

Municipal Legislation, 1903.

The Municipal Amendment Act, 1903.

This Act is much more voluminous even than usual. It contains, however, many useful provisions necessitated by the consolidation of the municipal law at the recent session of the Legislature. The provisions of the Act to which, we think special attention should be drawn are as follows: Section 14 provides for a change in the composition of county councils. The councils of local municipalities in a county are empowered to declare by resolution that it is expedient that the council of such county should be composed of the reeves of townships and villages and the mayors of towns not separated from the county. After the passing of resolutions of this nature by a majority of the councils of local municipalities in the county, the clerk of the county shall certify the facts to the county council, and shall also prior to the 15th of October insert a notice of the passing of such resolutions in some newspaper published in the county town, and in one other newspaper published in the county, thereafter it shall not be necessary to hold an election for county councillors, as theretofore provided in the Act. Section 15 repeals section 71 a of the Municipal Act, and substitutes another section, making further provision for the constitution and election of councils in towns and cities. Sections 26 and 27 regulate the place where, and number of times electors may vote at municipal elections. Section 32 authorizes a judge of the high court or the judge or acting judge of the county to try proceedings to vacate the seat of a member of a council, and by Section 45 *quo warranto* proceedings are abolished. Section 56 relates to the composition of the council of the city of Toronto, and section 64 explains more definitely the duties of auditors. Section 84 repeals sub-section 3 of section 384 of the Act, as amended by section 15 of the Municipal Amendment Act, 1901, and substitutes a new section relating to the issue of debentures under money by-laws. Section 93 renders debentures valid when interest has been paid thereon for one year. Section 102 relates to the cost of maintenance of persons committed to a House of Refuge, who have not resided continuously in the local municipality by or from which they are sent, for the period of three years, immediately preceding their committal, and section 105 makes provision for the submission of questions of general policy to the electors at municipal elections. Section 112 authorizes the compulsory commutation of statute labor in unincorporated villages; and section 117 empowers municipalities to establish fuel yards under certain conditions. Section 125 enables county councils to pass by-laws

for regulating traffic and the width of tires, and section 132 authorizes the taking of the proceedings therein mentioned to relieve townships of the maintenance of bridges over 300 feet in length. Section 143 repeals section 664 of the Act, and introduces a new section relating to the making of local improvements in municipalities, and the following fifteen sections make numerous amendments to the local improvement clauses of the Act. Section 165 provides for the incorporation of the trustees of a police village under certain circumstances, renders them responsible for the maintenance and repair of all works, improvements and services undertaken by them under the Act, and subjects them to liability for default. The following is the full text of the Act:—

His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

- 1. Section 1 of *The Municipal Act* is amended by inserting therein after the word "and" at the end of the first line the words "except where otherwise expressly provided."
- 2. Section 2 of *The Municipal Act* is amended as follows:—

MEANING OF "COUNTY TOWN."

(a) By striking out at the end of the paragraph numbered 4, the words "in which the assizes for the county are held" and inserting in lieu thereof the words "in which the court house for the county is situate."

MEANING OF "ELECTORS."

(b) By inserting in the paragraph numbered 5 after the word "by-law" in the third line the words "resolution or question."

NO "DEPUTY" REEVE.

(c) By striking out the paragraph numbered 12.

WHEN ASSESSMENT ROLL FINALLY REVISED.

3. Section 3 of *The Municipal Act* is amended by inserting therein after the word "revised" at the end of the second line the words "or confirmed."

POWERS OF CORPORATIONS TO BE EXERCISED BY COUNCIL.

4. Section 10 of *The Municipal Act* is amended by striking out the word "exercised" in the second line and inserting the word "exercisable" in lieu thereof.

ANNULLING INCORPORATION OF VILLAGE.

5. Subsection 1 of section 19 of *The Municipal Act* is amended by striking out the words "the village should become unincorporated" in the third and fourth lines and inserting in lieu thereof the words "the incorporation of such village should be annulled."

TAKING OF CENSUS OF TOWNS AND VILLAGES ABOLISHED.

6. Section 20 of *The Municipal Act* is repealed.

AMENDMENT OF PROCLAMATION EXTENDING LIMITS OF TOWN OR CITY.

7. Section 24 of *The Municipal Act* as amended by section 3 of *The Municipal Amendment Act 1902* is amended by striking out the words "or in any further proclamation in amendment thereof" and by striking out all the words in the said section after the words "attach thereto" and by adding at the end of the said section

the words "The said Proclamation before it takes effect may be amended in any respect by a further proclamation."

ANNEXATION OF VILLAGE OR TOWN TO ADJACENT VILLAGE, TOWN OR CITY.

8. Subsection 1 of section 26 of *The Municipal Act* is repealed and the following substituted therefor:—

(1) The council of any village or town may by resolution declare that it is expedient that such village or town be annexed to an adjacent city, town or village and in case the council of such city, town or village passes a resolution to the same effect, the council of such first mentioned village or town may submit the resolution to the electors and if a majority of the electors voting thereon are in favour of the resolution, the Lieutenant Governor in Council may by proclamation annex the one municipality to the other upon such terms as may have been agreed upon or determined by arbitration.

ELECTORS ENTITLED TO VOTE ON ANNEXATION BY LAWS.

9. Subsections 4 and 5 of section 26 of *The Municipal Act* are amended by striking out the words "qualified municipal electors" and "municipal electors" wherever they occur in the said subsections and inserting in lieu thereof the word "electors."

10. Section 26 of *The Municipal Act* is amended by adding thereto the following subsection:—

(8) The term "electors" where it occurs in this section shall have the same meaning as in subsection 1 of section 19 of this act.

ADDED TERRITORY MAY REMAIN IN FORMER ELECTORAL DISTRICT.

11. *The Municipal Act* is amended by inserting therein the following section:—

26a. The Lieutenant-Governor in Council, in and by any proclamation for adding territory to a city or town, or for annexing a village or a town to an adjacent city, town or village may provide that the territory added or the village or town annexed, shall for the purpose of elections to the Legislative Assembly continue for such period of time as may be mentioned in the proclamation, to form part of the electoral district of which it had theretofore formed a part.

UNITING OF TOWNSHIP MUNICIPALITIES ABOLISHED.

12. Sections 33 and 34 of *The Municipal Act* are repealed.

AUTHORITY TO SET APART HAMLET RESCINDED AND PROVISIONAL COUNTY CORPORATIONS ABOLISHED.

13. Sections 37, 38 and 40 to 54, both inclusive, of *The Municipal Act* are repealed.

COMPOSITION OF COUNTY COUNCILS.

14. *The Municipal Act* is amended by adding thereto the following section as section 68a:—

68a. The council of any local municipality within a county, at a special meeting called for that purpose, may by resolution declare that it is expedient that the council of such county should be composed of the reeves of townships and villages and the mayors of towns not separated from the county, instead of representatives of the county council divisions constituted under this Act, and may cause a copy of such resolution, duly certified by the clerk and Head of the council under the corporate seal, to be deposited with the clerk of the county on or before the first day of October, in any year, immediately preceding a year in which county councillors are to be elected under this Act.

(2) In case a resolution has been duly passed and deposited with the clerk of the county in any year under the preceding subsection by the councils of a majority of the local municipalities in the county, the clerk of the county shall certify the facts to the county council