

name of which the Legislative Council changed to Toronto. The city was divided into five wards. Each ward was to elect two aldermen and two common councillors, and these were to elect a mayor from the body of aldermen. The legislative powers of the common council were specified at considerable length. They covered not only all the municipal functions of the other town charters, and of the Courts of Quarter Sessions, but a number of new powers then for the first time specifically mentioned, though in some cases previously exercised. The rate of taxation was limited to 4d. in the pound upon assessments within the city proper, and 2d. on assessments within the liberties or suburbs attached to the city. The borrowing power was limited to the amount of the revenue to accrue within five years after effecting the loan. This charter was amended in 1837, the most important new feature being the provision of a special system of assessment for the city. The various kinds of property liable to be assessed were specified, but in certain cases the valuation was left to the assessor, while in others it was definitely determined. The old rate of 4d. in the pound having been found quite inadequate to the needs of the city, the limit was raised to what in those days was regarded as the alarming proportion of 1s. 6d. in the pound, the suburbs to be taxed at one-fourth the rate of the city. In 1837 Cobourg and Picton were also incorporated.

Though Kingston had been the first town to seek incorporation, it remained under the jurisdiction of the Quarter Sessions until 1838. Then it obtained a constitution practically the same as that of the city of Toronto, though denied the title of city. It was divided into four wards, from each of which was to be elected one alderman and one common councilman. Together these were to elect a mayor, who might or might not be chosen from the council. The rate of assessment was not to exceed 6d. in the pound, and the borrowing powers of the council were limited as in Toronto, while the assessment system was also the same as that of the capital in the amended Act of 1837.

#### A General Municipal System Proposed.

As we have seen, under the steady pressure brought to bear upon the Government, there had been a slow but certain progress towards self-government in the Canadian urban municipalities. Yet the rural municipalities remained, down to the time of the union of the Provinces in 1841, almost in the position in which they were left by the first Parliament in Upper Canada.

In his report on Canada, Lord Durham stated that "the establishment of a good system of municipal institutions throughout this Province is a matter of vital importance . . . The true principle of limiting popular power is that apportionment of it in many different depositaries, which has been adopted in all the most free and stable States of the Union . . . The establishment of municipal institutions for the whole country should be made a part of every colonial constitution." On this point his successor, Lord Sydenham, frankly adopted Lord Durham's recommendation, and made it an essential part of his policy in both Provinces. It was his intention that the essential features of a general municipal system should be embodied in the Union Act. The necessary clauses had been sent home to England to be incorporated in the proposed Act. However, they met with considerable opposition in the British Parliament, and were dropped. Lord Sydenham, as Lord Durham before him, did not consider it possible that the Legislature in either Province could be brought to give up the power and patronage which local government entailed. Still, it was one of Lord Sydenham's special triumphs that he secured the passage of a local government Act during the first

session of the united Legislature. As a preliminary to this he took advantage of the suspension of the Provincial Legislature in Lower Canada to get his municipal Act passed as an ordinance of the Special Council.

#### District Councils Act, 1841.

All parties agreed that it would not have been possible to secure all at once a full measure of local self-government. But in the District Councils Act of 1841 the foundation of a general municipal system for the whole of Upper Canada, at least, was laid, and the way was naturally prepared for the more complete measure of 1849. The importance which Lord Sydenham attached to the establishment of a general system of local government is indicated in the following statement: "Since I have been in these Provinces, I have become more and more satisfied that the capital cause of the misgovernment of them is to be found in the absence of local government, and the consequent exercise by the Assembly of powers wholly inappropriate to its functions." When the measure came up for discussion in the Legislature it met with opposition from the extreme members of both parties. "The Tories opposed the measure because it gave too much power to the people; the radicals because it imposed checks upon that power. And with many members the bill was most unpalatable, though they did not like to avow the real motives of their dislike, because it is a death blow to their own jobbing for local purposes."

The Act as passed in 1841 under the title of The District Municipal Act went into effect on the first of January, 1842. Its chief features may be summarized as follows: The inhabitants of each district were to form a body corporate, whose powers were to be exercised by a district council composed of the warden, appointed by the Crown, and a body of councillors elected by the ratepayers in their township meetings. Every township was entitled to one councillor, and to a second where the number of ratepayers exceeded three hundred. The councillors were to hold office for three years, one-third of the number retiring each year. The council was to hold four quarterly meetings at which the warden should preside. The district clerk was to be selected by the Governor from three names submitted by the council. The treasurer, however, was to be selected by the Governor alone. A surveyor of the district, who must hold a certificate of efficiency from the Provincial Board of Works, was to be appointed by the warden, subject to the approval of the Governor. It was his duty to superintend all public works undertaken by the council, and to report annually to the warden on the works of the district. The district councils had power to make by-laws covering the usual municipal interests, such as the building and maintaining of highways, bridges, and such public buildings as were required for the use of the corporation; defraying the expenses of administering justice within the district; the establishment and support of schools; and assessing and collecting the district taxes. The system of taxation was to conform to the assessment law then in force, and the rates levied were not to exceed 2d. in the pound. The districts were prohibited from issuing notes or acting as bankers. No public work was to be undertaken by the council before it was reported upon by the district surveyor, and if the estimated cost should exceed £300 it must be approved by the Provincial Bd of Works.

All by-laws passed by the district councils were to be submitted to the Governor-in-Council who might disallow any of them within thirty days. The Governor had power also to dissolve any of the district councils and call for a new election. Nothing in the Act was to affect the special powers granted to any incorporated city or town. But all powers with reference to towns, cities, or villages pertaining to the justices of the peace before the passing of the Act should pass to the district councils. Quite generally we may say that the Act transferred all the municipal functions of the Courts of Quarter Sessions to the district councils, and the Sessions remained simply courts of justice. *(To be continued)*