application for insurance, the contract itself and the conditions of the same, the variations contained in the policy as compared with the statutory variations, changes affecting the risk, insurance in other companies, duties of agents, proof of loss and the amount and payment thereof, and all other matters affecting the policy and risk. The index is voluminous and very carefully prepared, and the list of cases appears to be very full and to be freely commented upon.

The volume is a well-prepared and well-written one on the state of the Fire Insurance Law of Ontario, and will be of great value not only to solicitors but to all others interested in Fire Insurance.

From the numerous applications made for space to the secretary of the Toronto Fair the exhibit of road making machinery promises to be full and complete. Arrangements are being made by Provincial Road Instructor Campbell, to have all the implements placed on grounds set apart specially for that purpose so that visitors may judge of the merits of the different machines in operation. This promises to be the best exhibit of the kind ever made in the country, and should be seen by all municipal officers and others interested in road improvement.

A company of tourists are taken over the castle at Blois.

Guide—The room which we are now entering, ladies and gentlemen, is the very one in which the Duke of Guise was murdered.

A Tourist—Here, what's that? I came here three years ago and was shown a room in the wing opposite.

Guide (very calmly)—This room was undergoing repairs at the time.—*Tyt-Bits*.

PAGES

MISSING