File No. 573 Centinued.

CORRESPONDENCE.

I of course feel more than an ordinary interest therein, especially as this is the first arrest for non-compliance with the ordinance covering this offense. The decision of Magistrate White which is contrary to your opinion on this matter, places a premium on people violating this ordinance, and undoes all that I have been working for during the past months. I would be glad to know if there is any way in which we can get this decision reversed, or that another arrest may be made for a similar offense and a conviction obtained; also I should like to have your opinion as to whether this ordinance complies with gutters in the middle of the street instead of along the curbs.

Very respectfully,

(Signed) J. L. Wickes.

Commissioner.

THO MUST KIND THE CUTTERS BREE OF ICE?

IC 15 the duty of the Fregerty

818

Numerous complaints in reference to the condition of the sidewalks and gutters in the northern section of the city has caused the interesting question to be raised whether or not the property-owner can be forced to remove the ice from the street gutters abutting on his property. Magistrate White, of the Northern district, has examined the City Code, and although he dismissed a case on January 22 in conformance with the City Code as expressed in article wavell, section 147, he has since found that section 157c of the same article makes the property owner liable to a fine for the failure to remove the ice from the street gutter. The case dismissed on January 22 was that of Mr. Thomas B. Bond, 726 Reservoir street, who was before the Magistrate on a warrant sworn out by a policeman, charging him with failure to remove the ice from the gutter, which impeded the Mr. Bond claimed at the time that Article MIVILL, section 147 did not force the owner to remove the ice unless the same was caused by the removal of snow from the pavement in such manner as to impede the flow of water in the gutter or unless the same was caused from drainage from the place of unimproved property in question-He shered at the time that these conhad not caused the impediment to the --aterflow. The article on which he based his argument reads, in Art. MAVIII, Sec. 147; "It-shall further be the duty of the said persons and agents to keep the gutter or gutters leading to and the pavements or sidewalks situated in front, rear or sides of such tenements above enumerated free from ice

on this section he based his argument that only the gutters leading to the street had to be freed from ice by the

aproperty owner and that the city charter did not provide that

a citizen was compelled to clean the street gotter, which is

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