

The Municipal World

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

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The Municipal World.

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With this issue THE MUNICIPAL WORLD commences the twelfth year of publication. During 1901 the subscription list was the largest in the history of the paper.

The Question Drawer occupied 260 columns, and answered 994 queries in reference to municipal law. A large number of questions submitted for private reply, were not published.

The Supply Department of THE WORLD has received an encouraging support. This is necessary if we are to continue the privileges that subscribers enjoy.

Co-operation on the part of municipal officers with THE WORLD has, in the past, been the means of distributing more useful municipal information than could otherwise be obtained, and we hope that this will be increased during 1902.

Result of Commuted Statute Labor in Pelham.

The financial statement for the year 1900, shows that \$1,029.78 was expended on roads and bridges and the purchase of a road grader, in addition to \$1,556.32 collected for statute labor commutation. The statement for 1901 shows that the road and bridge expenditure has been reduced to \$576.18 or about 26%, and that the commutation expenditure amounted to \$1,667.56.

The electors of the village of New Hamburg have passed a by-law granting a bonus to a brass manufacturing company.

Appointment of Municipal Officers.

CLERK AND TREASURER.

The administration of our municipal laws and enforcement of by-laws and other regulations of a corporation, devolve upon officers appointed by the council. It is advisable to have them appointed by by-law, and, wherever permissible, the by-law should be worded so that the appointments need not be considered annually. The appointment of capable men to hold office during good behavior or as long as they discharge their duties efficiently, will give the best results.

The clerks and treasurers of most municipalities are now appointed in this manner and are known as permanent officials. We occasionally hear of the discharge of an efficient clerk or treasurer, as the result of political prejudice or an election promise and regret that councils should thus sacrifice the best interests of their municipality. Good men will not accept an office for which they have to compete annually with inexperienced applicants.

ASSESSORS AND COLLECTORS.

The law relating to the appointment of assessors and collectors requires the appointment of these officials in all municipalities except cities to be made annually. We do not know why cities are placed in a different position from other municipalities unless it is that their representatives have recognized the benefit derived from the work of permanent officials, as compared with those appointed annually. The law should be amended so that all municipalities will be in the same position.

A great deal depends upon the work of an efficient assessor.

The amount of the legislative school grant is based on the population entered in the assessment roll.

A correct dog census will provide funds to pay for sheep killed and a possible balance for the general funds, and, if all voters are properly entered on the roll, the accounts for the Court of Revision will be small. There are many other matters of equal importance but these will direct attention to the losses a municipality may sustain if the assessor is careless in his work.

AUDITORS.

Auditors are also to be appointed annually, at the first meeting after the council is organized, unless appointments were made in the months of November or December of the previous year, as provided in section 301, of the Act, or a permanent auditor appointed under section 309. We cannot emphasize too strongly the importance of appointing good auditors, at a salary sufficient to pay them for the time necessary to fully investigate the treasurer's accounts, and everything relating, directly or indirectly, to the finances of the corporation.

SALARIES.

No council shall assume to make appointments to office, or any arrangement for the discharge of the duties thereof by tender, or to applicants at the lowest remuneration. This is the wording of section 320, sub-section 2, of the Municipal Act. Notwithstanding this, we have known councils to auction all of the offices for low salaries, and still lower service followed by indirect expenses that would have more than paid an efficient man to discharge the duties properly. The council, however, got credit for being economical, until the high tax bills and audits directed attention to the mistakes made. The only safe plan to adopt when making an appointment, is to select the best man available irrespective of residence or political tendencies, and pay a salary sufficient to enable him to do efficient work.

Injury on Sidewalks in Unincorporated Village.

The following decision is in accordance with the opinion on this point frequently given in these columns. The case was recently in appeal before Mr. Justice Meredith. A person named Madill had sued the township of Caledon to recover damages for injuries received owing to the defective condition of a sidewalk in an unincorporated village in the municipality. The court held that the plaintiff had not been guilty of contributory negligence by travelling on the defective walk. Secondly, held that, although the walk had been constructed twenty years ago, it being on the highway which the township was bound to keep in repair, was an invitation to passers to use it. It was there with their knowledge and acquiescence, and they had time to repair; and it was their duty to prevent the walk becoming a source of danger. Judgment was for plaintiff for \$475, and costs \$125. Sidewalks are often neglected, and defective one are a source of danger, and municipalities are responsible for damages ensuing.

A Defective Road Fence.

The recent case of Patterson vs. Fanning is of interest, as showing the responsibility of landowners for injuries occasioned by animals allowed by them to escape or stray onto the highway by reason of defects in road fences known by the owner to exist. The defendant in this case knew that the fences of his field, in which he let his horses loose, were not in proper condition, and, owing to such defect, the horses escaped onto the public streets of the city. Being startled by the mischievous conduct of a third person, they knocked the female plaintiff down and injured her. It was held that she was entitled to damages and that in such a case, evidence of a by-law of the municipality against running at large is admissible in aid of the plaintiff. This decision was afterwards confirmed by the court of appeal.