

Municipal Legislation, 1902.

This Act is of rather more than usual length, and contains numerous provisions of more or less importance to the public of the Province generally and, in some instances, of special interest to the residents of particular localities therein. Provision is made, amongst other things, for the making of agreements between the corporation of any town or incorporated village in which are located lands used wholly for farming purposes, and the owners of such lands, as to the rate of taxation to which they shall be subject, for periods not exceeding five years at a time.

Power is given to the Lieutenant-Governor-in-Council, upon the application of the council of any town or incorporated village in the districts where there is no county organization, or upon the application of the owners of the lands of half the assessed value of all lands in the area proposed to be withdrawn from such town or village, to reduce the area of such town or village, subject to arbitration in case the council of the town or village or municipality to which it is proposed to annex such lands, oppose the same—subject to the provisions of sec. 71a of the Act, the council of every city is hereafter to consist of the mayor and three aldermen for each ward, unless the council of any city has, prior to the first of November in any year, passed a by-law reducing the number of aldermen to be elected for each ward to two. This by-law must receive the assent of the electors qualified to vote at municipal elections, before it is finally passed.

No member of a school board for which rates are levied shall be qualified to be elected a member of any municipal corporation after the passing of the Act.

Returning officers or deputy-returning officers are empowered to administer the oaths prescribed by the Municipal Election Act, whenever they shall respectively think proper, as well as at the request of any candidate or his authorized agent.

The councils of cities having more than 100,000 inhabitants are authorized to pass by-laws before 16th of November, in any year, for the holding of the meeting for municipal nominations on the Monday preceding the last Monday in December, and for the nomination of public school trustees on the last Monday in December.

Nomination papers must be filed with the returning officer, or the chairman, within one hour from the time of the opening of the nomination meeting. A penalty of \$50 is imposed on persons who vote for aldermen or councillors more than once.

Subsection 4 of section 384 and subsection 1 of section 386 are made to apply to ALL towns in the Province.

Councils of cities and towns may take and acquire lands for drill-shed or armory purposes, and may pass by-laws for the establishment of a public scavenging system.

Councils of cities, towns and incorporated villages may pass by laws respecting the transmission of electricity and steam under or over the streets of the municipality.

The councils of towns and cities having less than 100,000 inhabitants, and the board of commissioners of police in cities having 100,000 inhabitants or more may pass by-laws for examining, licensing and regulating electrical workers, and for fixing the sums to be paid for licenses.

No by-law can be passed by the council of any municipality granting a bonus to an established industry or to any industry which has been removed to the municipality proposing to pass the by-law, from another municipality.

Service of notice of action against a county, pursuant to subsection 3 of section 609, is made necessary.

Municipalities may pass by-law for the purchase, conditionally or otherwise, or for the rental of roadmaking machinery, etc., and for issuing debentures payable in not more than five years to pay the purchase money for same.

County councils may enlarge the area of police villages on the petition of two-thirds of the ratepayers of the village, and of the majority of the ratepayers in the territory to be added, and the trustees of such villages may pass by-laws for entering into contracts for the supply of light or heat by any person or company to the police village or the residents therein.

Councils of townships, towns or villages may pass by-laws for the construction, purchase or leasing of such ferries as are mentioned in section 38 of the Act.

The Act, as passed, reads as follows :

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

AGREEMENT WITH OWNERS OF FARM LANDS IN TOWNS AND VILLAGES AS TO RATE OF TAXATION.

1.—(1) *The Municipal Act* is amended by adding thereto the following as section 18a :

18a. The corporation of any town or incorporated village in which are situated lands wholly used for farming purposes, may enter into special agreements with the owners of such lands as to the rate of taxation to which the same shall be subject for any period not exceeding five years at a time, and may pass by-laws to give effect to such agreements, but no such by-law nor any agreement provided for thereby shall take effect or be valid or binding

unless approved by a vote of not less than two-thirds of the council of the town or village as the case may be.

(2) Subsection 7 of section 18 of *The Municipal Act* is amended by striking out the words "nor in limits or area below the proportionate limits prescribed by this Act," at the end of the said subsection.

REDUCING AREA OF TOWN, ETC., IN UNORGANIZED TERRITORY.

2. *The Municipal Act* is amended by adding after section 18, as enacted by section 2 of *The Municipal Amendment Act, 1901*, the following section :

18b.—(1) Upon the application of the council of any town or incorporated village, in the districts where there is no county organization, or upon the application of such number of owners of any lands in any such town or village as shall represent at least one half the amount of the assessed value of all lands included within the limits or area proposed to be withdrawn from such town or village, the Lieutenant-Governor in Council may, but subject to arbitration as hereinafter mentioned, reduce the area of such town or village and may exclude and detach such lands or any portion thereof or any lands situate outside the new limits to be defined by such arbitration, from the said town or village, and annex the same to some adjoining municipality.

(2) Provided that such reduction of area and detachment or separation of lands where the council of the town or village or of the municipality to which it is proposed to annex such lands, as the case may be, opposes the same, then and in that event the matters in difference shall be submitted to and be subject to the award of the arbitrators to be appointed under subsection 4 of this section, who, by their award, may confirm, modify, vary or entirely reject the proposed reduction of area, and detachment or separation of land, and in the event of entire rejection by the award of the said arbitrators, no further proceedings shall be taken for a period of two years.

(3) In the event of the proposed reduction of area and detachment and separation of lands not being entirely rejected by the arbitrators, but by their decision taking effect in whole or in part, and in default of agreement between the municipalities interested, the arbitrators shall in their award, determine the terms and conditions of said separation and the adjustment of assets and liabilities with respect to the lands so separated, between the municipal corporation of such town or village and the municipality to which such lands shall be annexed, and who shall award the amount to be paid to the town or village from which such lands have been taken by the municipality to which they have been annexed, and the amounts to be received by such last mentioned municipality from the town or village, together with such other terms and conditions as the said arbitrators may impose.

(4)—(a). One of the said arbitrators shall be appointed by the Lieutenant-Governor in Council, another shall be named by the council of the said town or village, and the third arbitrator shall be appointed by the council of the municipality to which it is proposed to annex such lands.

(b) In case the council of such town or village or municipality fails to appoint an arbitrator within six weeks after service of notice from the other municipality interested, naming the arbitrator, or in case an arbitrator appointed by any such council, refuses to act, then in any or all of such cases, arbitrators to take their place shall be appointed by the Lieutenant-Governor in Council.

(c) In case of the death or incapacity of any such arbitrator occurring after his appointment, another arbitrator shall be appointed in his place by the same authority which appointed the arbitrator so dying or becoming incapacitated, and the provisions of clause (b) as to