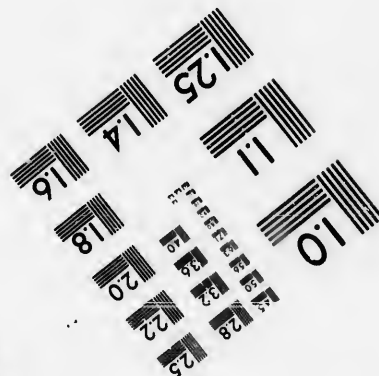
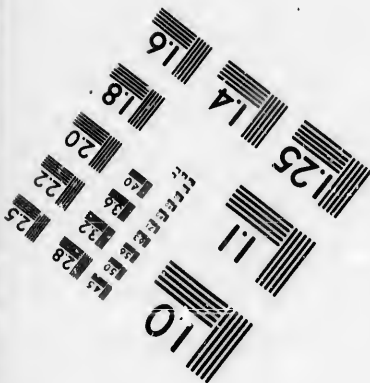
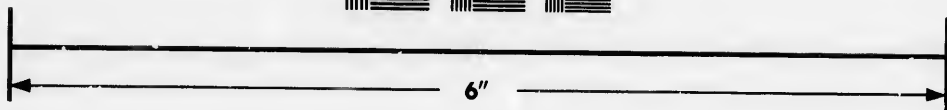
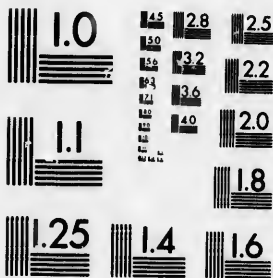


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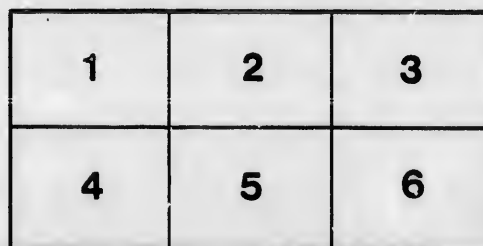
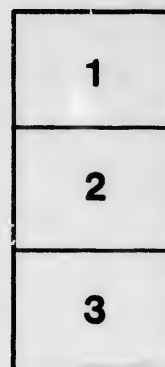
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MUNICIPAL ACT,

1887.

AND THE ACT RESPECTING THE ESTABLISHMENT OF MUNICIPAL
INSTITUTIONS IN THE DISTRICTS OF ALGOMA, MUSKOKA,
PARRY SOUND, NIPISSING, THUNDER BAY, AND
RAINY RIVER.

TOGETHER WITH

THE MUNICIPAL AMENDMENT ACT,

1888.

WITH INDEX

BY

WILLIAM W. EVATT,

OF OSGOODE HALL, BARRISTER-AT-LAW.

Toronto :

HART & COMPANY, MUNICIPAL PUBLISHERS,
31 AND 33 KING ST., WEST.

AN ACT RESPECTING THE REVISED STATUTES OF
ONTARIO, 1887.

(Chap. 2, 51 Vict. Ont.)

[Assented to March 23rd, 1888.]

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

Revised
Statutes 1887
declared in
force from
31st Decem-
ber, 1887.

1. The Revised Statutes of Ontario, as printed by the
Queen's Printer, and declared by proclamation of the Lieu-
tenant-Governor in Council, dated the twentieth day of
December last past, *to come into force on, from and after the
thirty-first day of December last past*, have been on, from and
after said day, and shall hereafter be in force in this Province,
to all intents and purposes as though the same were expressly
embodied in, and enacted by, this Act, to come into force and
have effect on, from and after said day, subject, however, to
the provisions of section 9 and following sections of the Act,
chapter two of the Acts passed by the Legislature of this
Province in the fiftieth year of Her Majesty's reign, intituled
An Act respecting the Revised Statutes of Ontario 1887, and
to the Acts passed in the present session of the Legislature.

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RESI

Title I

Title

Title I

Title

Title I

AN ACT
RESPECTING MUNICIPAL INSTITUTIONS.

(*Cap. 184, R. S. O., 1887.*)

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

PRELIMINARY.

- Short title. 1. This Act may be cited as "*The Municipal Act.*" 46 V. c. 18, s. 1.
- Interpretation of words. 2. Where the words following occur in this Act, or in the schedule thereto, they shall be construed in the manner herein-after mentioned, unless a contrary intention appears:
- "Municipality." 1. "Municipality," shall mean any locality the inhabitants of which are incorporated or are continued, or become so under this Act;
- "Local Municipality." 2. "Local Municipality," shall mean a city, town, township, or incorporated village;
- "Council." 3. "Council," shall mean the municipal council or provisional municipal council, as the case may be;
- "County." 4. "County," shall mean county, union of counties, or united counties, or provisional county, as the case may be;
- "Township." 5. "Township," shall mean township, union of townships or united townships, as the case may be;
- "County Town." 6. "County Town," shall mean the city, town, or village in which the assizes for the county are held;
- "Land,"
"Real estate"
"Real property." 7. "Land," "Lands," "Real Estate," "Real Property," shall respectively, include lands, tenements and hereditaments, and all rights thereto and interests therein;
- "Highway."
"Road."
"Bridge." 8. "Highway," "Road," or "Bridge," shall mean a public highway, road, or bridge, respectively;
- "Electors." 9. "Electors," shall mean the persons entitled for the time being to vote at any municipal election, or in respect of any by-law, in the municipality, ward, polling subdivision, or police village, as the case may be;
- "Reeve." 10. "Reeve," shall include the deputy-reeve or deputy-reeves, where there is a deputy-reeve for the municipality, except in so far as respects the office of a Justice of the Peace;
- "Next day." 11. The words "next day" shall not apply to, or include Sunday or statutory holidays. 46 V. c. 18, s. 2.

PART I.

MUNICIPAL ORGANIZATION.

TITLE I.—INCORPORATION:

TITLE II.—NEW CORPORATIONS.

TITLE I.—INCORPORATION.—Secs. 3-8.

3. The inhabitants of every county, city, town, village, township, union of counties, and union of townships incorporated at the time this Act takes effect, shall continue to be a body corporate, with the municipal boundaries of every such corporation respectively then established. 46 V. c. 18, s. 3.

4. The head and members of the council, and the officers, by-laws, contracts, property, assets and liabilities of every municipal corporation, when this Act takes effect, shall be deemed the head and members of the council, and the officers, by-laws, contracts, property, assets and liabilities of such corporation, as continued under and subject to the provisions of this Act. 46 V. c. 18, s. 4.

5. The name of every body corporate (not being a provisional corporation, continued, or erected under this Act, shall be "*The Corporation of the County, City, Town, Village, Township, or United Counties, or United Townships.* (as the case may be), of " (naming the same). 46 V. c. 18, s. 5.

6. The inhabitants of every junior county, upon a provisional council being or having been appointed for the county, shall be a body corporate under the name of "*The Provisional Corporation of the County of* " (naming it). 46 V. c. 18, s. 6.

7. The inhabitants of every county, or union of counties erected by proclamation into an independent county or union of counties, and of every township or union of townships erected into an independent township or union of townships and of every locality erected into a city, town, or incorporated village, and of every county or township separated from any incorporated union of counties or townships, and of every county or township, or of the counties or townships, if more than one, remaining of the union after the separation, being so

erected or separated after this Act takes effect, shall be a body corporate under this Act. 46 V. c. 18, s. 7.

Corporate powers to be exercised by council.

8. The powers of every body corporate under this Act shall be exercised by the council thereof. 46 V. c. 18, s. 8.

TITLE II.—NEW CORPORATIONS.

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DIV. II.—TOWNS AND CITIES.

DIV. III.—TOWNSHIPS.

DIV. IV.—COUNTIES.

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Arrangements with respect to assets and debts of Townships. Sec. 11.

Case of Village partly in two Counties provided for. Sec. 12.

Arrangements as to debts when Village transferred from one County to another. Sec. 13.

Additions to arsa. Sec. 14.

Reductions of area. Sec. 15.

Annexation of incorporated Village to adjoining Municipality. Sec. 16.

Setting apart unincorporated Village. Sec. 17 (1).

Powers of Township in relation thereto. Sec. 17 (2-4).

When population 750, county council may incorporate as a village, and name the place and returning officer for first election.

9. When the census returns of an unincorporated village, with its immediate neighbourhood, taken under the direction of the council or councils of the county or counties in which the village and its neighbourhood are situate, shew that the same contain over 750 inhabitants, and when the residences of such inhabitants are sufficiently near to form an incorporated village, then, on petition by not less than 100 resident freeholders and householders of the village and neighbourhood, of whom not fewer than one-half shall be freeholders, the council or councils of the county or counties in which the village and neighbourhood are situate shall, by by-law, erect the village and neighbourhood into an incorporated village, apart from the township or townships in which the same are situate, by a name, and with boundaries to be respectively declared in the by-law, and shall name in the by-law the place for holding the first election, and the returning officer who is to hold the same. 46 V. c. 18, s. 9.

10.—(1) No town or village incorporated after the passing of this Act, the population of which does not exceed 1000 souls shall extend over or occupy within the limits of the incorporation an area of more than 500 acres of land.

Area of town or village limited.

(2) No town or village already or hereafter incorporated and containing a population exceeding 1000 souls, shall make any further addition to its limits or area, except in the proportion of not more than 200 acres for each additional 1000 souls subsequent to the first 1000.

Regulations as to enlargement of area.

(3) In the case of towns or villages now incorporated, whenever the area thereof exceeds the proportionate limit above prescribed, to wit, in all cases where the area exceeds the proportion of 500 acres for the first 1000 souls, and 200 acres for every subsequent additional 1000, then in such cases the said towns or villages shall not be permitted to make any further addition to their limits until their population has reached such a proportion to their present area.

Existing towns or villages, area of which exceeds proportionate limit, not to be enlarged.

(4) But in all cases, the persons then actually inhabiting the land about to be included within the limits of a town or village, may, for the purpose of such extension, be held and reckoned as among the inhabitants of such town or village; and the land occupied by streets or public squares may be excluded in estimating the area of such town or village. 46 V. c. 18, s. 10.

How population and area may be reckoned.

11. In cases where an incorporated village is separated from the township or townships in which it is situate, the provisions of this Act for the disposition of the property, and payment of debts, upon the dissolution of a union of townships, shall be applicable as if the localities separated had been two townships, and the councils of such village and township or townships shall respectively perform the like duties as by such provisions devolve upon the councils of separated townships, the said village being considered as the junior township. 46 V. c. 18, s. 11.

Disposition of property and payment of debts when incorporated village is separated from township.

12.—(1) When the newly incorporated village lies within two or more counties, the councils of the counties shall, by law, annex the village to one of the counties; and if within six months after the petitions for the incorporation of the village are presented, the councils do not agree to which county the village shall be annexed, the wardens of the counties shall memorialize the Lieutenant-Governor in council, setting forth the grounds of difference between the councils; and thereupon the Lieutenant-Governor shall by proclamation, annex the village to one of such counties.

When the village lies within two or more counties it shall be annexed to one of them by the county councils or, in case of difference, by the Lieut.-Governor.

(2) In case the wardens do not, within one month next after the expiration of the six months, memorialize the Lieutenant-Governor in Council as aforesaid, then 100 of the freeholders and householders on the census list may petition the Lieutenant-Gover-

In case of failure of councils to act, freeholders, etc., may petition Lieut.-Gov.

nor in council to settle the matter, and thereupon the Lieutenant-Governor shall, by proclamation, annex the incorporated village to one of the counties. 46 V. c. 18, s. 12.

Liability of territory detached from one county and annexed to another.

13.—(1) In case a locality is, under section 12 of this Act, detached from one county and annexed to another, the council of the county to which the locality is annexed and the council of the village shall agree with the council of the county from which the locality is detached, as to the amount (if any) of the county liabilities which should be borne by the locality so detached and the times of payment thereof.

(2) If the councils do not agree within three months of the separation in respect of the said matter, the same shall be determined by arbitration under this Act; and the amount (if any) so agreed or determined shall become a debt of the county to which the locality is attached, and such locality shall, until the said amount has been paid by the proceeds of such rates, continue subject to all rates which had been, prior to the separation, imposed for the payment of county debts or for the payment of bonuses or aids granted by sections of the county to railways, or for the payment of local improvement debts.

(3) The council of the county or of the village, as the case may require, shall pass such by-laws and take such proceedings as may be necessary for levying the said rates; and shall, unless such council has previously paid the amount to the municipality so liable, pay over the same when collected to the municipality which is liable for the debt on account of which the rates were imposed.

(4) Where the councils do not agree as aforesaid, the Lieutenant-Governor in Council may, before proclamation has been made, and upon the petition of a majority of the resident freeholders and householders of the village, and with the assent of at least two of the councils of the townships in which the village is situate, annul the incorporation of the village and restore the same to its former position as an unincorporated village, and the same shall thereupon be reinstated to its former position to the same extent as if no proceedings for incorporation had ever been taken. 46 V. c. 18, s. 13.

Addition to villages by Lieutenant-Governor.

14. In case the council of an incorporated village petitions the Lieutenant-Governor to add to the boundaries thereof, the Lieutenant-Governor may, subject to the provisions of section 10 of this Act, by proclamation, add to the village any part of the localities adjacent, which, from the proximity of the streets or buildings therein, or the probable future exigencies of the village, it may seem desirable to add thereto; and in case the territory so added belonged to another county, it shall thenceforward, for all purposes, cease to belong to such other county, and shall belong to the same county as the rest of the village. 46 V. c. 18, s. 14.

15.—(1) The county council of any county or union of counties, upon the application, by petition, of the corporation of any incorporated village or town not withdrawn from the county, and with a population, as ascertained by the last municipal enumeration, not exceeding 2000, whose outstanding obligations and debts do not exceed double the net amount of the yearly rate then last levied and collected therein, may, in their discretion, by by-law in that behalf, reduce the area of such village or town by excluding from it lands used wholly for farming purposes.

Reducing the area of villages or towns.

(2) The by-law shall define, by metes and bounds, the new limits intended for such incorporated village or town.

New limits to be defined.

(3) No incorporated village or town shall, by such change of boundaries, be reduced in population below the number of 750 souls.

Population not to be reduced below 750.

(4) The municipal privileges and rights of the village or town shall not thereby be diminished, or otherwise interfered with as respects the remaining area thereof. 46 V. c. 18, s. 15.

Municipal rights of village or town not to be abridged.

16.—(1) In case the council of an incorporated village pass a resolution, by a two-thirds vote of the members thereof, declaring that it is expedient that the village should become unincorporated, and the resolution is approved by the electors in the manner required for By-laws creating debts; and in case the council of an adjoining municipality, or two or more of the adjoining municipalities, pass a resolution or resolutions approving of the territory comprised in the village being annexed to such municipality or municipalities, the Lieutenant-Governor in Council may issue a proclamation annulling the incorporation of the village, and annexing the territory included therein to such municipality or municipalities.

An incorporated village may become unincorporated and may be annexed to an adjoining municipality.

(2) If the said territory is annexed to one municipality, such municipality shall be liable for the debts of the village, and shall be entitled to its assets, but if the territory is annexed to two or more municipalities the councils of such municipalities shall, before the proclamation issues, agree between themselves, or determine by arbitration, as to the proportion of the debt of the village to be borne by them respectively, and as to the assets, or proportion of the assets, of the said village which the municipalities shall respectively receive, and the municipalities shall respectively be liable for the proportion of indebtedness as determined by the agreement or award.

(3) If the award or agreement instead of stating the proportion of the debt to be borne, as aforesaid, states the shares so to be borne in sums of money, then the fraction which is formed by taking the sum named as the amount borne by any municipality as the numerator, and the aggregate of the sums named as the amounts to be borne by the said municipalities as the denominator, shall be the proportion of the entire debt

to be borne by such municipality, whether or not the debt is accurately stated in the agreement or award.

(4) It may be part of the arrangement between the village and the municipality or municipalities that the village shall, for a time, be charged with a special rate, or that it shall be relieved of any rate, or part of a rate, imposed upon the rest of the municipality with which the village, or part of it, is to be united.

(5) In case the municipalities proposing to receive parts of the territory comprised in the village are in different counties, the provisions of this section may be acted upon with the assent (declared by resolution) of the councils, and unless such councils have previously agreed, or shall within three months of the issue of a proclamation under this section agree, as to the proportions in which the share of the county debt, which is referable to such village, shall be borne by the several counties, the same shall be determined by arbitration under this Act.

(6) Where part of the village is to be attached to a city or town separated from the county for municipal purposes, such separated city or town shall be deemed a county within the meaning of the next preceding sub-section. 46 V. c. 18, s. 16.

Setting apart
unincorporat-
ed village.

17.—(1) When any unincorporated village or settlement and its immediate neighborhood lie wholly within the limits of a township, and when the residences of its inhabitants are sufficiently near to each other, in the opinion of the council of such township municipality, to render the same desirable, the council of the township in which the same are situate may, on the petition of a majority of the ratepayers within the area to be set off, one-half of whom shall be resident freeholders, by by-law, set the unincorporated village or settlement and neighbourhood apart from the remaining portion of the township in which the same are situate, and with boundaries to be respectively defined and declared in the by-law, for the purposes hereinafter mentioned.

Jurisdiction
of township
continued.

(2) All the powers given to the council of every township by this Act shall remain in force as respects the portion of the township so set apart, and are hereby continued and extended to the council of every township wherein the portion thereof is so set apart, except so far as the same are or may be inconsistent with the enactments of this section.

Additional
powers of
township
councils.

(3) In addition to the powers given to the council of every township by this Act, the council of every township wherein a portion has been set apart under the provisions of this Act, shall have all the rights and powers conferred on the councils of cities, towns and incorporated villages by this Act, as respects

such portions as shall be so set apart, and may pass by-laws which shall apply exclusively and only to that portion of the township to set apart for the following purposes :

(a) To compel all persons (resident or non-resident) liable to statute labour within such prescribed limits, to compound for such labour at any sum not exceeding \$1 for each day's labour, and that such sum shall be paid in commutation of such statute labour, and for enforcing the payment of such commutation in money in lieu of such statute labour.

(b) For all the purposes specified in sections 612 to 630, both inclusive, of this Act. 48 V. c. 39, s. 39 (1-3).

(4) Whenever in a township two or more portions thereof shall be so set apart as aforesaid, which shall adjoin, or lie contiguous to each other, the council of the township shall have power to pass a by-law uniting such separate divisions, so previously set apart, into one division, whereupon the council shall have all the powers over, and relating to the united divisions, as if the whole area embraced within the limits of the several divisions so united had originally been set apart under the provisions of this Act in one parcel. 49 V. c. 37, s. 36.

DIVISION II.—TOWNS AND CITIES.

Towns and Cities, how formed, and limits. Secs. 18-20.

Restrictions as to area of Towns. Sec. 10.

Wards, and additions to area. Secs. 21-23.

Annexation of Incorporated Villages or Towns to adjacent Villages, Towns or Cities. Sec. 24.

Towns, how withdrawn from and re-united to jurisdiction of County. Secs. 25, 26.

18. A census of any town or incorporated village may at any time be taken under the authority of a by-law of the council thereof, 46 V. c. 18, s. 17.

19. In case it appears by the census return taken under such by-laws, or under any statute, that a town contains over 15,000 inhabitants, the town may be erected into a city; and in case it appears by the return that an incorporated village contains over 2,000 inhabitants, the village may be erected into a city; but the change shall be made by means of and subject to the following proceedings and conditions :

1. The council of the town or village shall, for three months after the census return, insert a notice in some newspaper published in the town or village, or, if no newspaper is published therein, then the council shall, for three months, post up a notice in four of the most public places in the town or village, and insert the same in a newspaper published in the

Town containing over 15,000 inhabitants may be erected into a city; and village containing over 2,000 into a town.

Notice to be given.

county town of the county in which the town or village is situate, or if there is no such newspaper, then in the newspaper published nearest to, the said town or village, setting forth in the notice the intention of the council to apply for the erection of the town into a city, or of the village into a town, and stating the limits intended to be included therein ;

Census returns to be certified, and publication of notice proved.

Village may be made a town by proclamation.

Existing debts to be adjusted in case of a town to be made a city.

Town may be made a city by proclamation.

Limits of such new town or city.

Wards.

New division of wards in cities and towns.

Extension of city or town.

2. The council of the town or village shall cause the census returns to be certified to the Lieutenant-Governor in council, under the signature of the head of the corporation, and under the corporate seal, and shall also cause the publication aforesaid to be proved to the Lieutenant-Governor in council ; then, in the case of a village, the Lieutenant-Governor may, by proclamation, erect the village into a town by a name to be given thereto in the proclamation ;

3. In case the application is for the erection of a town into a city, the town shall also pay to the county of which it forms part, such portion, if any, of the debts of the county as may be just, or the council of the town shall agree with the council of the county, as to the amount to be so paid, and the periods of payment, with interest from the time of the erection of the new city, or, in case of disagreement, the same shall be determined by Arbitration under this Act ; and upon the council proving to the Lieutenant-Governor in Council the payment, agreement or arbitration, then the Lieutenant-Governor may, by proclamation, erect the town into a city, by a name to be given thereto in the proclamation. 46 V. c. 18, s. 18.

20. The Lieutenant-Governor may include in the new town or city such portion of any township or townships adjacent thereto, and within the limits mentioned in the aforesaid notice, as, from the proximity of streets or buildings, or the probable future exigencies of the new town or city, the Lieutenant-Governor may consider desirable to attach thereto. 46 V. c. 18, s. 19.

21. The Lieutenant-Governor may divide the new town or city into wards with appropriate names and boundaries, but no town shall have less than three wards, and no ward in such town or city less than 500 inhabitants. 46 V. c. 18, s. 20.

22. In case two-thirds of the members of the council of a city or town do, in council, before the 15th day of July in any year, pass a resolution affirming the expediency of a new division into wards being made of the city or town, or of a part of the same, either within the existing limits, or with the addition of any part of the localities adjacent, which, from the proximity of streets or buildings therein, or the probable future exigencies of the city or town, it may seem desirable to add thereto respectively, or the desirability of any addition being made to the limits of the city or town, the Lieutenant-Governor may, by proclamation, divide the city or town or such part thereof into wards, as may seem expedient, and may

add to the city or town any part of the adjacent township or townships, which the Lieutenant-Governor in Council, on the grounds aforesaid, considers it desirable to attach thereto, on such terms and conditions, as to taxation and otherwise, as the Lieutenant-Governor in Council sees fit, and the council of the city or town may consent to. 46 V. c. 18, s. 21.

23. In case a tract of land so attached to the town or city belonged to another county, the same shall thenceforward, for all purposes, cease to belong to such other county, and shall belong to the same county as the rest of the town or city. 46 V. c. 18, s. 22.

Where land attached to town, etc., another county.

24.—(1) In case the council of any incorporated village or town pass a resolution affirming the expediency of the annexation of such village or town to an adjacent village, town or city, and the municipal council of such last mentioned village, town or city, pass a similar resolution, and in case the electors of the first mentioned village or town adopt a by-law, to be submitted to them, approving of such annexation, the Lieutenant-Governor in Council may, by proclamation, annex one municipality to the other, upon such terms as may have been agreed upon by the councils, or as may have been determined by arbitration, in case the councils resolve to have the terms settled by arbitration.

Annexation of incorporated villages, or town to adjacent villages, towns or cities by proclamation.

(2) Subject to any variations made by the terms agreed upon or settled in manner aforesaid, the municipality annexed to the other shall be subject to the provisions of this Act having regard to the annexation of territory to a village, town or city.

(3) In case the population admits thereof, the Lieutenant-Governor may, by the same proclamation, erect the village or town, to which the addition is made, into a town or city, by a name to be given thereto in the proclamation, and may divide or re-divide the city, town or village into wards. 46 V. c. 18, s. 23. *For time when incorporation or annexation takes effect, see s. 89.*

25. The council of any town may pass a by-law to withdraw the town from the jurisdiction of the council of the county within which the town is situated, upon obtaining the assent of the electors of the town to the by-law in manner provided by this Act, subject to the following provisions and conditions:

Town may be withdrawn from jurisdiction of county by by-law on certain conditions.

1. After the final passing of the by-law, the amount which the town is to pay to the county for the expenses of the administration of justice, the use of the gaol, and the erection and repairs of the registry office, and for providing books for the same, and for services for which the county is liable, as required by and under the provisions of any Act respecting the registration of instruments relating to lands, as well as for the then existing debt of the county, if not mutually agreed upon

Amount to be paid by town to county to be settled by agreement or arbitration.

shall be ascertained by arbitration under this Act; and the agreement or award shall distinguish the amount to be annually paid for the said expenses, and for the then debt of the county; and the number of years the payments for the debt are to be continued;

Matters to be considered by arbitrators.

2. In adjusting their award, the arbitrators shall, among other things, take into consideration the amount previously paid by the town, or which the town is then liable to pay, for the construction of roads or bridges by the county without the limits of the town; and also what the county has paid, or is liable to pay, for the construction of roads or bridges within the town; and they shall also ascertain, and allow to the town, the value of its interest in all county property, except roads and bridges within the town;

Copy of agreement or award to be sent to the Lt.-Gov. Proclamation.

3. When the agreement or award has been made, a copy of the same, and of the by-law, duly verified by affidavit, shall be transmitted to the Lieutenant-Governor, who shall thereupon issue his proclamation, withdrawing the town from the jurisdiction of the council of the county;

Effect of such proclamation.

4. After the proclamation has been issued, the offices of reeve and deputy reeve or deputy Reeves of the town shall cease; and no by-law of the council of the county thereafter made shall have any force in the town, except so far as relates to the care of the court house and gaol, and other county property in the town; and the town shall not thereafter be liable to the county for, or be obliged to pay to the county, or into the county treasury any money for county debts or other purposes, except such sums as may be agreed upon or awarded as aforesaid;

New agreement or award after five years.

5. After the lapse of five years from the time of agreement or award, or such shorter time as may be stated in the agreement or award, a new agreement or a new award may be made, to ascertain the amount to be paid by the town to the county for the expenses of the administration of justice, the use of the gaol, erection and repairs of the registry office or offices, the providing books for the same, and for services for which the county is liable, as required by and under the provisions of any Act respecting the registration of instruments relating to lands;

Property after withdrawal.

6. After the withdrawal of a town from the county all property theretofore owned by the county, except roads and bridges within the town, shall remain the property of the county. 46 V. c. 18, s. 25.

Town may after five years from withdrawal pass by-law for re-union with county.

26.—(1) The council of a town which has withdrawn from a county, or union of counties, may, after the expiration of five years from the withdrawal, pass a by-law (to be assented to by the electors in manner provided for by this Act in respect of by-laws for creating debts) to re-unite with such county or union of counties.

(2) The by-law shall have no effect unless ratified and confirmed by the council of the county or union of counties, from which the said town had previously withdrawn, within six months after the passing of the by-law, and unless the terms and conditions which the town shall pay, perform or be subject to, have been previously agreed upon or settled in manner following, that is to say:

(3) Before the by-law is confirmed by the council of the county, the councils of the town and county shall determine by agreement the amounts of the debts of the town and county respectively which shall be paid or borne by the county after the re-union, or what amount shall be payable by a special rate to be imposed upon the ratepayers of the town, over and above all other county rates, and all other matters relating to property, assets, or advantages consequent upon the re-union, and as affecting the county or town respectively, and such other terms or conditions as appear just shall be settled by such agreement; and in default of such agreement being come to within three months after the passing of the by-law by the council of the town, the said matters shall be settled by arbitration, as provided by this Act. 46 V. c. 18, s. 26.

DIVISION III.—TOWNSHIPS.

Townships, how attached to other Municipalities. Sec. 27.

When Junior Township may become a separate Corporation. Secs. 28, 29.

Arrangement of joint assets and debts. Sec. 30.

New Townships—Union of. Secs. 31, 32.

Seniority of Townships. Sec. 33.

Effect of dissolution of union of Counties on united Townships in different Counties. Sec. 34.

27. In case a township is laid out by the Crown in territory forming no part of an incorporated county, the Lieutenant-Governor may, by proclamation, annex the township, or two or more of such townships lying adjacent to one another, to any adjacent incorporated county, and erect the same into an incorporated union of townships with some other township of such county. 46 V. c. 18, s. 27.

28. When a junior township of an incorporated union of townships has 100 resident freeholders and householders on the assessment roll as last finally revised and passed, such township shall, upon the 1st day of January next after the passing of the proper by-law in that behalf by the county council, become separated from the union. 46 V. c. 18, s. 28.

In what case junior township containing 50 freeholders, etc., but less than 100, may be separated from union,

29.—(1) In case a junior township has at least 50, but less than 100 resident freeholders and householders on the last revised assessment roll, and two-thirds of the resident freeholders and householders of the township petition the council of the county to separate the township from the union to which it belongs, and in case the council considers the township to be so situated, with reference to streams or other natural obstructions, that its inhabitants cannot conveniently be united with the inhabitants of an adjoining township for municipal purposes, the council may, by by-law, separate the same from the union; and the by-law shall name the returning officer who is to hold, and the place for holding, the first election under the same.

and attached to an adjoining municipality.

(2) In case two-thirds of the resident freeholders and householders of one or more junior townships petition the council of the county to be separated from the union to which they belong, and to be attached to some other adjoining municipality, and in case the council considers that the interest and convenience of the inhabitants of the township or townships would be promoted thereby, they may, by by-law, separate the township or townships from the union, and attach the same to some other adjoining municipality. 46 V. c. 18, s. 29.

Disposition of property upon dissolution of union. Real property.

30. After the dissolution of a union of townships, the following shall be the disposition of the property of the union:

1. The real property of the union situate in the junior township, shall become the property of the junior township;

2. The real property of the union situate in the remaining township or townships of the union shall be the property of the remaining township or townships;

Other assets.

3. The two corporations shall be jointly interested in the other assets of the union, and the same shall be retained by the one, or shall be divided between both, or shall be otherwise disposed of, as they may agree;

Arrangement as to property and debts.

4. The one shall pay or allow to the other, in respect of the said disposition of the real and personal property of the union, and in respect to the debts of the union, such sum or sums of money as may be just;

How to be determined in case of disagreement.

5. In case the councils of the townships do not, within three months after the first meeting of the council of the junior township, agree as to the disposition of the personal property of the union, or as to the sum to be paid by the one to the other, or as to the times of payment thereof, the matters in dispute shall be settled by arbitration under this Act;

Amount settled to bear interest.

6. The amount so agreed upon or settled shall bear interest from the day on which the union was dissolved; and shall be provided for by the council of the indebted township like other debts. 46 V. c. 18, s. 30.

31. In case a township is laid out by the Crown in an incorporated county or union of counties, or in case there is any township therein not incorporated and not belonging to an incorporated union of townships, the council of the county or united counties shall, by by-law, unite such townships, for municipal purposes, to some adjacent incorporated township, or union of townships in the same county or union of counties 46 V. c. 18, s. 31.

New townships, etc., within the union of incorporated counties, to be united to adjacent townships, and how.

32. In case of there being at any time in an incorporated county or union of counties two or more adjacent townships not incorporated, and not belonging to an incorporated union of townships, and in case such adjacent townships have together not less than 100 resident freeholders and householders within the same, the council of the county or union of counties may, by by-law, form such townships into an independent union of townships. 46 V. c. 18, s. 32.

Townships not incorporated or united may be formed into unions.

33. Every proclamation or by-law forming a union of townships shall designate the order of seniority of the townships so united; and the townships of the union shall be classed in the by-law according to the relative number of freeholders and householders on the last revised assessment roll, or if there be no such revised assessment roll for any of such townships, then the order of seniority shall be determined by the proclamation or by-law, as the Lieutenant-Governor or county-council may think fit. 46 V. c. 18, s. 33.

Seniority of united townships, how regulated.

34. In case the united townships are in different counties the by-law shall cease to be in force whenever the union of the counties is dissolved. 46 V. c. 18, s. 34.

Effect of dissolution of union of counties on united townships in different counties.

DIVISION IV.—COUNTIES.

Counties, how formed. Sec. 35.

Seniority of united Counties. Sec. 36.

Laws applicable to union of Counties. Sec. 37.

35. The Lieutenant-Governor may, by proclamation, form into a new county any new townships not within the limits of an incorporated county, and may include in the new county one or more unincorporated townships or other adjacent unorganized territory (defining the limits thereof) not being within an incorporated county, and may annex the new county to any adjacent incorporated county; or in case there is no adjacent incorporated county, or in case the Lieutenant-Governor in Council considers the new county, or any number of such new counties lying adjacent to one another, and not belonging to any incorporated union, so situated that the inhabitants cannot conveniently be united with the inhabitants

New counties how formed by proclamation, and annexed or united.

of an adjoining incorporated county for municipal purposes, the Lieutenant-Governor may, by the proclamation, erect the new county, or new adjacent counties, into an independent county or union of counties for the said purposes, and the proclamation shall name the new county or counties. 46 V. c. 18, s. 35.

Seniority of united counties, how regulated.

36. In every union of counties, the county in which the county court house and goal are situate shall be the senior county, and the other county or counties of the union shall be the junior county or counties thereof. 46 V. c. 18, s. 36.

Laws applicable to union of counties.

37. During the union of counties, all laws applicable to counties (except as to representation in Parliament or the Legislative Assembly, and registration of titles) shall apply to the union as if the same formed but one county. 46 V. c. 18, s. 37.

DIVISION V.—PROVISIONAL COUNTY CORPORATIONS.

Provisional Corporations, formed by separation of Junior County. Sec. 38.

Provisional officers. Secs. 39, 40.

Property may be acquired on which to erect Gaol and Court House. Sec. 41.

Powers of Provisional Council not to interfere with united Corporation. Sec. 42.

Arrangement of joint assets and liabilities. Secs. 43-45.

Appointment of officials. Sec. 46.

Separation, when complete. Secs. 47, 48.

Effect of separation on judicial proceedings. Secs. 49-52.

Separation of united counties.

38. Where the census returns, taken under a statute, or under the authority of a by-law of the council of any united counties, shew that the junior county of the union contains 17,000 inhabitants or more, then if a majority of the reeves and deputy-reeves of such county, do, in the month of February, pass a resolution affirming the expediency of the county being separated from the union; and if, in the month of February in the following year, a majority of the reeves and deputy-reeves transmit to the Lieutenant-Governor in council a petition for the separation, and if the Lieutenant-Governor deems the circumstance of the junior county such as to call for a separate establishment of Courts and other county institutions, he may, by proclamation setting forth those facts, constitute the reeves and deputy-reeves in that county a provisional council, and in the proclamation appoint a time and place for the first meeting of the council, and therein name one of its members to preside at the meeting, and also therein determine the place for and the name of the county town. 46 V. c. 18, s. 38.

Appointment by proclamation of provisional council in junior county.

First meeting thereof.

County town.

39. The member so appointed shall preside in the council until a provisional warden has been elected by the council from among the members thereof. 46 V. c. 18, s. 39. Who to preside.

40. Every provisional council shall from time to time, by by-law, appoint a provisional warden, a provisional treasurer, and such other provisional officers for the county as the council deems necessary. The provisional warden shall hold office for the municipal year for which he is elected, and the treasurer and other officers so appointed shall hold office until removed by the council. 46 V. c. 18, s. 40. Appointment of provisional warden and other officers. Terms of office.

41. Every provisional council may acquire the necessary property at the county town of the junior county on which to erect a court house and gaol, and may erect a court house and gaol thereon, adapted to the wants of the county, and in conformity with any statutory or other rules and regulations respecting such buildings, and may pass by-laws for such purposes. 46 V. c. 18, s. 41. Provisional council may acquire land, and erect thereon gaol and court house.

42. The powers of a provisional council shall not interfere with the powers of the council of the union, and any money raised by the provisional council in the junior county shall be independent of the money raised therein by the council of the union. 46 V. c. 18, s. 42. Respective powers of provisional council and council of union.

43. After a provisional council has procured the necessary property, and erected thereon the proper buildings for a court house and gaol, such council, and the council of the senior or remaining counties, may enter into an agreement for the settlement of their joint liabilities and the disposition of their joint assets (other than real estate), and for determining the balance or amount that may be due by the one county to the other, and the times of payment thereof; and in determining the balance the senior or remaining counties shall assume the debts of the union, and the junior county be charged with such part thereof as may be just; and the value of the real estate, which upon the separation, becomes the property of the senior or junior county respectively, and any improvement effected by the union which either county gets the exclusive benefit of, shall also be taken into account. 46 V. c. 18, s. 43. Agreement upon dissolution as to joint liabilities and joint assets. Senior county to assume debts of union. Junior county to be charged with just proportion.

44. No member of the provisional council shall vote or take part in the council of the union on any question affecting such agreement, or the negotiation therefor. 46 V. c. 18, s. 44. When provisional councilors shall not vote.

45. In case the councils, within one month after the period mentioned in section 43, are unable to determine by agreement the several matters hereinbefore mentioned with respect to their debts, assets and property, such matters shall be settled between them by arbitration under this Act, and the county found liable shall pay to the other county the balance or amount agreed or settled to be due by such county, and such In case of disagreement, disputes to be determined by arbitration. Payment of amounts found due.

amount shall bear interest at six per centum per annum, from the day on which the union is dissolved, and shall be provided for, like other debts, by the council of the county liable therefor after separation. 46 V. c. 18, s. 45.

Appointment of Sheriff and other officials.

46. After the sum, if any, to be paid by the junior county to the senior or remaining county or counties has been paid or ascertained, by agreement or arbitration, a Judge may be appointed as provided by *The British North America Act, 1867*, and the Lieutenant-Governor or Lieutenant-Governor in Council, as the case may be, shall appoint a sheriff, one or more coroners, a clerk of the peace, a clerk of the County Court, a registrar, and at least twelve Justices of the Peace, and shall provide in the commission or commissions, that the appointments are to take effect on the day the counties become disunited. 46 V. c. 18, s. 46.

Final separation of united counties by proclamation.

47. After such appointments are made the Lieutenant-Governor, shall, by proclamation, separate the junior county from the senior or remaining county or counties, and shall declare such separation to take effect on the 1st day of January next after the end of three months from the date of the proclamation; and on that day the Courts and officers of the union (including Justices of the Peace) shall cease to have any jurisdiction in the junior county; and the real property of the corporation of the union situate in the junior county shall become the property of the corporation of the junior county, and the real property situate in the remaining county or united counties shall be the property of the corporation of the remaining county or united counties; and the other assets belonging to the corporation of the union, shall belong to and be the property of the senior or junior county or union of counties respectively, as agreed upon at the separation; and, if not otherwise disposed of by agreement or arbitration, they shall belong to and be the property of the senior county, or union of counties; and in the case of choses in action, they may be recovered in an action, or other proceeding, instituted or commenced in the name of the senior county or union of counties. 46 V. c. 18, s. 47.

