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No. 88.

2nd Session, 7th Parliament, 26th Victoria

BILL.

An Act to amend the Municipal Act
per Canada. -

Received and read, 1st time, Wed
4th March, 1863.
Second reading, Monday 9th March

Mr. POWELL

QUEBEC :

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An Act to amend the Municipal Act of Upper Canada.

IN amendment of Chapter fifty-four, of the Consolidated Statutes for Preamble.
I Upper Canada:—

Her Majesty by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:—

- 5 **1.** The following words shall be added in the seventy-fifth section Section 75
of the said Act and shall hereafter be read as part thereof, that is to amended.
say:—“and who shall in case of Cities have paid all Municipal rates
and taxes rated and assessed against them, jointly or severally within
the City.”
- 10 **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.
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
all municipal rates and taxes, rated and assessed against him either
15 separately or jointly with any other person or persons within the City.”
- 3.** In case any vacancy occurs in the Office of Mayor for any City How a vacan-
or Town by death, judicial decision or otherwise, the Clerk of the Coun- cy in the of-
cil for the time being shall issue a notice, naming a day for a meeting fice of mayor
of the Electors to take place for the nomination of Candidates at the should be
20 City or Town Hall, and shall also in such notice name a day for the filled.
holding of the different Polls within the different Wards in case a Poll
shall be demanded, and the Returning officers appointed to hold the last
Election in the different Wards, or any other person or persons duly
25 appointed to those Offices, or any of them shall hold such new Election
and in all other respects the election shall proceed as other regular
annual elections of Mayor, and the persons elected shall hold his seat
for the residue of the term for which his predecessor was elected to hold
the Office to be filled.
- 4.** Any Elector may be Relator under the one hundred and twenty- Section 127
30 seventh section of the said Act, whether he gave or tendered his vote at amended.
the Election of which he complains or not, notwithstanding anything
in the said one hundred and twenty-seventh section of the said Act to
the contrary.
- 5.** Notwithstanding anything to the contrary in the said Act con- All offences
35 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
three hundred and sixty-ninth section of the said Act. And the tried at police
Police Magistrate may in case of his illness or absence request any office.
40 Alderman having Jurisdiction within the City to preside at the Police
Office, and such Alderman so acting for the Police Magistrate, shall in
such case have power to try such offences.

- 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 (excepting for the purpose of paying off the bona 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 misdemeanour and punishable accordingly. 5
- 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 as part thereof, namely, “The Council of every City, County, Township, Town and Incorporated village may pass by-laws.” 10
- 8.** Section two-hundred and sixty-nine of the said Act is hereby repealed, and the following section is substituted therefor; “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 or County Council is held.” 15
- 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: “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 Courts.” 20
- 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.” 25
- 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 of one Alderman and one Councilman for every Ward.” 30
- 12.** This Act shall be a Public Act, and applicable only to Upper Canada. 35

Taxation in cities limited.

Exception as to existing debts.

Penalty for excess.

Sect. 350 amended.

Sect. 269 amended.

Payment of councillors.

Sect. 385 amended.
Recorder holding division courts gratis.

Sect. 73 amended.

Sect 66 amended.

Public Act.