

The Municipal World

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ST. THOMAS, NOVEMBER 1, 1900.

County Council Elections.

The day for receiving nominations of candidates for the office of county councillors throughout the Province will, this year, be Monday, the 24th day of December, (the Monday in the week preceding the week before polling-day.) The Act provides that notice of such nomination meeting and of the election shall be given by "nominating officer" in each county council division, by advertisement in two weekly newspapers in the county, to be published for at least two successive weeks prior to nomination day; or by giving sufficient public notice thereof by printed posters. When posters are used, the Act is not clear as to the time for which they should be posted up prior to nomination day. To do away with all possible doubt, we would suggest that the posting up be completed at least, two weeks before the day fixed by the statute for receiving nominations.

To enable them to comply with the provisions of the Act, and to prevent delays and inconvenience, it would be well for officials having the conduct of these elections, to supply themselves with the necessary forms and materials prior to the 1st day of December, next.

Taxation of Personal Property and Income.

The statistics published by the Bureau of Industries show that the proportion of taxes paid on assessments for personal property and income varies greatly. In townships the proportion is 1-149; in villages, 1-15; in towns, 1-12; and in cities, 1-9 of the total tax.

Previous to 1886, when farm stock was placed on the list of exemptions, the assessment on personal property and income was 1-16 of the whole.

The present basis of assessment in townships is the value of land and improve-ments. An important question for the assessment commission to decide will be whether this should be changed and a general law passed applicable to all municipalities.

Telephones for Farmers.

Wisconsin has a statute which is likely to encourage experiments in municipal ownership of a telephone business. The Act, passed last winter, authorizes any municipality to issue negotiable bonds, on the petition of a majority of the freeholders, for the establishment and maintenance of a telephone system. Few know what motive was behind this action; but since it was taken a Farmers' Telephone Company has been incorporated, with a capital of \$500,000. This company is offering to establish a telephone plant in any town on a guarantee of 100 subscribers at \$12 a year, taking its pay in township bonds drawing 5% interest, and running 20 years, 5% of the principal to be appropriated yearly to a sinking fund. It is assumed that the income of the lines will pay the operating expenses, maintenance, interest and sinking fund. When the bonds mature, the plant is to become the unincumbered property of the township. It is not stated that any towns have yet taken up with this proposition, but the scheme is a tempting one, unless there are conditions not set forth in the case before us. A cheap telephone system in a country town would be a great promoter of sociability and contentment in the winter season.

While the question of ownership of public utilities still remains an open one on this side of the Atlantic, the city of Bradford, in England, has taken a new departure in that direction, wholly unexpected, and not even discussed as a remote possibility in America. In making improvements in the streets, the city corporation acquired a public house, which will be replaced by a first-class hotel managed by the municipality, with a view to applying the profits to civic purposes. This is not an attempt to apply the Guttenburg system but simply an application in practice of the principle that the municipality itself should be directly responsible for the manner in which the liquor business and the business of accommodating travellers is conducted within its borders.—*Bulletin*.

* * *

A case of damage to cattle done by barbed wire fence was heard by Judge Morgan, at Markham Division Court, recently, and the decision given may interest farmers and others who are using that kind of fencing. His Honor decided that barbed wire fences were a public nuisance, and if placed along a sideline or road the party owning them is responsible for damage done to cattle. In this case he assessed \$10 and costs.

Climatic Conditions Absolve a City From Liability for Damages Caused by a Fall on a Slippery Sidewalk.

The case of Georgine d'Estimonville vs. the City of Montreal, an action for damages for a fall on the sidewalk, was decided recently by Mr. Justice Archibald. The action was for damages for injuries received from a fall on a slippery sidewalk on the 14th of February, 1900. "In this case," said Judge Archibald, "there is no question as to the bad condition of the sidewalk at the point where the accident happened, but it is contended on behalf of the city that the climatic conditions were such as to exempt it from liability. The point to be determined, therefore, is whether, in view of such climatic conditions, the ordinary obligation of the defendant to keep the sidewalks in good order was suspended."

His Honor then reviewed the evidence in the case, pointing out that it was shown that the weather was such on the day of the accident that any portion of the sidewalks which had not received attention that morning could not have been safe to walk upon in such a gale of wind.

"It is manifest," His Honor said, "that it would be difficult, if not impossible, for the city, by the engagement of men under their own control, to go all over the sidewalks of the city on the occasion of such weather to have them put in safe condition, but the city had contrived a plan by which this duty is to be performed by the tenants of property facing on the streets, and by the proprietors of such properties as are vacant, and has secured the approval of the legislature to that plan of proceeding."

In view of this it could not be held that the city was responsible, and the judge said:

"In this case I find that the climatic conditions were such that the city could not possibly have remedied the condition of the sidewalk before the accident happened, and the accident, therefore, must be attributed to force majeure, or to the imprudence of the plaintiff who should not have ventured upon so dangerous a sidewalk in a gale of wind." The action was therefore dismissed.

He Got Careless.

A veteran of the civil war was explaining at a camp fire about the bullet in his face, received at Bull Run. "Bull Run!" exclaimed a hearer, "how in thunder did you get hit in the face?" "Oh!" replied the veteran, "after I'd run about ten or fifteen miles I got kinder careless and looked 'round."

The council of the township of Drummond intend submitting a by-law to the ratepayers of the township at the January elections, to abolish the present system of statute labor, and substitute therefor a special rate for road purposes.