Property, how divided.

Officers and property, etc., continued.

48. When a junior county is separated from a union of counties, the head and members of the provisional council of the junior county, and the officers, by-laws, contracts, property, assets and liabilities of the provisional corporation, shall be the head and members of the council, and the officers, by-laws, contracts, property, assets and liabilities of the new corporation. 46 V. c. 18, s. 48.

Execution and service of process in hands of sheriff at time of separation.

49. The dissolution of a union of counties shall not prevent the sheriff of any senior county from proceeding upon and completing the execution or service within the junior county of any writ of mesne or final process in his hands at the time

of such separation, or of any renewal thereof, or of any subsequent or supplementary writ in the same cause; or, in the case of executions against lands, from executing all necessary deeds and conveyances relating to the same, and the acts of all such sheriffs in that behalf shall be and be held and construed to be legal and valid in the same manner and to the same extent as if no separation had taken place, but no further. 46 V. c. 18, s. 49.

50. If upon a dissolution of a union of counties, there is pending an action, or other civil proceeding in which the county or town of the union has been named as the place of trial, the Court in which the action or proceeding is pending, or any Judge who has authority to make orders therein, may by consent of parties, or on hearing the parties upon affidavit, order the place of trial to be changed, and all records and papers to be transmitted to the proper officers of the new county. 46 V. c. 18, s. 50.

51. In case no such change is directed, all such actions and other civil proceedings shall be carried on and tried in the senior county. 45 V. c. 18, s. 51.

52. All Courts of the junior county required to be held at a place certain, shall be held in the county town of the junior county. 46 V. c. 18, s. 52.

DIVISION VI.—MATTERS CONSEQUENT UPON THE FORMATION OF NEW CORPORATIONS.

By-Laws to continue in force. Secs. 53, 54.

Debts and Liabilities how affected. Secs. 55-59.

Officials and their sureties, how affected. Secs. 60-63.

53. In case a village is incorporated, or village or town (with or without additional area) erected into a town or city, or a township or county becomes separated, the by-laws in force therein respectively shall continue in force until repealed or altered by the council of the new corporation; but no such by-laws shall be repealed or altered unless they could have been or can be legally repealed or altered by the council which passed the same. 46 V. c. 18, e. 53.

54. In case an addition is made to the limits of any municipality, the by-laws of such municipality shall extend to the additional limits, and the by-laws of the municipality from which the same has been detached shall cease to apply to the addition, except only by-laws relating to roads and streets, and these shall remain in force until repealed by by-laws of the municipality to which the addition has been made. 46 V. c. 18, s. 54.

Liability for debts at the time of dissolution.

55. In the case of the erection of a locality into an incorporated village, or of a village into a town, or of a town into a city, the village, town or city shall remain subject to the debts and liabilities to which the locality was previously liable, in like manner, as if the same had been contracted or incurred by the new municipality; and, after the separation of a county or township from a union, each county or township which formed the union, shall remain subject to the debts and liabilities of the union, as if the same had been contracted or incurred by the respective counties or townships of the union after the dissolution thereof. 46 V. c. 18, s. 55.

Adjustment of debts when limits extended.

56. After an addition has been made to a village, town or city by the annexation of an adjoining village, or town, or adjoining portion of a township, the city, town or village whose limits shall have been so extended, shall pay to the township or county from which the additional territory has been taken such part, if any, of the debts of the township or county as may be just, and shall be entitled to receive from and be paid by the township or county the value of the interest which the added territory had at the time of making such addition in the property and assets of the township or county, and in case the councils do not, within three months after the first meeting of the council of the municipality to which the addition has been made, agree as to the sum to be paid or received as aforesaid, or as to the time of payment, the matter shall be settled by arbitration under this Act. 48 V. c. 39, s. 2.

Debentures to be issued for debts, and to bind the old and new municipalities.

57. After the formation of a new corporation by the dissolution of a union of counties or townships, the council of the senior or remaining county or township shall issue its debentures or other obligations for any part of any debt contracted by the union for which debentures or other obligations might have been, but had not been, issued before the dissolution; and the debentures or obligations shall recite or state the liability of the junior county or township therefor under this Act; and the junior county or township shall be liable therefor as if the same had been issued by the union before the dissolution. 46 V. c. 18, s. 57.

Assessments for the year preceding dissolution.

58. All assessments imposed by the council of the then corporation for the year next before the year in which the new corporation is formed by separation therefrom, shall belong to the then corporation, and shall be collected and paid over accordingly, and after the separation all special rates for the payment of debts theretofore imposed upon the locality by any by-law of the former corporation shall continue to be levied by the new corporation; and the treasurer of the new corporation shall pay over the amount as received to the treasurer of the senior or remaining municipality, and the latter

Special rates for debts continued and to be paid over by treasurer of the junior county.

shall apply the money so received in the same manner as the money raised under the same by-law in the senior or remaining municipality. 46 V. c. 18, s. 58.

59. In case the amount paid over, as in the last preceding section provided for, or paid to any creditor of the senior or remaining municipality, in respect of a liability of the former corporation, exceeds the sum which, by the agreement or award between the councils, the new corporation ought to pay, the excess may be recovered against the senior or remaining municipality. 46 V. c. 18, s. 59.

60. In case a village is incorporated, or a village or town is erected into a town or city, or a township or county becomes separated, the council and the members thereof having authority in the locality or municipality immediately previous to the incorporation, erection or separation shall, until the council for the corporation is organized, continue to have the same powers as before; and all other officers and servants of the locality or municipality shall, until dismissed, or until successors are appointed, continue in their respective offices, with the same powers, duties and liabilities as before. 46 V. c. 18, s. 60.

61. The separation of a junior county or township from a union of counties or townships, shall not in any case or in any manner whatever effect the office, duty, power or responsibility of any public officer of the union who continues a public officer of the senior county or township, or remaining counties or townships after such separation, or the sureties of such officer, or their liability, further than by limiting such office duty, power, responsibility, suretyship and liability to the senior county or township, or remaining counties or townships. 46 V. c. 18, s. 61.

62. All such public officers shall, after the separation, be the officers of the senior county or township or remaining counties or townships as if they had originally been respectively appointed public officers for such senior county or township, or for such remaining counties or townships only. 46 V. c. 18, s. 62.

63. All sureties for such public officers shall be, and remain liable, as if they had become the sureties for such public officers in respect only of such senior county or township, or of such remaining counties or townships; and all securities which have been given shall, after the separation, be read and construed as if they had been given only for the senior or remaining county or counties, or township or townships; but nothing herein contained shall affect the right of new securities being required to be given by any sheriff, or by any clerk or bailiff, or other public officer, under any statute, or otherwise howsoever. 46 V. c. 18, s. 63.

PART II.

MUNICIPAL COUNCILS, HOW COMPOSED.

TITLE I.—THE MEMBERS.

TITLE II.—QUALIFICATION, DISQUALIFICATION, AND EXEMPTION.

TITLE I.—THE MEMBERS.

DIV. I.—IN COUNTIES.

DIV. II.—IN CITIES.

DIV. III.—IN TOWNS.

DIV. IV.—IN INCORPORATED VILLAGES.

DIV. V.—IN TOWNSHIPS.

DIV. VI.—IN PROVISIONAL CORPORATIONS.

DIVISION I.—IN COUNTIES,

*Councils. Sec. 64.**Certificate of Election, etc. Secs. 65-67.*

County Councils.

64. The council of every county shall consist of the reeves and deputy-reeves of the townships and villages within the county, and of any towns within the county which have not withdrawn from the jurisdiction of the council of the county, and one of the reeves or deputy-reeves shall be the warden. 46 V. c. 18, s. 64.

Certificates as to election and number of freeholders and householders to be filed by reeves and deputy-reeves.

65. No reeve or deputy-reeve shall take his seat in the county council until he has filed with the clerk of the county council a certificate of the township, village or town clerk, under his hand, and the seal of the municipal corporation, that such reeve or deputy-reeve was duly elected, and has made and subscribed the declarations of office and qualification as such reeve or deputy-reeve; nor, in case of a deputy-reeve, until he has also filed with the clerk of the county an affirmation or declaration of the clerk or other person having the legal cons-

tody of the last revised assessment rolls for the municipality which he represents, that there appear upon such rolls the names of at least 500 freeholders and householders in the municipality, possessing the same property qualification as voters, for the first deputy-reeve elected for the municipality, and that no alteration reducing the limits of the municipality, and the number of persons possessing the same property qualification as voters below 500 for each additional deputy-reeve, has taken place since the said rolls were last revised. 46 V. c. 18, s. 65.

66. The certificate in section 65 mentioned may be in the following form : Form of certificate as to election, etc.

I, *A. B.*, of _____, Clerk of the Corporation of the Township (Town or Village as the case may be) of _____ in the County of _____, do hereby, under my hand and the seal of the said Corporation, certify that *C. D.*, of _____, Esquire, was duly elected Reeve (or Deputy Reeve as the case may be), of the said Township (Town or Village as the case may be), and has made and subscribed the declaration of office and qualification as such Reeve (or Deputy Reeve, as the case may be).

Given under my hand and the seal of the said Corporation of _____ at _____ in the said Township (Town or Village as the case may be), this _____ day of _____, A. D. 18 _____.

{ Seal of the
Municipal
Corporation. }

A. B.
Township (Town or Village) Clerk.
46 V. c. 18, s. 66.

67. The declaration in section 65 mentioned may be in the following form : Form of declaration as to number of freeholders and householders.

I, *A. B.*, of _____, Gentleman, Clerk of the Township (Town or Village, as the case may be) of _____ in the County of _____ do hereby declare and affirm as follows :

- (1) That I am the person having the legal custody of the last revised assessment roll for the said Township (Town or Village as the case may be).
- (2) That there appear upon the said roll the names of at least hundred (500 for each Deputy Reeve) freeholders and householders in the said Township (Town or Village as the case may be), possessing the same property qualification as voters.
- (3) That no alteration reducing the limits of the said Municipality, and the number of persons possessing the same property qualification as voters below hundred (500 for each Deputy Reeve), has taken place since the said roll was last revised.

A. B.
46 V. c. 18, s. 67.

DIVISION II.—IN CITIES.

Councils. Sec. 68.

City Councils. **68.** The council of every city shall consist of the mayor, who shall be the head thereof, and three aldermen for every ward, to be elected in accordance with the provisions of this Act. 46 V. c. 18, s. 68.

DIVISION III.—IN TOWNS.

Councils. Sec. 69.

Town
Councils.

Reduction of
number of
councillors.

69.—(1) The council of every town shall consist of the mayor, who shall be the head thereof, and of three councillors for every ward where there are less than five wards, and of two councillors for each ward where there are five or more wards; and if the town has not withdrawn from the jurisdiction of the council of the county in which it lies, then a reeve shall be added, and if the town had the names of 500 freeholders and householders on the last revised assessment roll, possessing the same property qualifications as voters (notwithstanding that such persons may not be entitled to be voters), then a deputy reeve shall be added, and for every additional 500 names of persons possessing the same property qualification as voters on such roll, there shall be elected an additional deputy-reeve: Provided always that the council of every town, where there are less than five wards, may, upon a petition of not less than 100 municipal electors, pass a by-law reducing the number of councillors for each ward to two; but such by-law, before the final passing thereof, shall receive the assent of the electors of the municipality in the manner provided for in section 293 and following sections of this Act.

(2) Any time after two annual municipal elections shall have been held, under a by-law passed as provided for under this section, the council of the municipality shall, upon the presentation to the council of a petition of not less than 100 resident municipal electors, asking the council to submit a by-law to a vote of the electors, for the repeal of the by-law so passed, in accordance with section 293 of this Act, without unnecessary delay, submit such repealing by-law to a vote of the electors of the municipality; the proceedings in regard to the submission of such by-laws, both as to enacting and repeal, shall be as provided in this Act in regard to by-laws requiring the assent of the electors. 46 V. c. 18, s. 69.

DIVISION IV.—IN INCORPORATED VILLAGES.

Councils. Sec. 70.

70. The council of every incorporated village shall consist of one reeve, who shall be the head thereof, and four councillors, and if the village had the names of 500 freeholders and householders on the last revised assessment roll, possessing the same property qualification as voters (notwithstanding that such persons may not be entitled to vote), then of a reeve, deputy-reeve and three councillors, and for every additional 500 names of persons possessing the same property qualifications as voters on such roll (notwithstanding that such persons may not be entitled to be voters), there shall be elected an additional deputy-reeve instead of a councillor. 46 V. c. 18, s. 70.

DIVISION V.—IN TOWNSHIPS.

Councils. Sec. 71.

71. The council of every township shall consist of a reeve, who shall be the head thereof, and four councillors, one councillor being elected for each ward, where the township is divided into wards, and the reeve to be elected by a general vote; but if the township had the names of 500 freeholders and householders on the last revised assessment roll, possessing the same property qualification as voters (notwithstanding that such persons may not be entitled to vote), then the council shall consist of a reeve, deputy-reeve, and three councillors and for every 500 additional names of persons possessing the same property qualification as voters on such roll (notwithstanding that such persons may not be entitled to be voters), there shall be elected an additional deputy-reeve instead of a councillor. 46 V. c. 18, s. 71.

DIVISION VI.—IN PROVISIONAL CORPORATIONS.

Councils. Sec. 72.

72. The reeves and deputy-reeves of the municipalities within a junior county for which a provisional council is established, shall, *ex-officio*, be the members of the provisional council. 46 V. c. 18, s. 72.

TITLE II.—QUALIFICATION, DISQUALIFICATION,
AND EXEMPTIONS.

Div. I.—QUALIFICATION.

Div. II.—DISQUALIFICATION.

Div. III.—EXEMPTIONS.

DIVISION I.—QUALIFICATION.

In each Municipality. Sec. 73.

Nature of Estate to be possessed. Sec. 74.

In new Township where no Assessment Roll. Sec. 75.

Where only one qualified person for each seat. Sec. 76.

Qualification
of mayors,
aldermen, etc.

73. No person shall be qualified to be elected a mayor, alderman, reeve, deputy-reeve or councillor of any municipality unless such person resides within the municipality, or within two miles thereof, and is a natural born or naturalized subject of Her Majesty, and a male of the full age of twenty-one years, and is not disqualified under this Act, and has, or whose wife has, at the time of the election, as proprietor or tenant, a legal or equitable freehold or leasehold, or partly freehold and partly leasehold, or partly legal and partly equitable, rated in his own name, or in the name of his wife, on the last revised assessment roll of the municipality, to at least the value following, over and above all charges, liens, and encumbrances affecting the same;

- In villages; 1. In incorporated villages—Freehold to \$200, or leasehold to \$400;
- In towns; 2. In towns—Freehold to \$600, or leasehold to \$1,200;
- In cities; 3. In cities—Freehold to \$1,000, or leasehold to \$2,000;
- In townships; 4. In townships—Freehold to \$400, or leasehold to \$800;

And so in the same proportions in all municipalities, in case the property is partly freehold and partly leasehold;

But, if within any municipality, any such person is at the time of election in actual occupation of any such freehold, rated in his own name, or in the name of his wife, at the last revised assessment roll of the said municipality he will be entitled to be elected, if the value at which such freehold is actually rated in said assessment roll, amounts to not less than \$2,000, and for that purpose the said value shall not be affected or reduced by any lien, encumbrance or charge existing on or affecting such freehold. 50 V. c. 29, s. 2.

“Leasehold”
defined.

74. The term “leasehold” in the last preceding section shall not include a term less than a tenancy for a year, or from year to year; and the qualifications of all persons, where a qualification is required under this Act, may be of an estate, either legal or equitable, or may be composed partly of each. 46 V. c. 18, s. 74.

Nature of
estate.

75. In case of a new township erected by proclamation, for which there has been no assessment roll, every person who, at time of the first election, has such an interest in real property, and to such an amount as hereinbefore mentioned, shall be deemed to be possessed of a sufficient property qualification. 46 V. e. 18, s. 75.

76. In case in a municipality there are not at least two persons qualified to be elected for each seat in the council, a qualification beyond the qualification of an elector shall be necessary in the persons to be elected. 46 V. c. 18, s. 76.

DIVISION II.—DISQUALIFICATION.

Persons Disqualified. Sec. 77.

77. (1) No Judge of any Court of civil jurisdiction, no gaoler or keeper of a house of correction, no sheriff, deputy sheriff, sheriff's bailiff, high bailiff or chief constable of any city or town, assessor, collector, treasurer, or clerk of any municipality, no bailiff of any Division Court, no county crown attorney, no registrar, no deputy clerk of the crown, no clerk of the County Court, no clerk of the peace, no innkeeper or saloonkeeper, or shopkeeper licensed to sell spirituous liquors by retail, no license commissioner or inspector of licenses, no police magistrate, and no person having by himself or his partner an interest in any contract with or on behalf of the corporation, and no person who is counsel or solicitor, either by himself or with or through another, in the prosecution of any claim, action or proceeding against the municipality shall be qualified to be a member of the council of any municipal corporation. 46 V. c. 18, s. 77; 47 V. c. 32, s. 2.

(2) But no person shall be held to be disqualified from being elected a member of the council of any municipal corporation by reason of his being a shareholder in any incorporated company having dealings or contracts with the council of such municipal corporation, or by having a lease of twenty-one years or upwards, of any property from the corporation, but no such leaseholder shall vote in the council on any question affecting any lease from the corporation, and no such shareholder on any question affecting the company. 46 V. e. 18, s. 77.

DIVISION III.—EXEMPTIONS.

Officials and Persons exempted. Sec. 78.

78. All persons over sixty years of age, all officers of the Legislative Assembly of Ontario, and of the Senate or House of Commons of Canada, all persons in the civil ser-

vice of the Crown, all Judges not disqualified by the last preceding section, all coroners, all persons in priests' orders, clergymen and ministers of the Gospel of every denomination, all members of the Law Society of Ontario, whether barristers or students, all solicitors in actual practice, all officers of Courts of Justice, all members of the medical profession, whether physicians or surgeons, all professors, masters, teachers and other members of any university, college or school in Ontario, and all officers and servants thereof, all millers, and all firemen belonging to an authorized fire company—are exempt from being elected or appointed members of a municipal council, or to any other municipal office. 46 V. c. 18, s. 78. See also as to *Firemen*, Cap. 188, ss. 2-4.

PART III.

MUNICIPAL ELECTIONS.

TITLE I.—ELECTORS.

TITLE II.—ELECTIONS.

TITLE I.—ELECTORS.

DIVISION I.—QUALIFICATION.

Freehold, Household, Income, or Farmers' Sons. Sec. 79.

Amount of rating requisite. Sec. 80.

Persons in default for non-payment of taxes. Sec. 81.

Elector must be named on voters' list. Sec. 82.

In New Municipality having no Assessment Roll. Sec. 83.

Where new Territory added. Sec. 84.

Joint or several rating on same property. Secs. 85, 86.

Householder, definition of. Sec. 87.

Qualification
of electors.

79.—(1) Subject to the provisions of the next following eight sections the right of voting at municipal elections shall belong to the following persons, being men, or unmarried women, or widows, of the full age of twenty-one years, and subjects of Her Majesty by birth or naturalization, being rated, to the amount hereinafter provided, on the revised assessment roll, upon which the voters' list used at the election is based, of the municipality, for real property held in their own right (or, in the case of married men, held by their wives), or for income, and having received no reward and having no expectation of reward for voting:

Firstly. All persons, whether resident or not, who are, in their own right or whose wives are, at the date of the election, freeholders of the municipality ;

Secondly. All residents of the municipality, who have resided therein for one month next before the election, and who are or whose wives are, at the date of the election, householders or tenants in the municipality ;

Thirdly. All residents of the municipality at the date of the election, who have continuously resided therein since the completion of the last revised assessment roll therefor, and who are in receipt of an income from some trade, office, calling or profession, of not less than \$400 ;

Fourthly. All residents of the municipality at the date of the election who are farmers' sons, and have resided in the municipality on the farm of their father or mother for twelve months next prior to the return by the assessors of the assessment roll, on which the voters' list used at the election is based.

(2) If there are more sons than one so resident, and if the farm is not rated and assessed at an amount sufficient, if divided between them, to give a qualification to vote to the father and all the sons, where the father is living, or to the sons alone where the father is dead and the mother is a widow, then the right to vote shall belong to and be the right only of the father and such of the eldest or elder of said sons to whom the amount at which the farm is rated and assessed will, when equally divided between them, give the qualification to vote.

(3) If the amount at which the farm is so rated and assessed is insufficient, if equally divided between the father, if living, and one son, to give to each a qualification to vote then the father shall be the only person entitled to vote in respect of such farm.

(4) Occasional or temporary absence from the farm for a time or times not exceeding in the whole four months of the twelve hereinbefore mentioned, shall not operate to disentitle a farmer's son to vote.

(5) In this section :

"Farm" shall mean land actually occupied by the owner thereof, and not less in quantity than twenty acres ;

"Son" or "sons" or "farmer's son" or "farmers' sons" shall mean any male person or persons not otherwise qualified to vote, and being the son or sons of an owner and actual occupant of a farm

"Father" shall include stepfather ;

"Election" shall mean an election for a member to a municipal council ;

"To vote" shall mean to vote at an election ; and

"Owner" shall mean a person who is proprietor in his own right, or whose wife is proprietor in her own right, of an estate for life, or any greater estate, either legal or equitable, except where the owner is a widow, and in such latter case the word "owner" shall mean proprietor in her own right of any such estate. 46 V. c. 18, s. 79; 47 V. c. 32. s. 3; 50 V. c. 8, sched.

Amount of rating necessary.

80. In order to entitle a person to vote as aforesaid in respect of real property, such property, whether freehold or household or partly each, must be rated at an actual value of not less than the following:

In Townships—\$100.

In Incorporated Villages—\$200.

In Towns—\$300.

In Cities—\$400. 46 V. c. 18, s. 80.

Persons in default for non-payment of taxes not to vote.

81. No person who has been returned by the treasurer or collector under section 119 as in default for non-payment of his taxes on or before the 14th day of December next preceding any election, shall be entitled to vote in respect of income in any municipality or in respect of real property in municipalities which have passed by-laws under sub-section 2 of section 489, but any person who is entitled to vote and who produces and leaves with the deputy-returning officer at the time of the tendering of the vote a certificate from the treasurer of the municipality, or the collector of taxes, shewing that the taxes in respect of which the default had been made have since been paid, shall be entitled to vote; and the deputy-returning officer shall file the certificate, receive the vote and note the same on the defaulters' lists. 46 V. c. 18, s. 81; 50 V. c. 29, s. 3.

Electors must be named in voters' list.

No question of qualification to be raised.

82. Except in the case of a new municipality for which there is no assessment roll, no person shall be entitled to vote at any election, unless he is one of the persons named or purporting to be named in the proper list of voters; and no question of qualification shall be raised at any election, except to ascertain whether the person tendering his vote is the same person as is intended to be designated in the list of voters. 46 V. c. 18, s. 82.

In newly erected municipalities not having any assessment roll.

83. At the first election of a new municipality for which there is no separate assessment roll, every resident male inhabitant, though not previously assessed, shall be entitled to vote if he possesses the other qualifications above mentioned, and has at the time of the election sufficient property to have entitled him to vote if he had been rated for such property. 46 V. c. 18, s. 83.

84. Where any territory is added for municipal purposes to any city, town or village, or where a town with additional territory is erected into a town, or in case a new village is formed, and an election takes place before voters' lists including the names of persons entitled to vote in such territory are made out for such new or enlarged city, town or village, or before such lists are certified by the County Judge, then all persons who would have been qualified as electors in such territory if the same had remained separate from the city, town or village, or if such town or village had not been erected into a city or town, or if such village had not been formed, shall be entitled to vote in the city, town or village at such election. 46 V. c. 18, s. 84.

Where new territory added to city, town or village or a new city, town or village erected with added territory, and no voters' lists including such new territory.

85. In case both the owner and occupant of any real property are rated severally but not jointly therefor, both shall be deemed rated within this Act. 46 V. c. 18, s. 85.

owner and occupant severally rated both to be deemed rated.

86. Where real property is owned or occupied jointly by two or more persons, and is rated at an amount sufficient, if equally divided between them, to give a qualification to each, then each shall be deemed rated. 46 V. c. 18, s. 87.

When joint owners or occupants rated, rating to be equally divided.

87. Every occupant of a separate portion of a house, such portion having a distinct communication with a public road or street by an outer door, shall be deemed a householder within this Act. 46 V. c. 18, s. 87.

"Householder" defined.

TITLE II.—ELECTIONS.

- DIV. I.—TIME AND PLACE OF HOLDING.
- DIV. II.—RETURNING OFFICERS AND DEPUTY-RETURNING OFFICERS.
- DIV. III.—OATHS.
- DIV. IV.—PROCEEDINGS PRELIMINARY TO THE POLL.
- DIV. V.—THE POLL.
- DIV. VI.—MISCELLANEOUS PROVISIONS.
- DIV. VII.—VACANCIES IN COUNCIL.
- DIV. VIII.—CONTROVERTED ELECTIONS.
- DIV. IX.—PREVENTION OF CORRUPT PRACTICES.

DIVISION I.—TIME AND PLACE OF HOLDING.

- In Municipalities other than Counties. Sec. 88;*
- In new or altered Municipalities. Sec. 89.*
- Place, how fixed. Sec. 90.*

In separated Townships. Secs. 91, 92.

Election of Reeves, etc., in Townships and Villages. Sec. 93.

Election Divisions. Sec. 94.

Where Elections shall be held. Secs. 95, 96.

88. The electors of every municipality (except a county) shall elect annually, on the first Monday in January, the members of the council of the municipality, except such members as have been elected at the nomination; and the persons so elected shall hold office until their successors are elected or appointed and sworn into office, and the new council is organized. 46 V. c. 18, s. 88.

First elections where corporations are newly erected or extended.

Time of elections.

89. In case of the incorporation of a new township or union of townships; or of the separation of a junior township from a union of townships; or of the erection of a locality into an incorporated village; or of the erection of a village into a town or of a town into a city; or of an additional tract of land being added to an incorporated village, town or city; or in case of a new division into wards of a town or city,—the first election, under the proclamation or by-law by which the change was effected, shall take place on the first Monday in January next after the end of three months from the date of the proclamation, or from the passing of the by-law by which the change is made, and until such day the change shall not go into effect; but the nomination of candidates and the election of such officers as are unopposed, may, and shall be proceeded with at the same time and in the same manner as if such change had gone into effect on the last Monday of the month of December preceding such first election, or on such other day as the nominations may lawfully be held upon. 46 V. c. 18, s. 89.

Place to be fixed by by-law of municipalities.

90. The council of every city, town and village municipality (including a village newly erected into a town, and a town newly erected into a city), shall from time to time, by by-law, appoint the place or places for holding the next ensuing municipal election, otherwise the election shall be held at the place or places at which the last election for the municipality or wards or polling subdivisions was held. 46 V. c. 18, s. 90.

County council to appoint place of first election in junior townships after separation.

91. When in any year a junior township of a union has 100 resident freeholders and householders on the then last revised assessment roll, the council of the county shall, by a by-law to be passed before the thirty-first day of October in the same year, fix the place for holding the first annual election of councillors in the township, and appoint a returning officer for holding the same, and otherwise provide for the due holding of the election according to law. 46 V. c. 18, s. 91.

92. In case of the separation of a union of townships, the Existing ward existing divisions into wards, if any, shall cease, as if the same had been duly abolished by by-law, and the elections of councillors shall be by general vote, until the township or townships are divided into polling subdivisions or wards under the provisions of this Act. 46 V. c. 18, s. 92.

93. The election, in townships and incorporated villages, of reeves, deputy-reeves and councillors, shall be by general vote, except in the case of deputy-reeves and councillors in townships divided into wards, and shall be held at the place or places where the last meeting of the council was held, or in such other place or places as may be from time to time fixed by by-law. 46 V. c. 18, s. 93.

94. In case a majority of the qualified electors of a township on the last revised assessment roll petition the council of the township to divide the township into wards, or to abolish or alter any then existing division into wards, the council shall, within one month thereafter, pass a by-law to give effect to such petition; and, if such petition is for division into wards, shall divide such township into wards, having regard to the number of electors in each ward being as nearly equal as may be; and the number of wards for municipal purposes shall be four in all cases; and where the township is divided into wards, and is entitled to one or more deputy reeves, the councillors shall, at their first meeting, elect from among themselves such deputy-reeve or reeves. 46 V. c. 18, s. 94.

95. Every election shall be held in the municipality to which the same relates. 46 V. c. 18, s. 95.

96. No election of township councillors shall be held in any city, town or incorporated village, nor shall any election for a municipality, or any ward thereof, be held in a tavern or in a house of public entertainment licensed to sell spirituous or fermented liquors. 46 V. c. 18, s. 96.

DIVISION II.—RETURNING OFFICERS AND DEPUTY-RETURNING OFFICERS.

When election by polling subdivisions Sec. 97.

When not. Sec. 98.

Death or absence, provision for. Sec. 99.

Authority of. Secs. 100, 101.

Special Constables. Sec. 101.

97.—(1) The council of every municipality in which the election is to be made by wards or polling subdivisions, shall, from time to time, by by-law, appoint:

By-law for an election by wards or polling subdivisions.

- (a) The places for holding the nomination for each ward ;
- (b) The returning officers who shall respectively hold the nominations for each ward ;
- (c) The places at which polls will be opened in the municipality in case a poll is required ;
- (d) The deputy returning officers who shall preside at the respective polling places.

Clerk of municipality to be returning officer for whole municipality.

(2) The clerk of the municipality shall be the returning officer for the whole municipality, and in case of a poll being required, the deputy returning officers shall make to him the returns for their respective wards or polling subdivisions. 46 V. c. 18, s. 97.

Returning officer for elections not by wards or polling subdivisions.

98. In the case of a municipality in which the election is not to be by wards or polling subdivisions, the clerk shall be the returning officer to hold the nomination of candidates at all elections after the first, and shall also perform all the duties hereinafter assigned to deputy-returning officers. 46 V. c. 18, s. 98.

The death or absence of the returning officer or deputy returning officer provided for.

99. In any case where a deputy-returning officer refuses or neglects to attend at the time and place he is required by the returning officer to receive his voters' lists, and other election papers, the clerk of the municipality as returning officer shall appoint another person to act in his place and stead, and the person so appointed shall have all the powers and authority that he would have had if he had been appointed by by-law. In case, at the time appointed for holding a nomination or poll, the person appointed to be returning officer or deputy-returning officer has died, or does not attend to hold the nomination or poll within an hour after the time appointed, or in case no returning officer or deputy-returning officer has been appointed, the electors present at the place for holding the nomination or poll may choose from amongst themselves a returning officer or deputy-returning officer, and such returning officer or deputy-returning officer shall have all the powers, and shall forthwith proceed to hold the nomination or poll, and perform all the other duties of a returning officer or deputy-returning officer. 46 V. c. 18, s. 99 ; 50 V. c. 29, s. 4.

Returning officers and deputy returning officers to be conservators of the peace ; their powers.

100. Every returning officer and deputy-returning officer shall, during the days of the election, or of the voting of electors upon a by-law, act as a conservator of the peace for the city or county in which the election or voting is held ; and he, or any Justice of the Peace having jurisdiction in the municipality in which the election or voting is held, may cause to be arrested, and may summarily try and punish by fine or imprisonment, or both, or may imprison or bind over to keep the peace, or for trial, any riotous or disorderly person, who assaults, beats, molests or threatens any voter coming to or

remaining at, or going from the election or voting; and, when thereto required, all constables and persons present at the election or voting, shall assist the returning officer, or deputy-returning officer, or Justice of the Peace. 46 V. c. 18, s. 100.

101. Every returning officer, or deputy-returning officer, or Justice of the Peace may appoint and swear in any number of special constables to assist in the preservation of the peace and of order at an election or at the voting of electors upon a by-law; and any person liable to serve as constable, and required to be sworn in as a special constable by a returning officer or deputy-returning officer, or justice, shall, if he refuses to be sworn in or to serve, be liable to a penalty of \$20, to be recovered to the use of any one who will sue therefor. 46 V. c. 18, s. 101.

DIVISION III.—OATHS.

Of freeholder. Sec. 102.

Of householder or tenant. Sec. 103.

Of income voter. Sec. 104.

Of farmer's son. Sec. 105.

Administering. Sec. 106.

102. The only oaths or affirmations to be required of a person claiming to vote in respect of a freehold, shall be as follows, or to the like effect.

You swear (or solemnly affirm) that you are the person named, or purporting to be named, in the list (or supplementary list) of voters now shewn to you (*showing the list to the voter*);

(*In the case of an unmarried woman or widow claiming to vote.*) That you are unmarried (or a widow, as the case may be);

That you are in your own right (or your wife is) a freeholder.

That you are a natural born (or naturalized) subject of Her Majesty, and of the full age of twenty-one years;

(*In the case of Municipalities not divided into wards.*) That you have not voted before at this election, either at this or any other polling place.

(*In the case of Municipalities divided into wards.*) That you have not voted before at this election, either at this or any other polling place in this Ward and (if the elector is tendering his vote for Mayor, Reeve, or Deputy-Reeve) that you have not voted before or elsewhere in this Municipality at this election for Mayor, (Reeve or Deputy-Reeve as the case may be);

That you have not directly or indirectly received any reward or gift, nor do you expect to receive any, for the vote which you tender at this election;

That you have not received anything, nor has anything been promised to you, directly or indirectly, either to induce you to vote at this election, or for loss of time, travelling expenses, hire of team, or any other service connected with this election;

And that you have not directly or indirectly paid or promised anything to any person either to induce him to vote or refrain from voting at this election :

So help you God.

In new
municipality
where no as-
sessment roll.

(*In the case of a new Municipality in which there has not been any assessment roll, then instead of referring to the list of voters, the person offering to vote may be required to state in the oath the property in respect of which he claims to vote.*)

46 V. c. 18, s. 102 ; 47 V. c. 32, s. 4.

Oath of house-
holder or
tenant.

103. The oath or affirmation to be required of a person claiming to vote as householder or tenant, shall be as follows or to the like effect :

You swear (or solemnly affirm) that you are the person named, or purporting to be named, in the list, (or supplementary list) of voters now shewn to you (*shewing the list to the voter*) ;

(*In the case of an unmarried woman or widow claiming to vote.*) That you are unmarried (or a widow, as the case may be) ;

That on the _____ day of _____ 18 (*the day certified by the Clerk of the Municipality as the date of the return, or of the final revision and correction of the assessment roll upon which the voters' list used at the election is based*) you were actually, truly, and in good faith, possessed to your own use and benefit, as tenant or occupant, of the real estate in respect of which your name is entered on the said list ;

That you are (or your wife is) a householder or tenant within this Municipality ;

That you have been resident within this Municipality for one month next before this election ;

That you are a natural-born (or naturalized) subject of Her Majesty, and of the full age of twenty-one years ;

(*In the case of municipalities not divided into wards.*) That you have not voted before at this election, either at this or any other polling place ;

(*In the case of municipalities divided into wards.*) That you have not voted before at this election, either at this or any other polling place in this Ward, and (*if the elector is tendering his vote for Mayor, Reeve, or Deputy Reeve*) that you have not voted before or elsewhere in this Municipality at this election for Mayor, (Reeve or Deputy Reeve, as the case may be) ;

That you have not, directly or indirectly, received any reward or gift, nor do you expect to receive any, for the vote which you tender at this election ;

That you have not received anything nor has anything been promised to you directly or indirectly, either to induce you to vote at this election, or for loss of time, travelling expenses, hire of team, or any other service connected with this election ;

And that you have not directly or indirectly paid or promised anything to any person either to induce him to vote or refrain from voting at this election ;

So help you God.

In new
municipality
where no as-
sessment roll.

(*In the case of a new Municipality in which there has not been any assessment roll, then, instead of swearing to residence for one month next before the election, and referring to the list of voters, the person offering to vote may be required to state in the oath the property in respect of which he claims to vote, and that he is a resident of such Municipality.*) 46 V. c. 18, s. 103 ; 47 V. c. 32, s. 4.

104. The oath or affirmation to be required of a person claiming to vote in respect of income shall be as follows: Oath of income voter.

You swear (or solemnly affirm) that you are the person named (or purporting to be named by the name of _____) on the list (or supplementary list) of voters now shewn to you (*showing the list to the voter*);

(*In the case of a widow or unmarried woman claiming to vote.*) That you are unmarried (or a widow, as the case may be);

That on the _____ day of _____ 18____ (*the day certified by the Clerk of the Municipality as the date of the final revision and correction of the assessment roll upon which the voter's list used at the election is based*), you were, and thenceforward have been continuously, and still are, a resident of this Township (City, Town or Village as the case may be);

That at the said date, and for twelve months previously, you were in receipt of an income from your trade (office, calling, or profession as the case may be) of a sum of not less than \$400;

That you are a subject of her Majesty by birth (or naturalization, as the case may be); and are of the full age of twenty-one years;

(*In the case of Municipalities not divided into Wards.*) That you have not voted before at this election, either at this or any other polling place;

(*In the case of Municipalities divided into Wards.*) That you have not voted before at this election, either at this or any other polling place in this Ward, and (if the elector is tendering his vote for Mayor, Reeve or Deputy Reeve) that you have not voted before or elsewhere in this Municipality at this election for Mayor (Reeve or Deputy Reeve, as the case may be);

That you have not received anything, nor has anything been promised you, either directly or indirectly, either to induce you to vote at this election, or for loss of time, travelling expenses, hire of team, or any other service connected with this election;

And that you have not, directly or indirectly, paid or promised anything to any person, either to induce him to vote or refrain from voting at this election:

So help you God. 46 V. c. 18, s. 104; 47 V. c. 32, s. 4.

105. The oath or affirmation to be required from a farmer's son claiming to be entitled to vote shall be as follows: Oath of farmer's son.

