

New Municipal Legislation

The Municipal Amendment Act, 1907

The session of the Local Legislature for 1907 was productive of the usual number of amendments to The Municipal Act. The following are the main features of the Act, embodying these amendments: The first five sections relate to the conduct of municipal elections and the taking of proceedings to declare a seat vacant. Section 6 empowers auditors to administer oaths, Section 9 extends the borrowing power of municipal councils so as to enable them to borrow money, if necessary, to meet payments required to be made under the provisions of The Public Schools Act. Section 11 authorizes councils to expropriate lands required for corporate purposes. Section 17 contains additional provisions tending to the prevention of the smoke nuisance. Section 19 confers on the council of any municipality power to subscribe for and accept membership in any union or proposed union of Ontario municipalities. Section 21 extends the application of 617a of The Consolidated Municipal Act, 1903, to towns having an equalized assessment of less than \$1,000,000. Sections 24 to 26 (both inclusive) make provision for the settlement of disputes over bridges between counties and local municipalities, counties, and counties and separated cities and towns. Sections 27 and 28 provide for the settlement of disputes over county boundary lines and roads. Sections 31 to 36 inclusive make several amendments of more or less importance to the local improvement clauses of the Act, and sections 38 and 39 relate to police villages. The following is the full text of the Act:

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

By-Law to Elect Council by General Vote, or to Return to Ward System May be Voted on at Any Time.

1. Subsection 6 of section 71a of *The Consolidated Municipal Act, 1903*, is amended by striking out the words "at an annual municipal election," in the 4th line thereof.

By-Law to Keep Poll Open in All Cities Until 7 p. m.

2. Subsection 4 of section 128 of *The Consolidated Municipal Act, 1903*, is amended by striking out the words "of over 100,000 inhabitants" in the proviso therein.

Form of Ballot.

3. Subsection 1 of section 141 of *The Consolidated Municipal Act, 1903*, is amended by adding thereto the following words "save

in the case where two or more candidates for any office have the same surnames, in which case the christian name or names of such candidates or the initial thereof shall be printed in front of the surname and in the same font of type as the surname wherever the surname appears on the ballot paper."

Judge May Hear Evidence With a View to Making Recount.

4. Clause 1 of subsection 8 of section 189 of *The Consolidated Municipal Act, 1903*, is amended by adding thereto the following words: "and in any case where the deputy returning officers or any of them have failed to comply with the provisions of section 177 of this Act or any of them, or where from any other cause it appears desirable to do so, he may upon the application of any party to the proceedings hear such evidence as he may deem necessary for the purpose of making a full and proper recount of such ballot papers."

Time for Taking Proceedings to Declare Seat Vacant.

5. Subsection 1 of section 220 of *The Consolidated Municipal Act, 1903*, is amended by adding after the word "time" in the eighth line thereof the words "within six weeks after the facts come to the knowledge of" and by adding after the word "relator" in the ninth line thereof the word "he."

Auditor May Administer Oath.

6. Section 302 of *The Consolidated Municipal Act, 1903*, is amended by adding at the end thereof the following words:

"Any auditor appointed under this Act may administer an oath or affirmation to any person concerning any account or other matter to be audited."

7. Subsection 3 of section 304 of *The Consolidated Municipal Act, 1903*, is amended by striking out the word "from" in the sixth line thereof and substituting therefor the word "at."

By-Law to Change Mode of Issuing Debentures.

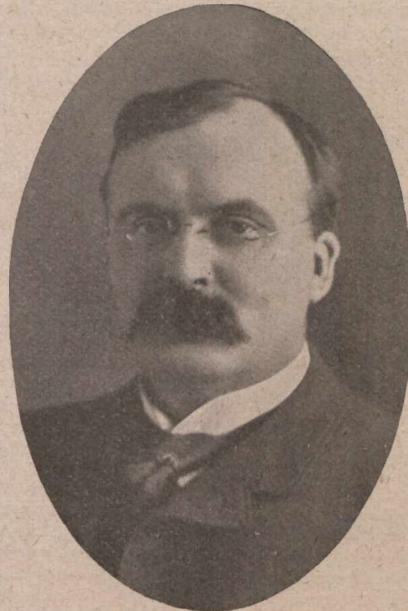
8. Section 386 of *The Consolidated Municipal Act, 1903*, is amended by adding thereto the following subsection:

(4) In the case of any by-law heretofore or hereafter passed the municipal council may by by-law authorize a change in the mode of issue of the debentures from that defined by the by-law and may direct that the debentures be issued with coupons instead of in amounts of combined principal and interest or *vice versa* (as the case may be) and in case of the sale, pledge or hypothecation of any debenture issued under the authority of any such by-law the municipal council may upon again acquiring the same or at the request of any holder thereof cancel the same and thereupon issue one or more debentures in substitution therefor and make such new debenture or debentures payable by the same or a different mode of payment, and the assent of the electors shall not be necessary in any such case provided always that there be no change in the amount to be paid in each year.

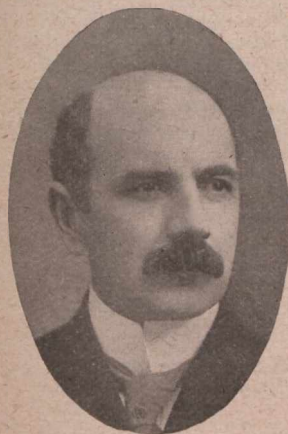
Councils Empowered to Borrow

Money for School Purposes.

9.—(1) Subsection 1 of section 435 of *The Consolidated Municipal Act, 1903*, is amended by adding after the word "corporation" in the sixth line thereof the words: "and such further sums as may be required to be paid



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MR. P. H. BARTLETT
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Mr. BARTLETT makes a specialty of municipal law, and for the past three years has been the efficient Secretary of the Municipal Committee of the Legislature. Mr. Bartlett has drafted the various amendments to The Municipal and Assessment Acts, and other bills on cognate subjects referred to the municipal committee since he has held the position.



MR. W. C. CHISHOLM
CITY SOLICITOR, TORONTO.

MR. CHISHOLM takes charge of the legislation required by his municipality, and while watching the progress of amendments in committee, does much to improve the municipal laws of the Province. He is also an active member of the Executive of the Ontario Municipal Association.