

# Union of Nova Scotia Municipalities

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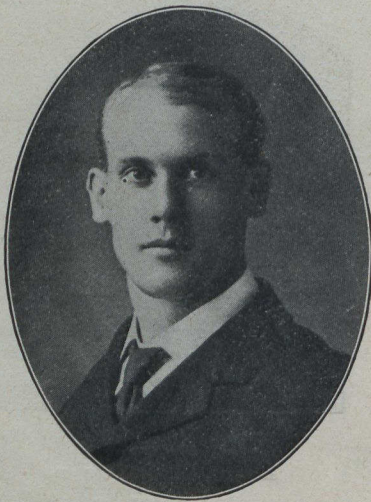
F. H. BELL, Esq., City Solicitor, Halifax.

## Third Annual Convention, Sydney, August 26-27, 1908

Official report.  
(Concluded).

## Municipal Franchises Should not be Alienated

Coun. G. Grassie Archibald, Truro



The subject is a very important one, but at the same time a very simple one. For in the alienation of municipal franchises, rights and privileges there is no difficulty in adjustment. There are but two parties, each of whom has something to offer the other. It would seem on the very face of the matter that these are the ones to settle the terms of their transfer of rights. In Nova Scotia, this is not the way the matter is done, when one of the parties is a municipality and the other a corporation. Under these conditions the corporation deals not with the municipality, but with the Legislature and between them the basis of agreement is made. Indeed, the case is frequently worse than that. Only this spring the town of Truro caused an electric lighting bill to be introduced into the House of Assembly. In nearly every particular it agreed with an act passed for the town of Kentville one year previously. The Truro bill was duly presented to the committee on law amendments and thrown out, after a corporation indirectly interested, was heard by the committee, but the town of Truro received no notice of the hearing before the committee.

Such a method of arranging terms is altogether un-British. In some instances where for instance a number of municipalities were jointly interested in dealing with a corporation it might be desirable that a too militant municipality should be brought to terms to whatever extent its holding out affected the other municipalities, but to the extent that its own interests and those of the corporation were alone affected the municipality should have full control. In other words in through lines,

whether of railway, telephone, telegraph or what, the privileges required so far only as they have reference to the through lines might be laid down by general authority subject to the consent of the different municipalities. but so far as the purely local privileges are concerned the principle should be very strictly applied that the municipality should have supreme control.

Since this principle has not been applied frequently in Nova Scotia it seems a very fair matter to be brought before this body, especially since every municipality, rural or urban, is interested. Already, these unions of municipalities have accomplished much and from time to time are accomplishing more. Only a few weeks ago the Union of Canadian Municipalities, in a certain sense, the mother of all, passed a strong resolution that the municipalities should be represented upon the Board of Railway Commissioners of Canada and upon the similar Board of Ontario. It would, therefore, be but fitting that this Union makes some determined effort to free its members from the shackles by which they are bound.

A brief survey of the privileges usually granted may assist at arriving at a judgment in the matter. As taken from the statutes granting the powers it generally appears that the telephone companies have a right to place their poles and lines along the streets of any municipality without its leave. No private owner would be dealt with without feeling that he had a very decided grievance, and a strong claim for compensation. That municipalities have a right to compensation for this privilege is recognized elsewhere. To cite one instance, the city of Portage la Prairie may in addition to all other taxes assess a special tax on telephone companies not exceeding two hundred dollars. The chief offender of this sort is of course the N. S. Telephone Company, which has acquired the rights and privileges granted not only to itself, but also to the Bell Telephone Company. To the statement of policy as laid down above as affecting telephone companies, there are two noticeable exceptions. The New Cumberland Telephone Company, incorporated in 1906, could only exercise its powers subject to the consent of the municipalities through which it operates. Again in the same year the Yarmouth Telephone Company was similarly restricted.

The chief privileges granted to electric light, power and gas companies, seems to be freedom from competition and the same privilege of using the highways without consent of the municipality. Each municipality will be likely to consider its lot the worst, but in the matter of electric lighting, the town of Truro thinks itself the