You swear (or solemnly affirm) that you are the person named (or purporting to be named by the name of _____) in the list (or supplementary list) of voters now shewn to you (*showing the list to the voter*);

That on the _____ day of _____ 18____ (*the day certified by the Clerk of the Municipality, as the date of the return, or of the final revision and correction of the assessment roll upon which the voters' list used at the election is based, as the case requires*), A. B. (*naming him or her*), was actually, truly, and in good faith possessed to his (or her) own use and benefit as owner, as you verily believe, of the real estate in respect of which your name is so as aforesaid entered on said list of voters;

That you are a son of the said A. B.;

That you resided on the said property for twelve months next before the said day, not having been absent during that period, except temporarily, and not more than four months in all;

That you are still a resident of this Municipality, and entitled to vote at this election;

That you are a subject of Her Majesty by birth (or naturalization as the case may be); and are of the full age of twenty-one years;

(In the case of municipalities not divided into wards.) That you have not voted before at this election, either at this or any other polling place;

(In the case of municipalities divided into wards.) That you have not voted before at this election, either at this or any other polling place in this Ward, and (if the elector is tendering his vote for Mayor, Reeve or Deputy-Reeve) that you have not voted before or elsewhere in the Municipality at this election for Mayor, (Reeve or Deputy-Reeve as the case may be);

That you have not received anything, nor has anything been promised you, directly or indirectly, either to induce you to vote at this election, or for loss of time, travelling expenses, hire of team, or any other service connected with this election.

And that you have not directly or indirectly paid or promised anything to any person either to induce him to vote or refrain from voting at this election:

So help you God.

46 V. c. 18, s. 105.

When and how oaths are to be administered.

106. Such oaths or affirmations shall be administered by the returning officer or deputy-returning officer as the case may be, at the request of any candidate or his authorized agent, and no inquiries shall be made of any voter, except with respect to the facts specified in such oaths or affirmations. 46 V. c. 18, s. 106.

DIVISION IV.—PROCEEDINGS PRELIMINARY TO THE POLL.

Nomination Meetings. Secs. 107-111.

Presiding Officer. Secs. 108, 110, 114.

Provision for Christmas Day. Sec. 112.

Interval between Nomination and Election in Townships. Sec. 113.

Notice of Nomination. Sec. 115.

Proceedings at Nomination. Sec. 116.

Poll, when and where to be held. Sec. 116.

Resignations—Notifications as to Candidates. Sec. 117.

Votes to be given by Ballot. Sec. 118.

List of Defaulters in payment of Taxes. Sec. 119.

Ballot Boxes. Sec. 120.

Ballot Papers. Secs. 121-123.

Polling Places. Secs. 124, 125.

Ballot papers, voters' lists, etc., to be furnished to Deputy Returning Officers. Secs. 124, 126, 129-132, 135.

Directions to Voters. Secs. 126, 127.

Voters' and Defaulters' Lists. Secs. 128-134.

Certificates as to the Assessment Roll. Sec. 135.

In Municipalities not divided into Wards, Clerk to perform duties of Deputy Returning Officer. Sec. 136.

Where Electors may vote. Secs. 137-141.

Penalty for voting twice for Mayor, etc. Sec. 140.

107. A meeting of the electors shall take place for the nomination of candidates for the office of mayor in cities, and for mayor, reeve and deputy-reeves in towns, at the hall of the municipality, on the last Monday in the month of December, annually, at ten of the clock in the forenoon, and the deputy-reeves shall be designated as first, second, third, etc.; according to the number to be elected. 46 V. c. 18, s. 107.

Meeting for nomination of mayor, reeve, deputy reeves, etc.

108. The clerk of the municipality shall be the returning officer to preside at such meeting, or in case of his absence, the council shall appoint a person to preside in his place; and if the clerk or the person so appointed does not attend, the electors present shall choose a chairman or person to officiate, from among themselves, and such clerk or chairman shall have all the powers of a returning officer. 46 V. c. 18, s. 108.

The clerk to preside. Chairman.

109. A meeting of the electors shall take place for the nomination for candidates for the offices of aldermen in cities, councillors in towns, and of reeves, deputy-reeves and councillors in townships not divided into wards, and incorporated villages, at noon, on the last Monday in December, annually, at the town hall of such municipalities, or at such place therein, and in cities and towns at such places in each ward thereof, as may from time to time be fixed by by-law, subject, in the case of townships, to the provisions of section 111; and the deputy-reeves shall be designated as first, second, third, etc., according to the number to be elected. 46 V. c. 18, s. 109.

Meetings in cities, towns, etc., for nomination of aldermen, etc.

110. In townships divided into wards, the nomination of candidates for the office of reeve shall be held at ten of the clock in the forenoon on the last Monday in December, at such place in the township as may from time to time be fixed by by-law, and the township clerk shall preside; the nomination of candidates for the office of councillor, to be elected for each ward, shall take place at noon, at the town hall of the township or at such place in the township or in each ward as may be fixed by by-law; subject, however, to the provisions of section 111. 46 V. c. 18, s. 110.

In townships divided into wards.

111. Where a township is so situated that the territory of such township adjoins the limits of any city, town, or incorporated village, such city, town, or village may be designated by by-law as the place of meeting for the nomination of candidates for the offices of reeves, deputy-reeves, and councillors, as the case may be, under and in accordance with the provisions of the preceding two sections of this Act. 48 V. c. 39, s. 5.

Place of meeting for nomination of reeves, etc.

112. When the last Monday in December happens to be Christmas day, the nomination of candidates for the offices of mayor and aldermen in cities, and of mayor, reeve, deputy-

If nomination day falls on Christmas day.

reeve and councillors in other municipalities, shall take place on the preceding Friday, at the times and places and in the manner prescribed by law. 46 V. c. 18, s. 111.

County council may by by-law lengthen time between nomination and polling in townships.

113.—(1) Every county council may, by by-law, made on or before the 1st day of July in any year provide that the day for the nomination of candidates for reeve, deputy-reeves, and councillors in townships shall be upon the last Monday but one in December, but all the other provisions of law relating to municipal elections shall apply to the elections in such townships.

Copy of by-law to be sent to townships affected.

(2) Forthwith, after the passing of such by-law, the county clerk shall transmit a copy thereof to the clerks of the townships to which the same relates. 46 V. c. 18, s. 112.

Presiding officer.

114. The returning officer appointed for each ward, as in section 97 mentioned, or the clerk as the case may be, shall respectively preside at the meeting for the nomination of candidates, and in case of the absence of such presiding officer, the meeting may choose a chairman. 46 V. c. 18, s. 113.

Notice of nomination meeting.

115. The clerk or other returning officer whose duty it is to preside at the meeting for the nomination of candidates shall give at least six days' notice of such meeting. 46 V. c. 18, s. 114.

Nomination and proceedings incident thereto.

Poll—when and where to be held.

116. At the said meetings, the person or persons to fill each office shall be proposed and seconded *seriatim*; and if only one candidate for any particular office is proposed, the clerk or other returning officer or chairman shall, after the lapse of one hour from the time fixed for holding the meeting, declare such candidate duly elected for such office. But if two or more candidates are proposed for any particular office, and if a poll is required by them respectively, or by any elector, the clerk or other returning officer or chairman shall adjourn the proceedings for filling such office until the first Monday in January next thereafter, when a poll or polls shall be opened in each ward or polling subdivision, at such place or places respectively as may be fixed by the by-law of the said councils for the election, at nine of the clock in the morning, and shall continue open until five of the clock in the afternoon, and no longer. 46 V. c. 18, s. 115.

Resignation of persons proposed for office at nomination meetings.

Proviso.

117. At the nomination meeting or at any time within two days thereafter, any person proposed for one or more offices may resign, or elect for which office he is to remain nominated; and in default he shall be taken as nominated for the office in respect of which he was first proposed and seconded; the clerk or other returning officer or chairman shall, on the day following that of the nomination, post up in the office of the clerk of the municipality the names of the persons proposed for the respective offices; provided always, that the resignation after

the nomination meeting of any person so proposed shall be in writing, signed by him and attested by a witness, and shall, within said two days, be delivered to the clerk of the municipality; provided, also, that if by reason of such resignation only one candidate remains proposed for a particular office, the clerk or other returning officer shall declare such candidate duly elected for such office. 47 V. c. 32, s. 5. Proviso.

118. In case of a poll at an election of persons to serve in municipal councils, the votes shall be given by ballot. 46 V. e. 18, s. 117. Votes to be by ballot.

List of Defaulters in payment of Taxes.

119.—(1) On or before the day of nomination of candidates, if the collectors' roll has been returned to the treasurer of the municipality, the treasurer shall prepare and verify on oath, or if the collector's roll has not been so returned, the collector shall prepare and verify on oath, a correct alphabetical list of— Preparation of list of defaulters.

(a) All persons who, being on the voters' list (that is to say the first and second parts thereof) by reason of their income only, have not paid their municipal taxes on such income on or before the 14th day of December preceeding the election; and,

(b) In municipalities which have passed by-laws under sub-section 2 of section 489 of this Act, all persons on the voters' list (that is to say the first and second parts thereof), who have been assessed for real property, but have not paid their municipal taxes on such property on or before the 14th day of December preceeding the election.

(2) Where a municipality is divided into polling subdivisions, such a list of defaulters shall be made for each polling subdivision. List to be made for each polling division.

(3) The person preparing the said defaulters' lists, shall furnish to all person applying for the same, certified copies thereof and of the affidavit verifying the same, in the same manner and for the same compensation as copies of the voters' list are to be furnished. 46 V. c. 18, s. 118. Certified copies to be furnished.

Ballot Boxes.

120.—(1) Where a poll is required, the clerk of the municipality shall procure or cause to be procured as many boxes (hereinafter called ballot boxes) as there are wards or polling subdivisions within the municipality. Ballot boxes to be furnished.

(2) The ballot boxes shall be made of some durable material, shall be provided with a lock and key, and shall be so constructed that the ballot paper can be introduced therein, and cannot be withdrawn therefrom unless the box be unlocked. How made.

Delivery of to deputy returning officers. (3) When it becomes necessary for the purpose of an election to use the ballot boxes, it shall be the duty of the clerk of the municipality, two days at least before the polling day, to deliver one of the ballot boxes to every deputy-returning officer appointed for the purposes of the election.

Clerk to preserve boxes for future elections. (4) The ballot boxes, when returned to the clerk after the election, shall be preserved by him for use at elections for the municipality; and it shall be the duty of the clerk to have ready for use, at all times, as many ballot boxes as there are wards or polling subdivisions in the municipality.

Penalty on failure to furnish boxes. (5) If the clerk fails to furnish ballot boxes in the manner herein provided, he shall incur a penalty of \$100 in respect of every ballot box which he has failed to furnish in the manner prescribed.

Deputy returning officers to procure boxes when not supplied. (6) It shall be the duty of the deputy-returning officer in every ward or polling subdivision not supplied with a ballot box within the time prescribed, forthwith to procure one to be made, and he may issue his order upon the treasurer of the municipality in which such ward or polling subdivision is situate for the cost of the ballot box, and the treasurer shall pay to the deputy-returning officer the amount of the order. 46 V. c. 18, s. 119.

Ballot Papers.

Ballot papers to be printed. **121.**—(1) Where a poll is required, the clerk of the municipality shall forthwith cause to be printed, at the expense of the municipality, such a number of ballot papers as will be sufficient for the purposes of the election.

Contents and form of ballot papers. (2) Every ballot paper shall contain the names of the duly nominated candidates, arranged alphabetically in the order of their surnames; or if there are two or more candidates with the same surname, then in the order of their other names. 46 V. c. 18, s. 120.

Different sets of ballot papers to be prepared. **122.**—(1) The names of the candidates for mayor in cities, and for mayor, reeve and deputy-reeves in towns, shall not be included in the same ballot paper with the names of the candidates for aldermen and councillors respectively; but

In cities. (2) In cities one kind or set of ballot papers shall be prepared for all the wards or polling subdivisions, containing the names of the candidates for mayor, and another kind or set shall be prepared for each ward or polling subdivision containing the names of the candidates for aldermen in the ward; and

In towns. (3) In towns one kind or set of ballot papers shall be prepared for all the wards or polling subdivisions, containing the names of the candidates for mayor and reeve and deputy-reeve, and another kind or set shall be prepared for each ward or polling subdivision, containing the names of the candidates for councillors in the ward; and

(4) In townships divided into wards, one kind or set of ballot papers shall be prepared for all the wards, containing the names of the candidates for reeve, and another kind or set shall be prepared for each ward, containing the names of the candidates for councillors in the ward. 46 V. c. 18, s. 121.

123. The ballot papers shall be in the form of Schedule A to this Act. 46 V. c. 18, s. 122.

In townships divided into wards.
Form of ballot papers.

Polling Places.

124. In case of municipalities which are divided into wards or polling subdivisions, the clerk of the municipality shall, before the opening of the poll, deliver or cause to be delivered to every deputy-returning officer the ballot papers which have been prepared for the use in the ward or polling subdivision for which such deputy returning officer has been appointed to act, and shall also furnish to the deputy-returning officer or see that he is furnished with the necessary materials for voters to mark the ballot papers; and such materials shall be kept at the polling place by the deputy-returning officer for the convenient use of voters. 46 V. c. 18, s. 123.

Clerk to furnish deputy returning officers with ballot papers, etc.

125. Every polling place shall be furnished with a compartment in which the voters can mark their votes screened from observation; and it shall be the duty of the clerk of the municipality and deputy-returning officers respectively, to see that a proper compartment for that purpose is provided at each polling place. 46 V. c. 18, s. 124.

Compartment wherein voters may mark votes.

Directions to Voters.

126. In case of municipalities divided into wards or polling subdivisions, the clerk of the municipality shall, before the opening of the poll, deliver or cause to be delivered to every deputy-returning officer such number of printed directions for the guidance of voters in voting, as he may deem sufficient, and shall so deliver or cause to be so delivered at least ten copies of such printed directions; such directions shall be printed in conspicuous characters, and may be according to the form in Schedule B to this Act., 46 V. c. 18, s. 125.

Clerk to furnish deputy returning officers with directions for voters' guidance.

127. Every deputy-returning officer shall, before the opening of the poll, or immediately after he has received the printed directions from the clerk of the municipality, if he did not receive the same before the opening of the poll, cause the printed directions to be placarded outside the polling place for which he is appointed to act, and also in every compartment of the polling place, and shall see that they remain so placarded until the close of the polling. 46 V. c. 18, s. 126.

Deputy returning officers to placard the directions.

Voters' and Defaulters' Lists.

128. Subject to the provisions of the next following three sections the proper list of voters to be used at an election shall be the first and second parts of the last list of voters certified by the Judge and delivered or transmitted to the clerk of the peace under *The Voters' List Act*. 46 V. c. 18, s. 127.

Proper voters' list to be used at an election.

Rev. Stat. c. 8.

129. For the first election of a new municipality for which there is no separate assessment roll, the clerk of the municipality shall provide every deputy-returning officer with a poll book, prepared according to the form of Schedule C to this Act, instead of a voters' list, and either the deputy-returning officer or his sworn poll clerk shall therein enter, in the proper column, the name of every person offering to vote, and at the request of any candidate or voter, shall note the property on which the person claims to vote opposite his name. 46 V. c. 18, s. 128.

For first election in new municipality.

130.—(1) Where any territory is added for municipal purposes, to any city, town, or village, or where a town with additional territory is erected into a city, or a village with additional territory is erected into a town, or where a new village is formed, and an election takes place before voters' lists including the names of the persons entitled to vote in such territory are made out, or before such lists are certified by the County Judge—in all such cases, the clerk of the new or enlarged city, town, or village shall extract the names of the several persons who would be entitled to vote in the territory composing or added to (as the case may be) the city, town, or village if such territory had remained separate from the city, town, or village, from the last filed or certified voters' list of the municipality or municipalities to which such territory formerly belonged, containing the names of the persons entitled to vote in respect of such territory, and shall place such names in lists or supplementary lists (as the case may be).

Voters' lists in cases under section 84.

(2) Such lists or supplementary lists shall be made in the form of Schedule C to this Act, and shall be signed by the clerk, and delivered by him to the proper deputy-returning officers for the purpose of enabling the persons named in such lists to vote at the election. 46 V. c. 18, s. 129.

Form of supplementary lists.

131.—(1) In any municipality for which there is a separate assessment roll, but for which no voters' list for the municipality has been filed with the clerk of the peace or certified by the County Judge under *The Voters' Lists Act*, the clerk of the municipality shall, before the poll is opened, prepare and deliver to the deputy-returning officer for every or any ward or polling subdivision, a list in the form of Schedule C to this Act, containing the names, arranged alphabetically, of all male persons appearing by the then last revised assessment

List of voters.

Rev. Stat. c. 8.

roll to be entitled to vote in that ward or polling sub-division, and shall attest the said list by his solemn declaration in writing under his hand.

(2) In the case of—

(a) Income voters, and

(b) Persons assessed for real property, if the municipality has passed a by-law under sub-section 2 of section 489 of this Act,

the clerk shall exclude from the list such persons as may be returned to him by the treasurer or collector as being in default for not having paid their municipal taxes respectively on or before the 14th day of December preceding the election; and every list of voters so prepared shall be the proper voters' list to be used at the election. 46 V. c. 18, s. 180.

132. In the case of municipalities which are divided into wards or polling subdivisions, the clerk of the municipality shall, before the poll is opened, deliver to the deputy-returning officer for every ward or polling subdivision, a copy, according to the form of Schedule C to this Act, certified to be correct, of the proper list of voters for the ward or polling subdivision under section 128 and following sections; and also a copy of the proper defaulters' list for the polling subdivision, certified by the treasurer or collector pursuant to section 119 of this Act. 46 V. c. 18, s. 131.

133. The copies of the voters' lists in the next preceding section mentioned, may be prepared by the clerk of the municipality, or may be procured from the clerk of the peace, if filed under *The Voters' Lists Act*, and in the latter case the clerk of the peace shall be entitled to receive the sum of six cents for every ten voters whose names are on the list. 46 V. c. 18, s. 132. Rev. Stat. c. 8.

134. The defaulters' lists furnished and verified by the treasurer or collector as aforesaid, shall be the evidence on which the deputy-returning officers shall act in ascertaining the payment or non-payment of taxes by persons claiming to vote in respect of income, or in respect of real property, in the cases mentioned in section 119 of this Act. 46 V. c. 18, s. 133.

Certificates as to the Assessment Roll.

135.—(1) The clerk of the municipality shall, before the opening of the poll, deliver or cause to be delivered to every deputy-returning officer a certificate (which may be in the form of Schedule D to this Act) of (a) the day when the assessment roll upon which the voters' list to be used at the election is based, was returned by the assessor, and also (b) of the day when the said assessment roll was finally revised and corrected.

Fee for certificate.
Penalty for neglect.

(2) The clerk shall also give such certificate upon payment of the sum of twenty-five cents, to any person applying for the same, under a penalty of \$200 in case of neglect or refusal.

To be evidence of such date at the poll.

(3) The certificate, when delivered to the deputy-returning officer, shall be the evidence upon which he shall act in inserting in the oath to be administered to voters the date of the return or final revision and correction of the assessment roll as the case may be.

When assessment roll to be considered as finally revised and corrected.
Rev. Stat. o. 193.

(4) An assessment roll shall be understood to be finally revised and corrected when it has been so revised and corrected by the court of revision for the municipality, or by the Judge of the County Court in case of an appeal, as provided by *The Assessment Act*, or when the time during which such appeal may be made has elapsed, and not before. 46 V. c. 18, s. 134.

Municipalities not divided into Wards.

In municipalities not divided into wards or polling subdivisions, clerk to perform duties of deputy returning officers.

136. In case of municipalities which are not divided into wards or polling subdivisions, the clerk shall perform the duties which in other cases are performed by deputy-returning officers, and shall provide himself with the necessary ballot papers, and also with the materials for marking ballot papers, printed directions before mentioned, copies of the voters' list and defaulters' list, and certificate of the dates of the return and final revision of the assessment roll, similar to those required to be furnished to deputy-returning officers; and the clerk shall perform the like duties with respect to the whole municipality as are imposed upon a deputy-returning officer in respect of a ward or polling subdivision. 46 V. c. 18, s. 135.

Where electors may vote.

Voting in towns and cities.

137. In towns and cities, every elector may vote in each ward in which he has been rated for the necessary property qualification, but in case of mayor of cities, mayor, reeve or deputy reeve of towns, the elector is limited to one vote. 46 V. c. 18, s. 136.

Voting in townships and villages.

138. In townships and incorporated villages divided into wards or polling subdivisions, no elector shall vote in more than one ward or polling subdivision for the same candidate, 46 V. c. 18, s. 137.

Where persons are to vote for mayor, reeve and deputy reeve.

139. Every elector who is entitled to a vote in more than one ward or polling subdivision shall vote for mayor in cities, and for mayor, reeve, and deputy-reeve in towns, and for reeve in townships divided into wards, at the polling place of the ward or polling subdivision in which he is resident, if qualified to vote therein; or when he is a non-resident or is not

entitled to vote in the ward or polling subdivision where he resides, then where he first votes and there only. 46 V. c. 18, s. 138; 50 V. c. 29, s. 5.

140.—(1) Any person who votes for mayor, reeve, or in towns or townships for deputy-reeve, after having already voted for mayor, reeve or deputy-reeve at some other polling place at that election, shall incur a penalty of \$50, to be recovered, with full costs of suit, by any person who will sue for the same in the Division Court having jurisdiction where the offence was committed; and any person against whom judgment is rendered shall be ineligible either as a candidate or elector at the next annual elections. 46 V. c. 18, s. 139.

Penalty for voting twice for mayor, reeve or deputy reeve.

(2) The receipt by any voter of a ballot paper within the polling booth shall be *prima facie* evidence that he has there and then voted. 50 V. c. 29, s. 6.

141.—(1) The clerk of the municipality, on the request of any elector, entitled to vote at one of the polling places, who has been appointed deputy-returning officer or poll clerk, or who has been named as an agent of a candidate to attend at any polling place other than the one where he is entitled to vote, shall give to such elector a certificate that he is entitled to vote at the polling place where he is to be stationed during the polling day; and the certificate shall also state the property or other qualification in respect of which he is entitled to vote.

Certificate to entitle deputy returning officers, poll clerks, and agents to vote where stationed.

(2) On the production of the certificate, the deputy-returning officer, poll clerk, or agent shall have the right to vote at the polling place where he is stationed during the polling day, instead of at the polling station where he would otherwise have been entitled to vote; and the deputy-returning officer shall attach the certificate to the voters' list; but no such certificate shall entitle such elector to vote at such polling place unless he has been actually engaged as such deputy-returning officer, poll clerk, or agent during the day of polling; nor to vote for aldermen in cities, or councilors in municipalities divided into wards, except in the ward where he would otherwise be entitled so to vote.

Right to vote on production of certificate.

(3) In case of a deputy-returning officer voting at the polling station where he has been appointed, the poll clerk appointed to act at the polling place, or in the absence of the poll clerk any elector authorized to be present, may administer to the deputy-returning officer the oath required by law to be taken by voters. 46 V. c. 18, s. 140.

Who to administer oath.

DIVISION V — THE POLL.

- Ballot box to be exhibited.* Sec. 142.
Duty of Deputy Returning-Officer. Secs. 142-145, 155.
How votes to be received. Secs. 143-145.
How ballot paper to be marked. Sec. 146.
Exclusion from balloting compartment. Sec. 147.
Ballot papers not to be taken away. Sec. 148.
Proceedings in case of incapacity to mark ballot. Sec. 149.
Ballot paper inadvertently spoiled. Sec. 150.
Who may be present in polling place. Sec. 151.
Counting the votes—Objections—Statement. Sec. 152.
Who may be present at the counting of the votes. Sec. 153.
Certificates of state of poll. Sec. 154.
Returns, etc., to be made by Deputy-Returning Officers. Sec. 155.
Clerk to cast up votes and declare who is elected. Secs. 156, 160.
Right of Clerk, Deputy-Returning Officers and Poll Clerks to
vote. Sec. 157.
Riots. Secs. 158, 159.
Declarations of Office to be made by persons elected. Sec. 161.

142. The deputy-returning officer shall immediately before the commencement of the poll, shew the ballot box to such persons as are present in the polling place, so that they may see that it is empty, and he shall then lock the box and place his seal upon it in such a manner as to prevent its being opened without breaking the seal; and he shall then place the box in his view for the receipt of ballot papers, and shall keep it so locked and sealed. 46 V. c. 18, s. 141.

143. Where a person claiming to be entitled to vote presents himself for the purpose of voting, the deputy-returning officer shall proceed as follows:

- Name.** 1. He shall ascertain that the name of such person is entered or purports to be entered upon the voters' list for the ward or polling subdivision for which such deputy-returning officer is appointed to act.
- Recording.** 2. He shall record or cause to be recorded in the proper column of the voters' list, the residence and the legal addition of such person.
- Oath.** 3. If such person takes the oath or affirmation required to be taken by voters in the manner directed by sections 102 to 105 inclusive of this Act, the deputy-returning officer shall enter or cause to be entered opposite such person's name, in the proper column of the said voters' list the word "*Sworn*," or "*Affirmed*," according to the fact.
- Objection.** 4. Where the vote is objected to by any candidate or his agent, the deputy-returning officer shall enter the objection,

or cause the name to be entered in the voters' list, by writing opposite the name of such person in the proper column, the words "Objected to," stating, at the same time, by which candidate or on behalf of which candidate the objection has been made, by adding after the words "Objected to," the name only of such candidate.

5. Where such person has been required to take the oath or affirmation, and refuses to take the same, the deputy-returning officer shall enter or cause to be entered opposite the name of such person, in the proper column of the voters' list, the words "Refused to be Sworn," or "Refused to Affirm," according to the fact; and the vote of such person shall not be taken or received; and if the deputy-returning officer takes or receives such vote, or causes the same to be taken or received, he shall incur a penalty of \$200.

Refusal to take the oath.

6. Where the proper entries respecting the person so claiming to vote have been made in the voters' list in the manner prescribed, the deputy-returning officer shall sign his name or initials upon the back of the ballot paper.

Deputy returning officer to sign name on ballot paper.

7. The ballot paper shall be delivered to such person.

Delivery of paper to voter.

8. The deputy-returning officer may, and upon request shall, either personally or through his sworn poll clerk, explain to the voter, as concisely as possible, the mode of voting. 46 V. c. 18, s. 142.

Deputy returning officer to explain mode of voting.

144. Every deputy-returning officer refusing, or wilfully omitting to sign his name or initials upon the back of the ballot paper, as provided for by sub-section 6 of section 143 of this Act, shall forfeit to any person aggrieved by such refusal, or omission, the sum of \$10, in respect of every ballot paper deposited at his polling subdivision, upon which the said deputy-returning officer has not signed his name or initials as aforesaid; and the same may be recovered in the manner provided for the recovery of penalties by section 214 of this Act. 46 V. c. 18, s. 143.

Deputy returning officer refusing, etc. to initial ballot paper.

145. The deputy-returning officer shall place, or cause to be placed, in the columns of the voters' list, headed "Mayor," "Reeve," (or "Mayor and Reeve") "Alderman," and "Councillor," as the case may be, his initials opposite the name of every voter receiving a ballot paper, to denote that the voter has received a ballot paper for mayor, reeve, alderman, or councillor as the case may be. 46 V. c. 18, s. 144.

Deputy returning officer to note in list voters to whom ballot papers given.

146. Upon receiving from the deputy-returning officer the ballot paper so prepared as aforesaid, the person receiving the same shall forthwith proceed into the compartment provided for the purpose, and shall then and therein mark his ballot paper in the manner mentioned in the directions contained in Schedule B to this Act, by placing a cross, thus X, on the right-hand

Marking ballot paper.

side, opposite the name of any candidate for whom he desires to vote, or at any other place within the division which contains the name of such candidate, and he shall then fold the ballot paper across, so as to conceal the names of the candidates, and the marks upon the face of such paper, and so as to expose the initials of the deputy-returning officer, and leaving the compartment, shall, without delay, and without shewing the front to any one or so displaying the ballot paper as to make known to any person the names of the candidates for or against whom he has marked his vote, deliver the ballot paper so folded to the deputy-returning officer, who shall, without unfolding the same, or in any way disclosing the names of the candidates, or marks made by the elector, verify his own initials, and at once deposit the same in the ballot box in the presence of all persons entitled to be present and then present in the polling place; and the voter shall forthwith leave the polling place. 46 V. c. 18, s. 145.

Exclusion from balloting compartment.

147. While a voter is in a balloting compartment for the purpose of marking his ballot paper, no other person shall be allowed to enter the compartment, or to be in any position from which he can observe the mode in which the voter marks his ballot paper. 46 V. c. 18, s. 146.

Voter not to take his ballot paper from polling place.

148. No person who has received a ballot paper from the deputy-returning officer shall take the same out of the polling place; and any person having so received a ballot paper, who leaves the polling place without first delivering the same to the deputy-returning officer in the manner prescribed, shall thereby forfeit his right to vote; and the deputy-returning officer shall make an entry in the voters' list, in the column for remarks, to the effect that such person received a ballot paper, but took the same out of the polling place, or returned the same declining to vote, as the case may be; and in the latter case the deputy returning officer shall immediately write the word "*Declined*" upon such ballot paper, and shall preserve the same; and in case the clerk of the municipality is not himself performing the duties of deputy-returning officer shall return said ballot paper to the clerk of the municipality, as hereinafter directed. 46 V. c. 18, s. 147.

Proceedings in case of incapacity to mark ballot paper.

149. In case of an application by a person claiming to be entitled to vote, who is incapacitated by blindness or other physical cause from marking his ballot paper, or in case of a person claiming to be entitled to vote who makes a declaration that he is unable to read, the proceedings shall be as follows:

1. The deputy-returning officer shall, in the presence of the agents of the candidates, cause the vote of such person to be marked on a ballot paper in manner directed by such person, and shall place the ballot paper in the ballot box.

2. The deputy-returning officer shall state or cause to be stated in the voters' list, by an entry opposite the name of such person in the proper column of the voters' list, that the vote of such person is marked in pursuance of this section, and the reason why it is so marked.

3. The declaration of inability to read, or of incapacity to mark a ballot paper, may be in the form of Schedule E to this Act, and shall be made by the person claiming to be entitled to vote, at the time of the polling, before the deputy-returning officer, who shall attest the same as nearly as may be according to the form given in Schedule F to this Act, and the said declaration shall be given to the deputy-returning officer at the time of voting. 46 V. c. 18, s. 148.

150. A person claiming to be entitled to vote who has inadvertently dealt with his ballot paper in such a manner that it cannot be conveniently used as a ballot paper, may, on delivering to the deputy-returning officer the ballot paper so inadvertently dealt with, and proving the fact of the inadvertence to the satisfaction of the deputy-returning officer, obtain another ballot paper in the place of the ballot paper so delivered up, and the deputy-returning officer shall immediately write the word "*Cancelled*" upon the ballot paper and preserve the same; and in case the clerk of the municipality is not himself performing the duties of deputy-returning officer, the deputy-returning officer shall return the ballot paper to the clerk of the municipality as hereinafter directed. 46 V. c. 18, s. 149.

Proceedings in case ballot paper cannot be used.

151. During the time appointed for polling no person shall be entitled or permitted to be present in a polling place, other than the officers, candidates, clerk, or agents, authorized to attend at the polling place, and such voter as is for the time being actually engaged in voting; it shall at all times be lawful for the deputy-returning officer to have present or to summon to his assistance in the polling place, any police constable or peace officer, for the purpose of maintaining order, or of preserving the public peace, or preventing any breach thereof, or of removing any person who may, in the opinion of the deputy-returning officer, be obstructing the polling or wilfully violating any of the provisions of this Act. 46 V. c. 18, s. 150.

Who may be present at polling place.

152. Immediately after the close of the poll in every polling place, the deputy-returning officer shall, in the presence of the poll clerk (if any) and of such of the candidates or of their agents as may then be present, open the ballot box, and proceed to count the votes as follows:

Counting the votes.

1. He shall examine the ballot papers, and any ballot paper which has not on its back the name or initials of the deputy-returning officer, or on which more votes are given than the elector is entitled to give, or on which anything, except the

Rejected ballots.

initials or name of the deputy-returning officer on the back, is written or marked, by which the voter can be identified, shall be void; and shall not be counted; and any ballot paper on which votes are given for a greater number of candidates for any office than the voter is entitled to vote for, shall be void as regards all the candidates for such office, but shall be good as regards the votes for any other offices in respect to which the voter has not voted for more candidates than he is entitled to vote for.

Deputy returning officer to note objections taken to ballot papers at the counting,

and number objection and ballot paper to correspond.

Endorsing ballot paper.

Statement.

Statement to be signed.

Agents entitled to be present.

Deputy returning officer to give certificate of state of poll.

Deputy returning officer's duties after votes are counted.

2. The deputy-returning officer shall take a note of any objection made by a candidate, his agent or any elector authorized to be present, to any ballot paper found in the ballot box, and shall decide any question arising out of the objection.

3. Every objection shall be numbered, and a corresponding number placed on the back of the ballot paper, and initialed by the deputy-returning officer.

4. The deputy-returning officer shall endorse "*Rejected*" on any ballot paper which he rejects as invalid, and shall endorse "*Rejection objected to,*" if any objection is made to his decision.

5. The deputy-returning officer shall then count up the votes given for each candidate upon the ballot papers not rejected, and make up a written statement, in words as well as in figures, of the number of votes given for each candidate, and of the number of ballot papers rejected and not counted by him, which shall be made under the several heads—

(a) Name or number of ward or polling subdivision and of the municipality and the date of election;

(b) Number of votes for each candidate;

(c) Rejected ballot papers.

6. Upon the completion of the written statement, it shall be forthwith signed by the deputy-returning officer, the poll clerk, if any, and such of the candidates or their agents as may be present, and desire to sign such statement. 46 V. c. 18, s. 151.

153. No more than two agents for any candidate shall be entitled to be present at the same time at the counting of the votes. 46 V. c. 18, s. 152.

154. Every deputy-returning officer, upon being requested so to do, shall deliver to the persons authorized to attend at his polling place, a certificate of the number of votes given at that polling place, for each candidate, and of the number of rejected ballot papers. 46 V. c. 18, s. 153.

155.—(1) Every deputy-returning officer shall, at the close of the poll, certify under his signature on the voters' list in full words the total number of persons who have voted at the

polling place at which he has been appointed to preside, and at the completion of the counting of votes after the close of the poll, shall, in the presence of the agents of the candidates, make up into separate packets, sealed with his own seal, and the seals of such agents of the candidate as desire to fix their seals, and marked upon the outside with a short statement of the contents of such packet, the date of the day of the election, the name of the deputy-returning officer, and of the ward or polling subdivision and municipality,

- (a) The statement of votes given for each candidate and of the rejected ballot papers ;
- (b) The used ballot papers which have not been objected to and have been counted ;
- (c) The ballot papers which have been objected to, but which have been counted by the deputy-returning officer ;
- (d) The rejected ballot papers ;
- (e) The spoiled ballot papers ;
- (f) The unused ballot papers ;
- (g) A statement of the number of voters whose votes are marked by the deputy-returning officer under the heads "Physical incapacity," and "Unable to read," with the declarations of inability; and the notes taken of objections made to ballot papers found in the ballot-box.

(2) Before returning the voters' list to the clerk of the municipality the deputy-returning officer shall make and subscribe before such clerk, or a Justice of the Peace or the poll clerk, his declaration under oath that the voters' list was used in the manner prescribed by law, and that the entries required by law to be made therein were correctly made; which declaration shall be in form of Schedule G to this Act, and shall thereafter be annexed to the voters' list and such voters' list and declaration may be inspected at any time, in presence of the clerk, by any elector of the municipality.

(3) If the clerk of the municipality is not himself performing the duties of deputy-returning officer he shall forthwith deliver such packets personally to the clerk of the municipality; and if he is unable to do so, owing to illness or other cause, he shall deliver such packets to a person chosen by him for the purpose of delivering the same to the clerk; and shall mention on the outside of the cover of each of the packets the name of the person to whom the same had been so delivered, and shall take a proper receipt therefor; he shall also forthwith return the ballot box to the clerk of the municipality.

Statement to be made by deputy returning officer on return of ballot papers, etc.

(4) The packets shall be accompanied by a statement made by the deputy-returning officer, shewing the number of ballot papers entrusted to him, and accounting for them under the heads of (1) Counted; (2) Rejected; (3) Unused; (4) Spoiled; (5) Ballot papers given to voters who afterwards returned the same, declining to vote; and (6) Ballot papers taken from the polling place; which statement shall give the number of papers under each head, and is in this Act referred to as the "Ballot Paper Account."

If dispute as to result arises how to be settled.

(5) If the deputy-returning officer and one or more of the candidates or of the agents of the candidates present at the examination and counting of the ballot papers are unable to agree as to the written statement to be made by the deputy-returning officer the packages of ballot papers shall be broken open by the clerk of the municipality, in the presence of the deputy-returning officer and such of the candidates or of their agents as may be present on the day succeeding the polling day, at an hour and place to be appointed, and of which they have been notified by the deputy-returning officer, unless the distance necessary to be travelled is such that the appointed place cannot be reached on the day following the poll, in which case a reasonable time shall be allowed, and no more, for the purpose of coming before the clerk of the municipality; and the clerk of the municipality, after examining the ballot papers, shall finally determine the matter in dispute, and sign the written statement hereinbefore mentioned: and the clerk of the municipality shall forthwith, in the presence of the deputy-returning officer and such of the candidates or of their agents as may then be present, securely seal up the ballot papers which have been examined by him into their several packages as before. 46 V. c. 18, s. 154.

Clerk to cast up votes and declare who is elected, etc.

156. The clerk of the municipality, after he has received the ballot papers and statement before mentioned of the number of votes given in each polling place, shall, without opening any of the sealed packets of ballot papers, cast up the number of votes for each candidate from such statements; and shall, at the town hall, or, if there is no town hall, at some other public place, at noon on the day following the return of such ballot papers and statements, publicly declare to be elected the candidate or candidates having the highest number of votes, and shall also put up in some conspicuous place a statement under his hand shewing the number of votes for each candidate. 46 V. c. 18, s. 155.

In case of a tie clerk to have a casting vote.

157.—(1) In case it appears, upon the casting up of the votes as aforesaid, that two or more candidates have an equal number of votes, the clerk of the municipality, or other person appointed by by-law to discharge his duties of clerk in his absence or incapacity through illness, and whether otherwise qualified or

qualified or not, shall, at the time he declares the result of the poll, give a vote for one or more of such candidates, so as to decide the election.

(2) Except in such case, no clerk of the municipality shall but otherwise vote at any municipal election held in his municipality. *See sec. not to vote.* 319.

