

The Municipal Amendment Act, 1895.

17. Clause *a* of sub-section 3 of section 18 of *The Consolidated Municipal Act 1892*, is amended by adding at the end thereof the following words: "and for the purpose of enforcing such payment the like remedies may be had and proceedings taken against the person in default as are provided by sub-section 1 of section 98 of *The Consolidated Assessment Act 1892*, in cases of neglect or refusal to pay any sum for statute labor commuted under section 94 of the said *Assessment Act*."

2. Sub-section 1 of section 77 of the said Act is amended by striking out all the words after the words "behalf of the corporation" in the twelfth line and inserting the following in lieu thereof:—

"Or having a contract for the supply of goods or materials, or supplies of goods or materials to a contractor for work for which the corporation pays or is liable directly or indirectly to pay or which is subject to the control or supervision of the council or of an officer thereof on behalf of the council, or has an unsatisfied claim for such goods or materials, and no person who, either by himself or with or through another, has any claim, action or proceeding against the municipality, and no person who is counsel or solicitor either by himself or with or through another in the prosecution of any claim, action or proceeding against a municipality shall be qualified to be a member of the council of any municipal corporation."

3 and 4.—(1) Sections 102 and 103 of the said Act are amended by changing the oaths to be taken by electors in municipalities divided into wards.

5. Section 117 of the said Act is amended by inserting therein after the word "day" in the first line thereof, the following:

"Or where such last named day is a public holiday, then before twelve o'clock noon of the succeeding day."

6. Section 117 of the said Act is further amended by striking out all the words after the word "municipality" in the thirteenth line thereof and substituting therefor the following:

"Provided also that if by reason of any such resignation or resignations the number of candidates remaining proposed for any office or offices does not exceed the number required by this Act to be elected for such office or offices, then the clerk or other returning officer shall declare such remaining candidate or candidates duly elected to such office or offices."

7. Section 140, is amended by adding thereto, as sub-section (1a) the following:

(1a) The judge shall direct that in default of the payment of the said penalty and costs within the time fixed by the said judge, the offender shall be imprisoned in the common goal for the county for such periods not exceeding thirty days, as shall be directed by the said judgment,

and in case of such default of payment the judge shall issue a warrant for such arrest and for confinement of the offender in such common goal in accordance with the said judgment, unless the penalty and costs shall be sooner paid.

8. Sub-section 2 of section 155 of the said act is amended by striking out the word "was" in the fifth line thereof and substituting therefor the words "and poll book were,"

9. Schedule G of the said act is hereby amended by adding the word "list" in the fifth line thereof the words "and poll book," and by substituting the word "were" for the word "was" in the sixth line thereof.

10. Section 182 of the said act is amended by adding after the word "town," in the first line thereof, the words "or the office of reeve of a township or village," and by striking out the words "the first day of December" in the second line, and substituting the words "first day of November."

11. Section 182 of the said act is further amended by adding thereto as sub-section 2 the following:

2. In case the office of alderman or councillor becomes vacant after the first day of November in any year, and an election to fill the vacancy has not been ordered by the court, it shall be in the discretion of the council to direct that an election be held to fill such vacancy or otherwise, as it may see fit.

12. Sub-section 1 of section 187 of the said Act, is amended by inserting after the word "thereat" in the twelfth line thereof the words "or in case of an election by acclamation any elector entitled to vote at a municipal election for the municipality."

13. Section 188 of the said Act is amended by adding thereto the following as sub-section 2:

(2) Service of such notice of motion shall be made within two weeks from the date of the order or fiat so granted by the judge or officer having jurisdiction, unless otherwise ordered by the judge, as provided for in section 194 of this Act; and in cases where the order or fiat has heretofore been obtained, the service shall be made within two weeks after this Act shall come into force unless otherwise ordered by the judge.

14. Section 366 of the said Act is amended by inserting after the word "establishment," in the third line thereof, the words "or any building for the storage of ice for commercial purposes."

15. The said Act is amended by adding thereto the following section as section 399a:

399a.—(1) Either of the parties to any such arbitration may pay the fees of the arbitrators therein as demanded by the said arbitrators before delivery of their award, into the office of the clerk of the county court for the county in which the municipality, wherein the land which is the subject matter of such arbitration is

situated, together with \$10 as security for costs, and the said clerk shall give a receipt for the same, and shall enter such payment in a book to be kept by him for the purpose, and shall be entitled to receive from the said party as a fee to his own use, when the sum paid in does not exceed \$50, a fee of fifty cents, and when the sum paid in exceeds \$50, the sum of \$1, and the said arbitrators, or any two of them, who may have made the award in such arbitration, upon the production of such receipt, shall forthwith deliver their said award to the said party to the arbitration paying in the said fees and the said \$10 as aforesaid.

(2) The party so paying in the said sum may have the fees taxed by the clerk on the latter's appointment without any judge's order, upon giving two days' notice of such appointment by service of a copy thereof upon the arbitrators or upon the person named by them to receive such service for them, and if the said fees are found upon such taxation to be authorized by the *Act respecting Arbitrations and References*, the said fees so paid into the office of the said clerk as aforesaid, shall, unless there is a revision of such taxation as hereinafter provided, be forthwith paid out to the said arbitrators by the said clerk, but in case of a revision of such taxation, such payment out shall be postponed until such revision shall have been finally disposed of, and shall be subject to the result of such revision.

(3) The said clerk upon taxation shall have regard to the charges made by each arbitrator and shall tax the fees of each arbitrator separately, and the costs of the taxation shall be in his discretion, and he may order the same to be paid either by the applicant or by the arbitrators or by any one or more of them, and he shall make such order in the premises as to him shall appear just.

(4) Either party to the taxation may, within two days after the completion of such taxation, upon giving four days' notice to the opposite party, require a revision of such taxation by one of the taxing masters of the High Court at Toronto, and may require the clerk to transmit all papers in the matter to such taxing master, and upon the payment of the necessary postage to the clerk the latter shall forthwith transmit such papers and his certificate of taxation or decision or a duplicate thereof to such taxing master.

(5) Upon such revision, the taxing officer shall revise the said taxation and the order or decision of the said clerk as well as to costs as to all other matters, and the cost of the appeal shall be in his discretion and he may order the same to be paid either by the applicant or by any one or more of the arbitrators as to him shall seem just, and his order shall be final and conclusive upon all parties, and such order when necessary may be enforced by execution to be issued out of the county court where the money was deposited.