

most abused of any. As early as 1887, the Truro Electric Company was entitled to break up the streets of Truro and erect poles with or without the consent of the municipality, with the sole proviso that an official of the town might look at the destruction going on. These powers were granted in somewhat extended form to the Chambers Electric Light and Power Company. The most notable of all the privileges which the legislature granted without the consent of the municipality affected, to this company at this time was that no person or corporation shall erect or place any electric light or other wires within three feet of the wires of this company. For all these privileges and exemptions the town of Truro receives nothing but indifferent service where many towns not so embarrassed have all their civic lighting at practically no cost.

One of the most surprising instances of utter disregard of municipal rights is given in the act incorporating the Sydney and East Bay Railway Company (1906 C. 141) Among the powers granted, which by the way include nearly everything, there were powers allowing the company to become owners and dealers in real estate in an unlimited degree, all property being exempt from taxation.

There is another instance of a railway chartered for the county of Colchester that is granted similar privileges. Usually and fortunately exemption from taxation is granted on the railway and lands, buildings and other appurtenances used for railway purposes only, but the exemption is forever. This is a very serious privilege. As we view the matter now, feeling the great need of more railways we are inclined to think light of these privileges, but with a patriot's hope we look for the time when the railways will not require exemption from taxation, and then the value of such a concession will be of greater and very real moment.

That the encroachment of railways upon municipalities is considered a very grave danger, is evidenced by the note of alarm sounded in *The Canadian Municipal Journal* in December 1907, when it called attention to three impending questions of grave importance. One involved the acquisition of the entire shore front of Vancouver by one railroad to the exclusion of all others; a second, the approval by the Dominion of plans of an electric road to be built along certain streets of Montreal without consent of the municipality and the third was the question of permitting the Hamilton Radial Company to enter municipal streets without municipal consent. The alarm occasioned in these more densely populated centres at least put us on the alert to hold what we have.

The instances already cited are not by any means exhaustive. Each year furnishes examples of similar charters being granted. These, therefore, serve merely as types. A most serious violation of the rights of incorporated towns is upon our statute books and stands as a shameful disgrace to a free people, without mention of which our catalog of abuses would not be complete. It is an amendment to the Towns' Incorporation Act, section 191. The sole purpose of this amendment, as the people of Truro well know, was to conserve and enhance the privileges of a corporation at the expense of the people, and more especially of the citizens of Truro.

An idea of how other places deal with such matters may be instructive. When writing for information, it was my privilege to communicate with Mr. W. D. Lighthall, K. C., among others. Upon stating to him the principles I purposed discussing, I received his reply from which I quote: "The principles are now acknowledged and appear in all private bills and other leg-

Manitoba, Saskatchewan and Alberta; and we believe were also recognized by New Brunswick. The usual clause insisted upon by the government is—'None of the powers authorized by this act shall be exercised without the consent of the municipal council previously obtained and expressed by by-law, subject to the terms and conditions set forth by such by-law.'" An examination of a considerable number of private acts and the railway act has only served to exemplify the principle as laid down by the western provinces and the Federal Parliament, and as stated above, by the Honorary Secretary of the Union of Canadian Municipalities.

Now, as to the remedy, it is believed that if this Union will unitedly pass a resolution demanding the endorsement of this principle by the Legislature and back up the resolution by constant watching of the various private bills presented to the Legislature that ere long Nova Scotia will be in line with the other provinces in the regard for the rights of municipalities.

Towards this end, I would suggest for the consideration of the Committee on Resolutions, the following resolution:

"Resolved, that municipal franchises, rights and privileges should not be alienated by the Legislature without the consent of the municipality or municipalities affected and that the Executive of this Union endeavour to have the various public acts relating to municipalities amended in a manner consistent with this principle."

Mr. Archibald moved that the paper and resolution be referred to the Resolutions Committee.

Councillor Rogers, Yarmouth, seconded the motion and thought it should be dealt with at once.

Relating the experience of the town of Yarmouth with the Telephone Co., Mayor Hood thought it was not the first time Yarmouth had had to contend with such things.

Councillor McDonald, New Glasgow, said that New Glasgow is worse off than Truro, especially as regards the Electric Light Corporation. The town came into this Union to get help to enable them to buy out or complete their own service.

Mayor Richardson, Sydney. "The Act should receive due consideration. It would be a sorry day for us when any Legislature says to the capitalist you must go down and out. We must be sure the community is right, then go ahead. I would favor Sydney building an electric light plant, but it is not fair to ignore the Company's interests in this respect."

City Solicitor Roberts, Bridgewater, agreed with Mayor Richardson as far as protecting rights, but not when it came to the rights of the company against the rights of the town of Truro. These companies should not be given one cent more than their rights and some equitable scheme should be devised to give it to them. The only question is what are their rights, how much shall they be paid for them. If there were in Bridgewater the conditions existing in Truro and New Glasgow there would be anarchy.

County Clerk MacKenzie, Truro, objected to the wording of the resolution and suggested changing "the consent of" to "consulting."

County Clerk Wiswell, Halifax, said that there used to be a legislative rule that municipalities should be notified before legislation is passed affecting them.

The resolution was put and carried.

The meeting adjourned.

Morning Session.

The Resolutions Committee recommended the follow-