(3) All deputy-returning officers and persons employed as deputy-returning officers and poll clerks, if otherwise qualified, shall be entitled to vote. 46 V. c. 18, s. 156. Deputy returning officers, etc., may vote if qualified.

158. In case, by reason of riot or other emergency, an election is not commenced on the proper day, or is interrupted after being commenced and before the lawful closing thereof, the returning officer, or deputy-returning officer, as the case may be, shall hold or resume the election on the following day at the hour of ten o'clock in the forenoon, and continue the same from day to day, if necessary, for four days, until the poll has been opened without interruption, and with free access to voters for twelve hours in all, or thereabouts, in order that all the electors so intending may have had a fair opportunity to vote. 46 V. c. 18, s. 157. Election not commenced, or interrupted by reason of riot, etc., to be resumed.

159. In case the election has not, by the end of the fourth day from the day the same commenced or should have commenced, been kept open for the said twelve hours, the returning officer or deputy-returning officer, as the case may be, shall not return any person as elected, but shall return his voters' list and ballot papers on the following day to the head of the municipality, certifying the cause of there not having been an election; and a new election shall take place, and the head of the municipality shall forthwith issue his warrant therefor. 46 V. c. 18, s. 158. *See also sec. 181.* If election is prevented for four days, poll book is to be returned and a new election ordered.

160. When a poll has been duly held in each of such wards or polling subdivisions, and the ballot papers and statements hereby directed to be returned to the clerk have been so returned to him, the clerk shall, without opening any of the sealed packets of ballot papers, cast up from said statements the number of votes given for each candidate for any office in respect whereof the election has not been previously declared, together with the votes appearing by the statements previously returned for other wards to be given for the candidate, and shall at noon on the next day, at the town hall, or if there is no town hall, at some other public place, publicly declare to be elected the candidate or candidates having the largest number of votes polled. 46 V. c. 18, s. 159. Declaration of election—duty of the clerk.

161. The person or persons so elected shall make the necessary declarations of office and qualification and assume office accordingly. 46 V. c. 18, s. 160. Declaration of office and assumption of office.

DIVISION VI.—MISCELLANEOUS PROVISIONS.

Disposition of Ballot Papers. Sec. 162.

Inspection of Ballot Papers. Sec. 163.

Recount of Votes. Secs. 163-165.

Production of documents, how far evidence, etc. Sec. 166.

Offences and Penalties. Secs. 167, 168.

Secrecy of proceedings at polling places. Secs. 169-171.

Candidates may do Agents' duty. Sec. 172.

Non-attendance of Agents. Sec. 173.

Computation of time. Sec. 174.

Technical objections not to prevail. Sec. 175.

Expenses of Clerk of Municipality, etc. Sec. 176.

Ballot papers,
how disposed
of.

162. The clerk of the municipality shall retain for one month all ballot papers received by him or forwarded to him in pursuance of this Act by deputy-returning officers, and then, unless otherwise directed by an order of a Court or Judge of competent jurisdiction, shall cause them to be destroyed in the presence of two witnesses, whose declaration that they have witnessed the destruction of such papers shall be taken before the head of the municipality, and filed amongst the records of the municipality by the said clerk. 46 V. c. 18, s. 161.

Ballot papers
to be inspect-
ed only by
order of a
Court or
Judge.

163.—(1) No person shall be allowed to inspect any ballot papers in the custody of the clerk of the municipality except under the order of a Court or Judge of competent jurisdiction, to be granted by the Court or Judge on being satisfied by evidence on oath that the inspection or production of such ballot papers is required for the purpose of maintaining a prosecution for an offence in relation to ballot papers, or for the purpose of a petition questioning an election or return; and any such order for the inspection or production of ballot papers shall be obeyed by the clerk of the municipality.

Order may be
subject to
conditions.

(2) The order may be made subject to such conditions as to persons, time, place, and mode of opening or inspection as the Court or Judge making the order thinks expedient.

Recount of
votes by the
County
Judge.

(3) In case it is made to appear, on the affidavit of a credible person, to the County Judge of the county in which the municipality is situated, at any time within fourteen days from the time the ballot papers are received by the clerk of the municipality, that a deputy-returning officer at any election in such municipality for mayor, alderman, reeve, deputy-reeve, councillor, or water commissioner, in counting the votes has improperly counted or rejected any ballot papers at such election, the County Judge may appoint a time to recount the votes, and shall give notice in writing to the candidates of the time and place at which he will proceed to recount the same.

(4) At the time of the application for a re-count, the applicant shall deposit with the clerk of the County Court the sum of \$25 as security for the payment of costs, charges and expenses that may become payable by the applicant, and the said sum shall not be paid out by the clerk without the order of the Judge.

(5) The County Judge, the clerk of the municipality with the ballot boxes, and each candidate and his agent appointed to attend the re-count of votes, and no other person except with the sanction of the County Judge shall be present at the re-count of the votes.

(6) At the time and place appointed the County Judge shall proceed to re-count all the votes or ballot papers received by the clerk of the municipality, and shall in the presence of the parties aforesaid, if they attend, or in the presence of such of them as do attend, open the sealed packets containing (a) the used ballot papers which have not been objected to and have been counted; (b) the ballot papers which have been objected to, but which have been counted by the deputy-returning officer; (c) the rejected ballot papers; (d) the spoiled ballot papers; (e) the unused ballot papers; and in recounting the votes care shall be taken that the mode in which any particular voter has voted shall not be discovered.

(7) The County Judge shall, as far as practicable, proceed continuously with the re-count of the votes, allowing only time for refreshment, excluding only Sundays and on other days so far as he and the parties aforesaid agree, the hours between six o'clock in the evening and nine on the succeeding morning. During the excluded time the County Judge shall place the ballot papers and other documents relating to the election under his own seal, and the seals of such other of the parties as desire to affix their seals, and shall otherwise take precautions for the security of the papers and documents.

(8) The County Judge shall proceed to re-count the vote as follows:

1. He shall examine the ballot papers.
2. Any ballot paper on which votes are given to more candidates than are to be elected, or on which anything except the name or initials of the deputy-returning officer on the back is written or marked by which the voter can be identified, shall be void and shall not be counted, but a ballot paper on which votes are given for a greater number of candidates for any office than the voter is entitled to vote for shall be void as regards all the candidates for such office, but shall be good as regards the votes for any other offices in respect to which the voter has not voted for more candidates than he is entitled to vote for.

3. The County Judge shall take a note of any objection made by a candidate or by his agent to any ballot paper found in the ballot box, and shall decide any question arising out of the objection, and the decision of the County Judge shall be final.

4. The County Judge shall then count up the votes given for each candidate upon the ballot papers not rejected, and make up a written statement, in words as well as in figures, of the number of votes given for each candidate, and of the number of ballot papers rejected and not counted by him, which statement shall be made under the several heads following:

- (a) Name of municipality;
- (b) Names of the candidates;
- (c) Number of votes for each candidate;
- (d) Papers wanting signature or initials of deputy-returning officer;
- (e) Papers rejected as voting for more candidates than entitled to;
- (f) Papers rejected as having a writing or mark by which voters could be identified;
- (g) Papers rejected as unmarked or void for uncertainty.

5. Upon the completion of the re-count, or as soon as he has thus ascertained the result of the poll, the County Judge shall seal up all the ballot papers in separate packets, and shall forthwith certify the result to the clerk of the municipality, who shall then declare to be elected the candidate having the highest number of votes; and in case of an equality of votes, the clerk of the municipality shall have the casting vote as provided in section 157 of this Act. 46 V. c. 18, s. 162.

Existing remedies not affected.

164. Nothing in the preceding section contained shall destroy or prevent any remedy which any person may now have under or by *quo warranto* or otherwise. 46 V. c. 18, s. 163.

Costs of application.

165.—(1) All costs, charges and expenses of, and incidental to an application for a re-count and to the proceedings consequent thereon shall be defrayed by the parties to the application in such manner and in such proportion as the Judge may determine, regard being had to the disallowance of any costs, charges or expenses which may in the opinion of the Judge have been caused by vexatious conduct, unfounded allegations, or unfounded objections on the part of either of the applicant or the respondent, and regard being had to the discouragement of any needless expense by throwing the burden of defraying the same on the parties by whom it has been caused, whether such parties are or are not on the whole successful.

(2) The cost may be taxed in the same manner, and according to the same principles as costs are taxed between solicitor and client in the County Court. Taxation of costs.

(3) The payment of any costs ordered to be paid by the Judge may be enforced by an execution against goods and chattles, to be issued from any County Court, upon filing therein the order of the Judge and a certificate shewing the amount at which the costs were taxed and an affidavit of the non-payment thereof. Recovery of costs.
46 V. c. 18, s. 164.

166. Where a rule or order is made for the production by the clerk of the municipality, of any document in his possession relating to a specified election, the production of the document by the clerk, in such a manner as may be directed by the rule or order, shall be conclusive evidence that the document relates to the specified election; and any endorsement appearing on any packet of ballot papers produced by the clerk, shall be evidence of such papers being what they are stated to be by the endorsement. Production of documents and endorsements on ballot papers evidence for certain purposes.
46 V. c. 18, s. 165.

167.—(1) No person shall—

Offences.

- (a) Without due authority supply any ballot paper to any person; or
- (b) Fraudulently put into any ballot box any paper other than the ballot paper, which he is authorized by law to put in; or
- (c) Fraudulently take out of the polling place any ballot paper; or
- (d) Without due authority destroy, take, open, or otherwise interfere with any ballot box or packet of ballot papers then in use for the purposes of the election.

(2) No person shall attempt to commit any offence specified in this section.

(3) A person guilty of any violation of this section shall be liable, if he is the clerk of the municipality, to imprisonment for any term not exceeding two years, with or without hard labour; and if he is any other person, to imprisonment for a term not exceeding six months, with or without hard labour. Penalty by imprisonment.
46 V. c. 18, s. 166.

168. Every officer and clerk who is guilty of any wilful misfeasance, or any wilful act or omission in contravention of sections 119 to 167, inclusive, of this Act, shall, in addition to any other penalty or liability to which he may be subject, forfeit to any person aggrieved by such misfeasance, act or omission, a penal sum of \$400. Money penalty for offences.
46 V. c. 18, s. 167.

Maintaining
secrecy of
proceedings
at polling
places.

169.—(1) Every officer, clerk and agent in attendance at a polling place shall maintain and aid in maintaining the secrecy of the voting at the polling place.

(2) No officer, clerk or agent, and no person whosoever shall interfere with or attempt to interfere with a voter when marking his vote, or otherwise attempt to obtain at the polling place information as to the candidate or candidates for whom any voter at such polling place is about to vote or has voted.

(3) No officer, clerk, agent or other person shall communicate at any time to any person any information obtained at a polling place as to the candidate or candidates for whom any voter at such polling place is about to vote or has voted.

(4) Every officer, clerk and agent in attendance at the counting of the votes, shall maintain and aid in maintaining the secrecy of the voting, and shall not communicate or attempt to communicate any information obtained at such counting as to the candidate or candidates for whom any vote is given in any particular ballot paper.

(5) No person shall, directly or indirectly, induce a voter to display his ballot paper after he has marked the same, so as to make known to any person the name of any candidate or candidates for or against whom he has marked his vote.

Penalty for
contravening
this section.

(6) Every person who acts in contravention of this section shall be liable, on summary conviction before a Stipendiary Magistrate, Police Magistrate, or two Justices of the Peace, to imprisonment for any term not exceeding six months, with or without hard labour. 46 V. c. 18, s. 168.

Statutory
declaration of
secrecy.

170. The clerk of the municipality, and every officer, clerk or agent, authorized to attend a polling place or at the counting of the votes, shall, before the opening of the poll, make a statutory declaration of secrecy in the presence, if he is the clerk of the municipality, of a Justice of the Peace, and if he is any other officer, or clerk, in the presence of a Justice of the Peace or of the clerk of the municipality; and if he is an agent of a candidate, in the presence of a Justice of the Peace or of the clerk of the municipality, or of the deputy-returning officer at whose polling place he is appointed agent; and such statutory declaration of secrecy shall be in the form mentioned in Schedule H to this Act, or to the like effect. 46 V. c. 18, s. 169.

No one com-
pellable to
disclose his
vote.

171. No person who has voted at an election shall in any legal proceeding to question the election or return, be required to state for whom he has voted. 46 V. c. 18, s. 170.

Candidates
may under-
take duties of
an agent.

172. A candidate may himself undertake the duties which any agent of his, if appointed, might have undertaken, or may assist his agent in the performance of such duties, and may be

present at any place at which his agent may in pursuance of this Act be authorized to attend, but no candidate shall be present at the marking of a ballot by an incapacitated voter, or a voter unable to read, under section 149. 46 V. c. 18, s. 171.

173. When in the sections of this Act numbered from 119 to 172 inclusive expressions are used, requiring or authorizing any act or thing to be done, or inferring that any act or thing is to be done in the presence of the agents of the candidate, such expressions shall be deemed to refer to the presence of such agents of the candidates as are authorized to attend, and as have in fact attended, at the time and place where such act or thing is being done; and the non-attendance of any agent at such time and place shall not, if the act or thing is otherwise duly done, invalidate in anywise the act or thing done. 46 V. c. 18, s. 172.

Expressions in ss. 119-172, referring to agents.

174. In reckoning time for the purposes of the said sections, Sunday and any day set apart by any act of lawful authority for a public holiday, fast or thanksgiving shall be excluded; and where anything is required by this Act to be done on a day which falls on such days, such things may be done on the next juridical day; but nothing in this section contained shall extend or apply to the days fixed by this Act for the nomination or election of candidates for the offices of mayor and aldermen in cities, and mayor, reeve, deputy-reeves and councillors in other municipalities. 46 V. c. 18, s. 173.

Non-attendance of agents. Public holidays, etc., excluded in reckoning time under ss. 119-172, except for nomination and election of mayors, etc.

175. No election shall be declared invalid by reason of non-compliance with the rules contained in this Act as to the taking of the poll or the counting of the votes, or by reason of any mistakes in the use of forms contained in the schedules to this Act, or by reason of any irregularity, if it appears to the tribunal having cognizance of the question that the election was conducted in accordance with the principles laid down in this Act, and that such non-compliance or mistake or irregularity did not effect the result of the election. 46 V. c. 18, s. 174.

No election to be invalid for want of compliance with principles of the act where result not affected.

176. The reasonable expenses incurred by the clerk of the municipality and by the other officers and clerks for printing, providing ballot boxes, ballot papers, materials for marking ballot papers, polling compartments, transmission of the packets required to be transmitted by this Act, and reasonable fees and allowances for services rendered under this Act, shall be paid to the clerk of the municipality by the treasurer of the municipality, and shall be distributed by the clerk of the municipality to the several persons entitled thereto. 46 V. c. 18, s. 175.

Expenses incurred by officers to be refunded.

DIVISION VII.—VACANCIES IN COUNCIL.

By Crime, Insolvency, or Absence. Sec. 177.

Quo Warranto proceedings. Sec. 178.

By Resignation. Secs. 179, 180.

How filled—New Elections. Secs. 180-182, 185.

Seat held for residue of term. Sec. 183.

Not to prevent organization of Council. Sec. 184.

In certain cases Council to fill. Sec. 186.

Seats to become vacant by crime, insolvency, absence, etc.

177. If after the election of a person as member of a council he is convicted of felony or infamous crime, or becomes insolvent within the meaning of the Insolvent Acts, or applies for relief as an indigent debtor, or remains in close custody, or assigns his property for the use of his creditors, or absents himself from the meetings of the council for three months without being authorized so to do by a resolution of the council entered in its minutes, his seat in the council shall thereby become vacant, and the council shall declare the seat vacant and order a new election. 46 V. c. 18, s. 176.

Quo warranto proceedings on omitting to vacate seat.

178. In the event of a member of a municipal council forfeiting his seat at the council or his right thereto, or of his becoming disqualified to hold his seat, or of his seat becoming vacant by disqualification or otherwise, he shall forthwith vacate his seat, and in the event of his omitting to do so at any time after his election, proceedings by *quo warranto* to unseat such member, as provided by sections 187 to 208, both inclusive, of this Act, may be had and taken, and such sections shall, for the purposes of such proceedings, apply to any such forfeiture, disqualification or vacancy. 46 V. c. 18, s. 177.

Any member may resign with consent of majority of council.

179. Any mayor or other member of a council may, with the consent of the majority of the members present, be entered on the minutes of the council, resign his seat in the council. 46 V. c. 18, s. 178.

Resignation of warden provided for.

180. The warden of a county may resign his office by verbal intimation to the council while in session, or by letter to the county clerk if not in session, in which cases, and in case of vacancy by death or otherwise, the clerk shall notify all the members of the council, and shall, if required by a majority of the members of the county council, call a special meeting to fill such vacancy. 46 V. c. 18, s. 179.

Vacancies, how filled.

New election provided for, and mode of conducting same.

181. In case no return is made for one or more wards or polling subdivisions, in consequence of non-election owing to interruption by riot or other cause, or in case a person elected to a council neglects or refuses to accept office, or to make the necessary declarations of office within the time required, or in case a vacancy occurs in the council caused by resignation, death, judicial decision or otherwise, the head of the council

for the time being, or in case of his absence, or of his office being vacant, the clerk, or in case of the like absence or vacancy in the office of the clerk, one of the members of the council, shall forthwith, by warrant, under the signature of such head, clerk or member, if procurable, require the returning officers and deputy-returning officers appointed to hold the last election for the municipality, ward and polling subdivision respectively, or any other persons duly appointed to those offices, to hold a new election to fill the place of the person neglecting or refusing as aforesaid, or to fill the vacancy. 46 V. c. 18, s. 180.

182. In case the office of mayor of a city or town becomes vacant after the first day of December in any year, and an election to fill the vacancy has not been ordered by the Court or a Judge, the council may either direct that an election be held to fill the vacancy, or may elect one of their number to fill the office during the residue of the term. 43 V. c. 39, s. 6.

183. The person thereupon elected shall hold his seat for the residue of the term for which his predecessor was elected, or for which the office is to be filled. 46 V. c. 18, s. 181.

184. In case such non-election, neglect or refusal as aforesaid, occurs previous to the organization of the council for the year, the warrant for the new election shall be issued by the head or a member of the council for the previous year, or by the clerk, in like manner, as provided by section 181, but such neglect or refusal shall not interfere with the immediate organization of the new council, provided a majority are present of the full number of the council. 46 V. c. 18, s. 182.

185. The returning officers and deputy-returning officers shall hold the new election at furthest within fifteen days after receiving the warrant, and the clerk shall appoint a day and place for the nomination of candidates, and the election shall, in respect to notices and other matters, be conducted in the same manner as the annual elections. 48 V. c. 39, s. 7.

186. In case, at an annual or other election, the electors, from any cause not provided for by sections 158 or 159, neglect or decline to elect the members of council for a municipality the day appointed, or to elect the requisite number of members, the new members of the council, if they equal or exceed the half of the council when complete, or a majority of such new members, or if a half of such members are not elected, then the members for the preceding year, or a majority of them,—shall appoint as many qualified persons as will constitute or complete the number of members requisite; and the persons so appointed shall accept office and make the necessary declarations, under the same penalty, in case of refusal or neglect, as if elected. 46 V. c. 18, s. 184.

DIVISION VIII.—CONTROVERTED ELECTIONS.

How validity or right of election determined. Secs. 187-197.

Writ for removal, etc. Sec. 198.

If election of whole Council invalid. Sec. 199.

Disclaimer. Secs. 200-205.

Costs. Secs. 203, 205, 206.

Decision of Judge final—Enforcing Judgment. Sec. 207.

Judges may settle forms and practice. Sec. 208.

Trial of con-
tested elec-
tions or right
to elect.

187. In case the right of a municipality to a reeve or deputy-reeve or reeves, or in case the validity of the election or appointment of mayor, warden or reeve, or deputy-reeve, alderman, or councillor is contested, the same may be tried by a Judge of the High Court, or the senior or officiating Judge of the County Court of the county in which the election or appointment took place; and when the right of a municipality to a reeve or deputy-reeve or reeves is the matter contested, any municipal elector in the county may be the relator, and when the contest is respecting the validity of any such election as aforesaid, any candidate at the election, or any elector who gave or tendered his vote thereat, or if respecting the validity of any such appointment, any member of the council or any elector of the ward, or, if there is no ward, of the municipality for which the appointment was made, may be the relator for the purpose. 46 V. c. 18, s. 185.

Time within
which pro-
ceedings to be
instituted,
and security
and proof re-
quired.

188. If within six weeks after the election, or one month after acceptance of office by the person elected, the relator shews by affidavit to such Judge, reasonable ground for supposing that the election was not legal, or was not conducted according to law, or that the person declared elected thereat was not duly elected, and if the relator enters into recognizance before the Judge or before a Commissioner for taking affidavits, in the sum of \$200 with two sureties (to be allowed as sufficient by the Judge upon affidavit of justification) in the sum of \$100 each, conditioned to prosecute the writ with effect, or to pay the party against whom the same is brought any costs which may be adjudged to him against the relator, the Judge shall direct a writ of summons in the nature of a *quo warranto* to be issued to try the matters contested. 46 V. c. 18, s. 186.

Writ in nature
of *quo*
warranto.

Evidence to
be used on re-
turn of writ
may be taken
viva voce by
leave of
judge, etc.

189. The Judge of the High Court before whom the writ of summons is returnable, may order the evidence to be used on the hearing of the summons to be taken *viva voce* before the Judge of the County Court, in the presence of counsel for, or after notice to, all the parties interested, and such Judge shall return the evidence to the Registrar at Toronto of the Division from which the writ of summons was issued, and every party shall be entitled to a copy thereof. 46 V. c. 18, s. 187.

190. In case the relator alleges that he himself or some other person has been duly elected, the writ shall be to try the validity, both of the election complained of and the alleged election of the relator or other person. 46 V. c. 18, s. 188.

191. In case the grounds of objection apply equally to two or more persons elected, the relator may proceed by one writ against such persons. 46 V. c. 18, s. 189.

192. Where more writs than one are brought to try the validity of an election, or the right to a reeve or deputy reeve or reeves as aforesaid all such writs shall be returnable before the Judge who is to try the first, and the Judge may give one judgment upon all, or a separate judgment upon each one or more of them, as he thinks fit. 46 V. c. 18, s. 190.

193. The writ shall be issued by the Clerk of the Process of the said High Court, or by the Local or Deputy Registrar, or Deputy Clerk of the Crown in the county in which the election took place, and shall be returnable before a Judge in Chambers at Toronto, or before the Judge of the County Court at a place named in the writ, upon the eighth day after service, computed exclusively of the day of service, or upon any later day named in the writ. 46 V. c. 18, s. 191.

194. The writ shall be served personally, unless the party to be served keeps out of the way to avoid personal service, in which case the Judge upon being satisfied thereof, by affidavit or otherwise, may make an order for such substitutional service as he thinks fit. 46 V. c. 18, s. 192.

195. The Judge before whom the writ is made returnable or is returned, may, if he thinks proper, order the issue of a writ of summons at any stage of the proceedings to make the returning officer or any deputy-returning officer a party thereto. 46 V. c. 18, s. 193.

196. The Judge before whom the writ is returned may allow any person entitled to be a relator to intervene and defend, may grant a reasonable time for the purpose; and an intervening party shall be liable or entitled to costs like any other party to the proceedings. 46 V. c. 18, s. 194.

197. The Judge shall, in a summary manner, upon statement and answer, without formal pleadings, hear and determine the validity of the election, or the right to a reeve or deputy reeve or reeves, and may, by order, cause the assessment rolls, collectors' rolls, list of electors, and any other records of the election to be brought before him, and may inquire into the

Trial.

facts on affidavit or affirmation, or by oral testimony, or by issues framed by him, and sent to be tried by jury by writ of trial directed to any Court named by the Judge, or by one or more of these means, as he deems expedient; subject, however, to the provisions of section 212. 46 V. c. 18, s. 195.

If election invalid, judge shall remove person not duly elected, and admit person elected, or cause new election.

198. In case the election complained of is adjudged invalid, the Judge shall forthwith, by writ, cause the person found not to have been duly elected to be removed; and in case the Judge determines that any other person was duly elected, the Judge shall forthwith order a writ to issue causing such other person to be admitted; and in case the Judge determines that no other person was duly elected instead of the person removed, the Judge shall by the writ cause a new election to be held. 46 V. c. 18, s. 196.

If all the members ousted, etc., writ for new election to go to the sheriff.

199. In case the election of all the members of a council is adjudged invalid, the writ for their removal, and for the election of new members in their place, or for the admission of others adjudged legally elected, and an election to fill up the remaining seats in the council, shall be directed to the sheriff of the county in which the election took place; and the sheriff shall have all the powers for causing the election to be held which a municipal council has in order to supply vacancies therein. 46 V. c. 18, s. 197.

Defendant may disclaim, except in certain cases.

Mode of proceeding.

200. Any person whose election is complained of may, unless such election is complained of on the ground of corrupt practices on the part of such person, within one week after service on him of the writ, transmit, post paid, through the post office, directed to "The Clerk in Chambers, at Osgoode Hall, Toronto," or to "The Judge of the County Court of the County of _____" (as the case may be), or may cause to be delivered to such clerk or Judge a disclaimer signed by him, to the effect following:

Form.

"I, A. B., upon whom a writ of summons, in the nature of a *quo warranto*, has been served for the purpose of contesting my right to the office of Township Councillor (or as the case may be) for the Township of _____, in the County of _____ (or as the case may be), do hereby disclaim the said office, and all defence of any right I may have to the same.

"Dated _____

day of _____

(Signed)

"A. B."

46 V. c. 18, s. 198.

Posting and registry of disclaimer.

201. The disclaimer, or the envelope containing the same, shall moreover be endorsed on the outside thereof with the word "*Disclaimer*," and be registered at the post office where mailed. 46 V. c. 18, s. 199.

202. Where there has been a contested election, the person elected may at any time after the election, and before his election is complained of, deliver to the clerk of the municipality a disclaimer signed by him as follows :

"I, A. B., do hereby disclaim all right to the office of Township Councillor, (or as the case may be) for the Township of _____ (or as the case may be), and all defence of any right I may have to the same."
46 V. c. 18, s. 200.

203. Such disclaimer shall relieve the party making it from all liability to costs, and where a disclaimer has been made in accordance with the preceding sections, it shall operate as a resignation, and the candidate having the next highest number of votes shall then become the councillor, or other officer as the case may be. 46 V. c. 18, s. 201.

204. Every person disclaiming shall deliver a duplicate of his disclaimer to the clerk of the council, and the clerk shall forthwith communicate the same to the council. 46 V. c. 18, s. 202.

205. No costs shall be awarded against a person duly disclaiming, unless the Judge is satisfied that such party consented to his nomination as a candidate, or accepted the office, in which case the costs shall be in the discretion of the Judge. 46 V. c. 18, s. 203.

206. In all cases not otherwise provided for, costs shall be in the discretion of the Judge. 46 V. c. 18, s. 204.

207. The decision of the Judge shall be final, and he shall immediately after his judgment, return the writ and judgment with all things had before him touching the same, into the Division from which the writ issued, there to remain as a judgment of the High Court; and he shall, as occasion requires, enforce the judgment by a writ in the nature of a writ of peremptory *mandamus*, and by writs of execution for the costs awarded. 46 V. c. 18, s. 205.

208. The Judges of the High Court, or a majority of them may, by rules, settle the forms of the writs of summons, *certiorari*, *mandamus* and execution under this Act, and may regulate the practice respecting the suing out, service and execution of such writs, and the punishment for disobeying the same, or any other writ, or order of the Court or Judge, and respecting the practice generally, in hearing and determining the validity of such elections or appointments, and respecting the costs thereon; and may from time to time rescind, alter, or add to such rules; but all existing rules shall remain in force until rescinded or altered as aforesaid. 46 V. c. 18, s. 206.

DIVISION IX.—PREVENTION OF CORRUPT PRACTICES.

Bribery and undue influence defined. Secs. 209, 210.

Certain payments lawful. Sec. 211.

Evidence to be viva voce. Sec. 212.

Effect of the conviction of candidate for bribery. Sec. 213.

Penalties. Sec. 214.

How penalties recoverable. Sec. 215.

Report and record of convictions. Secs. 216, 217.

Witnesses, how procured.—Self-crimination or privilege not to excuse from giving evidence. Secs. 218, 219.

Proceedings, within what time to be taken. Sec. 220.

When penalties not recoverable. Sec. 221.

Publication of the law against corrupt practices. Sec. 222.

209. The following persons shall be deemed guilty of bribery, and shall be punished accordingly :

1. Every person who, directly or indirectly, by himself or by any other person in his behalf, gives, lends or agrees to give or lend, or offers or promises money or valuable consideration, or gives or procures, or agrees to give or procure, or offers or promises, any office, place or employment, to or for any voter, or to or for any person on behalf of any voter, or to or for any person in order to induce any voter to vote or refrain from voting at a municipal election, or upon a by-law for raising money or creating a debt upon a municipality or part of a municipality for any purpose whatever, or who corruptly does any such act as aforesaid, on account of such voter having voted or refrained from voting at such election, or upon such by-law ;

2. Every person who, directly or indirectly, by himself or by any other person in his behalf, makes any gift, loan, offer, promise or agreement as aforesaid, to or for any person, in order to induce such person to procure, or endeavour to procure, the return of any person to serve in any municipal council or to procure the passing of any by-law as aforesaid, or the vote of any voter at a municipal election, or for such by-law ;

3. Every person who, by reason of any such gift, loan, offer, promise, procurement or agreement, procures or engages, promises or endeavours to procure the return of any person in a municipal election, or to procure the passing of any by-law as aforesaid, or the vote of any voter at a municipal election, or for such a by-law ;

4. Every person who advances or pays, or causes to be paid, money to or to the use of any other person with the intent that such money, or any part thereof, shall be expended in bribery at a municipal election, or at any voting upon a by-law as aforesaid, or who knowingly pays, or causes to be

paid, any money to any person in discharge or repayment of any money wholly or in part expended in bribery at such election, or at the voting upon such by-law.

5. Every voter who, before or during a municipal election, or the voting on such by-law, directly or indirectly, by himself or any other person in his behalf, receives, agrees or contracts for any money, gift, loan, or valuable consideration, office, place or employment, for himself or any person, for voting or agreeing to vote, or refraining or agreeing to refrain from voting at such election, or upon such by-law; Votes received, money, etc., for vote, or agreeing for money to vote, etc.

6. Every person who, after such election, or the voting upon such by-law, directly or indirectly, by himself or any other person on his behalf, receives any money or valuable consideration on account of any person having voted or refrained from voting, or having induced any other person to vote or refrain from voting at such election, or upon such by-law; Receiving money, etc., after the election for voting, or inducing, etc., to vote.

7. Every person who hires horses, teams, carriages or other vehicles for the purpose of conveying electors to or from the polls, and every person who receives pay for the use of any horse, teams, carriages, or other vehicles, for the purpose of conveying electors to or from any polls as aforesaid. 46 V. c. 18, s. 207. Hiring teams, or etc.

210. Every person who, directly or indirectly, by himself or by any other person on his behalf, makes use of or threatens to make use of any force, violence or restraint, or inflicts, or threatens the infliction, by himself or by or through any other person, of any injury, damage or loss, or in any manner practices intimidation upon or against any person, in order to induce or compel such person to vote or refrain from voting, or on account of such person having voted or refrained from voting at any election, or who in any way prevents, or otherwise interferes with, the free exercise of the franchise of any voter shall be deemed to be guilty of undue influence, and be subject to the penalty hereinafter mentioned. 46 V. c. 18, s. 208. Persons using violence or intimidation to be guilty of undue influence.

211. The actual personal expenses of a candidate, his expenses for actual professional services performed, and *bona fide* payments for the fair cost of printing and advertising, shall be held to be the expenses lawfully incurred, and the payment thereof shall not be a contravention of this Act. 46 V. c. 18, s. 209. Expenses of candidates.

212. Where, in an application in the nature of a *quo warranto*, a question is raised, as to whether the candidate or any voter has been guilty of any violation of section 209 or 210 of this Act affidavit evidence shall not be used to prove the offence, but it shall be proved by *viva voce* evidence taken before the Judge of any County Court, upon a reference to Evidence of corrupt practices on application of nature of quo warranto to be taken viva voce.

him by the Judge of the High Court for that purpose, or upon an appointment granted by him in cases pending in such County Court. 46 V. c. 18, s. 210.

Penalty on candidates guilty of bribery, etc.

213. Any candidate elected at a municipal election, who is found guilty by the Judge, upon a trial upon a writ of *quo warranto*, of any act of bribery, or of using undue influence as aforesaid, shall forfeit his seat, and shall be ineligible as a candidate at any municipal election for two years thereafter. 46 V. c. 18, s. 211.

Penalty for offences under ss. 209, 210.

214. Any person who is adjudged guilty of any offence within the meaning of sections 209 or 210 of this Act, shall incur a penalty of \$20, and shall be disqualified from voting at any municipal election or upon a by-law for the next succeeding two years. 46 V. c. 18, s. 212.

Recovery of penalties.

215. The penalties imposed by the preceding section shall be recoverable, with full costs of suit, by any person who sues for the same in the Division Court having jurisdiction where the offence was committed; and any person against whom judgment is rendered, shall be ineligible, either as a candidate or a municipal voter, until the amount which he has been condemned to pay is fully paid and satisfied. 46 V. c. 18, s. 213.

Judge to make return.

216. It shall be the duty of the Judge who finds any candidate guilty of a contravention of section 209 or 210 of this Act, or who condemns any person to pay any sum in the Division Court for any offence within the meaning of this Act, to report the same forthwith to the clerk of the municipality wherein the offence has been committed. 46 V. c. 18, s. 214.

Clerk to keep book shewing names of persons guilty of offences, etc.

217. The clerk of every municipality shall duly enter in a book, to be kept for that purpose, the names of all persons within his municipality who have been adjudged guilty of any offence within the meaning of section 209 or 210 of this Act, and of which he has been notified by the Judge who tried the case. 46 V. c. 18, s. 215.

Attendance of witnesses.

218. Any witness shall be bound to attend before the Judge of the County Court upon being served with the order of the County Court Judge directing his attendance and upon payment of the necessary fees for his attendance, in the same manner as if he had been directed by a writ of subpoena so to attend, and he may be punished for contempt, and shall be liable to all the penalties for such non-attendance in the same manner as if he had been served with a subpoena. 48 V. c. V. c. 18, s. 216.

219. No person shall be excused from answering any question put to him in any action or other proceeding in any Court or before any Judge, touching or concerning any election or by-law, or the conduct of any person thereat, or in relation thereto, on the ground of any privilege, or on the ground that the answer to the question will tend to criminate such person; but no answer given by any person claiming to be excused on the ground of privilege, or on the ground that such answer will subject him to any penalty under this Act, shall be used in any proceeding under this Act, against such person, if the Judge gives to the witness a certificate that he claimed the right to be excused on either of the grounds aforesaid, and made full and true answer, to the satisfaction of the Judge. 46 V. c. 18, s. 217.

Witnesses not excused from answering on grounds of self crimination or privilege. Proviso.

220. All proceedings other than an application in the nature of *quo warranta* against any person for any violation of section 209 or 210 of this Act, shall be commenced within four weeks after the municipal election at which the offence is said to have been committed, or within four weeks after the day of voting upon a by-law as aforesaid. 46 V. c. 18, s. 218.

Limitation of actions.

221. No pecuniary penalty or forfeiture imposed by this Act or any other Act of the Legislature of Ontario, shall be recoverable for any act of bribery or corrupt practice at an election, in case it appears that the person charged and another person or other persons were together guilty of the act charged, either as giver and receiver, or as accomplices or otherwise, and that the person charged has previously *bona fide* prosecuted such other person or persons or any of them for the said act; but this provision shall not apply in case the Judge before whom the person claiming the benefit thereof is charged, certifies that it clearly appears to him that the person so charged took the first step towards the commission of the offence charged, and that such person was in fact the principal offender. 46 V. c. 18, s. 219.

No statutory penalty for corrupt practices at elections, where the party charged has first prosecuted a party jointly liable. Proviso.

222. The clerk of every municipality shall, prior to any election, or voting on any by-law furnish every deputy-returning officer with at least two copies of the sections of this Act, numbered from 209 to 222 inclusive, and it shall be the duty of the deputy-returning officer to post the same in conspicuous places at the polling place of the polling subdivision for which he is deputy-returning officer. 46 V. c. 18, s. 220.

Copies of ss. 209-222 to be posted up prior to election.

PART IV.

MEETINGS OF MUNICIPAL COUNCILS.

DIV. I.—WHEN AND WHERE HELD.
 DIV. II.—CONDUCT OF BUSINESS.

DIV. I.—WHEN AND WHERE HELD.

First and subsequent meetings. Secs. 223-230.
Remuneration of members. Secs. 231, 232.

First meet-
 ings of
 councils.

223. The members of every municipal council (except county councils) shall hold their first meetings at eleven o'clock in the forenoon, on the third Monday of the same January in which they are elected, or on some day thereafter; and the members of every county council shall hold their first meeting at two o'clock in the afternoon, or some hour thereafter, on the fourth Tuesday of the same month, or on some day thereafter. 46 V. c. 18, s. 221.

No business
 before de-
 clarations of
 office, etc.

224. No business shall be proceeded with at the first meeting of the council, until the declarations of office and qualification have been administered to all the members who present themselves to take the same. 46 V. c. 18, s. 222.

Election by
 council coun-
 cil of a war-
 den.

225. The members elect of every county council, being at least a majority of the whole number of the council when full, shall at their first meeting after the yearly elections, and after making the declarations of office and qualification when required to be taken, organize themselves as a council by electing one of themselves to be warden. 46 V. c. 18, s. 223.

Who to pre-
 side at elec-
 tion.

226. At every such election the clerk of the council shall preside, and if there be no clerk, the members present shall select one of themselves to preside, and the person selected may vote as a member. 46 V. c. 18, s. 224.

Who to have
 the casting
 vote in the
 event of equa-
 lity of votes.

227. In case of an equality of votes on the election of the head of any county council, or provisional county council, then those present, the reeve, or in his absence the deputy-reeve of the municipality which for the preceding year had the greatest equalized assessment shall have a second and casting vote. 50 V. c. 29, s. 7.

228. The members of every county council shall hold their ^{Place of first} first meeting at the county hall if their is one, or otherwise ^{meeting.} at the county court house. 46 V. c. 18, s. 226.

