

DELEGATION OF LEGISLATIVE POWER.

III. c. 3; 54 Geo. III. c. 15; 57 Geo. III. c. 4; 59 Geo. III. c. 4; 2 Geo. IV. c. 15; 1 Wm. IV. c. 5, etc.

By other Acts the Magistrates in Quarter Sessions were authorized to make "prudential rules and regulations" respecting certain specified municipal matters, and also to prescribe such reasonable fines, within certain limits, as they might think proper, for every offence committed against their rules and regulations. (See 57 Geo. III. c. 3; 59 Geo. III. c. 5; 4 Geo. IV. c. 30; 7 Geo. IV. c. 12, etc.)

The Act 59 Geo. III. c. 2., authorized the Justices in Quarter Sessions to limit the number of inns and public houses in their districts, and to apportion the fees to be paid for a license according to the situation of the inn; and they were also authorized "to frame rules and regulations for the observance of the several innkeepers in their respective districts," which rules and regulations the said innkeepers were to be bound by their recognizances to abide by.

By other Acts Boards of Police were authorized to make rules, ordinances and by-laws, respecting municipal matters, "and to enforce the due observance thereof, by inflicting penalties on any person for the violation of any by-law or ordinance of the said corporation, not exceeding one pound ten shillings." (See 2 Wm. IV. c. 17; 3 Wm. IV. c. 16; 4 Wm. IV. c. 25; 5 Geo. IV. c. 26, c. 27; 6 Wm. IV. c. 14; 7 Wm. IV. c. 42, c. 44; 1 Vict. c. 27; 3 Vict. c. 31, etc.)

The Legislature of the late Province of Canada, at its first session in 1841, delegated large powers of legislation to the District Councils (4 & 5 Vict. c. 10), and authorized them to impose reasonable penalties in certain cases. These powers were greatly enlarged by 12 Vict. c. 81, 14 & 15 Vict. c. 109, 22 Vict. c. 99, and other Acts. Prior to Confederation the legislative power delegated to the Municipal Council of each county, township, city, town and village authorized them to legislate over a wide range of municipal subjects, and empowered them to

pass by-laws (29 & 30 Vict. c. 51): (1) "For inflicting reasonable fines and penalties not exceeding fifty dollars and costs, (a) upon any person for the non-performance of his duties who has been elected or appointed to any office in the corporation, and who has accepted such office and taken the oaths, and afterwards neglects the duties thereof; and (b) for breach of any of the by-laws of the corporation. (2) For inflicting reasonable punishment by imprisonment, with or without hard labour, either in a lock-up house in some town or village in the township, or in the county gaol or house of correction, for any period not exceeding twenty-one days, for breach of any by-laws of the Council, in case of non-payment of the fine inflicted for any such breach, and there being no distress found out of which such fine can be levied; except for breach of any by-law or by-laws in cities, and the suppression of houses of ill-fame, for which the imprisonment may be for any period not exceeding six months, in case of the non-payment of the costs and fines inflicted, and there being no sufficient distress as aforesaid."

These provisions were re-enacted by the Ontario Legislature in 36 Vict. c. 48, and R. S. O. c. 174. And by various Acts respecting tavern licenses, from the earliest passed in 1869, 32 Vict. c. 32, to R. S. O. c. 181, the local license authorities were empowered to pass by-laws or resolutions respecting the number and regulation of taverns, and "to attach penalties for the infraction thereof."

The Parliament of Canada has also delegated legislative authority to the Governor-General in Council in various matters; and in the Penitentiary Act, 31 Vict. c. 75, it has empowered the Directors of Penitentiaries "to make rules and regulations for the management, discipline and police of the penitentiaries, and for the duties and conduct of the wardens thereof, and of every other officer or class of officers or servants employed therein, and for the diet, clothing, maintenance, employment, instruction, discipline,