

# Municipal Legislation, 1901.



## An Act Authorizing Municipal Grants for the Reception of Their Royal Highnesses, the Duke and Duchess of Cornwall and York.

1. Any municipal council within the province may include in their estimates, and expend such sums as may be deemed prudent in giving a fitting reception to Their Royal Highnesses, the Duke and Duchess of Cornwall and York, upon their visit to Canada during the year 1901, or as soon thereafter as the said visit may be made, and such expenditures are hereby made legal and valid.

### A Million for Good Roads.

There has been much speculation as to the form the new Highway Bill would take appropriating \$1,000,000 of the Provincial surplus to be expended for good roads. The government has not moved hastily in the matter and the bill has received mature consideration from the entire House. A special committee was appointed, during the last session of the legislature, to take evidence and consider the bill as first introduced by the Premier, and while some minor changes have been made, in the main, the Act is still very much in its original form. A careful consideration will show that the new Act has great merit, every clause being marked with liberality. It provides for assistance to both county and township municipalities, and as to whether any of these will comply with the conditions necessary to receive the grant is entirely in the hands of a majority of the people. The amount appropriated is substantial and only sufficient restrictions are placed to secure durable results and guard against extravagance. The bill, which will repay careful study, is as follows:

#### AN ACT FOR THE IMPROVEMENT OF PUBLIC HIGHWAYS.

1. The sum of \$1,000,000 is hereby set apart to be paid out of the Consolidated Revenue Fund of the Province to aid in the improvement of public highways, subject to the terms and conditions hereinafter set forth.

#### PROCEEDINGS FOR COUNTY CONTROL.

2.—(1) The highways to be improved in any county may, before the 1st day of January, 1903, be designated by by-law of the county council, and a copy of such by-law shall be transmitted forthwith to the clerks of the townships of such county.

(2) The municipal councils of the townships shall, within three months of the receipt of such notice from the clerk of the county council, take into consideration the highways so designated in said by-law, and shall report their acceptance or rejection of the same to the clerk of the county council.

(3) On receipt of such reports by the clerk of the county council from the clerks of the township councils in the county, if it should appear that one-third of the township councils are adverse to the highways designated by the county council as county highways, then the roads within such townships as reported adversely, which are to form part of the county highway system of such township, shall be determined by arbitration, as provided in *The Municipal Act*.

(4) Where it appears that more than one-third of the township councils disapprove of the system of highways designated in the by-law submitted by the county council, the county council shall then submit to the ratepayers of the county, qualified to vote on money by-laws, the question, "Are you in favor of a county road system?" If a majority of the votes cast is in favor of a county road system, the roads to be designated and assumed within any township, the council of which disapproved of the roads designated by the county council, shall be determined by arbitration, as provided in *The Municipal Act*.

3. Before the final passing of a by-law by a county council, designating and assuming roads as provided in sub-sections (1), (2) and (3) of the next preceding section, the county council may submit the same for the approval of a majority of the ratepayers of the county qualified to vote on money by-laws.

#### WHEN GRANT PAYABLE TO TOWNSHIPS.

4. In case the by-law or question so submitted fails to receive the assent of a majority of the ratepayers of the whole county so voting, or the county council neglects to take action, as provided in section 2, then the council of any local municipality in the county may, on or before first of January, 1904, pass a by-law, designating the roads within such local municipality to be improved, but no by-law for the improvement of roads in any municipality shall take effect until such by-law is approved by a majority of the ratepayers of such municipality in the manner provided by *The Municipal Act* with respect to by-laws for the creation of debts.

#### TOLL-ROADS.

5. Any municipality may apply the whole or part of the moneys, to which it may be entitled under this Act, towards paying any expenses that may be incurred for the purchase of toll-roads within such municipality, or for freeing the same from tolls. Such toll-roads as are purchased shall be included in the roads to be designated and assumed or improved in accordance with the provisions of this Act.

#### ROAD MILEAGE AND CONSTRUCTION.

6. Any highway, in order to come under the provisions of this Act as to aid, shall be constructed or repaired according to the regulations of the Public Works Department with respect to highways.

7. The road mileage to be designated and assumed in accordance with this Act shall, as nearly as practicable be in proportion to the assessed area of each township and county, provided always that no township or county shall receive, out of the said sum of \$1,000,000, more than the sum to which it is entitled under this Act.

8. On the completion of any work of road improvement under this Act, the council of the municipality under which such work was carried on, shall submit to the Public Works Department a statement setting forth the cost of such work, such statement to be certified by a competent engineer, who shall further certify that the regulations of the Public Works Department have been complied with, and on

the receipt of said statement by the Provincial Treasurer, certified and approved by the proper officer of the Public Works Department, the municipality shall be entitled to receive, out of the monies hereby set apart for public highways an amount equal to one-third of the cost of the work, but not to exceed the proportion of the appropriation to which such municipality is entitled.

#### LIMIT OF DEBENTURE ISSUE.

9. The municipal council of any township or county taking advantage of this Act may raise by debentures, payable in twenty years, as provided by *The Municipal Act*, such sums of money as may be necessary to meet any expenditure on highways under this Act, but in no case shall the debentures, issued under this Act, exceed two per cent. of the equalized assessment of the county.

#### STATUTE LABOR TO BE COMMUTED.

10. The statute labor, for which all lands fronting on roads constructed or repaired under this Act, may, from year to year, be liable, may be commuted and may be applied towards the improvement of the other highways of the municipality as may be determined by the township councils concerned.

11. In the case of any township receiving grants from the consolidated revenues of the Province for colonization roads, the amount of such colonization grants shall be deducted from any sum of money to which such township is entitled under this Act.

12. Where any township has been in receipt of grants for colonization roads out of the consolidated revenue fund, for the five years previous to the date of this Act, the assessed area of such township shall be deducted from the area of the county in which such township is situated, in determining the sum to which the county is entitled under this Act.

#### Toll Gates to be Abolished.

For some years there has been a general agitation throughout the province for the abolition of toll gates. Municipal authorities have had power to deal with the matter, but many toll roads still exist. The Honorable G. W. Ross, believing that travel on all highways should be free, brought in a bill during the recent session of the legislature making the purchase of toll roads compulsory, when the ratepayers of the municipalities interested petition the municipal authorities to take the necessary proceedings. The prices to be paid for the roads are to be determined by arbitration and the purchase money may be paid by a county, a portion of a county or a township, and, if the municipal authorities cannot agree on any of these plans, they may continue the tolls until the amount required to pay for the road has been collected, but not for a longer term than ten years.

#### AN ACT TO FACILITATE THE PURCHASE OF TOLL ROADS BY MUNICIPALITIES.

1. This Act may be cited as "*The Toll Roads Expropriation Act, 1901.*"

2. Where the words following occur in this Act, they shall be construed in the manner hereinafter mentioned unless a contrary intention appears:

1. "Owner" or "owners" besides including any person or persons, in whom the legal and equitable estates are vested shall also include any joint stock company as well as any municipality."