229. The subsequent meetings of the county council, and ^{Place of sub-} all the meetings of every other council shall be held at such ^{sequent meet-} place, either within or without the municipality, as the council ^{ing of county} from time to time, by resolution on adjourning, to be entered ^{council, etc.} on the minutes, or by by-law, appoints. 46 V. c. 18, s. 227.

230. The council of any county or township in which any ^{Place of meet-} city, town, or incorporated village lies, may hold its sittings, ^{ing may be in} keep its public offices and transact all the business of the ^{cities, etc.} council and of its officers and servants within such city, town or incorporated village, and may purchase and hold such real property therein as may be convenient for such purposes. 46 V. c. 18, s. 228.

231. The council of every township and county may pass ^{Remunera-} by-laws for paying the members of the council for their ^{tion to coun-} attendance in council, or any member while attending on com- ^{cillors and} mittee of the council, at a rate not exceeding \$3 ^{per diem,} and five cents per mile necessarily travelled (to and from), for ^{men limited.} such attendance. 46 V. c. 18, s. 229.

232. The head of the council of any county, city, town ^{Remunera-} or incorporated village may be paid such annual sum or other ^{tion of mayor,} remuneration as the council of the municipality may determine. ^{etc.} 46 V. c. 18, s. 230.

DIVISION II.—CONDUCT OF BUSINESS.

Ordinary meetings to be open to the public. Sec. 233.

Quorum. Secs. 234, 235.

Who to preside. Secs. 236, 238-240.

Special meetings. Secs. 236-238.

Presiding officers may vote. Sec. 241.

Equality of votes negatives question. Sec. 241.

Power to adjourn. Sec. 242.

233. Every council shall hold its ordinary meetings openly, ^{Ordinary} and no person shall be excluded except for improper conduct, ^{meetings to} but the head or other chairman of the council may expel and ^{be open.} exclude from any meeting, any person who has been guilty of improper conduct at such meeting. 46 V. c. 18, s. 231.

234. A majority of the whole number of members required ^{Quorum.} by law to constitute the council shall be necessary to form a quorum. 46 V. c. 18, s. 232.

In councils of five, three must concur. **235.** When a council consists of only five members, the concurrent vote of at least three shall be necessary to carry any resolution or other measure. 46 V. c. 18, s. 233.

The heads of councils to preside. Special meetings. **236.**—(1) The head of every council shall preside at the meetings of council, and may at any time summon a special meeting thereof, and it shall be his duty to summon a special meeting whenever requested in writing by a majority of the members of the council. 46 V. c. 18, s. 234.

Summoning of special meetings in absence of the mayor, etc. (2) In the absence or death of the mayor or head of the council, a special meeting may be summoned at any time by the clerk upon a special requisition to him, signed by a majority of the members of the council. 47 V. c. 32, s. 6.

Special meeting, where to be held. May be either open or closed. **237.** In case there is no by-law of a council fixing the place of meeting, any special meeting of the council shall be held at the place where the then last meeting of the council was held, and a special meeting may be open or closed as in the opinion of the council, expressed by resolution in writing, the public interest requires. 46 V. c. 18, s. 235.

When reeve deputy reeve to preside. **238.** In case of the death or absence of the head of a town council, the reeve, and in case of the absence or death of both of them, the deputy reeve, and in case of the death or absence of the head of a village or township council, the deputy reeve shall preside at the meetings of the council, and may at any time summon a special meeting thereof; but if there be more than one deputy reeve, the council shall determine which of them shall preside at their meeting. 46 V. c. 18, s. 236.

Absence of head, etc., provided for. **239.** In the absence of the head of the council, and in the case of a town, village or township, in the absence also of the reeve, if there be one, and also of the deputy reeve or deputy-reeves, if there be one or more, by leave of the council or from illness, the council may, from among the members thereof, appoint a presiding officer, who, during such absence, shall have all the powers of the head of the council. 46 V. c. 18, s. 237.

Casual absence provided for. **240.** If the person who ought to preside at any meeting does not attend within fifteen minutes after the hour appointed, the members present may appoint a chairman from amongst themselves, and such chairman shall have the same authority in presiding at the meeting as the absent person would have had if present. 46 V. c. 18, s. 238.

Head may vote. Question negatived in case of equality of votes. **241.** The head of the council, or the presiding officer or chairman of any meeting of any council, may vote with the other members on all questions, and any question on which there is an equality of votes shall be deemed to be negatived. 46 V. c. 18, s. 239.

Adjournment. **242.** Every council may adjourn its meetings from time to time. 46 V. c. 18, s. 240.

PART V.

OFFICERS OF MUNICIPAL CORPORATIONS.

- DIV. I.—THE TOWN CLERK.
 DIV. II.—THE TOWN ENGINEER.
 DIV. III.—THE TOWN TREASURER.
 DIV. IV.—ASSESSORS AND COLLECTORS.
 DIV. V.—AUDITORS AND AUDIT.
 DIV. VI.—VALUATORS.
 DIV. VII.—DUTIES OF OFFICERS RESPECTING OATHS AND
 DECLARATIONS.
 DIV. VIII.—SALARIES, TENURE OF OFFICE AND SECURITY.

DIVISION I.—THE HEAD.

Who to be. Sec. 243.

Duties. Sec. 244.

243. The head of every county and provisional corporation shall be the warden thereof, and of every city and town the mayor thereof, and of every township and incorporated village the reeve thereof. 46 V. c. 18, s. 241.

244. The head of the council shall be chief executive officer of the corporation; and it shall be his duty to be vigilant and active at all times in causing the law for the government of the municipality to be duly executed and put in force; to inspect the conduct of all subordinate officers in the government thereof, and, as far as may be in his power, to cause all negligence, carelessness and positive violation of duty, to be duly prosecuted and punished, and to communicate from time to time to the council all such information, and recommend such measures within the powers of the council as may tend to the improvement of the finances, health, security, cleanliness, comfort and ornament of the municipality. 46 V. c. 18, s. 242.

DIVISION II.—THE CLERK.

Appointment and duties of. Sec. 245.

Absence of. Sec. 246.

Records and papers may be inspected. Sec. 247.

Return of statistics. Sec. 248.

245. Every council shall appoint a clerk; and the clerk shall truly record in a book, without note or comment, all resolutions of clerk, and his duties.

lutions, decisions and other proceedings of the council, and, if required by any member present, shall record the name and vote of every member voting on any matter submitted, and shall keep the books, records and accounts of the council, and shall preserve and file all accounts acted upon by the council, and also the originals or certified copies of all by-laws, and of all minutes of the proceedings of the council, all of which he shall so keep in his office, or in the place appointed by by-law of the council. 46 V. c. 18, s. 243.

Provision for absence, etc., of clerk.

246. The council may by resolution provide that, in case the clerk is absent, or incapable through illness of performing his duties of clerk, some other person to be named in the resolution, or to be appointed under the hand and seal of such clerk, shall act in his stead, and the person so appointed shall, while he so acts, have all the powers of the clerk. 46 V. c. 18, s. 244.

Minutes, etc., to be open to inspection.

247. Any person may inspect any of the particulars aforesaid, as well as the assessment rolls, voters' lists, poll books, and other documents in the possession of or under the control of the clerk, at all reasonable times, and the clerk shall, within a reasonable time, furnish copies thereof to any applicant at the rate of ten cents per hundred words, or at such lower rates as the council appoints, and shall, on payment of the proper fee therefor, furnish within a reasonable time, to any elector of the municipality, or to any other person interested in any by-law, order or resolution, or to his solicitor, a copy of such by-law, order or resolution, certified under his hand, and under the corporate seal. 46 V. c. 18, s. 245.

Copies to be furnished, and charges therefor, etc.

Returns to be made to Bureau of Industries.

248.—(1) The clerk of every municipality shall in each year, within one week after the final revision of the assessment roll, under a penalty of \$20 in case of default, make a return to the secretary of the Bureau of Industries, Toronto, on schedules or forms furnished by the said secretary, and approved by the Lieutenant-Governor in Council, of such statistics or information as the assessment roll or other records of his office afford, and as such schedules or forms call for.

Tabulated statement of returns to be made by secretary of Bureau.

(2) The secretary of the Bureau of Industries shall, as soon as may be, after the opening of every Session of the Legislature, report to the Minister of Agriculture for the purpose of being laid before the Legislative Assembly, a tabulated statement of all the returns hereby required to be made.

Moneys payable to municipalities in default to be retained.

(3) The Treasurer of the Province shall retain in his hands any moneys payable to any municipality, if it is certified to him by the secretary of the Bureau of Industries, that the clerk of such municipality has not made the returns hereby required. 50 V. c. 29, ss. 13-15.

DIVISION III.—THE TREASURER.

His appointment, security, duties, etc. Secs. 249-252.
Powers of successor, when Treasurer is dismissed or absconds. Sec. 253.

249. Every municipal council shall appoint a treasurer, who ^{Treasurer to} may be paid either by salary or by a percentage, and every ^{be appointed.} treasurer, before entering upon the duties of his office, shall ^{To give secu-} give such security as the council directs for the faithful per-
 formance of his duties, and especially for duly accounting for
 and paying over all moneys which may come into his hands;
 and it shall be the duty of every council, in each and every ^{Annual in-} year, to inquire into the sufficiency of the security given by ^{quiry as to} such treasurer, and report thereon. 46 V. c. 18, s. 252. ^{sufficiency of.}

250.—(1) Every treasurer shall receive, and safely keep, all ^{To receive} moneys belonging to the corporation, and shall pay out the ^{and take care} same to such persons and in such manner as the laws of the ^{of and dis-} Province, and the ^{burse moneys,} lawful by-laws or resolutions of the council ^{etc.} of the municipal corporation, whose officer he is, direct; but no member of the council shall receive any money from such treasurer for any work performed or to be performed; and ^{His liability} the treasurer shall not be liable to an action for any ^{limited.} moneys paid by him in accordance with any by-law or resolution passed by the council of the municipality of which he is the treasurer, unless where another disposition is expressly made of such moneys by statute.

(2) In case of the death of a county treasurer the warden ^{Appointment} for the time being may, by warrant under his hand and seal, ^{of treasurer} appoint a treasurer *pro tempore* for such special purpose or pur-
 poses as the warden may deem necessary, who shall hold office ^{pro tem.} until the next meeting of the council, and all acts performed by him, authorized by said warrant, shall be as valid and bind-
 ing as if performed by a treasurer regularly appointed: ^{Proviso.} provided always that the warden shall, in and by such warrant of appointment, direct what security shall be given by such treasurer *pro tempore* for the faithful performance of his duties, and especially for duly accounting for, and paying over, all moneys which may come into his hands, and he shall before entering upon his duties, give such security, but he shall not interfere with the books, vouchers, or accounts of the deceased treasurer until a proper audit shall be made. 46 V. c. 18, s. 253.

251. Every treasurer shall also prepare and submit to the ^{Half-yearly} council, half-yearly, a correct statement of the moneys at the ^{statement of} credit of the corporation whose officer he is; and in cities, ^{assets.} towns, incorporated villages and townships which have passed by-laws requiring this to be done, the treasurer shall, on or

Annual list of persons in default for taxes. before the 20th day of December in each year, prepare and transmit to the clerk of the municipality a list of all persons who have not paid their municipal taxes on or before the 14th day of said month of December. 46 V. c. 18, s. 254. See secs. 82, 489 (2).

Return to be made to Bureau of Industries. **252.**—(1) The treasurer of every municipality shall, on or before the first day of May in each year, under a penalty of \$20 in case of default, furnish to the secretary of the Bureau of Industries, Toronto, on schedules or forms furnished by said secretary and approved by the Lieutenant-Governor in Council, such information or statistics regarding the finances or accounts of the municipality, as such schedules or forms call for.

Tabulated statement of return to be made by secretary of Bureau. (2) The secretary of the Bureau of Industries shall, as soon as may be, after the opening of every Session of the Legislature, report to the Minister of Agriculture for the purpose of being laid before the Legislative Assembly, a tabulated statement of all the returns hereby required to be made.

Moneys payable to municipalities in default to be retained. (3) The Treasurer of the Province shall retain in his hands any moneys payable to any municipality, if it is certified to him by the secretary of the Bureau of Industries, that the treasurer of such municipality has not made the returns hereby required. 50 V. c. 29, ss. 12, 14, 15.

Provision on dismissal from office. **253.** In case any treasurer is dismissed from office, or absconds, it shall be lawful for his successor to draw any moneys belonging to the municipality. 46 V. c. 18, s. 255.

DIVISION IV.—ASSESSORS AND COLLECTORS.

(See also Cap. 193, ss. 12, 13.)

Appointment of. Secs. 254, 255.

Assessment Commissioner—Board of Assessors. Sec. 255.

Township Collectors to act for Provisional Corporations—

Disposal of Monies. Secs. 256, 257.

Assessors and collectors, appointment and qualification of. **254.**—(1) The council of every city, town, township, and incorporated village, shall, as soon as may be convenient after the annual election, appoint as many assessors and collectors for the municipality as the assessment laws from time to time authorize or require, and shall fill up any vacancy that occurs in the said offices as soon as may be convenient after the same occurs; but the council shall not appoint as assessor or collector a member of the council.

(2) The same person may, in a city, town or township, be appointed assessor or collector for more than one ward or polling subdivision.

(3) In municipalities which have passed by-laws requiring taxes to be paid on or before the 14th day of December, it shall be the duty of the collectors, on the 15th day of December in each year, upon oath, to return to the treasurer the names of all persons who have not paid their municipal taxes on or before the 14th day of the said month of December. 46 V. c. 18, s. 256.

255. In cities, the council, instead of appointing assessors under the preceding section, may appoint an assessment commissioner, who, in conjunction with the mayor for the time being, shall, from time to time, appoint such assessors and valuers as may be necessary, and such commissioner, assessors, and valuers shall constitute a board of assessors, and shall possess all the powers and perform the duties of assessors appointed under the last preceding section; and the council shall also have power, by by-law, to determine the number of collectors to be appointed, and prescribe their duties, and any commissioner, assessor or collector to be appointed by any city need not be appointed annually, but shall hold office at the pleasure of the council; and all notices, in other municipalities required to be given to the clerk of the municipality in matters relative to assessment shall in such city be given to the assessment commissioner. 46 V. c. 18, s. 257, *part*.

In cities, assessment commissioner may be appointed instead of such assessors, etc.

Tenure of office of commissioner, assessors, etc.

256. The collectors of the several townships in a junior county of a union of counties shall, *ex-officio*, be collectors in such townships for the provisional council, and the collectors shall pay over to the provisional treasurer the money they collect under any by-law of the provisional council. 46 V. c. 18, s. 258.

Collector of provisional council.

Payments.

257. The money so collected shall be deemed the money of the union, so far as necessary to make the collectors and their sureties responsible to the union therefor; and in case the corporation of the union receives the same, such corporation shall immediately pay the amount to the provisional treasurer, retaining the expenses of collection. 46 V. c. 18, s. 259.

Moneys, how to be disposed of.

DIVISION V.—AUDITORS AND AUDIT.

Appointment and duties. Secs. 258-264.

Publication of abstract and statement of receipts and expenditure. Sec. 265.

Council to finally audit. Sec. 266.

County Council to regulate and audit County moneys. Sec. 267.

Audit, how often to be made. Sec. 268.

Special provisions relating to Toronto. Sec. 259.

Auditors.

258. Subject to the provisions of the next two sections as to cities, every council shall at the first meeting thereof in every year after being duly organized, appoint two auditors, one of whom shall be such person as the head of the council nominates; but no one who, at such time, or during the preceding year, is or was a member, or is or was clerk, or treasurer of the council, or who has, or during the preceding year had, directly or indirectly, alone or in conjunction with any other person, a share or interest in any contract or employment with or on behalf of the corporation, except as auditor, shall be appointed an auditor. And in the event of an auditor so appointed to audit the accounts of the county refusing, or being unable to act, then the head of the council shall nominate another person to act in his stead. 46 V. c. 18, s. 260; 50 V. c. 29, s. 10.

Disqualification for office of.

Appointment of auditors by the city of Toronto.

259.—(1) The council of the corporation of the city of Toronto shall, during the month of December in each year, appoint two auditors. 46 V. c. 18, s. 268 (1).

Annual report by auditors of city of Toronto.

(2) The auditors for the said city shall discharge the duties imposed upon auditors by sub-section 2 of section 263 of this Act, within one month, after the 31st day of December in each year. 46 V. c. 18, s. 270.

Time for appointment of auditors in cities.

260.—(1) The council of any city which shall pass a by-law declaring that it is expedient to appoint its auditors in the month of December in each year, shall, while such by-law remains in force, and in the month of December in each year, instead of at its first meeting after being duly organized, appoint two auditors. 47 V. c. 32, s. 7 (1).

Application of existing laws as to appointment of auditors.

(2) Notwithstanding this section, or any such by-law, the provisions of section 258 of this Act, as to the appointment of auditors, shall apply to the audit of the accounts of the year in which such by-law takes effect. 47 V. c. 32, s. 7 (5).

Duty of auditors.

261. The auditors appointed under the next preceding two sections shall, every month, commencing at the end of the first month in the year following the said month of December, and so on to the end of such year, examine and report upon all accounts affecting the corporation, or relating to any matter under its control, or within its jurisdiction. 46 V. c. 18, s. 269; 47 V. c. 32, s. 7 (4).

Filling vacancies.

262. The council of a city, in the event of a vacancy in the office of auditor happening by death, resignation or otherwise, may, by by-law, fill such vacancy, and the person so appointed shall hold office for the remainder of the year for which the original appointment was made. 46 V. c. 18, s. 268 (2); 47 V. c. 32, s. 7 (2).

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263.—(1) The auditors shall examine and report upon all Duties of accounts affecting the corporation, or relating to any matter auditors. under its control or within its jurisdiction for the year ending on the 31st day of December preceding their appointment. 46 V. c. 18, s. 261.

(2) The auditors shall prepare in duplicate an abstract of To prepare the receipts, expenditure, assets and liabilities of the corpor- abstract and ation, and also a detailed statement of the same in such form as detailed statement of the council directs. They shall make a report on all accounts receipts and audited by them, and a special report of any expenditure expenditure, made contrary to law. The auditors shall transmit one copy etc. of the abstract to the secretary of the Bureau of Industries, Toronto, and shall file the other, together with the detailed statement and reports in the office of the clerk of the council within one month after their appointment; and thereafter any inhabitant or ratepayer of the municipality may inspect the same at all reasonable hours, and may by himself or his agent at his own expense take a copy thereof or extracts therefrom. 50 V. c. 29, s. 11.

264. The council of any city may, by by-law, provide that Accounts the auditors shall audit all accounts before payment. 46 V. may be c. 18, s. 268 (3); 47 V. c. 32, s. 7 (2, 3). audited be- fore payment.

265. The clerk shall publish the auditors' abstract and re- Clerks to pub- port (if any), and shall also publish the detailed statement in lish abstracts such form as the council directs, and in case of a minor muni- and state- cipality the clerk shall transmit to the clerk of the county coun- ments. cil a copy of such abstract and statement, and the same shall be kept by the clerk of the county council as a record of his office. 46 V. c. 18, s. 263.

266. The council shall, upon the report of the auditors The council to finally audit and allow the accounts of the treasurer and col- audit finally, lectors, and all accounts chargeable against the corporation; etc. and in case of charges not regulated by law, the council shall allow what is reasonable. 46 V. c. 18, s. 265.

267. Unless otherwise provided, every county council shall Audit of have the regulation and auditing of all moneys to be paid out moneys to of the funds in the hands of the county treasurer. 46 V. c. be paid by 18, s. 266. county Treasurer.

268. In cities and towns, the council may also appoint an Audit of ac- auditor, who shall daily or otherwise as directed by the coun- counts in cil, examine and report and audit the accounts of the corpor- cities and ation, in conformity with any regulation or by-law of the coun- towns. cil; and in other municipalities the auditors shall also, monthly In other mu- or quarterly, if directed by by-law, examine into and audit the nicipalities. accounts of the corporation. 46 V. c. 18, s. 267; 48 V. c. 39, s. 8.

DIVISION VI.—VALUATORS.

Appointment and Duties. Sec. 269.

County council may appoint valuers, their duties, etc.

Equalization of real property.

269. The council of every county may appoint two or more valuers for the purpose of valuing the real property within the county whose duty it shall be to ascertain, in every fifth year at furthest, the value of the same in the manner directed by the county council; but the valuers shall not exceed the powers possessed by assessors; and the valuation so made shall be made the basis of equalization of the real property by the county council for a period not exceeding five years; and the equalization of personal property shall be as heretofore. 46 V. c. 18, s. 271.

DIVISION VII.—DUTIES OF OFFICERS RESPECTING OATHS AND DECLARATIONS.

Declarations of office and qualification. Secs. 270-272.

Before whom made. Sec. 273.

Certificate of declaration. Sec. 273.

Persons to administer oaths and declarations. Sec. 274.

Record and deposit of. Sec. 275.

Oaths respecting matter before Council. Sec. 276.

Penalty for refusing office, or not making, or refusing to administer, declarations. Sec. 277.

Declaration of office by certain officers.

270.—(1) Every person elected or appointed under this Act to any office requiring a qualification of property in the incumbent shall, before he takes the declaration of office, or enters on his duties, make and subscribe a solemn declaration to the effect following:

Declaration of qualification.

I, A. B., do solemnly declare that I am a natural born (or naturalized) subject of Her Majesty; and have had to my own use and benefit, in my own right (or have and had in right of my wife, as the case may be), as proprietor (or tenant, as the case may be), at the time of my election (or appointment, as the case may require) to the office of

Form of.

hereinafter referred to, such an estate as does qualify me to act in the office of (naming the office) for (naming the place for which such person has been elected or appointed), and that such estate is (the nature of the estate to be specified, as an equitable estate of leasehold or otherwise, as the case may require, and if land, the same to be designated by its local description, rents or otherwise) and that such estate at the time of my election (or appointment, as the case may require) was of the value of at least (specifying the value) over and above all charges, liens and incumbrances affecting the same.

(2) Where any person has been elected as reeve, deputy-reeve, or councillor of any township council he may, instead of the foregoing declaration, make and subscribe a solemn declaration to the effect following:

I, A. B., do solemnly declare that I am a natural born (or naturalized) subject of Her Majesty; and have and had to my own use and benefit, in

my own right (or have and had in right of my wife, as the case may be) as proprietor at the time of my election to the office of hereinafter referred to, such an estate as does qualify me to act in the office of (naming the office) for (naming the place for which such person has been elected), and that such estate is (the nature of the estate to be specified and the land to be designated by its local description) and that such estate at the time of my election was in my actual occupation, and was actually rated in the then last revised assessment roll of this Township (naming it) at an amount not less than \$2,000. 46 V. c. 18, s. 272; 49 V. c. 37, s. 4.

271. Every returning officer, deputy-returning officer Declaration and poll clerk, every member of a municipal council, every of office by mayor and every clerk, assessor, collector, constable and certain officers. other officer appointed by a council, shall also, before entering on the duties of his office, make and subscribe a solemn declaration to the effect following :

I A. B., do solemnly promise and declare that I will truly, faithfully Form of de- and impartially, to the best of my knowledge and ability, execute the clation of office of (inserting the name of the office), to which I have been elected (or office appointed) in this Township (or as the case may be), and that I have not received, and will not receive, any payment or reward, or promise of such, for the exercise of any partiality or malversation or other undue execution of the said office, and that I have not by myself or partner, either directly or indirectly, any interest in any contract with or on behalf of the said Corporation.

46 V. c. 18, s. 273.

272. The solemn declaration to be made by every auditor Auditors' shall be as follows: declaration.

I A. B., having been appointed to the office of Auditor for the Muni-ci-Form of pal Corporation of do hereby promise and declare, that I will faithfully perform the duties of such office according to the best of my judgment and ability; and I do solemnly declare, that I had not directly or indirectly any share or interest whatever in any contract or employment (except that of Auditor, if reappointed) with, by, or on behalf of such Municipal Corporation, during the year preceding my appointment, and that I have not any such contract or employment except, that of auditor, for the present year.

46 V. c. 18, s. 274.

273. The head and other members of the council, and the Before whom subordinate officers of every municipality, shall make the de- declaration of office and qualification before some Court, Judge, to be made. Police Magistrate, or other Justice of the Peace having juris- diction in the municipality for which such head, members or officers have been elected or appointed, or before the clerk of Certificate of the municipality; and the Court, Judge, or other persons be- declaration. fore whom such declarations are made, shall give the necessary certificate of the same having been duly made and subscribed. 46 V. c. 18, s. 275.

274. The head of any council, any alderman, reeve or Certain offi- deputy-reeve, any Justice of the Peace or clerk of a muni- cers may ad- nicipality may, within the municipality, administer any oath, minister cer- affirmation or declaration under this Act, relating to the busi- tain oaths, ness of the place in which he holds office, except where other- etc., within municipality.

wise specially provided, and except where he is the party required to make the oath, affirmation or declaration. 46 V. c. 18, s. 276.

Oath, affirmation or declaration to be subscribed and deposited with clerk of municipality.

275. The deponent, affirmant, or declarant shall subscribe every such oath, affirmation, or declaration, and the person administering it shall duly certify and preserve the same, and within eight days deposit the same in the office of the clerk of the municipality to the affairs of which it relates. 46 V. c. 18, s. 277.

Head of council may administer certain oaths, etc.

276. The head of every council, or in his absence the chairman thereof, may administer an oath or affirmation to any person concerning any account or other matter submitted to the council. 46 V. c. 18, s. 278.

Penalty for refusing to accept office or administer declaration, etc.

277. Every qualified person duly elected or appointed to be a mayor, alderman, reeve or deputy-reeve, councillor, police trustee, assessor or collector of or in any municipality, who refuses such office, or does not within twenty days after knowing of his election or appointment, make the declarations of office and qualification where a property qualification is required, and every person authorized to administer such declaration, who, upon reasonable demand, refuses to administer the same, shall, on summary conviction thereof before two or more Justices of the Peace, forfeit not more than \$80, nor less than \$8, at the discretion of the Justices, to the use of the municipality, together with the cost of prosecution. 46 V. c. 18, s. 279.

DIVISION VIII.—SALARIES, TENURE OF OFFICE AND SECURITY.

Appointment and remuneration of officers. Sec. 278

Tenure of office and duties. Sec. 279.

Gratuities to retiring officers. Sec. 280.

Security to be given by officers. Sec. 281.

Salaries of officers.

278.—(1) In case the remuneration of any of the officers of the municipality has not been settled by Act of the Legislature, the council shall settle the same, and the council shall provide for the payment of all municipal officers, whether the remuneration is settled by statute or by by-law of the council.

Mode of appointment.

(2) No municipal council shall assume to make any appointment to office, or any arrangement for the discharge of the duties thereof, by tender or to applicants at the lowest remuneration.

When municipality employing solicitor at a salary may recover costs.

(3) Where a solicitor or counsel, is employed by a municipality, whose remuneration is wholly or partly by salary, annual or otherwise, the municipality shall, notwithstanding

standing, have the right to recover and collect lawful costs in all actions and proceedings in the same manner as if the solicitor or counsel, was not receiving a salary, when the costs are, by the terms of his employment, payable to the solicitor or counsel as part of his remuneration in addition to his salary. 46 V. c. 18, s. 280.

279. All officers appointed by a council shall hold office until removed by the council, and shall, in addition to the duties assigned to them in this Act, perform all other duties required of them by any other statute, or by the by-laws of the council. 46 V. c. 18, s. 281.

280. Any municipal council, other than a provisional council, may grant to any officer who has been in the service of the municipality for at least twenty years, and who has, while in such service, become incapable through old age of discharging the duties of his office, a sum not exceeding his aggregate salary or other remuneration for the last three years of his service, as a gratuity upon his removal or resignation. 46 V. c. 18, s. 282.

281. The bonds or policies of guarantee of any incorporated or joint stock company, empowered to grant guarantees, or policies for the integrity and faithful accounting of officers and other like purposes, may be accepted instead of, in addition to, the bond or security of any officer or servant of a municipal corporation, in all cases where, by the provisions of this or any other Act, or of any by-law of such corporation, such officer or servant is required to give security, either by himself, or by himself and a surety or sureties, and where the parties directed or authorized to take such security see fit to accept the bond or policy of such company as aforesaid, and approve the terms and conditions thereof; and all the provisions in such Act relating to such security, to be given by such officer or servant, or his sureties, shall apply to the bonds and policies of guarantee of such company as aforesaid, which may be taken instead of, or in substitution of, any existing securities, if the parties directed or authorized as aforesaid see fit, whereupon such existing securities shall be delivered up to be cancelled. 46 V. c. 18, s. 283.

PART VI.

GENERAL PROVISIONS APPLICABLE TO ALL MUNICIPALITIES.

TITLE I.—GENERAL JURISDICTION OF COUNCILS.

II.—RESPECTING BY-LAWS.

III.—RESPECTING FINANCE.

IV.—ARBITRATIONS.

V.—DEBENTURES AND OTHER INSTRUMENTS

VI.—ADMINISTRATION OF JUSTICE AND JUDICIAL PROCEEDINGS.

TITLE I.—GENERAL JURISDICTION OF COUNCILS.

DIVISION I.—NATURE AND EXTENT.

Confined to Municipality—How exercised. Sec. 282.

General Powers. Secs. 283, 284.

Traders' license fees. Sec. 285.

May not grant monopolies—except as to Ferries. Secs. 286, 287.

Jurisdiction
of councils.

282. The jurisdiction of every council shall be confined to the municipality the council represents, except where authority beyond the same is expressly given; and the powers of the council shall be exercised by by-law, when not otherwise authorized or provided for. 46 V. c. 18, s. 284.

General
power to
make regula-
tions;

283. Every council may make regulations not specifically provided for by this Act, and not contrary to law, for governing the proceedings of the council, the conduct of its members, the appointing or calling of special meetings of the council, and generally such other regulations as the good of the inhabitants of the municipality requires, and may repeal, alter and amend its by-laws, save as by this Act restricted. 46 V. c. 18, s. 285.

To repeal
alter, etc.,
by-laws.

Council a
continuing
body.

284. A municipal council shall be deemed and considered as always continuing and existing, notwithstanding any annual or other election of the members composing the same, and upon and after the annual or other election of the members thereof, and their having organized and held their first meeting as a council, every council may take up and carry on to completion all by-laws, reports and proceedings which had

been begun or have been under consideration by the council, either in the then next preceding year or subsequent or prior thereto, and it shall not be necessary to begin *de novo* with any by-law, proceeding, report, matter or thing entertained by the council in such preceding year, or subsequent or prior thereto, as aforesaid. 49 V. c. 37, s. 43.

285. In all cases where, under the provisions of this Act, or Traders' license fees. of any other Act, any council or the board of commissioners of police, in any city, or either of them, is or are authorized to pass by-laws for licensing any trade, calling, business, or profession, or the person carrying on or engaged in any such trade, calling, business, or profession, the council and the board of commissioners of police, respectively, shall have the power to pass by-laws for fixing the sum to be paid for such license, for exercising any such trade, calling, business, or profession, in the municipality, and enforcing the payment of the license fee, and determining the time the license shall be in force. 46 V. c. 18, s. 286.

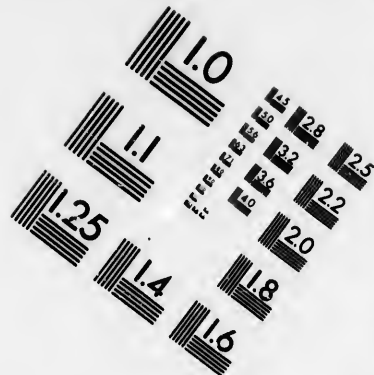
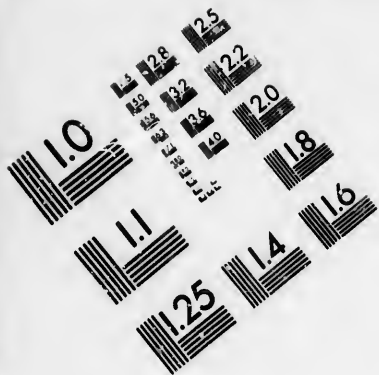
286. No council shall have the power to give any person an exclusive right of exercising, within the municipality, any trade or calling, or to impose a special tax on any person exercising the same, or to require a license to be taken for exercising the same, unless authorized or required by statute so to do; but the council may direct a fee, not exceeding \$1, to be paid to the proper officer for a certificate of compliance with any regulations in regard to such trade or calling. 46 V. c. 18, s. 287.

287. A council may grant exclusive privileges in any ferry which may be vested in the corporation represented by such council, other than a ferry between a Province of the Dominion of Canada and any British or foreign country, or between two Provinces of the Dominion. See B. N. A. Act, 1867, s. 91, (13); cap. 117; and sec. 495 (4), *post*.

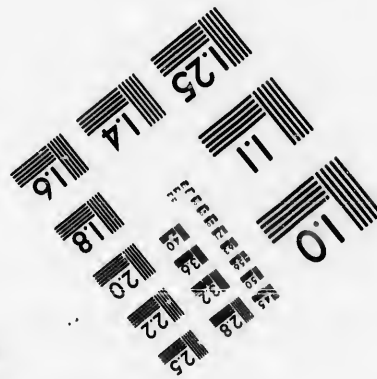
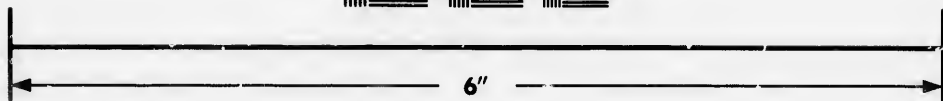
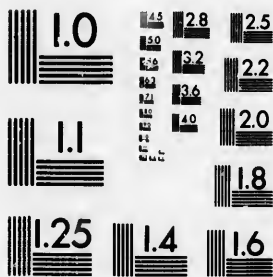
TITLE II.—RESPECTING BY-LAWS.

- DIV. I.—AUTHENTICATION OF BY-LAWS.
- DIV. II.—OBJECTIONS BY RATEPAYERS.
- DIV. III.—VOTING ON BY ELECTORS.
- DIV. IV.—CONFIRMATION OF BY-LAWS.
- DIV. V.—QUASHING BY-LAWS.
- DIV. VI.—BY-LAWS CREATING DEBTS.
- DIV. VII.—BY-LAWS RESPECTING YEARLY RATES.
- DIV. VIII.—ANTICIPATORY APPROPRIATIONS.





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DIVISION I.—AUTHENTICATION OF BY-LAWS.

Original. Sec. 288.*Evidence of.* Sec. 289.*Proof of facts for Lieutenant-Governor.* Sec. 290.How by-laws
to be authen-
ticated.

288. Every by-law shall be under the seal of the corporation, and shall be signed by the head of the corporation, or by the person presiding at the meeting at which the by-law has been passed, and by the clerk of the corporation. 46 V. c. 18, s. 289.

Evidence of.

289. A copy of any by-law, written or printed, without erasure or interlineation, and under the seal of the corporation, and certified to be a true copy by the clerk, and by any member of the council, shall be deemed authentic, and be received in evidence in any Court of Justice without proof of the seal or signatures, unless it is specially pleaded or alleged that the seal or one or both of the signatures have been forged. 46 V. c. 18, s. 290.

By-laws
requiring
assent of the
Lieut.-Gov.

290. The facts required by this Act to be recited in any by-law which requires the approval of the Lieutenant-Governor in Council, shall, before receiving such approval, be verified by solemn declaration, by head of the Council, and by the treasurer and clerk thereof, and by such other person, and on such other evidence, as to the Lieutenant-Governor in Council satisfactorily proves the facts so recited; or in case of the death or absence of such municipal officer, upon the declaration of any other member of the council, whose declaration the Lieutenant-Governor in Council may accept. 46 V. c. 18, s. 291.

DIVISION II.—OBJECTIONS BY RATEPAYERS.

When and how made. Sec. 291.*When Council shall act on objections.* Sec. 292.Opposition to
by-laws.How to be
made.

291. In case a person rated on the assessment roll of a municipality, or of any locality therein, objects to the passing of a by-law, the passing of which is to be preceded by the application of a certain number of the rateable inhabitants of such municipality or place, he shall, on petitioning the council, be at liberty to attend in person, or by counsel or solicitor, before the council at the time at which the by-law is intended to be considered, or before a committee of the council appointed to hear evidence thereon, and may produce evidence that the necessary notice of the application for the by-law was not given, or that any of the signatures to the application are not genuine, or were obtained upon incorrect statements, and that

the proposed by-law is contrary to the wishes of the persons whose signatures were so obtained, and that the remaining signatures do not amount to the number, nor represent the amount of property, necessary to the passing of the by-law, 46 V. c. 18, s. 292.

292. If the council is satisfied upon the evidence that the application for the by-law did not contain the names of a sufficient number of persons, whose names were obtained without fraud and in good faith, and who represent the requisite amount of property, and are desirous of having the by-law passed, or if the council is satisfied that the notice required by law was not duly given, the council shall not pass the by-law. 46 V. c. 18, s. 293.

When
by-laws shall
not pass.

DIVISION III.—VOTING ON BY ELECTORS.

Proceedings preliminary to the Poll. Secs. 293-304.

The Poll. Secs. 305-319.

Who to Vote. Secs. 308, 309.

Freeholders. Sec. 308.

Leaseholders. Sec. 309.

Oath of Freeholder. Sec. 310.

Oath of Leaseholder. Secs. 311, 312.

Proceedings after close of Poll. Secs. 313-319.

Requisites of certain bonus by-laws. Sec. 320.

Secrecy of proceedings. Secs. 321, 322.

Scrutiny. Secs. 323-326.

Passing by-laws by Council. Secs. 327, 328.

293. In case a by-law requires the assent of the electors of a municipality before the final passing thereof, the following proceedings shall be taken for ascertaining such assent, except in cases otherwise provided for:

If a by-law
requires the
assent of the
electors, mode
of obtaining
same.

1. The council shall, by the by-law, fix the day and hour for taking the votes of the electors, and such places in the municipality as the council shall, in their discretion, deem best for the purpose, and where the votes are to be taken at more than one place, shall name a deputy returning officer to take the votes at every such place; and the day so fixed for taking the votes shall not be less than three, nor more than five, weeks after the first publication of the proposed by-law.

Time and
place of vot-
ing to be
fixed by the
by-law.

