

The Municipal World

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The County Councils Act does not define the amount which nominating officers are to receive for their services. Under the act the first duty of this officer is to engage a hall for the nominating meeting, and then publish or post up a notice of the same. His next duty is to attend the nomination meeting, and be available during the following day, for the purpose of receiving resignations from candidates nominated. In view of the above, we think the nominating officers' services should be worth at least six dollars, and that his accounts should include the expense of posting and publication of notices of the meeting, rent of hall, and for services of constable at the meeting.

In municipalities where an election for county council only is held, the amount to be paid to deputy returning officers for their services, polling places, etc., is to be determined as usual, by the council of the local municipality, but the election imposes an additional duty on the municipal clerk, and councils in passing a by-law this year, to appoint deputy-returning officers and fix polling places, should determine the amount their clerk is to receive for conducting the county council elections, making returns, etc.

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The *Ingersoll Chronicle*, referring to municipal defalcations and the inefficiency of the present audit system, refers to the Guelph and Dufferin cases as follows:

"In consideration of these and other instances which might be cited, where the proverbial stable door has been locked after the horse was stolen, it seems necessary that the provincial government shall give attention to ways and means for preventing the recurrence of such losses. Might not a system of provincial auditing be adopted? The salaries by the various municipalities to their annual auditors would meet the extra expense contingent upon the government's securing experts

and in auditing the accounts of the municipalities, and so the financial state of each would become a public matter through the government's report each year. The temptations to dishonesty in our present system are too great, as many counties and cities know to their cost. Let us have some legislation by way of reform.

A Dangerous Class of By-Laws.

The by-law which is restrictive to the individual, has a very poor show if it ever comes before the judicial committee of the Imperial Privy Council for review. No semblance of authority that our Canadian legislatures can convey stands between that by-law and the settled interpretation of the British law, which guarantees the subject the most absolute freedom consistent with the privileges of others. If the alleged liberty of one man interferes with the real liberty of another it becomes license. British justice does not protect license. Neither will it interfere with a by-law that restrains it. But before a by-law becomes worth the paper it is written on the matter which it prohibits must be a nuisance and an offence to the community or some members of it. A recollection of these facts may often save a corporation enormous costs. Cities are in the habit of passing illegal by-laws. People who suffer under them, as a rule, prefer to pay a trifling fine rather than risk a costly appeal. As a result, unjust judgments are pronounced year after year without question. But sometimes a corporation strikes a snag. Four or five years ago the city of Toronto undertook to say on what streets peddlers should sell their wares and on what streets they should not.

The peddlers banded together and fought the by-law. A test case was carried from court to court. In the meantime the by-law was enforced by the police. Peddlers were arrested, fined and imprisoned. Some who had regular routes were driven off them. Finally, after a couple of years' litigation, the case reached the judicial committee in England. It ended there. The by-law was quashed. Toronto found herself in for \$5,000 or \$6,000 in costs and fifty or sixty writs for damages for false arrest, imprisonment, pecuniary loss, etc. That is a sample of the fate that sometimes overtakes corporations that attempt to regulate by by-law that section of the British constitution which guarantees the liberty of the subject.

The Payment of Aldermen.

An address presented by the grateful citizens of Toronto, to one of their aldermen on the occasion of the opening of the Rosedale drive, with which he, as chairman of the Board of Works, had had considerable to do, prompts the Week to refer to the unfairness of expecting business men to devote themselves to the public business without remuneration. The people, it thinks, do well to be grateful for these public services; but it fancies that they might do more. Speaking of

three aldermen in this connection, Ald. Carlyle, Shaw and Lamb, the Week says:

While filling, without remuneration, an office entrusted with the construction of works costing millions of dollars, not one of them was ever suspected of speculation to the extent of a single dollar. It is well that the village plan of unpaid services should end, but it is well also, to show hearty appreciation of the ability and rectitude of the men who made the old system tolerable.

If the average man who is opposed to the payment of aldermen would analyze his opinions, he would probably find that he feels at bottom that they pay themselves handsomely enough now; and hence that a salary or indemnity would only be an additional bonus. If he does a little more thinking, however, it is apt to strike him that the present system is particularly likely to lead to this kind of thing. Human nature prevails among the people out of whom aldermen are made as vigorously as anywhere; and it is not common experience to find men ready in large numbers in any walk of life to do much for nothing. There are noble exceptions to this rule in all branches of public life, of course; but it is bad judgment to attempt to man the Government of a country with "exceptions." As it is many good men would be willing to serve the public honestly and ably as chairman; but they simply cannot afford it. Pay them an indemnity, and they will gladly make for themselves an honored name. Compel unpaid service; and the man who proposes to see that he is paid without bothering the council to vote him any fixed sum, will find less opposition to his candidacy for the council — *Montreal Star*

Oxford County Municipal Clerks in Session.

The annual meeting of the municipal clerks in the county of Oxford was held at the court house, Woodstock, during last month. Of the sixteen clerks in the county fifteen attended. The changes made in the municipal assessment, school and drainage laws were thoroughly discussed. An interesting feature of the meeting was a careful consideration and a full discussion of the new County Councils Act.

The meeting was taken advantage of to come to an understanding between the local clerks and the county clerk as to the form of ballot to be used, the forms and documents to be supplied by the county for the purpose of that election; and in detail the duties to be performed by local clerks in this connection and the method of performing them.

Mr. Jas. Anderson gave an address upon the subject of municipal drainage, which was well received.

The election of officers resulted in A. McFarlane, Otterville, being chosen president, and Wm. Fairley, Norwich, secretary of the association for the coming year.