Recent Canadian Municipal Progress

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Municipal Legislation for the various provinces of Canada is to a great extent borrowed from Ontario, or a parallel therefor can be found in the legislation of that Province, and therefore the development of municipal administration in Canada can best be shown by sketching briefly the history of municipal legislation in Ontario.

Prior to 1791 what is now the Province of Ontario was divided into four districts. In 1782 these districts were, for parliamentary representation and for militia purposes, divided into a number of counties. From 1788 to 1841 —a period of about 53 years—the management of local affairs in each district (including most of the powers afterwards assigned to the municipal councils) was committed to the several district Courts of General Quarter Sessions of the Province, composed of magistrates appointed by the Governor or Lieutenant-Governor-in-Council. In some portions of the districts these Courts sat twice a year and sometimes quarterly.

The Courts of General Quarter Sessions had jurisdiction over the erection and management of court houses, goals, and asylums; the laying out and improvement of highways; the making of assessments; and provided for the payment of wages of members of the Houses of Assembly. They also could make regulations to prevent accidental fires; could appoint district and township constables; fix the fees of goalers, town or parish clerks, or pound keepers; could appoint street and highway surveyors and inspectors of weights and measures;could regulate ferries and establish and regulate markets in various ways; could grant licenses to sell liquor; and to ministers and clergymen of dissenting congregations, authorizing them to solemnize marriages.

You will thus see that in the Province of Ontario, the people, so far as the municipal institutions were concerned, were governed by an oligarchy—an appointed body not responsible to the people.

The "Parish and Town Officers" Act was passed which enabled any two of His Majesty's justices of the peace by their warrants to authorize the constable of any parish, town or place to assemble the ratepaying inhabitants of the parish or township, to be convened in the parish church or chapel or some other place convenient within the parish, to vote for the year, the parish clerk, town or township clerk, two assessors, a collector, a certain number of overseers of highways and fence viewers, a pound keeper, and two town wardens. If there was a properly constituted church within the letter of the English law at that time, the duly appointed minister appointed one warden and the town men elected the other. These were styled "church wardens."

This meeting called had no legislative power whatsoever, except to determine the height of a lawful fence; to ascertain and determine "in what manner and for what period horned cattle, horses, sheep and swine or any of them, should be allowed to run at large, or to resolve that they or any of them should be restrained from so doing."

The two wardens (referred to above) became a corporation to represent the whole of the inhabitants of the town or parish, with power to sue, prosecute and defend on behalf of the said inhabitants, and except for the matters specifically stated above, they had no legislative power. In contrast with this, the justices of the peace for the districts in their Quarter Sessions had all the authority; if the ratepayers did not elect or appoint any officer, they filled the vacancies.

As the Province became populated, the Quarter Sessions were empowered to make for the towns that sprang up, "such prudential rules and regulations as they might deem expedient, relating to watching, paving, lighting, keeping in repair, closing and improving the streets; regulating the assize of bread, slaughter houses, nuisances, firemen and fire companies." They also were to enforce the laws respecting weights and measures, and with respect to cattle, etc., running at large.

Towns gradually obtained increased powers, while the rural municipalities continued under the old order of things. A fair measure for those times of local self-government was accorded to the towns, whereas the rural municipalities were considered as incapable of governing themselves. The magistrates built jails, levied taxes, prescribed the prisoners' fare, set the fees for district officers, doled out charity, and continued to give licenses to ministers to marry. All this work was done by life appointees of the Government.

In 1841 the "District Councils" Act was passed, which constituted the inhabitants a corporation which could pass by-laws relating to roads, bridges, public buildings, schools, the administration of justice, remuneration of officers, and could levy the taxes. Under this act all the powers that had heretofore been exercised by the Courts of Quarter Sessions were transferred to the Councils. This was the beginning of the greater control by the people of their local affairs. The Act was improved and amended, and we finally have the act of 1849, which may be considered the Magna Charta of municipal government in Canada. This act is now the basis of the municipal acts in nearly every province in the Dominion of Canada.

This new system of responsible self-government proved successful and popular. Less friction was engendered under the new system than under the old autocratic system. If the ratepayers were badly governed, it was their own fault; if the highways were out of repair, they had nobody to blame but themselves; if governmental conditions were not satisfactory throughout the district, all they had to do was to change their representatives. Stupidity, cupidity or indifference all produce bad government, and I really believe that indifference is about the biggest enemy to good government that can be found. No government, as a rule, is successful if the ratepayers are indifferent, and there is a larger percentage of indifference amongst ratepayers than there is of either of the other causes mentioned above.

There was one great mistake in the old Municipal Act that was later remedied, and that was the licensing of the liquor traffic. It had to be taken away from the municipalities owing to influences that were exerted and the necessary friction and bickering that resulted. It is now vested in the Provincial Government, but a municipality by local option acts can rid itself of licensed places within its borders. As a matter of revenue, in some instances license fees are paid both to the Province and to the municipality.

It is hardly necessary for me to sketch the history of development along special lines, but I do wish to refer to one thing which is a large factor in the physical improvement and development of a city, and that is what is called the Local Improvements. Prior to 1882, improvements could be done upon the initiative of the ratepayers affected. After that date it could be done