2. The council shall, before the final passing of the proposed by-law, publish a copy thereof in some public newspaper published either within the municipality or in the county town, or in a public newspaper published in an adjoining local municipality, as the council may designate by resolution, and the publication shall, for the purpose aforesaid, be continued in at

Publication
of by-law.

least one number of such paper each week for three successive weeks, and the council shall put up a copy of the by-law at four or more of the most public places in the municipality. 46 V. c. 18, s. 294 (1, 2).

Notice.

3. Appended to the copy so published and posted shall be a notice, signed by the clerk of the council, stating that the copy is a true copy of a proposed by-law which has been taken into consideration, and which will be finally passed by the council in the event of the assent of the electors being obtained thereto, after one month from the first publication in the newspaper, stating the date of the first publication, and that at the hour, day and place or places therein fixed for taking the votes of the electors, the polls will be held. 49 V. c. 37, s. 25.

Ballot papers to be printed.

294. Forthwith after the day has been fixed as aforesaid, for taking the votes of electors with respect to the by-law, the clerk of the municipal council which proposes the by-law, shall cause to be printed, at the expense of the municipality, such a number of ballot papers as will be sufficient for the purposes of the voting. 46 V. c. 18, s. 295.

Form of.

295. The ballot papers shall be according to the form of Schedule J to this Act. 46 V. c. 18, s. 296.

Council to fix a day for appointment of persons to attend at polling places, and for summing up votes.

296. The council shall, by the by-law, fix a time when, and a place where, the clerk of the council which proposed the by-law shall sum up the number of votes given for and against the by-law, and a time and place for the appointment of persons to attend at the various polling places, and at the final summing up of the votes by the clerk respectively, on behalf of the persons interested in, and promoting or opposing the passage of, the by-law respectively. 46 V. c. 18, s. 297.

Selection of agents.

297. At the time and place named, the head of the municipality shall appoint, in writing signed by him, two persons to attend at the final summing up of the votes, and one person to attend at each polling place on behalf of the persons interested in and desirous of promoting the passing of the by-law, and a like number on behalf of the persons interested in and desirous of opposing the passing of the by-law. 46 V. c. 18, s. 298.

Agent to make declaration.

298. Before any person is so appointed he shall make and subscribe, before the head of the municipality, a declaration in the form of Schedule K to this Act, that he is interested in, and desirous of promoting, or opposing (as the case may be), the passing of the by-law. 46 V. c. 18, s. 299.

Admission of agents to polling places, etc.

299. Every person so appointed before being admitted to the polling place or the summing up of the votes, as the case may be, shall produce to the deputy-returning officer, or clerk of the municipality, as the case may be, his written appointment. 46 V. c. 18, s. 300.

300. In the absence of any person authorized as aforesaid Appointment to attend at a polling place, or at the final summing up of in absence of the votes, any elector in the same interest as the person so agent. absent may, upon making and subscribing, before the deputy-returning officer at the polling place, or the clerk of the municipality, a declaration in the form of Schedule K to this Act, be admitted to the polling place to act for the person so absent. 46 V. c. 18, s. 301.

301. During the time appointed for polling no person shall Exclusion be entitled or permitted to be present in any polling place, other than the officers, clerks and persons or electors authorized to place. attend as aforesaid at the polling place. 46 V. c. 18, s. 302.

302.—(1) The clerk of the municipality, on the request of Deputy any elector entitled to vote at one of the polling places, who has turning been appointed deputy-returning officer or poll clerk, or who officers, poll has been named as the person to attend at a polling place, clerks and other than the one where he is entitled to vote, shall give to vote at poll- such elector a certificate that such deputy-returning officer, ing place poll clerk, or person is entitled to vote for or against the by-are employed, law, at the polling place where such elector is stationed during the polling day, and the certificate shall also state the property or other qualification in respect to which he is entitled to vote.

(2) On the production of the certificate, the deputy-re- on certificate turning officer, poll clerk or person shall have the right to from the clerk vote at the polling place where he is stationed during the poll- of the municip- ing day, instead of at the polling place of the ward, or polling ality. subdivision where he would otherwise have been entitled to vote; and the deputy-returning officer shall attach the certificate to the voters' list; but no such certificate shall entitle such elector to vote at such polling place, unless he has been actually engaged as deputy-returning officer, poll clerk or person during the day of polling.

(3) In case of a deputy-returning officer voting at the poll- Who to ad- ing place at which he is appointed to act, the poll clerk, or in minister oath the absence of the poll clerk, anyone authorized to be present in such case. at the polling place, may administer to the deputy-returning officer the oath required to be taken of voters qualified to vote on the by-law. 46 V. c. 18, s. 303.

303. In the case of municipalities which are divided into Who to con- wards or polling subdivisions, the clerk of the municipality duct the poll shall, before the poll is opened, prepare and deliver to the in municip- deputy-returning officer for every ward or polling sub- alities divided. into wards. division, a voters' list in the form of Schedule C to this Act, con- taining the names, arranged alphabetically, of all persons appearing by the then last revised assessment roll to be

entitled, under the provisions of sections 303 and 309 of this Act, to vote in that ward or polling subdivision, and shall attest the said list by his solemn declaration in writing under his hand. 46 V. c. 18, s. 304.

In municipalities not divided into wards.

304. In the case of municipalities which are not divided into wards or polling subdivisions, the clerk shall provide himself with the necessary ballot papers, the materials for marking ballot papers, printed directions to voters, and a list of electors for the municipality similar to the list mentioned in the preceding section; and the clerk shall perform the like duties with respect to the whole municipality as are imposed upon a deputy-returning officer in respect of a ward or polling subdivision. 46 V. c. 18, s. 305.

The Poll.

Voting to be by ballot.

305. At the day and hour fixed as aforesaid, a poll shall be held and the vote shall be taken by ballot. 46 V. c. 18, s. 306.

Proceedings to be as at municipal elections.

306. The proceedings at the poll, and for and incidental to the same, and the purposes thereof, shall be the same, as nearly as may be, as at municipal elections, and all the provisions of sections 120 to 176 inclusive, of this Act, so far as the same are applicable, and except so far as is herein otherwise provided, shall apply to the taking of votes at the poll, and to all matters incidental thereto. 46 V. c. 18, s. 307.

Form of directions for guidance to voters.

307. The printed directions to be delivered to the deputy-returning officers shall be in the form of Schedule L to this Act. 46 V. c. 18, s. 308.

Freeholders who may vote on by-laws.

308.—(1) Every ratepayer, being a man, unmarried woman or widow, shall be entitled to vote on any by-law requiring the assent of the electors, who, at the time of tender of the vote, is of the full age of twenty-one years, and a natural born or naturalized subject of Her Majesty, and who has neither directly nor indirectly received, nor is in expectation of receiving, any reward or gift for the vote which he tenders, and who is at the time of the tender a freeholder, in his own right, or whose wife is a freeholder of real property within such municipality, of sufficient value to entitle him to vote at any municipal election, and is rated on the last revised assessment roll as such freeholder, provided such person is named or purported to be named in the voters' list of electors.

In case of new municipality where there has been no assessment roll.

(2) In case of a new municipality in which there has not been any assessment roll, the qualification of being named on the list and of being rated on the roll shall be dispensed with, but in each case the person offering to vote shall not be entitled to vote, unless he possesses the other qualifications above men-

tioned, and has, at the time of tender of his vote, sufficient property to have entitled him to vote if he had been rated for such property, and unless at such time he names such property to the deputy-returning officer; and the deputy-returning officer shall note such property in the voters' list opposite the voter's name, at the request of any one entitled to vote on such by-law. 46 V. c. 18, ss. 309, 311.

309.—(1) Every ratepayer shall be entitled to vote on any ^{Leaseholders} by-law requiring the assent of the electors, who is a man, ^{who may vote} married woman or widow, and at the time of tender of the vote is of the full age of twenty-one years, and a natural born or naturalized subject of Her Majesty, and who has neither directly nor indirectly received, nor is in expectation of receiving, any reward or gift for the vote which he tenders, and is resident within the municipality for which the vote is taken for one month next before the vote, and who is, or whose wife is, a leaseholder of real property within the municipality of sufficient value to entitle him to vote at a municipal election, and who is rated on the last revised assessment roll therefor, and which lease extends for the period of time within which the debt to be contracted or the money to be raised by the by-law is made payable; in which lease the lessee has covenanted to pay all municipal taxes in respect of the property leased, and which person is named, or purported to be named, in the voters' list.

(2) The said provisions as to the lease extending for the ^{Leaseholders} period of time within which the debt to be contracted or the ^{who may vote} money to be raised by such by-law is made payable, shall not ^{on local im-} apply to a by-law respecting local improvements, under section ^{provement} 625 of this Act. ^{by-laws.}

(3) In case of a new municipality in which there has not been ^{In case of} any assessment roll, the qualification of being named ^{new municipi-} on the ^{pality where} list and of being rated on the roll, and of residence for one ^{there has} month, shall be dispensed with, but in such case the person ^{been no} offering to vote shall not be entitled to vote unless possessing ^{assessment} the other qualifications above mentioned, and unless he is at ^{roll.} the time of tender of his vote a resident of the municipality, and then has sufficient property to have entitled him to vote if he had been rated for such property, and unless at such time he names the property to the deputy-returning officer; and the deputy-returning officer shall note the property in the voters' list, opposite the voter's name, at the request of any one entitled to vote on such by-law. 46 V. c. 18, ss. 310, 311.

310. Any ratepayer offering to vote in respect of a freehold ^{Oath of free-} on such by-law, may be required by the deputy-returning ^{holder voting} officer, or any ratepayer entitled to vote on such by-law, ^{on by-law.} to make the following oath or affirmation, or any part thereof, or to the effect thereof, before his vote is recorded:

You swear that you are of the full age of 21 years, and a natural born (or naturalized) subject of Her Majesty :

That you are a freetholder in your own right (or your wife is a freeholder), within the Municipality for which this vote is taken ;

That you have not voted before on the by-law in this Township (or Ward, as the case may be) ;

That you are, according to law, entitled to vote on the said by-law ;

That you have not, directly or indirectly, received any reward or gift, nor do you expect to receive any, for the vote which you tender ;

That you are the person named, or purporting to be named, in the voter's list of electors ;

(In the case of an unmarried woman or widow claiming to vote). That you are unmarried (or a widow as the case may be) ;

That you have not received anything, nor has anything been promised to you directly or indirectly, either to induce you to vote on this by-law, or for loss of time, travelling expenses, hire of team, or any other service connected therewith ;

And that you have not, directly or indirectly, paid or promised anything to any person, either to induce him to vote, or refrain from voting ;

(In case of a new Municipality in which there has not been any assessment roll, then instead of referring to being named in the voters' list, the person offering to vote may be required to name, in the oath, the property in respect of which he claims to vote ;)

And no enquiries shall be made of any voter, except with respect to the facts specified in such oath or affirmation. 46 V. c. 18, s. 312.

311. Any ratepayer offering to vote in respect of a leasehold, on such by-law, other than a by-law respecting local improvements, under section 625, may be required by the deputy-returning officer or any ratepayer entitled to vote on such by-law, to make the following oath or affirmation, or any part thereof, or to the effect thereof, before his vote is recorded :

Oath of leaseholder voting on by-law other than one respecting local improvements under section 625.

You swear that you are of the full age of 21 years, and a natural born or naturalized subject of Her Majesty ;

That you have been a resident within the Municipality for which this vote is taken for one month next before the vote ;

That you are (or your wife is), a leaseholder within this Municipality, and the lease extends for the period of time within which the debt to be contracted or the money to be raised by the by-law now submitted to the ratepayers is made payable, and that you have (or the lessee in said lease has) covenanted in such lease to pay all municipal taxes ;

That you have not before voted on the by-law in this Township (or Ward, as the case may be) ;

That you are, according to law, entitled to vote on the said by-law ;

That you have not directly or indirectly received any reward or gift, nor do you expect to receive any, for the vote which you tender ;

That you are the person named, or purporting to be named, in the voters' list ;

(In the case of an unmarried woman or widow claiming to vote). That you are unmarried (or a widow as the case may be) ;

That you have not received anything, nor has anything been promised to you directly or indirectly, either to induce you to vote on this by-law, or for loss of time, travelling expenses, hire of team, or any other service connected therewith ;

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And that you have not directly or indirectly paid or promised anything to any person, either to induce him to vote or refrain from voting ;

(In case of a new Municipality in which there has not been any assessment roll, then instead of swearing to residence for one month next before the vote, and of referring to being named in the voters' list, the person offering to vote may be required to name in the oath the property in respect of which he claims to vote, and that he is a resident of such Municipality ;)

And no enquiries shall be made of a voter, except with respect to the facts specified in the oath or affirmation. 46 V. c. 18, s. 313.

312. A ratepayer offering to vote in respect of a leasehold, Oath of leaseholder voting on by-law respecting local improvements under section 625, may be required by the deputy-returning officer, or any ratepayer entitled to vote on the by-law, to make the following oath or affirmation, or any part thereof, or to the effect thereof, before his vote is recorded ;

You swear that you are of the full age of 21 years, and a natural born (or naturalized) subject of Her Majesty ;

That you have been a resident within the Municipality for which this vote is taken, for one month next before the vote ;

That you are (or your wife is) a leaseholder within this Municipality, and that you have (or the lessee in said lease has) covenanted in such lease to pay all municipal taxes ;

That you have not before voted on the by-law in this Township (or Ward, as the case may be) ;

That you are, according to law, entitled to vote on the said by-law ;

That you have not directly or indirectly received any reward or gift, nor do you expect to receive any, for the vote which you tender ;

That you are the person named, or purporting to be named, in the voters' list ;

(In the case of an unmarried woman or widow claiming to vote.) That you are unmarried (or a widow as the case may be ;)

That you have not received anything, nor has anything been promised to you directly or indirectly, either to induce you to vote on this by-law, or for loss of time, travelling expenses, hire of team, or any other service connected therewith ;

And that you have not directly or indirectly paid or promised anything to any person, either to induce him to vote or refrain from voting ;

(In case of a new Municipality in which there has not been any assessment roll, then instead of swearing to residence for one month next before the vote, and of referring to being named in the voters' list, the person offering to vote may be required to name in the oath the property in respect of which he claims to vote, and that he is a resident of such Municipality ;)

And no enquiries shall be made of a voter, except with respect to the facts specified in the oath or affirmation. 46 V. c. 18, s. 314.

313. The written statement to be made by every deputy-returning officer at the close of the polling shall be made under the following heads : Form of statement to be made by deputy returning officers of result of the polling.

- (a) Name or number of ward or polling subdivision, and of the municipality, and the date of the polling ;

(b) Number of votes for and against the by-law;

(c) Rejected ballot papers. 46 V. c. 18, s. 315.

Objections to
ballot papers.

To be num-
bered.

Deputy
returning
officer's
duties after
votes are
counted.

314. The deputy-returning officer shall take a note of any objection made by any person authorized to be present, to any ballot paper found in the ballot box, and shall decide any question arising out of the objection. Each objection to a ballot paper shall be numbered, and a corresponding number placed on the back of the ballot paper, and initialed by the deputy-returning officer. 46 V. c. 18, s. 316.

315. Every deputy-returning officer, at the completion of the counting of votes after the close of the poll shall, in the presence of the persons authorized to attend, make up into separate packets, sealed with his own seal, and the seals of such persons authorized to attend as desire to affix their seals, and marked upon the outside with a short statement of the contents of such packet, the date of the day of polling, the name of the deputy-returning officer, and of the ward or polling subdivision and municipality—

- (a) The statement of votes given for and against the by-law and rejected ballot papers;
- (b) The used ballot papers which have not been objected to and have been counted;
- (c) The ballot papers which have been objected to, but which have been counted by the deputy-returning officer;
- (d) The rejected ballot papers;
- (e) The spoiled ballot papers;
- (f) The unused ballot papers;
- (g) The voters' list, with the oath in the form of Schedule G annexed thereto; a statement of the number of voters whose votes are marked by the deputy returning officer, under the heads "Physical Incapacity" and "Unable to Read," with the declarations of inability; and the notes taken of objections made to ballot papers found in the ballot box. 46 V. c. 18, s. 317.

Certificate
and declara-
tion of deputy
returning
officer and
return of
voters' list
and of ballot
box.

316. Every deputy returning officer shall, at the close of the poll, certify, under his signature, on the voters' list, in full words, the total number of persons who have voted at the polling place at which he has been appointed to preside, and shall before placing the voters' list in its proper packet as aforesaid make and subscribe before the clerk of the municipality, a Justice of the Peace or the poll clerk, his solemn declaration that the voters' list was used in the manner prescribed by law, and that the entries required by law to be made therein were

correctly made, which declaration shall be in the form of Schedule G to this Act, and shall, thereafter be annexed to the voters' list: he shall also forthwith return the ballot box to the clerk of the municipality. 46 V. c. 18, s. 318.

317. Every deputy-returning officer, upon being requested so to do, shall deliver to the persons authorized to attend at his polling place, a certificate of the number of votes given at the polling place for and against the by-law, and of the number of rejected ballot papers. 46 V. c. 18, s. 319.

Deputy returning officer to certify as to number of votes and rejected ballot papers.

318. The clerk, after he has received the ballot papers and statements before mentioned of the number of votes given in each polling place, shall, at the time and place appointed by the by-law, in the presence of the persons authorized to attend or such of them as may be present, without opening any of the sealed packets of ballot papers, sum up from such statements the number of votes for and against the by-law, and shall then and there declare the result, and forthwith certify to the council under his hand, whether the majority of the electors voting upon the by-law have approved or disapproved of the by-law. 46 V. c. 18, s. 320.

Clerk to cast up votes and declare result.

319. Where the assent of the electors or of the ratepayers, or a proportion of them, is necessary to the validity of a by-law, the clerk or other officer shall not be entitled to give a casting vote. 46 V. c. 18, s. 321.

Clerk not to have casting vote as to certain by-laws.

320.—(1) To render valid a by-law of a municipality for granting a bonus in aid of a railway, or for promoting any manufacture, or for taking stock in a railway company, or for lending money to such company, or for guaranteeing the payment of money borrowed by such company, or for lending money to any other company or person on condition of such company or person establishing or continuing a manufactory in or near such municipality, the assent shall be necessary of two-fifths of all ratepayers who were entitled to vote, as well as of a majority of the ratepayers voting on the by-law.

Requisites to validity of certain bonus by-laws.

(2) In such case, in addition to the certificate required by section 318 of this Act, the clerk, in case of the majority of votes being in favor of the by-law, shall further certify whether or not, as far as shewn by the voters' list and assessment roll, such majority appears to be two-fifths of all the voters who were entitled to vote on the by-law.

(3) In case of dispute as to the result of the vote, the Judge shall have the same powers for determining the question as he has in any case of a scrutiny of the votes.

(4) The petition to the Judge may be by any elector, or by the Council; and the proceedings for obtaining the Judge's decision shall be the same, as nearly as may be, as in the case of a scrutiny. 46 V. c. 18, s. 322.

Secrecy of Proceedings.

Maintaining
secrecy of
proceedings
at polling.

321.—(1) Every officer, clerk and person in attendance at a polling place shall maintain and aid in maintaining the secrecy of the voting at the polling place.

Voter not to
be interfered
with.

(2) No officer, clerk or other person whosoever, shall interfere with or attempt to interfere with a voter when marking his vote, or otherwise attempt to obtain, at the polling place, information as to the manner in which any voter at such polling place is about to vote or has voted.

No informa-
tion to be
given as to
how any
one voted.

(3) No officer, clerk, or other person shall communicate at any time, to any person, any information obtained at a polling place as to the manner in which any voter at such polling place is about to vote or has voted.

Secrecy to be
maintained at
counting

(4) Every officer, clerk and person in attendance at the counting of the votes shall maintain, and aid in maintaining, the secrecy of the voting, and shall not communicate, or attempt to communicate, any information obtained at such counting, as to the manner in which any vote is given in any particular ballot paper.

Voters not to
be induced to
disclose
votes.

(5) No person shall, directly or indirectly, induce any voter to display his ballot paper after he has marked the same, so as to make known to any person the manner in which he has marked his vote.

Penalty for
contravening
this section.

(6) Every person who acts in contravention of this section shall be liable, on summary conviction before a Stipendiary Magistrate, Police Magistrate, or two Justices of the Peace, to imprisonment for any term not exceeding six months, with or without hard labour. 46 V. c. 18, s. 328.

Statutory de-
claration of
secrecy to be
made by
officers, etc.,
before a poll.

322. The clerk of the municipality, and every officer, clerk or person authorized to attend a polling place, or at the counting of the votes, shall, before the opening of the poll, make a statutory declaration of secrecy in the presence, if he is the clerk of the municipality, of a Justice of the Peace, and if he is any other officer, or a clerk or an agent, in the presence of a Justice of the Peace, or the clerk of the municipality, or a deputy-returning officer; and such statutory declaration of secrecy shall be in the form given in Schedule M to this Act, or to the like effect. 46 V. c. 18, s. 324.

Scrutiny.

Scrutiny may
be had on
application to
County
Judge.

323. If within two weeks after the clerk of the council which proposed the by-law has declared the result of the voting, any elector applies upon petition to the County Judge after giving such notice of the application, and to such persons as the Judge directs, and shews by affidavit to the Judge reasonable grounds for entering into a scrutiny of the ballot papers,

and the petitioner enters into a recognizance before the Judge in the sum of \$100, with two sureties (to be allowed as sufficient by the Judge upon affidavit of justification) in the sum of \$50 each, conditioned to prosecute the petition with effect, and to pay the party against whom the same is brought any costs which may be adjudged to him against the petitioner, the Judge may appoint a day and place, within the municipality, for entering into the scrutiny. 46 V. c. 18, s. 325.

324. At least one week's notice of the day appointed for the scrutiny, shall be given by the petitioner to such persons as the Judge directs, and to the clerk of the municipality. 46 V. c. 18, s. 326.

325. On the day and at the hour appointed, the clerk shall attend before the Judge with the ballot papers in his custody, and the Judge upon inspecting the ballot papers, and hearing such evidence as he may deem necessary, and on hearing the parties, or such of them as may attend, and their counsel, shall, in a summary manner, determine whether the majority of the votes given, is for or against the by-law, and shall forthwith certify the result to the council. 46 V. c. 18, s. 327.

326. The Judge shall on the scrutiny possess the like powers and authority, as to all matters arising upon the election of a member of a municipal council; and in all cases costs shall be in the discretion of the Judge, as in the case of applications to quash a by-law, or he may apportion the costs as to him seems just. 46 V. c. 18, s. 328.

Passing by-laws by Council.

327. A by-law which is duly carried by the vote of the qualified electors, shall within six weeks thereafter be passed by the council. 46 V. c. 18, s. 329; 49 V. c. 37, s. 6.

328. In case of a petition being presented, the by-law shall not be passed by the council until after the petition has been disposed of; and the time which intervenes between the presenting of the petition and the final disposal thereof shall be reckoned as part of the six weeks within which the by-law is to be passed. 46 V. c. 18, s. 330.

DIVISION IV.—CONFIRMATION OF BY-LAWS.

By publication. Sec. 329.

Notice. Sec. 330.

When not moved against. Sec. 331.

Promulgation
of by-laws.

329. Every promulgation of a by-law shall consist in the publication, through the public press, of a true copy of the by-law, and of the signature attesting its authenticity, with a notice appended thereto of the time limited by law for applications to the Courts to quash the same or any part thereof, and the publication aforesaid shall be in such public newspaper, published either within the municipality or in the county town, or in a public newspaper published in an adjoining local municipality, as the council may designate by resolution, and the publication shall, for the purpose aforesaid, be continued in at least one number of such paper, each week, for three successive weeks. 46 V. c. 18, s. 331.

Form of notice to be published with by-law.

330. The notice to be appended to every copy of the by-law for the purpose aforesaid, shall be to the effect following :

NOTICE.—The above is a true copy of a by-law passed by the municipal council of the _____ of _____ on the _____ day of _____ A. D. 18 _____ and approved by His Honour the Lieutenant-Governor in Council, on the _____ day of _____ A. D. 18 _____

(where such approval is required to give effect to the by-law): And all persons are hereby required to take notice that any one desirous of applying to have such by-law, or any part thereof, quashed, must make his application for that purpose to the High Court at Toronto, within three months next after the publication of this notice once a week for three successive weeks, in the newspaper called the _____ or he will be too late to be heard in that behalf.

46 V. c. 18, s. 332.

If not moved against within the time limited, to be valid.

331. In case no application to quash a by-law is made within three months next after the third publication thereof and notice as aforesaid, the by-law, or so much thereof as is not the subject of any such application, or not quashed upon such application, so far as the same ordains, prescribes or directs anything within the proper competence of the council to ordain, prescribe or direct, shall, notwithstanding any want of substance or form, either in the by-law itself, or in the time or manner of passing the same, be a valid by-law. 46 V. c. 18, s. 333.

DIVISION V.—QUASHING BY-LAWS.

How to proceed. Sec. 332.

Time limited for applications. Secs. 333, 334.

Motion against for corrupt practices. Secs. 335, 336.

Staying proceedings upon the by-law. Sec. 337.

Liability of Municipality for acts under illegal by-law,
Sec. 338.

Tender of amends. Sec. 339.

Quashing
by-laws.

332. In case a resident of a municipality, or any other person interested in a by-law, order or resolution of the council

thereof, applies to the High Court, and produces to the Court a copy of the by-law, order, or resolution, certified under the hand of the clerk, and under the corporate seal, and shews by affidavit that the same was received from the clerk and that the applicant is resident or interested as aforesaid, the Court, after at least four days service on the corporation of a rule to shew cause in this behalf, may quash the by-law, order, or resolution, in whole or in part, for illegality, and, according to the result of the application, award costs for or against the corporation. 46 V. c. 18, s. 334.

333. No application to quash a by-law, order or resolution, in whole or in part, shall be entertained unless the application is made within one year from the passing of the by-law, order, or resolution, except in the case of a by-law requiring the assent of electors or ratepayers, when the by-law has not been submitted to, or has not received the assent of, the electors or ratepayers, and in such case an application to quash the by-law may be made at any time. 46 V. c. 18, s. 335.

Time within which application must be made.
Exception.

334. In case a by-law, by which a rate is imposed, has been promulgated in the manner hereinbefore specified, no application to quash the by-law shall be entertained after the expiration of three months from the promulgation. 46 V. c. 18, s. 336.

Time after which by-law imposing a rate cannot be quashed, if promulgated.

335. Any by-law the passage of which has been procured through, or by means of, any violations of the provisions of sections 209 and 210 of this Act shall be liable to be quashed upon an application to be made in conformity with the provisions hereinbefore contained. 46 V. c. 18, s. 337.

Quashing by-laws obtained by bribery, etc.

336.—(1) Before determining an application for the quashing of a by-law, upon the ground that any of the provisions of the said sections 209 and 210 of this Act have been contravened in procuring the passing of the same, and if it is made to appear to a Judge of the High Court that probable grounds exist for a motion to quash the by-law, the Judge may make an order for an inquiry to be held, upon such notice to the parties affected as the Judge may direct, concerning the said grounds, before the Judge of the County Court of the county in which the municipality which passed the by-law is situate, and require that upon the inquiry all witnesses, both against and in support of the by-law, be orally examined and cross-examined upon oath before the County Court Judge.

Procedure in such case.
Inquiry by County Judge.

(2) The County Court Judge shall thereupon return the evidence so taken before him, to one of the Registrars of the High Court at Toronto; and after the return of the evidence, and upon reading the same, a Judge of the High Court may, upon notice to such of the parties concerned as he thinks proper, proceed to hear and determine the question; and if the grounds therefor appear to him to be satisfactorily established

Return of evidence.
Judgment.

Costs.

he may make an order for quashing the by-law, and he may order the costs attending the proceedings to be paid by the parties or any of them who have supported the by-law; and if it appears that the application to quash the by-law ought to be dismissed, the Judge may so order, and in his discretion award costs, to be paid by the persons applying to quash the by-law. 46 V. c. 18, s. 338.

Stay of proceedings on the by-law.

337. After an order has been made by a Judge directing an inquiry, and after a copy of the order has been left with the clerk of the corporation of which the by-law is in question, all further proceedings upon the by-law shall be staid until after the disposal of the application in respect of which the inquiry has been directed; but if the matter is not prosecuted to the satisfaction of the Judge he may remove the stay of proceedings. 46 V. c. 18, s. 339.

Municipality to be liable for acts done under illegal by-law.

338. In case a by-law, order or resolution is illegal, in whole or in part, and in case anything has been done under it which, by reason of such illegality, gives any person a right of action, no such action shall be brought until one month has elapsed after the by-law, order or resolution has been quashed or repealed, nor until one month's notice in writing of the intention to bring the action has been given to the corporation, and every such action, shall be brought against the corporation alone, and not against any person acting under the by-law, order or resolution. 46 V. c. 18, s. 340.

Notice of action.

Tender of amends.

339. In case the corporation tenders amends to the plaintiff or his solicitor, if such tender is pleaded and (if traversed) proved, and if no more than the amount tendered is recovered, the plaintiff shall have no costs, but costs shall be taxed to the defendant, and set off against the verdict, and the balance due to either party shall be recovered as in ordinary cases. 46 V. c. 18, s. 341. *See sec. 430.*

DIVISION VI.—BY-LAWS CREATING DEBTS.

Requisite formalities. Secs. 340-342.

Principal may be repayable by annual instalments. Sec. 342.

Special rates a charge on property. Sec. 343.

Assent of electors, when required. Sec. 344.

When special Council meeting requisite. Sec. 345.

When repealable and when not. Secs. 346, 347.

Illegal repeal to be ignored by Municipal Officers. Sec. 348.

Purchase of Public Works, etc., by Councils. Sec. 349.

Rates to be imposed therefor. Sec. 350.

Registration of By-laws. Secs. 351-356.

By-laws for contracting debts.

340. Every municipal council may, under the formalities required by law, pass by-laws for contracting debts, by borrowing money or otherwise, and for levying rates for payment of such

debts upon the ratable property of the municipality for any purpose within the jurisdiction of the council, but no such by-law shall be valid, which is not in accordance with the following restrictions and provisions, except in so far as is otherwise provided in the next following two sections of this Act: Terms of.

1. The by-law, if not creating a debt for the purchase of public works, shall name a day in the financial year in which the same is passed when the by-law is to take effect; and if no day is named shall take effect on the day of the passing thereof; When to take effect.

2. If not contracted for gas or water-works, or for the purchase of public works, according to the statutes relating thereto, the whole of the debt and the obligations to be issued therefor shall be made payable in twenty years at furthest, from the day on which such by-law takes effect; and if the debt is contracted for gas or water-works, the same shall, in like manner, be paid in thirty years at furthest from the day on which the by-law takes effect; When debt to be redeemed. If for gas or waterworks, etc.

3. The by-law shall settle a certain specific sum to be raised annually for the payment of interest during the currency of the debentures; also, a certain specific sum to be raised annually for the payment of the debt; such sum to be such as will be sufficient with the estimated interest on the investments thereof, to discharge the debt when payable; Yearly rate.

4. In settling the sum to be raised annually for the payment of the debt, the rate of interest on investments shall be estimated at more than five per cent. per annum, to be capitalized yearly; Interest on investments, how estimated.

5. The by-law shall provide that such annual sum shall be raised and levied in each year by a special rate, sufficient therefor, on all the ratable property in the municipality; or, if the by-law is for a work payable by local assessment, on all the property ratable under the by-law or per foot frontage as the case may be; Property on which rate to be levied.

6. The by-law, unless it is for a work payable by local assessment, shall recite: Recitals.

- (a) The amount of the debt which the new by-law is intended to create, and, in some brief and general terms, the object for which it is to be created; Amount and general object of debt;
- (b) The total amount required by this Act to be raised annually by special rate for paying the new debt and interest; Amount to be raised annually;
- (c) The amount of the whole ratable property of the municipality according to the last revised, or revised and equalized assessment roll; The value of the ratable property;
- (d) The amount of the existing debenture debt of the municipality, and how much (if any), of the principal or interest is in arrear, Amount of existing debt. 46 V. c. 18, s. 342.

By-law for a work payable by local assessment must recite :
Amount and object of debt ;
Amount to be raised annually ;

Value of real property rateable ;

That debt created on security of special rate.

Power to guarantee local improvement debentures.

Municipal council may make principal repayable by equal annual instalments.

What by-law shall set out.

341.—(1) If the by-law is for a work payable by local assessment, it shall recite :

- (a) The amount of the debt which the by-law is intended to create, and, in some brief and general terms, the object for which it is to be created ;
- (b) The total amount, required by this Act to be raised annually by special rate for paying the debt and interest under the by-law ;
- (c) The value of the whole real property rateable under the by-law, as ascertained and finally determined as aforesaid ;
- (d) That the debt is created on the security of the special rate settled by the by-law, and on that security only. 46 V. c. 18, s. 343.

(2) In the matter of by-laws passed, or to be passed for works payable by local assessment, in order to facilitate the negotiation of debentures issued thereunder, and add to their commercial value, the council of any township, city, town, or incorporated village, may declare that the debt to be created on the security of the special rate settled by the by-law is further guaranteed by the municipality at large, anything contained in sub-section (d) of this section to the contrary notwithstanding. 49 V. c. 37, s. 39 ; 50 V. c. 29, s. 48.

342.—(1) In any case of passing a by-law for contracting a debt, by borrowing money for any purpose, the municipal council may, in its discretion make the principal of the debt repayable by annual instalments, during the currency of the period (not exceeding thirty years, if the debt is for gas or water works, and not exceeding twenty years, if the debt is for any other purpose), within which the debt is to be discharged ; such instalments to be of such amounts that the aggregate amount payable for principal and interest in any year shall be equal, as nearly as may be, to what is payable for principal and interest during each of the other years of such period ; and may issue the debentures of the municipal corporation for the amounts, and payable at the times, corresponding with such instalments, together with interest, annually or semi-annually, as may be set forth and provided in the by-law.

(2) The by-law shall set forth a certain specific sum, to be raised in each year during the currency of the debt, which annual sum shall be sufficient to discharge the several instalments of principal and interest accruing due on such debt, as the said instalments and interest become, respectively, payable according to the terms of the by-law ; and in cases within this section it shall not be necessary that any provision be made for a sinking fund. 46 V. c. 18, s. 344.

343. Every special assessment made, and every special rate imposed and levied, under any of the provisions of this Act, and all sewer rents and charges for work or services done by the corporation, on default of the owners of real estate, under the provisions of any valid by-law of the council of the said corporation, shall form a lien and charge upon the real estate upon, or in respect of which, the same shall have been assessed and rated or charged, and shall be collected in the same manner, and with the like remedies, as ordinary taxes upon real estate are collectable, under the provisions of *The Assessment Act*.
 46 V. c. 18, s. 345. Special rates
a charge on
property.
Rev. Stat. c.
193.

344.—(1) Every by-law (except for drainage, as provided for under section 569 of this Act, or for a work payable entirely by local assessment) for raising, upon the credit of the municipality, any money not required for its ordinary expenditure, and not payable within the same municipal year, shall, before the final passing thereof, receive the assent of the electors of the municipality in the manner provided for in section 293 and following sections of this Act; except that in counties the county council may raise, by by-law or by-laws, without submitting the same for the assent of the electors of such county or counties, for contracting debts or loans, any sum or sums not exceeding in any one year \$20,000 over and above the sums required for its ordinary expenditure.
By-laws for
raising money
not for ordin-
ary expenses
must (with
certain excep-
tions) receive
assent of elec-
tors.
Exception as
to by-laws for
contracting
extra debts
not exceeding
in any year
\$20,000.

(2) Provided always, that where a county and city are united for judicial purposes the council of the county or city may, by by-law or by-laws passed at any meeting of such council, without submitting the same for the assent of the electors of such county or city, as the case may be, for contracting such debt, raise such sums of money as may be required for erecting, building and furnishing a court house and offices, to be used in connection therewith, and for acquiring such land as may be necessary or convenient for the purposes of such court house and offices. 46 V. c. 18, s. 346.
Exception as
to erecting
court houses
and offices.

(3) And provided always that the council of a town heretofore or hereafter withdrawn from the county, and continuing so withdrawn pursuant to the provisions hereof, or of a city heretofore or hereafter erected, may, by by-law or by-laws passed at any meeting of such council, without submitting the same for the assent of the electors of such town or city as the case may be, raise such sum or sums of money as may be required to liquidate their share of the county debt as awarded or agreed upon pursuant to this Act, and to issue debentures for that purpose at such rates, for such times and upon such terms as they may theretofore have done, or be entitled to do for meeting any other liability of said town or city as the case may be. 49 V. c. 37, s. 7.
Exception as
to payment
by a city or
town of share
of county
debt.

Certain by-laws of county council not to be valid unless passed at meeting specially called and held three months after notice, etc.

345. No such by-law of a county council for contracting any such debt or loan for an amount not exceeding in any one year \$20,000 over and above the sums required for its ordinary expenditure, other than a by-law to raise money for erecting, building and furnishing a court house and offices aforesaid, or for acquiring land as provided in sub-section 2 of the last preceding section, shall be valid, unless the same is passed at a meeting of the council specially called for the purpose of considering the same, and held not less than three months after a copy of the by-law, as the same is ultimately passed, together with a notice of the day appointed for the meeting, has been published in some newspaper issued weekly or oftener within the county (as constituted for judicial purposes) or if there is no such public newspaper, then in a public newspaper published nearest to the county, which said notice may be to the effect following:

Form of notice.

The above is a true copy of a proposed by-law, to be taken into consideration by the Municipality of the County (or United Counties) of _____, in the said County (or United Counties), on the _____ day of _____, 18____, at the hour of _____ o'clock in the _____ noon, at which time and place the members of the Council are hereby required to attend for the purpose aforesaid.

G. H.

Clerk.

46 V. c. 18, s. 347.

When part only of money raised, by-law may be repealed as to residue.

346. Where part only of a sum of money provided for by a by-law has been raised, the council may repeal the by-law as to any part of the residue, and as to a proportionate part of the special rate imposed therefor, provided the repealing by-law recites the facts on which it is founded, and is appointed to take effect on the 31st day of December in the year of its passing, and does not affect any rates due, or penalties incurred before that day, and provided the by-law is first approved by the Lieutenant-Governor in Council. 46 V. c. 18, s. 348.

Proviso.

