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No. 17.

1st Session, 5th Parliament, 18 Victoria, 1854.

BILL.

An Act to amend the Municipal Corporations Act.

Received and Read First time, Friday, 22nd
Sept., 1854.

Second Reading, Thursday, 26th Oct., 1854.

HON. MR. J. H. CAMERON.

QUEBEC:
PRINTED BY JOHN LOVELL, MOUNTAIN STREET.

An Act to amend the Upper Canada Municipal Corporations Acts.

WHEREAS it is desirable that certain amendments should be made in the Upper Canada Municipal Corporations Acts, in reference to Cities, and further powers conferred on City Corporations, as well as certain doubts removed as to the qualifications of candidates for the offices of Aldermen and Councilmen of Municipal Corporations, Be it therefore enacted, etc., as follows: Preamble.

For and notwithstanding anything in the fourth proviso to the seventeenth section of the Act passed in the sixteenth year of Her Majesty's Reign, chaptered 181, and intituled, *An Act to amend the Municipal Acts of Upper Canada*, the said proviso shall be construed to extend and apply to the qualification of candidates for the offices of Aldermen and Councillors, as well as to the qualification of voters. To what Proviso 4, to Sec. 17 of 16 Vict. c. 181, shall apply.

II. In the eighteenth section of the said recited Act, the words "resident therein and" shall be inserted between the words "freeholders and householders of such City" and the words "seized or possessed of real estate," and that the said first mentioned words shall be and remain part of the said eighteenth section. Sec. 18 of said Act amended.

III. The following provisos shall be added to and form part of the twenty-fifth section of the said recited Act: "Provided always, firstly, that no person shall be disqualified from being such Alderman or Councillor as aforesaid, by reason of his being a proprietor, stock or shareholder of or in any incorporated Company, which shall or may have any contract or agreement with or on behalf of any Township, County, Village, Town or City as aforesaid: and provided, secondly, that the word 'contract,' in the said twenty-fifth section, shall not extend nor be construed to extend to any lease, sale or purchase of any lands, tenements or hereditaments, or to any agreement for such lease, sale or purchase, or for the loan of money, or for any security for the payment of money only, but any Alderman or Councillor having any such interest in any such contract or agreement, as in the second proviso herein mentioned, shall not vote at any meeting of the Municipal Corporation, or any Committee thereof, of which he is such Alderman or Councillor, on any question arising upon, from or out of such contract or agreement in which he is so interested as aforesaid." Provisos to be added to Sect. 25 of said Act. Proviso as to disqualification of Members of the Council, as Contractors, &c. with the Municipality.

IV. The office of Mayor of any Municipal Council of any City shall not become vacant by reason of the absence of such Mayor, in consequence of sickness or by leave of such Municipal Council, but in either of such cases it shall and may be lawful for such Municipal Council to appoint any Alderman President of such Council, and such Alderman, so appointed President, shall, during the absence of the Mayor, have all the powers and authorities, and exercise all the functions of such Mayor. Absence of Mayor not to vacate the office. Mayor pro tempore.

Council of a City may construct works for lighting it with gas or supplying it with water, and levy rate for interest of cost and sinking fund.

V. It shall and may be lawful for any Municipal Council of any City to erect, construct and build Gas and Water Works within such City or the liberties thereof, for the purpose of supplying the inhabitants of such City with gas and water, and to levy a special rate in each and every year to defray the interest of the money expended in the erection of such Works, and to form a sinking fund for the repayment of the principal thereof, at the rate of two per cent per annum, and to apply any surplus arising from such rate, over and above the amount required for the payment of interest and sinking fund, to the general purposes of such City: Provided always, that before any contract can be entered into by such Municipal Council for the erection of such Works, or any By-law passed for the levying any such rate, estimates of the intended expenditure therefor shall be published in all the newspapers in such City for the period of one month. 5 10

After what previous formalities only a contract shall be made or by-law passed under Sec. 5.

VI. No contract shall be finally agreed upon for the erection of Gas and Water Works as aforesaid, nor any By-law passed for creating any debt or levying any rate therefor as in the next preceding section, except at a meeting of such Municipal Council specially called for the purpose of considering the same, and held at least three calendar months after a copy of such By-law, at length as the same shall be ultimately passed, together with a notice of the day appointed for considering the same, shall have been published in some newspaper published weekly or oftener in such City. 15 20

Public notice and Poll before such by-law is passed.

VII. Before the final passing of any such By-law, and after the same has been published, as hereinbefore mentioned, for the space of two months, a Poll shall be opened in the several wards of such City, on the same notice being given, and such Poll shall be continued for the same time, as in cases of elections of Aldermen and Councillors for such City, and the electors qualified to vote at such elections shall and may vote at such Polls for or against such By-law, and unless two-thirds of the electors so voting shall vote in favor of such By-law, no such contract as aforesaid shall be made, nor shall any such By-law be passed by such Municipal Council. 25 30

Provision if the by-law be rejected.

VIII. After any such By-law as aforesaid, shall have been rejected by the electors as aforesaid, no other By-law for the same purpose shall be submitted to the electors of such City during the same current year.

Any Municipal Council may levy rate for making sewers.

IX. Any Municipal Council or Municipality shall and may levy an annual rate for the construction, repairing, and maintaining of any sewer or sewers, or for the payment of any interest upon the money heretofore or hereafter to be expended in the construction, repairing, or maintaining of the same, and shall and may make such rate chargeable upon the real property benefitted thereby, or upon the owners and occupiers thereof, in such manner as may be deemed most advisable, and shall or may collect such rate in the same manner and by the same means as other rates are collected by such Municipal Council or Municipality. 35 40

Sec. 140 of 12 Vic. c 81 repealed.

New clause substituted.

Certain offenders may be sentenced to imprisonment at Industrial Farm,

X. The one hundred and fortieth section of the Upper Canada Municipal Corporations Act of 1849, shall be and the same is hereby repealed; and the following clause shall stand and be enacted in the place thereof: "That it shall and may be lawful for any Court of Criminal jurisdiction, for any offence not punishable capitally, committed within the limits of such City or Town, by any offender under the age of eighteen years, and for any Recorder's Court, Mayor, Police Magistrate, or any two Aldermen or Justices of the Peace, having jurisdiction within such City or Town, for any offence not punishable with imprisonment in the Provincial 45 50

Penitentiary, committed by any offender over the age of eighteen years, to sentence or commit such offender to be imprisoned on such Industrial Farm, with or without hard labor, for such period of time as may by law be directed or allowed on the conviction of any such offender, instead of sentencing or committing such offender to any other prison or place now appointed by law for such imprisonment."

XI. The Municipal Council of such City or Town shall and may from time to time enact, vary and repeal any By-law or By-laws that may be considered requisite and necessary for the management and good government of such Industrial Farm, and also by any By-law or By-laws from time to time as aforesaid, declare what description of persons may be committed or sent to such Industrial Farm, and for what time or times, and with or without hard labor, and also by whom such committal may be made.

Council may pass by-laws for government of Industrial Farm.

XII. The Municipal Council of such City or Town may erect and build on such Industrial Farm, a Gaol and House of Correction or either of them, and such Gaol or House of Correction may be used and employed for the imprisonment of persons charged with offences within the limits of such City or Town, either before or after their conviction, as fully and effectually as any Gaol or prison may now by law be used or employed for the imprisonment of such persons.

Gaol, &c. may be erected on Industrial Farm.