

MUNICIPAL DEPARTMENT

LEGAL DECISIONS AFFECTING MUNICIPALITIES.

Chancellor Boyd gave judgment in Toronto recently in a case of great importance to municipalities that have granted railway bonuses in return for valuable considerations. In 1868 the town of Whitby gave a \$50,000 bonus to the Whitby and Port Perry railway, stipulating that the head offices and work shops of the road should always remain in Whitby. By and by the road was absorbed by the Midland and G.T.R., and of course, the head offices and workshops were removed. After long negotiations the town of Whitby entered suit for damages against the G.T.R. The Chancellor decided that so far as the head offices are concerned the bond given in 1868 had been nullified by subsequent legislation. Whitby however had probably suffered damages from the removal of the work-shops covenanted for when the bonus was given, and the Chancellor directed that a reference be taken to determine the amount of the damages.

AMENDMENTS TO MUNICIPAL ACT.

Among the amendments to the Municipal Act which have been placed on the statute books will be found the following:

Aldermen in cities of more than 15,000 may be elected by general vote, or when over 40,000 by general vote in two electoral divisions.

In cities having a population of more than 30,000 every candidate shall on the day of nomination, or on the following day, file a declaration that he possesses the necessary qualifications for the office.

To render valid a by-law of the municipality for granting a bonus in aid of any manufacturing industry the assent will be necessary of two-thirds of all the ratepayers who were entitled to vote on the by-law, unless the number of ratepayers voting against such a by-law does not exceed one-fifth of the total number entitled to vote, when the assent of three-fifths only of all the ratepayers shall be necessary. In other respects the provisions of the old bonus clauses are restored, save that a more stringent definition is given in the term "bonus" than has hitherto prevailed.

Police commissioners in cities and the municipal councils of towns may prohibit the keepers of second hand or junk shops from receiving goods from any minor appearing to be under 18 years of age, without written authority from a parent or guardian of such minor.

Provision is made for increasing the

number of voters in a polling sub-division to 300, but there must not be more than 400 votes in any one sub-division.

The provision of the Municipal Act respecting milk inspection are amended in accordance with the provisions of the Dickenson Bill.

At the suggestion of the Brant county council the section of the act respecting horse thieves has been amended by providing that the amount payable as reward shall be in the discretion of the judge, but shall not exceed the amount fixed by the by-law. Under the old law the reward could not be less than \$20, which was sometimes more than the horse was worth, and consequently held out a temptation to defraud the municipality, which it is said proved sometimes irresistible.

Every municipal council is given power to pass a by-law to agree and settle upon a quantum meruit with any contractor or contractors for any work which has been

done or shall be done as a local improvement, where the council shall consider the work to have been performed sufficiently for the purposes of such local improvements, although not in strict compliance with the contract.

The local improvement system is extended to villages as well as cities and towns and to the paving of streets as well as to the construction of sidewalks.

By-laws may be passed exempting smelting works from taxation, except as to school taxes, for a period not longer than twenty years, subject to the assent of one-third of the ratepayers entitled to vote as well as ratepayers voting on the by-law.

Further provision is made respecting the constitution and government of police villages.

Municipalities using electrical power may sell or lease any surplus electrical power or energy, but not in cases in which a company is in existence for the purpose of supply such power or energy.

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