

for damages, made by Engineer under section 8a, as in section 1 of chapter 32, Ontario Statutes, 1902.

2. Section 3 of the amendments of last session should be amended by inserting after the figure "9" in the first line thereof the words "as enacted by section 5 of chapter 28—62 Victoria."

#### LINE FENCES ACT.

The time should be fixed for sending out notice of filing fence-viewers awards by Clerk and for filing notice of appeal with Division Court Clerk.

#### ELECTION ACT.

Provision should be made in Schedule B, Section 18, for paying for polling booths in *villages*. The Liquor Act, 1902, Schedule B, Section 11, made provision for this:

#### UNION SCHOOL SECTION IN UNORGANIZED DISTRICT.

There is now no provision for the equalization of assessments in union school sections composed of portions of said sections in organized and unorganized municipalities respectively.

Sections 54 and 70 of the Public Schools Act should be amended by providing that the portion of the section in the unorganized district shall form part of the organized township for school purposes, the assessor to make a special roll therefor and that the provisions of the present law in reference to appeal against the assessment roll as to the collection of school rates in organized municipalities shall apply.

#### A Municipal Commission Wanted.

During the past ten years an intelligent interest in municipal government questions has developed. The Political Science Departments of Universities have been active and Municipal Leagues for the discussion of practical questions have been formed. This has resulted in the publication of much useful information relating to municipal government throughout the world, and has directed attention to many reforms which should be adopted in the Province of Ontario. In our last issue we referred to three of these:

1st. The necessity for a better system of central supervision and control over the municipal administration of the Province, and the appointment of a Municipal Government Board.

2nd. A system of free voting, which if introduced would result in a more equitable representation in municipal councils.

3rd. The appointment of a municipal auditor for each county, or for a union of counties, to act with or without an auditor to be selected yearly by each municipal council. A uniform system of book-keeping and efficient audits in every municipality could then be introduced.

#### ELECTION OF COUNCILLORS FOR A TERM OF YEARS.

Another change that all who were not

elected by acclamation at the recent elections will approve of, is the election of municipal councils for a longer term than one year. The length of time for which municipal councillors are chosen should be determined mainly by two considerations, the desire to maintain an active popular control and the desire to have an experienced and capable council.

In the Province of Quebec the councils of parishes, townships, towns and villages are composed of seven members who remain in office for three years, subject to the condition that two councillors must be elected or appointed two years consecutively and three every three years. The mayor or head of the council is elected by a majority of the council and holds office for one year. In Nova Scotia, New Brunswick, Manitoba and British Columbia county councillors are elected yearly. In Nova Scotian towns the mayor is elected annually and a councillor every two years.

In certain Canadian cities aldermen are already elected for two or three year terms.

In England the term of office for a councillor is three years, members retiring in rotation every year.

The number or re-elections of municipal councillors in rural Ontario is very noticeable. At the annual elections in January, 1902, two thirds of all councillors in office during the previous year were re-elected; in the townships alone 80%. This indicates that a longer term of office is in place and that legislation providing for a term of at least two years would meet with popular support. Retirement of half the council every twelve-month would secure at once that measure of continuity of municipal government, which is essential, and remove a great obstacle, the turmoil of annual elections, now preventing many able men from entering the council. The County Councils Act of 1896 introduced a full two-year term for all councils. A slight amendment is all that is now necessary.

#### ACTIONS FOR DAMAGES CAUSED BY ACCIDENTS ON PUBLIC HIGHWAYS.

The growing demand for good roads has directed attention to the fact that no matter what condition a road is in a municipal corporation is liable to be made the defendant in actions for damages caused by accidents. A township official of experience has suggested that an Act should be passed to enable municipalities to determine when a road is *in repair* and that they be not liable for damages while it is so maintained. This would involve the fixing of a standard for roads by a competent authority, after all local conditions and requirements had been considered and a reconsideration of the matter every few years.

The present Highway Law of Ontario practically insures against accident every one travelling on the highways. The section of the Act making the municipalities liable was introduced in 1850 with

reference to roads in cities and towns, and in 1859 was included in the Municipal Act. A new sub-section relating to accidents arising from persons falling owing to snow or ice upon sidewalks was, however, added. The explanation of this enactment is that the control over the highways of the Province was then in a transitory state. Municipal Institutions were in their infancy and it was thought that the councils would not be able to maintain the roads. This resulted in the formation of a great many toll-road companies to take charge of the main highways, which had been or were still in some cases under the control of the Minister of Public Works, and relieve municipalities of liability for non-repair. The road mileage throughout Ontario has gradually increased, and during recent years the municipal authorities have taken over most of the toll roads. In some localities actions for damages have become so numerous that public attention has been directed to the misapplication of corporation funds for law costs and damages. There appears to have been some misunderstanding in reference to precedents for the sections making municipalities liable. It was no doubt copied from one of the laws of the United States and afterwards looked upon as being in accordance with English law. Mr. Biggar, editor of the *Municipal Manual*, remarks in this connection that the common law obligation of parishes in England to repair their highways did not involve the existence of a civil liability to any one sustaining injury owing to the non-repair of such highways, and that a person injured by mere non-repair of a road can sue the municipality only if the Legislature gives the right of action.

It has been suggested that persons travelling on the highway should do so at their own risk, the same as in England and the other Provinces, and that the present law should be amended so that a person injured by the mere non-repair of a road will not have a right to claim damages.

#### A MUNICIPAL COMMISSION.

The reforms above referred to are important and far-reaching.

The Legislature should consider the advisability of appointing a Commission or Special Committee to report:

1st. On the establishment of a Local Government Board.

2nd. On the Municipal Laws and their administration generally.

The County Council of Grey will petition the Legislature for an extension of the term of office of members of municipal councils to two years. The County Council of Leeds and Grenville will petition for power to assess the roadbed of railways at its value.

Mr. H. L. Pratt is the new clerk of the Township of Crowland, succeeding Mr. W. D. Misener.