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BILL.

An Act to amend the Municipal Act of
Upper Canada.

[No. 28 of 1865—1st Session.]

Mr. POWELL.

OTTAWA:

PRINTED BY HUNTER, ROSE & CO., SALBY ST.

An Act to amend the Municipal Act of Upper Canada.

IN amendment of chapter fifty-four of the Consolidated Statutes for Preamble.
Upper Canada; Her Majesty, by and with the advice and consent
of the Legislative Council and Assembly of Canada, enacts as follows:

1. That the following words be added to the seventy-fifth section of Section 75
5 the said Act, and shall be hereafter read as part thereof, that is to say: amended.
“and who shall in case of cities have paid all municipal rates and taxes Voters in
rated and assessed against them, jointly and severally, within the city.” cities must
have paid
their taxes.

2. In addition to the oath or affirmation required by sub-section nine Section 97
of section ninety-seven of the said Act, any person claiming to vote at amended.
10 any Municipal Election in any city, shall also if required, before being
allowed to vote, swear or affirm, as the case may be, “that he has paid Must swear
all municipal rates and taxes, rated and assessed against him, either that they
separately or jointly with any other person or persons within the city.” have paid
them.

3. In case any vacancy occurs in the office of Mayor for any city or Cases of va-
15 town, by death, judicial decision or otherwise, the Clerk of the Council, cancy in the
for the time being, shall issue a notice, naming a day for a meeting of office of Mayor
the electors to take place for the nomination of candidates at the city of a city or
or town hall, and shall also, in such notice, name a day for the holding town provid-
of the different polls within the different wards, in case a poll shall be ed for.
20 demanded; and the Returning Officers appointed to hold the last
election in the different wards, or any other person or persons duly
appointed to those offices, or any of them, shall hold such new election,
and in all other respects the election shall proceed as other annual
elections of Mayor, and the person elected shall hold his seat for the
25 residue of the term for which his predecessor was elected to hold the
office to be filled.

4. Any elector may be a relator, under the one hundred and twenty- Any elector
seventh section of the said Act, whether he gave or tendered his vote may be rela-
at the election of which he complains or not, notwithstanding anything tor under
30 in the said one hundred and twenty-seventh section of the said Act section 127.
to the contrary.

5. Notwithstanding anything to the contrary in the said Act con- Offences
tained, all offences committed against the By-laws within the limits of against city
a city shall be tried at the Police Office only, as constituted under the by-laws to be
35 three hundred and sixty-ninth section of the said Act. And the tried only at
Police Magistrate may, in case of his illness or absence, request any the Police
Alderman, having jurisdiction, within the city, to preside at the Police Office.
Office, and such Alderman, so acting as Police Magistrate, shall in
such case have power to try such offences.

Taxes in a city limited to twelve and a half cents in the dollar, except only to pay present indebtedness.

6. Notwithstanding anything to the contrary in the said Act, or in any other Act of the Legislature of this Province contained, it shall not be lawful for any Council of a city, under any pretence whatever, to impose any greater rate or tax in any one year than twelve and a half cents on the dollar, on the assessed annual value of the taxable property within the city, excepting only in so far as it shall be necessary to pay off and discharge the indebtedness of the corporation existing at the time of the passing of this Act; and any tax imposed by any such Council, over and above the said rate of twelve and a half cents in the dollar (except for the purpose of paying off the *bonâ fide* indebtedness of the corporation at the time of the passing of this Act), shall, as respects such excess, be null and void to all intents and purposes, and the members of the Council who shall vote for the imposition of such tax, contrary to this Act, shall be guilty of a misdemeanor and punishable accordingly.

Penalty on Councillors voting for excess.

Section 299 amended.

7. The first paragraph of section three hundred and thirty of the said Act is hereby repealed, and the following paragraph is substituted therefor, and shall hereafter be read instead thereof, namely: "The Council of every city, county, township, town and incorporated village may pass by-laws."

New section instead of section 263

8. Section two hundred and sixty-nine of the said Act is hereby repealed, and the following section is substituted therefor:—

Indemnity to members of Township and County Councils.

"The Council of every township and county may pass by-laws for paying members of the Council for their attendance in Council, at a rate not exceeding two dollars and fifty cents per diem, and, in the case of members of County Councils only, ten cents for each mile of the distance between the place of residence of each member and the place at which the session of such township and county council is held."

Section 385 amended.

9. Section three hundred and eighty-five of the said Act is hereby amended, by adding thereto the following proviso, which shall hereafter be read as a part thereof:—

Proviso: as to Recorders holding Division Courts without extra pay.

"Provided always, that where such Recorder consents to hold the Division Courts for the city, without any salary or charge for the performance of such duty, he shall not be disqualified from practising as a barrister, advocate, attorney, solicitor or proctor in any court of Law or Equity, excepting only in such Division Court."

Section 73 amended.

10. The seventy-third section of the said Act is hereby amended by adding thereto the following words:—"No county attorney shall be qualified to be a member of the council of the corporation."

Section 63 amended. Who shall compose a city council.

11. The first paragraph of the sixty-sixth section of the said Act is hereby repealed, and the following substituted in lieu thereof: "The council of every city shall consist of the Mayor, who shall be the head thereof, and one Alderman, and one Councilman for every ward."

Sections 66 and 67 amended.

12. Sub-section four of section sixty-six, and section sixty-seven of chapter fifty-four of the said Act, are hereby amended by striking out the word "resident" in each.