

# Municipal Government in Ontario—An Historical Sketch

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## IV.

The Act of 1841 was obviously a compromise measure, for while it practically created self-government in the rural districts it still left a considerable restrictive and regulative power in the hands of the Executive Government. Hence though the Act worked fairly well, for such a new measure, it failed to satisfy the rising popular demand for complete self-government, which was the absorbing constitutional issue during the decade which followed Lord Durham's report.

In 1843, before the rupture between Lord Metcalfe and the first Baldwin cabinet, a bill to establish complete self-government in all forms of municipal corporations in Upper Canada was brought in by Mr. Baldwin and passed the Assembly, but was suppressed by the Council. No further move was made until the second Baldwin cabinet came to power under Lord Elgin. It was altogether fitting that under Lord Elgin's enlightened administration both central and local administration in Canada should have been finally placed on that basis of self-government on which they now rest. This was accomplished in the case of municipal government by the Act of 1849, commonly known as the Baldwin Act. The preamble to this Act sufficiently indicates the scope and purpose of the measure. "Whereas it will be of great public benefit and advantage that provision should be made, by one general law, for the erection of municipal corporations and the establishment of regulations of police in and for the several counties, cities, towns, townships and villages in Upper Canada, etc." One of the most important features of the Act is that in it, for the first time, we find a serious recognition of the township as the unit of rural self-government. Taking the various municipal corporations in order, we have the following summary of their respective spheres and powers.

*Townships* : The inhabitants of each township, having upwards of one hundred resident ratepayers, are incorporated as a municipality. The township may be divided into rural wards for the purpose of electing township councillors, though as an alternative they might be elected at the annual town meeting. There were to be five councillors for each township. These were to elect from among themselves a town reeve, and in townships containing 500 ratepayers or over, a deputy-reeve as well. The town reeve was to preside at all meetings of the councils, or in his absence, the deputy-reeve. The council appointed three assessors and one collector. Township councils had power to make by-laws for the following purposes : The purchase of such real property as may be necessary ; the building of a town hall, and the erection and support of common schools ; the appointment of pound-keepers, fence-viewers, overseers of the highways, or any other officers who may be necessary to carry out the purposes of the Act ; regulating the duties of the township officers, and remunerating them ; the opening of drains and watercourses ; the construction and maintenance of highways, streets, bridges, etc. ; controlling inns and taverns ; restricting animals from running at large ; destroying weeds, and regulating shows and exhibitions ; controlling and granting privileges to road and bridge companies ; enforcing and applying statute labor ; borrowing money for municipal purposes, under certain restrictions ; and making general local regulations not inconsistent with the provincial laws.

*Counties* : The municipal council of each county shall consist of the Reeves and deputy-Reeves of the towns and townships included in it. The county council shall

elect the county warden from the body of councillors. The council shall undertake to open, improve, and maintain special county roads and bridges, though it may also give grants to township roads. In addition to the usual municipal powers, the county councils might enact by-laws for such purposes as providing grammar schools for the county, regulating ferries, opening county drains, granting licenses to road and bridge companies, and taking stock in them.

*Police Villages* : The county council may, on petition of the inhabitants of an unincorporated village, erect it into a police village, and provide for the election of police trustees, whose powers shall extend to such matters as regulating buildings and their contents, with a view to preventing fires ; and adopting measures for the suppression of nuisances.

*Incorporated Villages* : The inhabitants of certain specified villages, or others afterwards to be authorized by the Provincial secretary, shall be a body corporate ; and, with respect to the village council, the appointment of Reeves and other general powers shall be on the same footing as townships. They shall, however, have additional authority as to streets, sidewalks, etc., the regulating of markets, weights and measures ; the suppression of nuisances and the prevention of vice ; the control of taverns and licenses, and the framing of regulations for the prevention of fires, and for protecting the public health.

*Towns* : Special corporate powers are given to fifteen towns whose limits and divisions into wards are set forth in schedule B of the Act, and to all future towns which may from time to time be raised to that position by proclamation of the Governor. The corporate powers of a town are to be exercised by a council to be composed of three councillors from each ward. The mayor was to be elected by the councillors from among themselves. The mayor would act as town magistrate unless, on petition to Crown, a special police magistrate should be appointed. The town council should appoint one of their number town reeve, and another a deputy-reeve, where the town contained more than 500 resident freeholders. These would represent the town in the county council. The chief powers of the town councils were to make by-laws for the usual purposes of minor municipalities, and also for the lighting of the streets, for assessing property for local improvements, and quite generally, for undertaking whatever may be necessary for the peace, welfare, safety and good government of a town.

*Cities* : Special corporate powers were granted to three cities—Hamilton, Kingston and Toronto, and to any others that might be constituted from towns containing upwards of 15,000 inhabitants. The corporate powers were to be exercised through a council consisting of a mayor, aldermen and common councillors. Each of the wards into which a city might be divided should elect one alderman and two common councillors, and these should elect one of the aldermen to be mayor. Each city constituted a separate county with a recorder's court which took over the powers of the Court of Quarter Sessions. The city police magistrate and the recorder might be the same person. The general functions of a city council were to be the same as those of a town council, though exercised on a larger scale and with a fuller organization involving special powers.

A large portion of the Act deals with powers and regulations which are common to several forms of municipal corporation. Thus cities and towns may hold property for certain special purposes not incident to the other corporations. Every municipality was required to transmit to the Governor an annual statement of its debts, and on petition of at least one-third of any corporation, the Governor-in-Council might appoint a commission to investigate its financial affairs. Municipalities were prohibited from acting as bankers, or from issuing any notes, bonds or debentures to pass as money. They were given authority to contract with parties to build roads or bridges and take tolls on them, such tolls to be regulated through a by-law of the corporation.

Looking at the Baldwin Act in its historic significance we must admit it to have been a most comprehensive and important measure, whose beneficial influence has been felt not merely in Ontario, but more or less throughout the Dominion. Scarcely a session of the Legislature has passed since the year of its enactment without bringing amendments, altering and enlarging, though not always clarifying its details. Yet in all essential principles its spirit and purpose are embodied in our present municipal system. Hence with it may fittingly close this sketch of the development of responsible government in the municipal affairs of Ontario.