Until debt paid certain by-laws cannot be repealed,

347. After a debt has been contracted, the council shall not, until the debt and interest have been paid, repeal the by-law under which the debt was contracted, or any by-law for paying the debt or the interest thereon, or for providing therefor a rate or additional rate, or appropriating thereto the surplus income of any work or of any stock or interest therein, or money from any other source; and the council shall not alter a by-law providing any such rate, so as to diminish the amount to be levied under the by-law, except in the cases herein authorized, and shall not apply to any other purpose any money of the corporation which, not having been previously otherwise appropriated by any by-law or resolution, has been directed to be applied to such payment. 46 V. c. 18, s. 349.

Nor altered.

Exceptions.

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348. No officer of the municipality shall neglect or refuse to carry into effect a by-law for paying a debt under color of a by-law illegally attempting to repeal such first mentioned law, or to alter the same so as to diminish the amount to be levied under it. 46 V. c. 18, s. 350.

No officer to neglect, etc., to carry out by-law for payment under colour of illegal by-law.

349. Any council may contract a debt to Her Majesty in the purchase of any of the public roads, harbours, bridges, buildings or other public works in Ontario, whether belonging to this Province or to the Dominion of Canada, or of any claim in respect of such works, or of any right to collect tolls on such road or bridge, or for the making such road or bridge wholly or partly free from tolls, and may execute such bonds, deeds, covenants, and other securities to Her Majesty, as the council may deem fit, for the payment of the price of such public work or claim already sold or transferred, or which may be sold or transferred, or agreed to be sold or transferred to the municipal corporation, and for securing the performance and observance of all or any of the conditions of sale or transfer; and may also pass all necessary by-laws for any of the purposes aforesaid; and all such by-laws, debts, bonds, deeds, covenants and other securities shall be valid, although no special or other annual rate has been settled or imposed, to be levied in each year, as provided by sections 340 to 342 of this Act. 46 V. c. 18, s. 351; 49 V. c. 37, s. 8.

Municipal councils may purchase public works, and contract debts to Crown,

350. The council may, in any by-law to be passed for the creation of such debt, or for the executing of such bonds, deeds, covenants, or other securities as aforesaid, to Her Majesty, or in any other by-law to be passed by the council, settle and impose a special rate per annum, of such amount as the council may deem expedient, in addition to all other rates whatsoever, to be levied in each year upon the assessed ratable property within the municipality, for the payment and discharge of such debts, bonds, deeds, covenants or other securities, or some part thereof, and the by-laws shall be valid, although the rate settled or imposed thereby is less than is required by the sections last mentioned; and the said sections shall, so far as applicable, apply and extend to every such by-law and the moneys raised or to be raised thereby, as fully in every respect as such provisions would extend or apply to any by-law enacted by any council for the creation of any debt as provided in the said sections, or to the moneys raised or to be raised thereby. 46 V. c. 18, s. 352.

Rates may be imposed for the payment of debts, contracted with the Crown for such works.

Registration of By-Laws.

351. Every by-law passed by any municipality for contracting any debt, by the issue of debentures for a longer term than one year, and for levying rates for the payment of such debts on the ratable property of the municipality, or any part thereof, shall be registered by the clerk of the municipality,

By-laws creating debts to be registered.

if a county, in the registry office for the county in which the county town is situate, or in case of local municipalities in the registry office of the registry division in which the local municipality is situate, within two weeks after the final passing thereof. 46 V. c. 18, s. 353.

Applications to set aside registration.

352.—(1) Every such by-law so registered, and the debentures issued thereunder, shall be absolutely valid and binding upon the municipality, according to the terms thereof, and shall not be quashed or set aside on any ground whatever, unless an application or action to quash or set aside the same be made to some Court of competent jurisdiction within three months from the registry thereof, and a certificate under the hand and seal of the clerk of the Court, stating that such action or proceeding has been brought or application made, shall have been registered in said registry office within the period of three months.

When by-law or so much thereof as is not quashed to be valid.

Certificate of dismissal of action.

(2) If the action or proceeding be dismissed, in whole or in part, then the by-law, or so much thereof as is not the subject of the application, or not quashed upon the application, shall be absolutely valid and binding, according to the terms thereof, on the expiration of three months from the date of the registration of the by-law; upon the dismissal of such action or proceeding, a certificate to that effect may be registered in the said registry office.

Publication of notice.

(3) Notice of the passing of every by-law to which this and the preceding section refer, and which has not been submitted to the ratepayers, shall immediately after the registration of the by-law be published in some public newspaper, published either within the municipality, or in the county town, or in a public newspaper in an adjoining local municipality, as the council may designate by resolution, and the publication shall, for the purpose aforesaid, be continued in at least one number of such paper each week for three successive weeks. 46 V. c. 18, s. 354. See sec. 408.

Exception as to local improvement by-laws.

353. Nothing in the last preceding two sections contained shall make it obligatory upon any city, town, or incorporated village to register any by-laws providing for the issue of debentures, passed under the provisions of this Act relating to local improvements, but the same may be so registered at the option of the municipality. 46 V. c. 18, s. 355.

Form of notice.

354. The notice required to be published by section 352 shall be in the form following, or to the like effect:

Notice is hereby given that a by-law was passed by the _____ of _____ on the _____ day of _____ A.D. 18 _____, providing for the issue of debentures to the amount of \$ _____, for the purpose of _____ and that such by-law was registered in the registry office of _____ the county of _____ on _____ A.D. 18 _____.

Any motion to quash or set aside the same, or any part thereof, must be made within three months from the date of registration, and cannot be made thereafter.

Dated the _____ day of _____ 18____ Clerk.
46 V. c. 18, s. 356.

355. The by-laws shall be registered in the way and manner provided by *The Debentures Registration Act*, and the registrar shall be paid the sum of \$2 for registration thereof.
46 V. c. 18, s. 357.

Manner of registration. Rev. Stat. c. 186.

356.—(1) The certificate first referred to in section 352 shall be in the form or to the effect following:

Form of certificate of pending action.

In the _____ (name of Court)
This is to certify that in a certain action or proceeding in this Court, entitled _____ the validity of by-law No. _____ of the _____ entitled a by-law has been called in question (if a portion only of the by-law is called in question, state the fact).
Dated, _____

(Signed), A. B.,
Clerk of



(2) The certificate of dismissal of the action or proceeding shall be in the form or to the effect following:

Form of certificate of dismissal of action.

In the _____ (name of Court)
I hereby certify that the action or proceeding in this Court, entitled _____ calling in question the validity of _____ by-law No. _____ of the _____ has been dismissed (or if dismissed in part and granted in part, set out the order made, verbatim).
Dated, _____

(Signed), A. B.,
Clerk of



(3) The registrar shall be entitled to the sum of fifty cents for registering either of said certificates. 46 V. c. 18, s. 358.

Fee for registration.

DIVISION VII.—BY-LAWS RESPECTING YEARLY RATES.

- Amount and Limit of Rates.* Sec. 357.
- How estimated.* Sec. 358.
- Estimates and By-laws to be annual.* Secs. 359, 360.
- In case of deficiency.* Secs. 361, 362.
- In case of excess.* Sec. 363.
- Date from which Taxes imposed.* Sec. 364.
- Priority of Debentures.* Sec. 365.
- Power to Exempt from taxation.* Sec. 366.
- Reduction of Special Rate.* Sec. 367.
- Formalities in By-law therefor.* Sec. 368.

Yearly rates to be levied, sufficient to pay all debts payable within the year. Aggregate rate limited to two cents in the dollar.

357.—(1) The council of every municipal corporation, and of every provisional corporation, shall assess and levy on the whole ratable property within its jurisdiction, a sufficient sum in each year to pay all valid debts of the corporation, whether of principal or interest falling due within the year, but no such council shall assess and levy in any one year, more than an aggregate rate of two cents in the dollar on the actual value, exclusive of school rates.

Provision when such aggregate not sufficient to pay debts payable within the year.

(2) If in a municipality the aggregate amount of the rates necessary for the payment of the current annual expenses of the municipality, and the interest and the principal of the debts contracted by the municipality on the 29th day of March, 1873, exceed the said aggregate rate of two cents in the dollar on the actual value of such ratable property, the council of the municipality shall levy such further rates as may be necessary to discharge obligations up to that date incurred, but shall contract no further debts until the annual rates required to be levied within the municipality are reduced within the aggregate rate aforesaid: but this shall not affect any special provisions to the contrary contained in any special Act now or hereafter in force. 46 V. c. 18, s. 359.

Proviso.

How rates to be calculated.

358. In counties and local municipalities the rates shall be calculated at so much in the dollar upon the actual value of all the real and personal property liable to assessment therein. 46 V. c. 18, s. 360.

Estimates to be made annually.

359. The council of every county or local municipality shall every year make estimates of all sums which may be required for the lawful purposes of the county or local municipality, for the year in which such sums are required to be levied, each municipality making due allowance for the cost of collection, and of the abatement and losses which may occur in the collection of the tax, and for taxes on the lands of non-residents which may not be collected. 46 V. c. 18, s. 361.

By-laws for raising money by rate.

360. The council of every municipality may pass one by-law, or several by-laws, authorizing the levying and collecting of a rate or rates of so much in the dollar upon the assessed value of the property therein as the council deems sufficient to raise the sums required on such estimates. 46 V. c. 18, s. 362.

If the amount collected falls short.

361. If the amount collected falls short of the sums required, the council may direct the deficiency to be made up from any unappropriated fund belonging to the municipality. 46 V. c. 18, s. 363.

Estimates may be reduced.

362. If there is no unappropriated fund, the deficiency may be equally deducted from the sums estimated as required or from any one or more of them. 46 V. c. 18, s. 364.

363. If the sums collected exceed the estimates, the balance shall form part of the general fund of the municipality, and be at the disposal of the council, unless otherwise specially appropriated; but if any portion of the amount in excess has been collected on account of a special tax upon any particular locality, the amount in excess collected on account of such special tax shall be appropriated to the special local object. 46 V. c. 18, s. 365.

364. The taxes or rates imposed or levied for any year shall be considered to have been imposed, and to be due on and from the 1st day of January of the then current year, and end with the 31st day of December thereof, unless otherwise expressly provided for by the enactment or by-law under which they are directed to be levied. 46 V. c. 18, s. 366.

365.—(1) All debentures issued before the 1st day of January, 1867, by municipal corporations, under any law, and based upon the yearly value of ratable property at the time of passing such by-law, shall hold the priority which they occupied on the said 1st day of January, 1867; and each municipal corporation (having so issued debentures) shall levy a rate on the actual real value of the property within the municipality represented sufficient to produce a sum equal to that leviable or produced on the yearly value of such property as established by the assessment roll for the year 1866; and such rates shall be applied solely to the payment of such debentures, or interest on such debentures, according to the terms of the by-law under which they were issued.

(2) In cases where a sinking fund is required to be provided either by the investment of a specific rate or amount, or on a rate on the increase in value over a certain sum, then such a rate shall be levied as shall at least equal the sum originally intended to be set apart. 46 V. c. 18, s. 367.

366. Every municipal council shall by a two-thirds vote of the members thereof have the power of exempting any manufacturing establishment or any water works or water company in whole or in part, from taxation, for any period not longer than ten years, and to renew this exemption for a further period not exceeding ten years. 47 V. c. 32, s. 8.

[As to granting aid by bonus to manufacturing establishments, see sec. 479 (10)].

367.—(1) If on account of a sum being on hand from a previous year, or a sum being on hand which has been derived from the work, or from the investment of the sinking fund, or on account of the increased value of property liable to assessment, it is found to be unnecessary to levy the full rate imposed by the by-law in order to raise the instalment of the

sinking fund and interest required to be raised for any year, or to raise such instalments for any future years of the then enexpired time which the debentures have to run, the council may pass a by-law reducing the rate for such year or for any such future years, so that no more money may be collected than the amount required. 50 V. c. 29, s. 16.

(2) No such by-law shall be passed unless, having regard to the time the debentures have to run, a proper proportion of sinking fund and interest has been levied, according to the intention of the original by-law. 46 V. c. 18, s. 369 (2).

By-law to be approved by Lieutenant-Governor.

368. No by-law passed under the preceding section shall be valid unless, after it is passed, it is approved by the Lieutenant-Governor in Council; and the facts which authorize the passing of such by-law shall, on its submission for approval, be verified in the manner provided by section 290 of this Act. 46 V. c. 18, s. 370.

DIVISION VIII.—ANTICIPATORY APPROPRIATIONS.

When and how made. Secs. 369, 370.

On Separation of Municipalities. Sec. 371.

Anticipatory appropriations may be made.

369. In case any council desires to make an anticipatory appropriation for the next ensuing year in lieu of the special rate for such year, in respect of any debt, the council may do so, by by-law, in the manner and subject to the provisions and restrictions following:

What funds may be so appropriated.

1. The council may carry to the credit of the sinking fund account of the debt, as much as may be necessary for the purpose aforesaid;

- (a) Of any money at the credit of the special rate account of the debt beyond the interest on such debt for the year following that in which the anticipatory appropriation is made;
- (b) And of any money raised for the purpose aforesaid by additional rate or otherwise;
- (c) And of any money derived from any temporary investment of the sinking fund;
- (d) And of any surplus money derived from any corporation work or any share or interest therein;
- (e) And of any unappropriated money in the treasury;

Such moneys respectively not having been otherwise appropriated.

2. The by-law making the appropriations shall distinguish the several sources of the amount, and the portions thereof to be respectively applied for the interest and for the sinking fund appropriation of the debt for such next ensuing year.

3. In case the moneys so retained at the credit of the special rate account, and so appropriated to the sinking fund account, from all or any of the sources above mentioned, are sufficient to meet the sinking fund appropriation and interest for the next ensuing year, the council may then pass a by-law directing that the original rate for such next ensuing year be not levied.

370.—(1) The by-law shall not be valid unless it recites—

- (a) The original amount of the debt, and in brief and general terms, the object for which the debt was created ;
- (b) The amount, if any, already paid of the debt ;
- (c) The annual amount of the sinking fund appropriation required in respect of such debt ;
- (d) The total amount, then on hand, of the sinking fund appropriations, in respect to the debt, distinguishing the amount thereof in cash in the treasury from the amount temporarily invested ;
- (e) The amount required to meet the interest of the debt for the year next after the making of such anticipatory appropriation ; and
- (f) That the council has retained at the credit of the special rate account of the debt a sum sufficient to meet the next year's interest (naming the amount of it), and that the council has carried to the credit of the sinking fund account a sum sufficient to meet the sinking fund appropriation (naming the amount of it) for such year.

(2) No such by-law shall be valid unless approved by the Lieutenant-Governor in Council. 46 V. c. 18, s. 372.

371. After the dissolution of any municipal union, the senior municipality may make an anticipatory appropriation for the relief of the junior municipality, in respect of any debt secured by the by-law, in the same manner as the senior municipality might do on its own behalf. 46 V. c. 18, s. 373.

TITLE III.—RESPECTING FINANCE.

DIV. I.—ACCOUNTS AND INVESTMENTS.

DIV. II.—COMMISSION OF INQUIRY INTO FINANCES.

DIVISION I.—ACCOUNTS AND INVESTMENTS.

*Accounts for Special Rate and Sinking Fund. Sec. 372.**Surplus on Special Rate, Application of. Secs. 373, 374.**Surplus on Special Rate, Investment of. Sec. 375.**General Surplus—Application of. Secs. 376-379.**Members of Corporations not to be parties to investments**Liability for loss Sec. 380.**Yearly Returns to Government. Secs. 381, 382.*

Two special accounts to be kept: (1) of the special rates; (2) of the sinking fund or instalments of principal.

372. The council of every municipal corporation shall keep in its books two separate accounts, one for the special rate, and one for the sinking fund or for instalments of principal of every debt, to be both distinguished from all other accounts in the books by some prefix designating the purpose for which the debt was contracted, and shall keep the said accounts, with any others that are necessary, so as to exhibit, at all times, the state of every debt, and the amount of moneys raised, obtained and appropriated for payment thereof. 46 V. c. 18, s. 374.

When surplus may be applied to next year's interest and to sinking fund.

373. If, after paying the interest of a debt and appropriating the necessary sum to the sinking fund of such debt, or in payment of any instalment of principal, for any financial year, there is a surplus at the credit of the special rate account of such debt, such surplus shall so remain, and may be applied, if necessary, towards the next year's interest; but if such surplus exceeds the amount of the next year's interest, the excess shall be carried to the credit of the sinking fund account, or in payment of principal of such debt. 46 V. c. 18, s. 375.

Application of moneys with consent of Lieut.-Governor in council.

374. The Lieutenant-Governor in Council may, by order, direct that such part of the produce of the special rate levied, and at the credit of the sinking fund account or of the special rate account as aforesaid, instead of being so invested as hereinafter provided, shall from time to time, as the same accrues, be applied to the payment or redemption, at such value as the said council can agree for, or of any part of such debt or of any of the debentures representing or constituting such debt, or any part of it, though not then payable, to be selected as provided in such order, and the municipal council shall thereupon apply, and continue to apply, such part of the produce of the special rate at the credit of the sinking fund, or special rate accounts, as directed by such order. 46 V. c. 18, s. 376.

375.—(1) If any part of the produce of the special rate levied in respect of any debt, and at the credit of the sinking fund account, or of the special rate account thereof, cannot be immediately applied towards paying the debt, by reason of part thereof being yet payable, the council shall, from time to time, invest the same in government securities, municipal debentures, or in first mortgages on real estate held and used for farming purposes, and being the first lien on such real estate, or in local improvement debentures of the municipality, or in such other manner as the Lieutenant-Governor in Council may by general or special order direct, or in any other debentures of the municipality which may be approved of by the Lieutenant-Governor in Council by such order; and from time to time, as such securities mature, may invest in other like securities; no sum so invested in mortgages shall exceed two-thirds of the value of the real estate on which it is secured according to the last revised and corrected assessment roll at the time it is invested.

(2) The council of such municipality may regulate, by by-law, the manner in which such investments shall be made.

(3) It shall not be necessary that any local improvement or other debentures of the municipality referred to in this section shall have been disposed of by the council, but the council may apply the sinking fund to an amount equal to the amount of such debentures for the purposes to which the proceeds of such debentures may be properly applicable, and shall hold the debentures as an investment on account of the sinking fund, and deal with the same accordingly. 47 V. c. 32, s. 9.

376. Any council may direct, by by-law, that any moneys in the hands of the treasurer, and not specially appropriated to any other purpose, shall be credited to the sinking fund account of any debenture debt of the municipality, and the council may invest such sinking fund account in any of the securities named in, and according to the provisions of, the preceding section. 46 V. c. 18, s. 378.

377. Every such council may appropriate to the payment of any debt the surplus income derived from any public or corporation work, or from any share or interest therein, after paying the annual expenses thereof, or any unappropriated money in the treasury, or any money raised by additional rate; and any money so appropriated shall be carried to the credit of the sinking fund of the debt, or in payment of any instalment accruing due. 46 V. c. 13, s. 379.

378.—(1) A municipal corporation having surplus moneys derived from "The Ontario Municipalities Fund," or from any other source, may, by by-law, set such surplus apart for educational purposes, and invest the same, as well as any other moneys held by such municipal corporation for, or by it lawfully ap-

Investment of surplus moneys raised on special rates.
may be used in purchasing unsold debentures.
Council may apply other funds towards such debts.
Certain moneys may be set apart for educational purposes.
Investment of same.

appropriated to, educational purposes, in public securities of the Dominion, municipal debentures, or in first mortgages on real estate held and used for farming purposes, and being the first lien on such real estate, and from time to time, as such securities mature, may invest in other like securities, or in the securities already authorized by law, as may be directed by such by-law, or by other by-laws passed for that purpose.

Proviso as to investment.

(2) No sum so invested shall exceed two thirds of the value of the real estate on which it is secured, according to the last revised and corrected assessment roll, at the time it is so invested. 46 V. c. 18, s. 380.

Loans to schooltrustees

379. Any municipal corporation having surplus moneys set apart for educational purposes, may, by by-law, invest the same in a loan or loans, to any board of school trustees within the limits of the municipality, for such term or terms, and at such rate or rates of interest as may be agreed upon by and between the parties to such loan or loans respectively, and may be set forth in such by-law; or may by by-law grant any portion of such moneys, or other general funds, by way of gift to aid poor school sections within the municipality. 46 V. c. 18, s. 381.

Aid to poor school sections.

No members of corporation to be party to investment.

380. No member of a municipal corporation, shall take part in, or in any way be a party to, the investment of such moneys as are mentioned in this Act, by or on behalf of the corporation of which he is a member, otherwise than is authorized by this Act, or by any other law in that behalf made and provided, and such person so doing shall be held personally liable for any loss sustained by the corporation. 46 V. c. 18, s. 382.

Liability for loss.

Municipalities indebted to Municipal Loan Fund to make annual returns to Provincial Treasurer.

381. The treasurer of any municipality for which any sum of money has been raised on the credit of the Consolidated Municipal Loan Fund, shall, so long as any part of such sum, or of the interest thereon, remains unpaid by the municipality, transmit to the Treasurer of Ontario, on or before the 15th day of January in every year, a return, certified on the oath of the treasurer before some Justice of the Peace, containing the amount of taxable property in the municipality according to the then last assessment roll or rolls; a true account of all the debts and liabilities of the municipality, for every purpose, for the then last year; and such further information and particulars, with regard to the liabilities and resources of the municipality, as the Lieutenant-Governor in Council may from time to time require, under a penalty, in case of neglect or refusal to transmit the return, account, information of particulars, of \$100, to be recovered, with costs, as a debt due to the Crown. 46 V. c. 18, s. 383.

Penalty for default.

382. Every council shall, on or before before the 31st day of January in each year, under a penalty of \$20 in ease of default, to be paid to the Treasurer of Ontario, transmit to the Lieutenant-Governor, through the Provincial Secretary, an account, in such form as may be prescribed from time to time by the Lieutenant-Governor in Council, of the several debts of the corporation, as they stood on the 31st day of December preceding, specifying in regard to every debt of which a balance remained due at that day:

1. The original amount of the debt ;
2. The date when it was contracted ;
3. The days fixed for its payment ;
4. The interest to be paid therefor ;
5. The rate provided for the redemption of the debt and interest ;
6. The proceeds of such rate for the year ending on such 31st day of December ;
7. The portion (if any) of the debt redeemed or paid during such year ;
8. The amount of interest (if any) unpaid on such last mentioned day ; and
9. The balance still due of the principal of the debt. 46 V. e. 18, s. 384.

What such report must shew.

DIVISION II.—COMMISSION OF INQUIRY INTO FINANCES.

When granted. Sec. 383.

Expenses of. Sec. 384.

383. In case one-third of the members of any council, or thirty duly qualified electors of the municipality, petition a commission to issue under the Great Seal, to inquire into the financial affairs of the corporation, and things connected therewith, and if sufficient cause is shewn, the Lieutenant-Governor in Council may issue a commission accordingly, and the commissioner or the commissioners, or such one or more of them as the commission empowers to act, shall have the same power to summon witnesses, enforce their attendance, and compel them to produce documents and to give evidence, as any Court has in civil cases. 46 V. e. 18, s. 385.

384. The expenses to be allowed for executing the commission shall be determined and certified by the Treasurer of Ontario, and shall thenceforth become a debt due to the commissioner.

sioner or commissioners by the corporation, and shall be payable within three months after demand thereof, made by the commissioner or by any one of the commissioners, at the office of the treasurer of the corporation. 46 V. c. 18, s. 386.

TITLE IV.—ARBITRATIONS.

DIV. I.—APPOINTMENT OF ARBITRATORS.

DIV. II.—PROCEDURE.

DIVISION I.—APPOINTMENT OF ARBITRATORS.

How appointed. Secs. 385-389, 394.

Failure of parties to appoint. Secs. 389, 390.

Respecting real property taken by Corporations. Secs. 391, 392.

Several interests in the same property. Secs. 393, 394.

Award, when to be made. Sec. 395.

Persons disqualified from acting as arbitrators. Sec. 396.

Compensation for lands taken or injured. See Secs. 483-488.

Appointment
how made.

385. The appointment of all arbitrators shall be in writing under the hands of the appointers, or in case of a corporation, under the corporate seal, and authenticated in like manner as a by-law. 46 V. c. 18, s. 387.

Council, or
head thereof
may appoint
for corpora-
tion.

386. The arbitrators on behalf of a municipal corporation shall be appointed by the council thereof, or by the head thereof, if authorized by a by-law of the council. 46 V. c. 18, s. 388.

Either party
may appoint
an arbitrator
and give notice
to opposite
party.

387. In cases where arbitration is directed by this Act, either party may appoint an arbitrator, and give notice thereof in writing to the other party, calling upon such party to appoint an arbitrator on behalf of the party to whom such notice is given. A notice to a corporation shall be given to the head of the corporation. 46 V. c. 18, s. 389.

Third arbitra-
tor to be ap-
pointed.

388. The two arbitrators appointed by or for the parties shall, within seven days from the appointment of the lastly named of the two arbitrators appoint, in writing, a third arbitrator. 46 V. c. 18, s. 390.

When more
than two mu-
nicipalities
interested.

389. In cases where more than two municipalities are interested, each of them shall appoint an arbitrator, and in such case, if there is an equality of arbitrators, the arbitrators so

appointed shall appoint another arbitrator, or in default, at the expiration of twenty-one days after such arbitrators have been appointed, the Lieutenant-Governor in Council may, on the application of any one of the municipalities interested, appoint such arbitrator. 46 V. c. 18, s. 391.

390. In case of an arbitration between municipal corporations, if for twenty-one days, or in case the arbitration is respecting drainage works, then, if for twenty days after having received such notice, the party notified omits to appoint an arbitrator; or if, for seven days after the second arbitrator has been appointed, the two arbitrators omit to appoint a third arbitrator, then, in case the arbitration is between townships or between a township and a town or an incorporated village, the Judge of the County Court of the county within which the townships, town or incorporated village are or any of them is situate, or in case the arbitration is between other municipalities, the Lieutenant-Governor in Council may appoint an arbitrator for the party or arbitrators in default, or a third arbitrator, as the case may require. 46 V. c. 18, s. 392.

Provision in case of neglect to appoint.

391. In case of an arbitration between a municipal corporation and the owners or occupiers of, or other persons interested in, real property entered upon, taken or used by the corporation in the exercise of any of its powers, or injuriously affected thereby, if, after the passing of the by-law, any person interested in the property appoints, and gives due notice to the head of the council of his appointment of, an arbitrator to determine the compensation to which such person is entitled. the head of the council shall, if authorized by by-law, within seven days appoint a second arbitrator, and give notice thereof to the other party, and shall express clearly in the notice what powers the council intends to exercise with respect to the property, describing it. 46 V. c. 18, s. 393.

Arbitration as to real property taken or injured by municipal corporations.

392. In such last mentioned arbitration, if after service on the owner or occupier of, or person so interested in, the property, of a copy of a by-law, certified to be a true copy, under the hand of the clerk of the council, the owner or occupier, or person so interested, omits for twenty-one days to name an arbitrator, and give notice thereof, as aforesaid, the council or the head, if authorized by by-law, may name an arbitrator on behalf of the council, and give notice thereof to the owner, occupier or person so interested, and the latter shall, within seven days thereafter, name an arbitrator on his behalf. 46 V. c. 18, s. 394.

Provision if owner of property fails to name arbitrator.

393. In case there are several persons having distinct interests in property in respect of which the corporation is desirous of exercising the powers referred to in section 391 under a by-law in that behalf passed, whether such persons are

Where several parties have distinct interests in the same property

all interested in the same piece of property, or some or one in a part thereof, and some or one in another part thereof, and in case the by-law or any subsequent by-law provides that the claims of all should, in the opinion of the council, be disposed of by one award, such persons shall have twenty-one (instead of seven) days to agree upon, and give notice of, an arbitrator jointly appointed in their behalf before the County Court Judge shall have power to name an arbitrator for them. 46 V. e. 18, s. 395.

394. If such owner, occupier or person so interested, or the head of such council, whether from want of authority in that behalf, or otherwise, omits to name an arbitrator within seven days after receiving notice to do so, or if the persons having distinct interests as aforesaid omit to name an arbitrator within twenty-one days after receiving notice to do so, or if the two arbitrators do not within seven days from the appointment of the lastly named of the two arbitrators agree on a third arbitrator, or if any of the arbitrators refuse or neglect to act, the Judge of the County Court of the county in which the property is situated, on the application of either party, shall nominate as an arbitrator a fit person, resident without the limits of the municipality in which the property in question is situated, to act for the party failing to appoint, or as such third arbitrator, or in the stead of the arbitrator refusing or neglecting to act, and such arbitrators shall forthwith proceed to hear and determine the matters referred to them. 46 V. e. 18, s. 396.

Time for making award.

395. In any of the cases herein provided for the arbitrators shall make their award within one month after the appointment of the third arbitrator. 46 V. e. 18, s. 397.

Persons disqualified from acting as arbitrators.

396.—(1) No member, officer or person in the employment of any corporation which is concerned or interested in any arbitration, nor any person so interested, shall be appointed or act as an arbitrator in any case of arbitration under this Act. 46 V. e. 18, s. 398.

Rev. Stat. c. 36.

(2) Nothing in this section contained shall prevent the appointment of or disqualify as an arbitrator any person by reason merely that such person is a ratepayer of or within any municipality concerned or interested in the arbitration unless the arbitration relates to drainage under the provisions of this Act, or *The Ontario Drainage Act*. 48 V. e. 39, s. 9.

DIVISION II.—PROCEDURE.

Oath of Arbitrator. Sec. 397.

Time of Meeting. Sec. 398.

Form of Award. Secs. 398, 404.

Registration of Award. Sec. 398.

Costs. Sec. 399.

Majority to decide. Sec. 400.

Evidence. Sec. 401.

Award, when adoption by By-law required. Sec. 402.

Award, power of Courts to review after adoption. Sec. 403.

Award, how made, and jurisdiction of Courts. Sec. 404.

397. Every arbitrator before proceeding to try the matter Arbitrators to of the arbitration shall take and subscribe the following oath ^{be sworn.} (or, in case of those who by law affirm, make and subscribe the following affirmation) before any Justice of the Peace :

" I (A.B.) do swear (or affirm) that I will well and truly try the matters Form of oath referred to me by thr parties, and a true and impartial award make in the or affirma- premises, according to the evidence and my skill and knowledge. So help tion. me God."

46 V. c. 18, s. 399.

398. The arbitrators shall, within twenty days after the Time of meet- appointment of the third arbitrator, meet at such place as they ^{ing, etc.} may agree upon, to hear and determine the matter in dispute, with power to adjourn from time to time, and shall make their award in writing, and, if the arbitration is respecting drainage works, in triplicate, which shall be binding on all parties, and one copy thereof shall be filed with the clerk of each of the municipalities interested, and one shall, in case the arbitration is respecting drainage works as aforesaid, be filed with the registrar for the registry division in which the lands affected are situate. 46 V. c. 18, s. 400.

399. The arbitrators shall have power to award the pay- Costs. ment by any of the parties to the other of the costs of the arbitration, or of any portion thereof, and may either direct the payment of a fixed sum, or that the costs should be taxed on either the scale of the High Court, or of the County Courts, in which case the costs shall be taxed by the officer, in the county, of the proper Court, without any further order, and the amount shall be payable one week after taxation. Revision by the principal officer at Toronto may be had upon one week's notice and an appeal to a Judge in the usual manner. 46 V. c. 18, s. 401.

400. In case of a difference between the arbitrators, the de- Majority to cision of the majority of them shall be conclusive. 46 V. c. 18, ^{decide.} s. 402.

Notes of the evidence adduced to be taken and filed in certain cases.

401. In case of an award under this Act, which does not require adoption by the council, or in case of an award to which a municipal corporation is a party, and which is to be made in pursuance of a submission containing an agreement that this section of this Act should apply thereto, the arbitrator or arbitrators shall take, and immediately after the making of the award shall file, with the clerk of the council, for the inspection of all parties interested, full notes of the oral evidence given on the reference, and also all documentary evidence or a copy thereof; and in case they proceed partly on a view, or any knowledge or skill possessed by themselves or any of them, they shall also put in writing a statement thereof, sufficiently full to allow the Court to form a judgment of the weight which should be attached thereto. 46 V. c. 18, s. 403.

Arbitrators acting on their own knowledge, etc., to put statement thereof in writing.

Award to be binding in certain cases, must be adopted by by-law within a certain time.

402. In case the award relates to property to be entered upon, taken or used as mentioned in section 391, and in case the by-law did not authorize or profess to authorize any entry or use to be made of the property before an award has been made, except for the purpose of survey, or in case the by-law did give or profess to give such authority, but the arbitrators find that such authority had not been acted upon, the award shall not be binding on the corporation unless it is adopted by by-law, within six weeks after the making of the award; and if the same is not so adopted, the original by-law shall be deemed to be repealed, and the property shall stand as if no such by-law had been made, and the corporation shall pay the costs of the arbitration. 46 V. c. 18, s. 404.

Power of courts to review awards adopted by councils, etc.

403.—(1) An award not binding upon the council until adoption, as mentioned in the last preceding section, shall, if adopted, be subject to the jurisdiction of the Court, and to review on the merits, at the instance of the person whose property is affected or taken, in the same manner as is provided by the next following section of this Act, in respect of any award not requiring adoption, and the provisions of sections 401 and 404 shall hereafter extend to every such award.

(2) The award may be moved against within one month (excluding vacations) next after the adoption thereof. 47 V. c. 32, s. 10 (1-2).

Award to be made by at least two arbitrators, and subject to jurisdiction of High Court.

Powers of the Court in such matters.

404. Every award made under this Act shall be in writing under the hands of all or two of the arbitrators, and shall be subject to the jurisdiction of the High Court, as if made on a submission by a bond containing an agreement for making the submission a rule or order of such Court; and in the cases provided for by section 401, the Court shall consider not only the legality of the award but the merits as they appear from the proceedings so filed as aforesaid, and may call for additional

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evidence, to be taken in any manner the Court directs, and may, either without taking such evidence or after taking such evidence, set aside the award, or remit the matters referred, or any of them, from time to time, to the consideration and determination of the same arbitrators, or to any other persons whom the Court may appoint, as prescribed in *The Act respecting Arbitrations and References*, and fix the time within which such further or new award shall be made, or the Court may itself increase or diminish the amount awarded or otherwise modify the award, as the justice of the case may seem to require. 46 V. c. 18, s. 405.

TITLE V.—DEBENTURES AND OTHER INSTRUMENTS.

To be under seal and bear signature of head. Sec. 405.

Railway and Bonus Debentures. Sec. 406.

Defects in form. Secs. 407, 408.

Local Improvement Debentures. Sec. 409.

Transfer of Registered Debentures. Secs. 410-412.

Councils borrowing for current Expenses. Sec. 413.

No issue under \$100. Sec. 414.

405. All debentures and other instruments duly authorized to be executed on behalf of a municipal corporation shall, unless otherwise specially authorized or provided, be sealed with the seal of the corporation, and be signed by the head thereof, or by some other person authorized by by-law to sign the same, otherwise the same shall not be valid, and it shall be the duty of the the treasurer of the municipality to see that the money collected under the by-law is properly applied to the payment of the interest and principal of the debentures. 46 V. c. 18, s. 406.

406. Debentures issued in aid of any railway, or for any bonus, signed or endorsed and countersigned as directed by the by-law, shall be valid and binding on the corporation without the corporate seal thereto, or the observance of any other form with regard to the debenture than such as may be directed in the by-law. 46 V. c. 18, s. 407.

407. Debentures issued under the authority of any by-law promulgated under this Act, or any former Municipal Act, shall be valid and binding upon the corporation, notwithstanding any insufficiency in form or otherwise of such by-law, or in the authority of the corporation in respect thereof; Provided that the by-law has received the assent of the

electors where necessary, and no successful application has been made to quash the same within the time limited in the notice of promulgation. 46 V. c. 18, s. 408.

Debentures issued before Feb. 1, 1883, on which payment has been made for two years, to be valid.

408. Where debentures were issued prior to the first day of February, 1883, by any municipality under a by-law passed by such municipality, and the interest on such debentures, and the principal of such thereof (if any) as shall have fallen due, has been paid for the period of two years or more, by the municipality, the by-law and the debentures issued thereunder, or such thereof as may yet be unpaid, shall be valid and binding upon the corporation, and shall not be quashed or set aside on any ground whatever. 46 V. c. 18, s. 409. *See sec. 352.*

Form of local improvement debentures.

409. Every debenture issued under section 612 of this Act, or under the provisions of any other Act relating to the issue of debentures for local improvement purposes, shall bear on its face the words "Local Improvement Debenture," and shall contain a reference by date and number to the by-law under which it is issued :

Consolidation

Provided always, that (in order to obviate a difficulty which has been found to prevail in negotiating such local improvement debentures, in consequence of many of the same having to be issued for small and broken amounts), councils may, from time to time after the passage of the several by-laws covering the several amounts required for particular local improvements as therein specified, and without in any way affecting the liens on the lands therein named and to be improved thereby, further pass a collective or cumulative by-law consolidating such several amounts, and issue the required debentures in a general consecutive issue under such consolidated by-law, apportioning, nevertheless, the amount raised thereby, and crediting each service with the amount previously estimated and named for the same under the individual by-law passed in the first instance ;

And for the purpose of more readily carrying this proviso into effect, councils desiring to avail themselves of the same shall insert a clause in such individual by-laws, intimating that the amount of debentures to be issued thereunder is subject to consolidation, and in such case it shall be sufficient to state in said individual by-laws that the said amount of debentures to be issued thereunder shall be issued at so many years from the date of issue of the same without defining a specific date ; and provided further that no consolidated debentures shall be issued covering any debentures which may have been issued or sold under any original by-law. 46 V. c. 18, s. 410.

410. Debentures to be issued by any municipal council may contain a provision in the following words: Mode of transfer may be prescribed.

"This debenture or any interest therein, shall not, after a certificate of ownership has been endorsed thereon by the Treasurer of this Municipal corporation, be transferable, except by entry by the Treasurer or his deputy in the Debenture Registry Book of the said Corporation at the Town (or Village) of _____", or to the like effect.

46 V. c. 18, s. 411.

411. The treasurer of every municipality issuing any debentures containing the provision in the last section mentioned, shall open and keep a debenture registry book, in which he shall enter a copy of all certificates of ownership of debentures, which he may give, and also every subsequent transfer of such debenture; such entry shall not be made except upon the written authority of the person last entered in such book as the owner of such debenture, or of his executors or administrators, or of his or their lawful attorney, which authority shall be retained by the treasurer and duly filed. Debenture registry book. 46 V. c. 18, s. 412.

