

## The Municipal World.

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A well-governed municipality is quite as important as a well-governed province, and as candidates for councils of next year are now being talked about there should be a united effort on the part of all who feel interested to secure the best possible representatives. There are important matters that need regulating in nearly every municipality, and care should be taken to see that party feeling, which is greater, in view of the coming elections, is not allowed to interfere with the choice of good representatives. Capable men should be selected as candidates, who are possessed of sufficient firmness to resist the many influences that favor private at the expense of public interests. This is more necessary in cities, towns and villages, where the municipal representatives are constantly available to the greater majority of their constituents.

The wrong notions entertained by many citizens of their duties towards councillors are only equalled by the ideas of many of the latter of their duties towards the citizens. On the part of the former, the notion is that in voting for a candidate a personal favor is conferred. The elected takes the same view as the electors, and look upon the selection as a mark of personal favor, and generally, when one of those friends has an individual interest, to urge, he has no difficulty in inducing his representative to take charge of the matter. This is said to be the weakness of all municipal government.

The sort of representatives needed are those who are prepared under all circumstances to stand out for the municipality as against the individual interests. Besides being honest he should have backbone, and be prepared to say no, and say it often. In looking for desirable candidates for municipal honors, the young men should be considered and induced to take a larger share in the public business, than generally fall to their lot. The knowledge they gain and the development of their faculties for discussing municipal matters is of great importance to every community, and while it is not advisable that any council should be composed entirely of young or inexperienced men, still the more who can be induced to take

an interest in discharging the duties of representatives, the better, and more progressive will be the administration of affairs.

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The indications are, that, at the coming municipal elections, the question of reform in road making will be a prominent one. Many municipalities are already considering the matter, in a practical way. The township of Pushlinch proposes to submit a by-law to abolish the present system of statute labor. The amount to be raised in lieu thereof to be equivalent to, but not to exceed to aggregate of the statute labor commuted at sixty cents per day, together with the average of the yearly expenditure of monies on the roads and bridges, and in order to test the efficiency of the proposed new system, the by-law, if carried, will remain in force for five consecutive years.

In Colchester North a public meeting has been held. Some of the questions favorably discussed were the assuming of township lines as county roads, and the advisability of borrowing upon the credit of the whole county a sufficient amount to properly gravel all the county and leading roads, not now gravelled, and extend the debentures over fifty or sixty years and put all roads in good shape at once.

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The favor with which propositions for the construction of electric roads in different parts of the province meet, wherever introduced, leads us to believe that charters for construction of works of this description, will, in the future, be asked for from many municipalities. This is an important matter of interest to the whole community, and where it is at all possible, that next year's council deal with the question, an extra effort should be made to have the board composed of good men, as the promoters of these roads are generally far-seeing men with experience, who are not backward in taking advantage of a municipality, should the people's representative give them an opportunity of doing so.

### Assessment of Properties of Telephone Companies.

The question of the assessment of the poles, wire and instruments of telephone companies, has on several recent occasions, been considered and discussed by the provincial judiciary. A number of conflicting decisions and opinions have already been given, so that the points in issue have not been, as yet, definitely settled. We think it advisable, however, to call the attention of our readers to the cases that have come under our notice. The Bell Telephone Company, after the sittings of the court of revision for Owen Sound, in June last, appealed from the decision of said court to the county judge, His Honor Judge Creason. The company was assessed for \$3,000 for personalty and appealed, on

the ground that their plant, instruments, etc., are not in the nature of personal property. After hearing and considering the arguments for and against the company's contention, His Honor delivered the following judgment:

The company is incorporated by 43 V., cap. 67 (Canada), passed 29th April, 1880 (vol. 2, p. 99, of 1880 statutes of Canada); by section 5, the company is authorized to construct, erect and maintain its line or lines of telephone along the sides of and across or under any public highways, streets, etc., provided that the company shall not interfere with the public right of travelling or of using such highways, streets, etc. Under this act the company constructed its lines of telephone along the sides of highways in Owen Sound. The Municipal Amendment Act, 1883, of this province (56 V., ch. 35, section 286 A), after giving certain powers to municipalities as to telephone companies, provides in 286 A (2), as follows: "Nothing in the preceding subsection contained or done by virtue thereof, shall limit or prejudicially affect any existing rights of any telephone company with respect to the use of streets or lanes for the purposes aforesaid." Under its act of incorporation, confirmed, as I think, by the Ontario act, above mentioned, in regard to the right to use streets, the company is entitled to occupy and use the highways for its lines of telephone, subject to the limitations in section 3 of its charter. It appears to me that the lines of telephone planted on the highways are, and are intended to be, as much permanent structures as a building erected by the owner on his lands. Upon a careful consideration of the authorities and the statutes above referred to, I am of opinion that the poles planted on the highways and wires attached to them, come under the words, "other things erected upon or affixed to the land," in S. 2 (9) of the Assessment Act. The telephone instruments are an essential part of the lines of telephone, and are, when attached to the wires, a part of the whole system, and thereby fixtures. As the highways are exempt from assessment, all things erected upon or affixed to them are also exempt from assessment. (Williams v. Pritchard, 4 T. R. 2—2 Revised Reports 310, and the Toronto St. R. Co. v. Fleming.) I hold then, that the company's telephone system is really erected on the highways, and not personal property in respect of any part of its lines in the town, and is, therefore, not assessable, and order that the assessment roll be amended by striking out the assessment against the company for personal property, and substituting an assessment against it of \$1,368 for income. I may add that in my examination of authorities cited, I did not consider the cases, such as Hawtry v. Buttin, coming under the English Bills of Sale Act, applicable to this matter. His Honor Judge Morrison permits me to say that he concurs in this judgment.

His Honor Judge Woods, of Perth, has given a decision in the appeal of the telephone company in the town of Mitchell, which is in terms confirmatory of the judgment above quoted, while His Honor Judge Thomas, of Goderich, came to the conclusion, in a similar appeal, that all the plant and poles of the telephone company in the town of Clinton were assessable. It is possible that variation in the circumstances and the mode of bringing the appeals before the court are the causes of these differences of opinion. No doubt the matter will be further fought out in our courts, or finally settled by legislative enactment before many months go by. On pages 62 and 76 of THE WORLD will be found answers to questions on this subject, which seem to be substantially in accord with Judge Creason's decision.