

# Municipal Legislation.



The British North America Act provides that in each Province the Legislature may exclusively make laws in relation to municipal institutions in the Province. In Ontario municipal law is the result of a gradual development that can be traced from the parish and Town Officers' Act of 1793 to the District Councils' Act of 1841 and the Baldwin Municipal Act of 1849, which gave us municipal government in the general form that we have to-day.

The revised statutes of Ontario 1897 contain a complete consolidation of the general laws of the Province. Those referring to municipal matters, in whole or in part, are as follows :

- Chap. 3 Territorial Division of Ontario for Municipal and Judicial Purposes.
- " 4 Provisional County of Haliburton.
- " 5 Establishment of Provisional Counties in Muskoka and Parry Sound.
- " 7 Voters' Lists.
- " 40 Municipal Drainage Aid.
- " 41 Aiding Tile, Stone and Timber Drainage.
- " 44 Registration of Births, Marriages and Deaths.
- " 61 Jurors and Juries.
- " 65 Lunatics.
- " 87 Police Magistrates.
- " 102 Payment of Criminal Justice Accounts by Counties.
- " 180 Surveyors.
- " 193 Road Companies.
- " 199 Companies for supplying cities, towns and villages with gas and water.
- " 201 Companies for Steam and Heating or for supplying Electricity or Natural Gas for Light, Heat or Power.
- " 208 Street Railways.
- " 209 Electric Railways.
- " 223 The Municipal Act.
- " 224 The Assessment Act.
- " 225 Municipal Institutions in Territorial Districts.
- " 226 Municipal Drainage
- " 227 Municipal Arbitrations.
- " 228 Municipal and School Accounts.
- " 229 Provincial Municipal Auditors.
- " 230 Calling and holding of Public Meetings.
- " 231 Exemption of Firemen from Certain Services.
- " 232 Public Libraries.
- " 233 Public Parks in Municipalities.
- " 234 Power of Cities, Towns and Villages to provide gas and other means of Lighting and heating.
- " 235 Construction of Waterworks by Municipalities.
- " 236 Traveling on highways and bridges.
- " 237 Double tracks in Snow Roads.
- " 238 Exemptions from Toll.
- " 239 Purchase of Toll Roads by Municipalities.
- " 240 Snow Fences.
- " 241 Crossing of Railways by Streets, Drains and Water Mains

- Chap. 242 Use of Traction Engines on Highways.
- " 243 Planting Trees on Highways.
- " 244 Travelling Shows, Circuses and other Exhibitions.
- " 245 Licensing the Sale of Fermented or Spirituous Liquors.
- " 248 Public Health.
- " 249 Vaccination and Inoculation.
- " 250 Slaughtering of Cattle, Inspection of Meat and Milk Supplies of Cities and Towns.
- " 251 Prevention of fraud in the manufacture of Cheese and Butter.
- " 252 Prevention of fraud in the Sale of Milk.
- " 253 Prevention of fraud in the Sale of Fruit.
- " 259 Protection and Reformation of Neglected Children.
- " 263 Regulation of Egress from Public Buildings.
- " 271 Protection of Sheep and Tax on Dogs.
- " 272 Pounds and Pound Keepers.
- " 273 Contagious Diseases among Horses and other animals.
- " 276 Filling up Abandoned Oil Wells.
- " 279 Preventing the Spread of Noxious Weeds and of Diseases affecting Fruit Trees.
- " 280 Yellowed and Black Knot in Fruit Trees.
- " 284 Line Fences.
- " 285 Ditches and Watercourses.
- " 286 Ditches and Watercourses on Railway Lands.
- " 292 Public Schools.
- " 293 High Schools and Collegiate Institutes.
- " 294 Separate Schools.
- " 296 Truancy and Compulsory School Attendance.

Notwithstanding these numerous statutes and the care with which they were enacted, every session of the Legislature results in some new development calculated to improve a system of local government, said to be "the best in the world".

## SPECIAL LEGISLATION.

Municipal corporations are administrative bodies deriving their authority from the Legislature. They cannot do any act or make any contract or incur any liability not authorized thereby or by some Legislative Act applicable thereto. The necessary result of such a rule of law with the accompanying strict construction which is usual, is that municipalities often apply to the Legislature for an increase of power which it is desired to exercise. These applications are brought before the Legislature in the form of Private Bills and during the past five years, 182 have been passed. They relate to almost every phase of *municipal progress and mismanagement*.

Most of the Special Legislation is to extend the borrowing power of municipalities. During the past five years, debentures, aggregating nearly Six Millions of Dollars, were authorized, being for :

Bonus to Railways . . . . .	\$ 12,000
Bonus to Industries . . . . .	1,332,500
Public Improvements and Utilities . . . . .	3,013,638
Sinking Fund Deficiencies . . . . .	89,513
Other Purposes . . . . .	1,350,561

A reference to the statutes is necessary to ascertain full particulars of Special Legislation enacted. The following list will enable our reader to form some idea of the subjects dealt with :

- Consolidate Debt.
- Limit Borrowing Powers.
- Confirm Agreements, fixing location of Railways and Industries.
- Exempt from Taxation.
- Joint Municipal Ownership.
- Fix Assessment for term of years.
- Confirm and legalize By-laws.
- Authorize development of Electric Energy for various purposes.
- Vary Provisions of Local Improvement Sections of Municipal Act.
- Adjust School Rates.
- Commute Taxes.
- Fix School Taxes.
- Declare Council eligible for Election where sinking fund not provided.
- Reduce area of towns.
- Provide for Maintenance of Boundary Lines.
- Authorize Joint Maintenance of Bridges, not within general Act.
- Provide for Special Waterworks Management and Regulations.
- Authorize Municipality to take stock in Water or Power or Industrial Company.
- Establish a travelled road not on original allowance.
- Confirm Local Improvement By-laws and Assessments.
- Confirm Debenture By-laws.
- Extend time for Debenture payments by new issue.
- Confirm Assessment Roll.
- Incorporate Village with larger territory than general Act allows.
- Incorporate Cities with such special provisions as local conditions seem to require.
- Authorize Sale of Land.
- Authorize appointment of Assessment Commissioner and of one person as Treasurer and Collector.
- Authorize Council to prescribe duties of Assessor, and Collector.
- Authorize Council to guarantee mortgages in which sinking fund invested.
- Confirm Drainage By-laws and Assessments.
- Change name of Corporation.
- Determine proportion of debt on division of townships.
- Correct errors in returns for arrears of taxes and validate tax sales and all proceedings precedent thereto.
- To authorize Protestant Separate School Board to mortgage premises to secure loan.
- Dissolve Union School Sections and confirm award of Arbitrators.
- Make special provision re Collector's notice.
- Provide for Hospital Management.
- Confirm Irregular Procedure for collecting taxes.
- Consolidate Floating Debts.
- Authorize guarantee of electric railway and industrial bonds.
- Authorize purchase Drill Shed Site.