412. After the certificate of ownership has been endorsed as aforesaid, the debentures shall only be transferable by entry, by the treasurer of the municipality or his deputy, in such debenture registry book, from time to time, as transfers of such debentures are authorized by the then owner thereof, or his lawful attorney. Registered debentures transferred by entry, etc. 46 V. c. 18, s. 413.

413. The council of every municipality may authorize its head, with the treasurer thereof, under the seal of the corporation, to borrow from any person or bank such sums as may be required to meet the then current expenditure of the corporation, until such time as the taxes levied therefor can be collected, and the council shall, by by-law, regulate the amounts to be so borrowed, and the promissory note or notes, covenant, or agreement to be given in security therefor. Council may authorize the borrowing of sums to pay current expenses. 46 V. c. 18, s. 414.

414. No council shall, unless specially authorized so to do, make or give any bond, bill, note, debenture or other undertaking, for the payment of a less amount than \$100; and any bond, bill, note, debenture or other undertaking issued in contravention of this section shall be void. Without special authority, no bond, etc., to be given for less than \$100. Proviso. 46 V. c. 18, s. 415.

TITLE VI.—RESPECTING THE ADMINISTRATION OF
JUSTICE AND JUDICIAL PROCEEDINGS.

DIV. I.—JUSTICES OF THE PEACE.

DIV. II.—PENALTIES.

DIV. III.—WITNESSES AND JURORS.

DIV. IV.—CONVICTIONS UNDER BY-LAWS.

DIV. V.—EXECUTION AGAINST MUNICIPAL CORPORATIONS.

DIV. VI.—TENDER OF AMENDS.

DIV. VII.—CONTRACTS WITH MEMBERS OF COUNCIL VOID.

DIV. VIII.—POLICE OFFICE AND POLICE MAGISTRATE.

DIV. IX.—BOARD OF COMMISSIONERS OF POLICE AND POLICE
FORCE IN CITIES AND TOWNS.

DIV. X.—COURT HOUSES, GAOLS AND PLACES OF IMPRISONMENT.

DIV. XI.—INVESTIGATION OF CHARGES OF MISCONDUCT IN RELATION
TO MUNICIPAL MATTERS. *See p. 146.*

DIV. XII.—WHEN MAYOR MAY CALL OUT *Posse Comitatus*.

DIVISION I.—JUSTICES OF THE PEACE.

Justices of the Peace, Who are ex officio. Sec. 415.

Jurisdiction of Mayors of Cities and Towns. Sec. 416.

Qualification and Oath of ex officio Justices. Sec. 417.

*Jurisdiction of Justices in Cases under By-laws. Secs. 418,
419.*

415. The head of every council, and the reeve of every town, township, and incorporated village, shall, *ex officio*, be Justices of the Peace for the whole county, or union of counties, in which their respective municipalities lie, and aldermen in cities shall be Justices of the Peace for such cities. 46 V. c. 18, s. 415.

416. The mayor of a town or city where there is no Police Magistrate, shall have jurisdiction, in addition to his other powers, to try and determine all prosecutions for offences against the by-laws of the town or city, and for penalties for refusing to accept office therein or to make the necessary declarations of qualification and office. 46 V. c. 18, s. 417.

417. No warden, mayor, reeve or alderman, after taking the oaths or making the declarations as such, shall be required to have any property qualification, or to take any further oath to enable him to act as a Justice of the Peace. 46 V. c. 18, s. 418.

418. Every Justice of the Peace for a county shall have jurisdiction in all cases arising under any by-law of any municipality in the county, where there is no Police Magistrate. Jurisdiction of justices under by-laws. 46 V. e. 18, s. 419.

419. In case any offence is committed against a by-law of a council, for the prosecution of which offence no other provision is made, any Justice of the Peace having jurisdiction in the locality where the offender resides, or where the offence was committed, whether the Justice is a member of the council or not, may try and determine any prosecution for the offence. Jurisdiction in cases not specially provided for. 46 V. c. 18, s. 420.

DIVISION II.—PENALTIES.

Recovery and enforcement thereof. Sec. 420-422.

On offences against By-Laws. Sec. 421.

Application of Penalties. Sec. 423.

420. Every fine and penalty imposed by or under the authority of this Act may, unless where other provision specially made therefor, be recovered and enforced with costs, by summary conviction, before any Justice of the Peace for the county or of the municipality in which the offence was committed; and in default of payment the offender may be committed to the common gaol, house of correction, or lock-up house of the county or municipality, there to be imprisoned for any time, in the discretion of the convicting Justice, not exceeding (unless where other provision is specially made) thirty days, and with or without hard labour, unless such fine and penalty, and costs, including the costs of the committal, are sooner paid. Recovery and enforcement of penalties. 46 V. c. 18, s. 421.

421. The Justice or other authority before whom a prosecution is had for an offence against a municipal by-law, may convict the offender on the oath or affirmation of any credible witness, and shall award the whole or such part of the penalty or punishment imposed by the by-law as he thinks fit, with the costs of prosecution, and may by warrant, under the hand and seal of the Justice or other authority, or in case two or more Justices act together therein, then under the hand and seal of one of them, cause any such pecuniary penalty and costs, or costs only, if not forthwith paid, to be levied by distress and sale of the goods and chattels of the offender. Penalties imposed by by-laws. 46 V. c. 18, s. 422.

422. In case of there being no distress found out of which the penalty can be levied, the Justice may commit the offender Award of penalty and costs. Commitment in default of distress.

to the common gaol, house of correction, or nearest lock-up house, for the term, or some part thereof, specified in the by-law. 46 V. c. 18, s. 423.

Fines, how applied.

423. Unless otherwise provided, when the pecuniary penalty has been levied under this Act, one moiety thereof shall go to the informer or prosecutor, and the other moiety to the municipal corporation, unless the prosecution is brought in the name of the corporation, in which case the whole of the pecuniary penalty shall be paid to the corporation. 46 V. c. 18, s. 424.

[As to summary method of enforcing by-laws. See sec. 482.]

DIVISION III.—WITNESSES AND JURORS.

Who may be witnesses. Secs. 424, 425.

Ratepayers, members, officers, etc., of Corporations liable to challenge as jurors. Sec. 425.

Compelling attendance of witnesses. Sec. 426.

Who may be witnesses.

424. Upon the hearing of any information or complaint exhibited or made under this Act, the person giving or making the information or complaint shall be a competent witness, notwithstanding such person may be entitled to part of the pecuniary penalty on the conviction of the offender, and the defendant, and the wife or husband of such persons opposing or defending, shall also be competent witnesses; and all the said persons shall be compellable to give evidence on the hearing. 46 V. c. 18, s. 425.

Ratepayers, members, officers, etc., of corporation competent witnesses—may be challenged as jurors.

425. In any prosecution, action or proceeding in any civil matter to which a municipal corporation is a party, no ratepayer, member, officer or servant of the corporation shall on account of his being such, be incompetent as a witness; but they, and every of them, shall be liable to challenge as a juror, except where the corporation, the party to the prosecution, action or proceeding, is a county. 46 V. c. 18, s. 426.

Compelling witnesses to attend, etc.

426. In prosecuting under any by-law, or for the breach of any by-law, witnesses may be compelled to attend and give evidence in the same manner, and by the same process, as witnesses are compelled to attend and give evidence on summary proceedings before Justices of the Peace in cases tried summarily, under the statutes now in force, or which may be hereafter enacted. 46 V. c. 18, s. 427.

DIVISION IV.—CONVICTIONS UNDER BY-LAWS.

Form of Conviction. Sec. 427.

427. It shall not be necessary in any conviction made under any by-law of any municipal corporation, to set out the information, appearance or non-appearance of the defendant, or the evidence or by-law under which the conviction is made but all such convictions may be in the form following:

PROVINCE OF ONTARIO, } BE IT REMEMBERED
County of } that on the day of A.D.
To Wit, } at , in the County of
A. B. is convicted before the undersigned, one of Her Majesty's Justices of the Peace in and for the said County, for that the said A. B., (stating the offence, and time and place, and when and where committed), contrary to a certain by-law of the Municipality of the of , in the said County of , passed on the day of , A.D. , and intituled (reciting the title of by-law); and I adjudge the said A. B., for his said offence, to forfeit and pay the sum of , to be paid and applied according to law, and also to pay to C. D., the complainant, the sum of , for his costs in this behalf. And if the said several sums are not paid forthwith (or on or before the day of as the case may be), I order that the same be levied by distress and sale of the goods and chattels of the said A. B., and in default of sufficient distress, I adjudge the said A. B. to be imprisoned in the Common Gaol of the said County of (or, in the public Lock-up at) for the space of days, unless the said several sums, and all costs and charges of conveying the said A. B. to such Gaol (or Lock-up), are sooner paid.

Given under my hand and seal, the day and year first above written at , in the said County.

(L.S.)

J. M., J.P.

46 V. c. 18, s. 428.

DIVISION V.—EXECUTION AGAINST MUNICIPAL CORPORATIONS.

Proceedings on Writs of Execution. Sec. 428.

Municipal Officers, also Officers of Court. Sec. 429.

428. Any writ of execution against a municipal corporation may be endorsed with a direction to the sheriff to levy on writs of the amount thereof by rate, and the proceedings thereon shall execution against municipalities. then be the following:

1 The sheriff shall deliver a copy of the writ and endorse-Sheriff to deliver copy of writ and statement of claim to treasurer. ment to the treasurer, or leave such copy at the office or dwelling-house of that officer, with a statement in writing of the writ and sheriff's fees, and of the amount required to satisfy the execution, including in such amount the interest calculated to some day, as near as is convenient to the day of the service;

If claim not paid rate to be struck by Sheriff.

2. In case the amount, with interest thereon from the day mentioned in the statement, is not paid to the sheriff within one month after the service, the sheriff shall examine the assessment rolls of the corporation, and shall, in like manner as rates are struck for general municipal purposes, strike a rate sufficient in the dollar to cover the amount due on the execution, with such addition to the same as the sheriff deems sufficient to cover the interest, his own fees, and the collector's percentage, up to the time when the rate will probably be available;

Sheriff's precept to collector, etc., to levy rate.

3. The sheriff shall thereupon issue a precept or precepts, under his hand and seal of office, directed to the collector or respective collectors of the corporation, and shall annex to every precept the roll of such rate, and shall by the precept, after reciting the writ, and that the corporation had neglected to satisfy the same, and referring to the roll annexed to the precept, command the collector or collectors, within their respective jurisdictions, to levy such rate at the time and in the manner by law required in respect of the general annual rates;

Rate rolls.

4. In case at the time for levying the annual rates next after the receipt of such precept, the collectors have a general rate roll delivered to them for such year, they shall add a column thereto, headed "*Execution rate in A. B. vs. The Township*" (or as the case may be, adding a similar column for each execution if more than one), and shall insert therein the amount by such precept required to be levied upon each person respectively, and shall levy the amount of such execution rate as aforesaid, and shall, within the time they are required to make the returns of the general annual rate, return to the sheriff the precept with the amount levied thereon, after deducting their percentage;

Surplus.

5. The sheriff shall, after satisfying the execution and all fees thereon, pay any surplus, within ten days after receiving the same, to the treasurer, for the general purposes of the corporation. 46 V. c. 18, s. 429.

Clerk, assessors and collectors to be officers of the court from which writ issues.

429. The clerk, assessors and collectors of the corporation shall, for all purposes connected with carrying into effect, or permitting or assisting the sheriff to carry into effect, the provisions of this Act, with respect to such executions, be deemed to be officers of the Court out of which the writ issued, and as such shall be amenable to the Court, and may be proceeded against by attachment, mandamus or otherwise, in order to compel them to perform the duties hereby imposed upon them. 46 V. c. 18, s. 430.

DIVISION VI.—TENDER OF AMENDS.

Tender and payment into Court in actions for negligence.
Sec. 430.

430. The council of any municipality, upon any claim being made or action brought for damages for alleged negligence on the part of the municipality, may tender, or pay into court, as the case may be, such amount as they may consider proper compensation for the damage sustained, and in the event of the non-acceptance by the claimant of such tender or the amount paid into court, and the action being proceeded with, and a verdict being obtained for no greater amount than the amount so tendered or paid into court, the costs of suit shall be awarded to the defendants, and set off against any verdict which shall have been obtained against them. 46 V. c. 18, s. 431. *See sec. 339.*

Tender of compensation in actions for negligence.

DIVISION VII.—CONTRACTS WITH MEMBERS OF COUNCIL
VOID.

Contracts with Members of Council. Sec. 431.

431. In case a member of the council of any municipality, either in his own name or in the name of another, and either alone or jointly with another, enters into a contract of any kind, or makes a purchase or sale in which the corporation is a party interested, the contract, purchase or sale shall be void in any action thereon against the corporation. 46 V. c. 18, s. 432.

Contracts by members with the corporation to be held void in any action.

DIVISION VIII.—POLICE OFFICE AND POLICE MAGISTRATE.

(See Cap. 72.)

In cities and towns. Sec. 432.
Clerk of. Sec. 433.

432. The council of every town and city shall establish therein a police office; and the Police Magistrate, or in his absence, or where there is no Police Magistrate, the mayor of the town or city, shall attend at such police office daily or at such times and for such period as may be necessary for the disposal of the business brought before him as a Justice of the Peace; but any Justice of the Peace having jurisdiction in a town or city may, at the request of the mayor thereof, act in his stead at the police office. 46 V. c. 18, s. 433 (1).

Police offices in cities and towns.

Clerk of police office and his duties.

If paid by salary, fees to be paid over to municipality.

433. The clerk of the council of every city or town, or such other person as the council of the city or town appoints for that purpose, shall be the clerk of the police office thereof, and perform the same duties and receive the same emoluments as clerks of Justices of the Peace; and in case the said clerk is paid by a fixed salary, the emoluments shall be paid by him to the municipality, and form part of its funds, and such clerk shall be the officer of and under the Police Magistrate. 46 V. c. 18, s. 434.

DIVISION IX.—BOARD OF COMMISSIONERS OF POLICE AND POLICE FORCE IN CITIES AND TOWNS.

Board, members of. Sec. 434.

Powers of Commissioners as to witnesses. Sec. 435 (1, 2).

Quorum. Sec. 435 (3).

Meetings of Board in Cities to be public. Sec. 435 (4).

Licensing, etc., livery stables, cabs, etc. Sec. 436.

By-laws of, how authenticated and proved. Sec. 437.

Penalties, how recoverable. Sec. 438.

High Bailiff. Sec. 439.

Police Force, appointment of. Secs. 440, 441.

Police Regulations. Sec. 442.

Duties of Constables. Sec. 443.

Remuneration and Expenses of Police Force. Sec. 444.

Constables in Towns where no Police Commissioners. Sec. 445.

Constables in Incorporated Villages. Sec. 445.

Dissolution of Boards in Towns. Sec. 446.

Constables in Counties and Townships. Sec. 447.

Right of Salaried Constables to Fees. Sec. 448.

Arrests without warrant. Sec. 449.

Suspension from office. Secs. 450, 451.

Board of commissioners of police in cities and towns, of whom composed.

434. In every city there is hereby constituted a board of commissioners of police, and in every town having a Police Magistrate the council may constitute a like board, and such board shall consist of the mayor, the Judge of the County Court of the county in which the city or town is situate, and the Police Magistrate; and in case the office of County Judge or that of Police Magistrate is vacant, the council of the city shall, and the council of the town may, appoint a person resident therein to be a member of the board, or two persons so resident to be members thereof, as the case may require, during such vacancy; but the council of such town may at any time, by by-law, dissolve and put an end to the board, and thereafter the council shall have and exercise all powers and duties previously had or exercised by the board. 46 V. c. 18, s. 435.

435.—(1) The commissioners shall have power to summon and examine witnesses on oath on all matters connected with the administration of their duties, and they shall have the same power to enforce the attendance of such witnesses, and to compel them to give evidence as is vested in any Court of law in civil cases. A notice to attend before the board shall be sufficient, if signed by the chairman of the board, or any one of the commissioners.

Board may examine witnesses on oath.

(2) No party or witness shall be compelled to answer any question by his answer to which he might render himself liable to a criminal prosecution.

Privileges of witnesses.

(3) A majority of the board shall constitute a quorum, and the acts of a majority shall be considered acts of the board.

Quorum.

(4) All meetings of the board of police commissioners in cities shall be open to the press and the public, unless otherwise decided by the board.

Meetings in cities to be open to public.

436.—(1) The board of commissioners of police shall, in cities, license and regulate second-hand stores and junk-stores, and shall also, in cities, regulate and license the owners of livery stables, and of horses, cabs, carriages, carts, trucks, sleighs, omnibuses and other vehicles used for hire, and shall establish the rates of fare to be taken by the owners or drivers of such vehicles, for the conveyance of goods or passengers either wholly within the limits of the city, or from any point within the city to any other point not more than three miles beyond said limits, and may provide for enforcing payment of such rates, and for such purposes shall pass by-laws and enforce the same in the manner, and to the extent in which any by-law to be passed under the authority of this Act may be enforced.

Licensing, livery stables, cabs, etc., in cities.

(2) The council of a city in which there is no board of commissioners of police, shall have and may exercise by by-law, all the powers conferred upon the board of commissioners by this section.

How by-laws of board authenticated and proved.

437. All by-laws of the board of commissioners of police shall be sufficiently authenticated by being signed by the chairman of the board which passes the same; and a copy of such by-law, written or printed, and certified to be a true copy by any member of the board, shall be deemed authentic, and be received in evidence in any Court of Justice without proof of such signature, unless it is specially pleaded or alleged that the signature to such original by-law has been forged.

438. In all cases where the board of commissioners of police are authorized to make by-laws, either under this or any other Act or law, they shall have power in and by such by-laws, to attach penalties for the infraction thereof, to be recovered.

How recovered.

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cred and enforced by summary proceedings before the Police Magistrate of the city for which the same are passed, or, in his absence, before any Justice of the Peace having jurisdiction therein, in the manner and to the extent that by-laws of city councils may be enforced under the authority of this Act; and the convictions in such proceedings may be in the form hereinafter set forth. 46 V. c. 18, s. 439.

High bailiffs. **439.** The council of every city shall appoint a high bailiff, but may provide, by by-law, that the offices of high bailiff and chief constable shall be held by the same person. 46 V. c. 18, s. 440.

Police force in cities and towns. **440.** The police force in cities and towns having a board of commissioners of police, shall consist of a chief constable, and as many constables and other officers and assistants as the council from time to time deem necessary, but, in cities, not less in number than the board reports to be absolutely required; but this section shall not effect or apply to a city in which by the special Act of incorporation thereof, provision is made for the appointment, control and management of the police by the council. 46 V. c. 18, s. 441.

Appointment of members of police force. **441.** The members of the police force shall be appointed by and hold their offices at the pleasure of the board, and shall take and subscribe the following oath:

Oath of office. I, *A. B.*, do swear that I will well and truly serve our Sovereign Lady the Queen in the office of Police Constable for the
of _____ without favour or affection, malice or ill-will; and that I will, to the best of my power, cause the peace to be kept and preserved, and will prevent all offences against the persons and properties of Her Majesty's subjects; and that while I continue to hold the said office, I will, to the best of my skill and knowledge, discharge all the duties thereof faithfully according to law.

46 V. c. 18, s. 442.

Board to make regulations. **442.** The board shall, from time to time, make such regulations as they may deem expedient for the government of the force, and for preventing neglect or abuse, and for rendering the force efficient in the discharge of all its duties. 46 V. c. 18, s. 443.

Constables to be subject to the Board. Duties of constables. **443.** The constables shall obey all lawful directions, and be subject to the government of the board, and shall be charged with the special duties of preserving the peace, preventing robberies and other felonies and misdemeanors, and apprehending offenders; and shall have generally all the powers and privileges, and be liable to all the duties and responsibilities, which belong by law, to constables duly appointed. 46 V. c. 18, s. 444.

Remuneration and contingent expenses. **444.** The council shall appropriate and pay such remuneration for and to the respective members of the force, as may be

required by the board of commissioners of police, and shall provide and pay for all such offices, watch-houses, watch-boxes, arms, accoutrements, clothing and other necessaries as the board may from time to time deem requisite and require for the payment, accommodation and use of the force; but this section shall not affect or apply to any city in which by the special Act of incorporation thereof provision is made for the appointment, control and management of the police by the council. 46 V. c. 18, s. 445.

445. The council of every town not having a board of commissioners of police shall, and the council of every incorporated village, may appoint one chief constable, and one or more constables for the municipality; and the person so appointed shall hold office during the pleasure of the council. 46 V. c. 18, s. 446.

446. Where, in a town, there was on the 24th day of March, 1874, a board of commissioners of police, constituted under the Acts then in force respecting Municipal Institutions in this Province, the council of the said town may, by-law, dissolve and put an end to the board, and thereafter the council shall have and exercise all powers and duties which might, under said Acts, have been had or exercised by the board; and unless and until so dissolved and put an end to, the board shall have and exercise all the powers and duties which, but for this section, would have been exercised or had by the board. 46 V. c. 18, s. 447.

447. The council of every county and township may appoint one or more salaried constables for the municipality, to hold office during the pleasure of the council; every such constable, and any city, town or village constable shall have the same powers and privileges and be subject to the same liability and to the performance of the same duties, and shall be subject also to suspension by the Judge of the County Court in the same manner, and may act within the same limits, as a constable appointed by the Court of General Sessions. 47 V. c. 32, s. 23 (1).

448 Where any salaried constable is appointed for any municipality, whether by the municipal council or by police commissioners, the council may agree that such constable shall keep, for his own use, his fees of office, or the council may require that the said fees shall be paid to the municipal treasurer for the use of the municipality. 47 V. c. 32, s. 23 (2).

449. In case any person complains to a chief of police, or to a constable in a town or city, of a breach of the peace having been committed, and in case such officer has reason to believe that a breach of the peace has been committed, though not in his presence, and that there is good reason to apprehend

Dissolution of boards of police commissioners in towns.
County and township constables.
Their powers.
Rights of salaried constables to fees.
Arrests by constables for alleged breaches of the peace not committed in their presence.

that the arrest of the persons charged with committing the same is necessary to prevent his escape or to prevent a renewal of a breach of the peace, or to prevent immediate violence to person or property, then, if the person complaining gives satisfactory security to the officer that he will without delay appear and prosecute the charge before the Police Magistrate or before the mayor or sitting Justice, such officer may, without warrant, arrest the person charged, in order to his being conveyed as soon as conveniently may be before the Magistrate, mayor or Justice, to be dealt with according to law. 46 V. c. 18, s. 448.

Until a board of police is organized, mayor, etc., may suspend chief constable, etc., from office, etc.

450. Until the organization of a board of police, every mayor or Police Magistrate may, within his jurisdiction, suspend from office, for any period in his discretion, the chief constable, or any constable of the town or city, and may if he chooses, to appoint some other person to the office during such period: and in case he considers the suspended officer deserving of dismissal, he shall, immediately after suspending him, report the case to the council, and the council may dismiss such officer, or may direct him to be restored to his office after the period of his suspension has expired; and the city council shall have the like powers as to the high bailiff of the city. 46 V. c. 18, s. 449.

Incapacity of such officer to act. Salary to cease.

451. During the suspension of such officer he shall be capable of acting in his office, except by the written permission of the mayor or Police Magistrate who suspended him, nor during such suspension shall he be entitled to any salary or remuneration. 46 V. c. 18, s. 450.

DIVISION X.—COURT HOUSES, GAOLS AND PLACES OF IMPRISONMENT.

Erection and care of. Sec. 452-469, 472-475.

Furniture. Sec. 470.

Insurable interest of Corporations. Sec. 471.

Expense of prisoners. Sec. 476.

County council may pass by-laws as to county buildings;

452. Every county council may pass by-laws for erecting, improving and repairing a court house, gaol, house of correction, and house of industry, upon land being the property of the municipality, and shall preserve and keep the same in repair, and provide the food, fuel and other supplies required for the same. 46 V. c. 18, s. 451.

And for acquiring land for court-houses in cities.

453. Every county council may, when a court house is required to be erected within the limits of a city, pass by-laws for entering upon, taking, using, and acquiring such land as may be necessary or convenient for the purposes of such court house. 46 V. c. 18, s. 452.

454. The gaol, court house and house of correction of the Gaols and county in which a town or city, not separated for all pur- court-houses poses from a county, is situate, shall also be the gaol, court in counties house, and house of correction of the town or city, and shall, etc., not sepa- and cities, etc., not sepa- in the case of such city, continue to be so until the council of rated. the city otherwise directs; and the sheriff, gaoler and keeper of the gaol and house of correction shall receive and safely keep, until dully discharged, all persons committed thereto by any competent authority of the town or city. 46 V. c. 18, s. 453.

455. The council of any city may erect, preserve, improve City councils and provide for the proper keeping of a court house, gaol, may erect, house of correction and house of industry, upon lands being public build- etc., certain the property of the municipality, and may pass by-laws for ings. all or any of such purposes. 46 V. c. 18, s. 454.

456. The council of every county may establish and main- Lock-up tain a lock-up house, or lock-up houses, within the county, houses may and may establish and provide for the salary or fees to be paid be established to the constable to be placed in charge of every such lock-up by county councils. house, and may direct the payment or the salary out of the funds of the county. 46 V. c. 18, s. 455.

457. Every lock-up house shall be placed in the charge of A constable a constable specially appointed for that purpose by the magis- to be placed trates of the county at a General Sessions of the Peace there- in charge. for. 46 V. c. 18, s. 456.

458. The council of every city, town, township, and in- Lock-up corporated village may, by by-law, establish, maintain and houses. regulate lock-up houses for the detention and imprisonment of persons sentenced to imprisonment for not more than ten days under any by-law of the council; and of persons detained for examination on a charge of having committed any offence; and for persons detained for transmission to any common gaol or house of correction, either for trial or in the execution of any sentence; and such councils shall have all the powers and authorities conferred on county councils in relation to lock-up houses. 46 V. c. 18, s. 457.

459. Two or more municipalities may unite to establish Joint lock-up and maintain a lock-up house. 46 V. c. 18, s. 458. houses.

460.—(1) The council of every county, city or town separ- Land may be ated from a county may acquire an estate in landed property acquired for an industrial farm, and may establish a house of industry industrial and a house of refuge, and provide, by by-law, for the erection of industry, farm, house and repair thereof, and for the appointment, payment and refuge, etc. duties of inspectors, keepers, matrons and other servants for the superintendence, care and management of such houses of

industry or refuge, and in like manner make rules and regulations (not repugnant to law) for the government of the same.

Proviso as to united or contiguous counties. (2) Two or more united counties, or two or more contiguous counties, or a city and one or more counties, or a town and one or more counties, may agree to have only one house of industry or refuge for such united or contiguous counties, or city and counties, or town and counties, and maintain and keep up the same in the manner herein provided.

Power to compel persons sent to industrial farms, etc., to work thereon. (3) The council may provide, by by-law, for requiring such persons as may be sent to such industrial farm or other place, to work on the said farm, or at any work or service for the said municipality, at such times, and for such hours, and at such trade or labour as they may appear to be adapted for respectively, and for buying and selling material therefor, and for applying the earnings, or parts thereof, of such persons for their maintenance or the maintenance of the wife or child or wife and children (if any) of such persons or for the general maintenance of the farm or other places as aforesaid, or for aiding such persons to reach their friends (if any) or any place to which it may be deemed advisable to send them. 46 V. c. 18, s. 459.

Inspectors to keep and render accounts of expenses, etc. 461. The inspector of a house of industry or refuge appointed as aforesaid, shall keep an account of the charges of erecting, keeping, upholding and maintaining the house of industry or refuge, and of all materials found and furnished therefor, together with the names of the persons received into the house, as well as those discharged therefrom, and also of the earnings; and such account shall be rendered to the county council every year, or oftener when required by a by-law of the council; and a copy thereof shall be presented to the Legislature. 46 V. c. 18, s. 460.

By-laws may be passed establishing workhouses and houses of correction. 462. The council of every city and town may respectively pass by-laws: 1. For erecting and establishing within the city or town, or on such industrial farm, or on any ground held by the corporation for public exhibitions, a workhouse or house of correction, and for regulating the government thereof.

Who liable to be committed thereto. 2. For committing and sending, with or without hard labour, to the workhouse or house of correction, or to the industrial farm, house of industry, house of refuge, or house for the poor, aged, and infirm, or lock-up, or to any work or service for the municipality as aforesaid, by the mayor, Police Magistrate, or Justice of the Peace, while having jurisdiction in the municipality, such disorderly persons, drunkards, vagrants, indigent persons, and such description of persons as

are set forth or referred to in section 369 of chapter 48 of 36 V. c. 48, s. 369. the Acts passed in the 36th year of Her Majesty's reign, and as may by the council be deemed, and by by-law be declared, expedient; and such farm, house of correction, house of industry, house of refuge, or house for the poor, aged, or infirm, lock-up house, or ground held as aforesaid, shall, for the purposes in this sub-section mentioned, be deemed to be within the municipality and the jurisdiction thereof. 46 V. c. 18, s. 461.

463 Until separated houses of correction are erected in the several counties in Ontario, the common gaol in each county respectively shall be a house of correction; and every idle, and disorderly person, or rogue and vagabond, and incorrigible rogue, and any other person by law subject to be committed to a house of correction, shall, unless otherwise provided by law, be committed to the said common gaols, respectively. 46 V. c. 18, s. 462.

Until houses of correction are erected, the common gaols are constituted houses of correction.

464.—(1) The sheriff shall have the care of the county gaol, gaol offices and yard, and gaoler's apartments, and the appointment of the keepers thereof, whose salaries shall be fixed by the county council, subject to the revision or requirement of the Inspector of Prisons and Public Charities. Custody of gaols. Keepers.

(2) Every appointment, or dismissal, of a gaoler shall be subject to the approval of the Lieutenant-Governor. 46 V. c. 18, s. 463. Appointment and dismissal of gaolers.

465. The salary of the gaoler shall be in lien of all fees, perquisites or impositions of any sort or kind whatever; and no gaoler or officer belonging to the gaol shall demand or receive any fee, perquisite or other payment from any prisoner confined within the gaol or prison. 46 V. c. 18, s. 464. Gaoler to have a yearly salary in place of all fees, perquisites or impositions whatever.

466. The county council shall have the care of the court house and of all offices and rooms and grounds connected therewith, whether the same forms a separate building or is connected with the gaol, and shall have the appointment of the keepers thereof, whose duty it shall be to attend to the proper lighting, heating and cleaning thereof; and shall from time to time provide all necessary and proper accommodation, fuel, light and furniture for the Courts of Justice other than the Division Courts, and for the library of the law association of the county (such last mentioned accommodation to be provided in the court house), and shall provide proper offices together with fuel, light and furniture, for all officers, connected with such Courts other than: (1) officers of the Maritime Court of Ontario (not being in the county of York) and (2) official assignees. 46 V. c. 18, s. 465; 48 V. c. 39, ss. 11, 13. County council to have care of court-house, etc.

City gaols to be regulated by by-laws of city council.

467. In any city not being a separate county for all purposes, but having a gaol or court house separate from the county gaol or court house, the care of such city gaol or court house shall be regulated by the by-laws of the city council. 46 V. c. 18, s. 467.

Upon separation of union of counties, gaol and court-house regulations to continue.

468. In case of a separation of a union of counties, all rules and regulations, and all matters and things in any statute for the regulation of, or relating to court houses or gaols, in force at the time of the separation, shall extend to the court house and gaol of the junior county. 46 V. c. 18, s. 468.

Liability of cities and towns separated from counties for erection and maintenance of court-house, etc.

469. Cities and towns separated from counties shall, as parts of their respective counties for judicial purposes, bear and pay their just share or proportion of all charges and expenses from time to time as the same may be incurred in erecting, building and repairing and maintaining the court house and gaol of their respective counties, and of the proper lighting, cleansing and heating thereof, and of providing all necessary and proper accommodation, fuel, light, and furniture for the gaol and Courts of Justice, other than the Division Courts, and for the library of the law association of the county and of providing proper offices, together with fuel, light, and furniture for officers connected with such Courts, where the same are required to be provided by the county council; and all other charges relating to criminal justice, payable by the county in the first instance, except constables' fees and disbursements, and charges connected with coroners' inquests, and such other charges as the counties are entitled to be repaid by the Province; and in case the council of the city or town separate as aforesaid, and the council of the county in which such city or town is situate for judicial purposes cannot, by agreement from time to time, settle and determine the amount to be so payable by such city or town respectively, then the same shall be determined by arbitration, according to the provisions of this Act. 46 V. c. 18, s. 469; 48 V. c. 39, s. 12.

Reference to arbitration in case of disagreement.

Liability for furniture for use of county officials.

470. The council shall not be liable to pay for any furniture which they are required to provide under the provisions of sections 466 and 469 of this Act, unless the same has been ordered by the council or by some person duly authorized by them so to do. 46 V. c. 18, s. 470.

Insurable interests of corporations in certain cases.

471. The corporation of any county and city or town separated from the county, are hereby declared to have, respectively, insurable interests in the court house and gaol of the county and the furniture thereof, in the proportions in which they shall, for the time being, be liable to contribute towards the erection, building, repairing, and maintaining the same, and towards providing necessary accommodation and furniture for

the said gaol and Courts of justice, and for the officers connected with such Courts, and any such corporation may insure its said interest accordingly. 46 V. c. 18, s. 471.

472. In all cases in which any city is required to contribute to the cost of erecting or building a court house or gaol, not commenced before the 5th day of March, 1880, the council of such city shall not be bound to pay for any part of the expenditure thereafter incurred in respect thereof, unless the same has been concurred in by the council of the city, or, in case of dispute, has been determined by arbitration, according to the provisions of this Act, and the council of the city shall have a voice in the selection of the site of the court house and gaol; and in case the council of the county and city shall fail to agree upon the selection of such site, the same shall be settled and determined by arbitration, according to the provisions of this Act. 46 V. c. 18, s. 472.

Liability of city to contribute to cost of erecting court-houses and gaols.

473.—(1). While a city or town uses the court house, gaol or house of correction of the county, the city or town shall pay to the county such compensation therefor, and for the care and maintenance of prisoners, as may be mutually agreed upon, or settled by arbitration under this Act. 46 V. c. 18, s. 473.

Compensation by city or town for use of court-house, etc.

(2) In case of arbitration under the preceding provisions of this section, in determining the compensation to be paid for the care and maintenance of prisoners confined in the gaol, the arbitrators shall, so far as they deem the same just and reasonable, take into consideration the original cost of the site and erection of the gaol buildings, and of repairs and insurance, so far as the same may have been borne or sustained by one or other of the municipalities, and shall also take into consideration the cost of maintaining and supporting the prisoners, as well as the salaries of all officers and servants connected therewith; but the provisions of this subsection shall apply only to the determining of the compensation to be paid for the care and maintenance of any such prisoners subsequent to the first day of January, 1886. 49 V. c. 37, s. 10.

Matters to be considered in determining compensation.

474. In case, after the lapse of five years from such compensation having been so agreed upon or awarded, or having been settled by statute, and whether before or after the passing of this Act, it appears reasonable to the Lieutenant-Governor in Council, upon the application of either party, that the amount of the compensation should be reconsidered, he may, by an Order in Council, direct that the then existing arrangement shall cease after a time named in the order, and after such time the councils shall settle anew, by agreement or by arbitration under this Act, the amount to be paid from the time so named in the order. 46 V. c. 18, s. 474.

When the amount of compensation may be reconsidered.

Existing lock-up houses to continue.

475. Nothing herein contained shall affect any lock-up house heretofore lawfully established, but the same shall continue to be a lock-up house as if established under this Act. 46 V. c. 18, s. 475.

Expense of conveying and maintaining prisoners.

476. The expense of conveying any prisoner to, and of keeping him in a lock-up house, shall be defrayed in the same manner as the expense of conveying him to and keeping him in the common gaol of the county. 46 V. c. 18, s. 477.

DIVISION XI.—INVESTIGATION OF CHARGES OF MISCONDUCT IN RELATION TO MUNICIPAL MATTERS.

Investigation of County Judge. Sec. 477.

Investigation by county judge of charges of malfeasance by municipal officers.

477.—(1) In case the council of any municipality at any time passes a resolution requesting the Judge of the County Court of the county in which the municipality is situate to investigate any matter to be mentioned in the resolution, and relating to a supposed malfeasance, breach of trust or other misconduct on the part of any member of the council or officer of the corporation, or of any person having a contract therewith, in relation to the duties or obligations of the member, officer, or other person, to the municipality, or in case the council of any municipality sees fit to cause inquiry to be made into or concerning any matter connected with the good government of the municipality, or the conduct of any part of the public business thereof, and if the council at any time passes a resolution requesting the Judge to make the inquiry, the Judge shall inquire into the same, and shall for that purpose have all the powers which may be conferred upon commissioners under The Act respecting Inquiries concerning Public Matters, and the Judge shall, with all convenient speed, report to the council the result of the inquiry and the evidence taken thereon. 46 V. c. 18, s. 480.

Judges to have powers mentioned in Rev. Stat. c. 17.

Fees payable to county judge.

(2) The Judge of the County Court, holding such investigation, shall be entitled to receive, and shall be paid by the municipality requesting him to hold the investigation, the same fees as he would be entitled to receive if the matter had been referred to him as a referee under the provisions of The Judicature Act. 49 V. c. 37, s. 11.

Rev. Stat. c. 44.

DIVISION XII.—WHEN MAYOR MAY CALL OUT Posse Comitatus.

Mayor may call out posse comitatus. Sec. 478.

Mayor may call out posse comitatus.

478. The mayor of any city or town may call out the posse comitatus to enforce the law within his municipality should exigences require it, but only under the same circumstances in which the sheriff of a county may now by law do so. 46 V. c. 18, s. 481.

PART VII.

POWERS OF MUNICIPAL COUNCILS.

TITLE I.—IN GENERAL.

TITLE II.—AS TO HIGHWAYS AND BRIDGES.

TITLE III.—AS TO WORKS PAID FOR BY LOCAL RATE.

TITLE IV.—AS TO RAILWAYS.

TITLE I.—POWERS IN GENERAL.

- DIV. I.—OF COUNTIES, TOWNSHIPS, CITIES, TOWNS, AND INCORPORATED VILLAGES.
- DIV. II.—OF TOWNSHIPS, CITIES, TOWNS, AND INCORPORATED VILLAGES.
- DIV. III.—OF TOWNSHIPS, CITIES AND TOWNS.
- DIV. IV.—OF COUNTIES AND CITIES.
- DIV. V.—OF COUNTIES, CITIES, AND SEPARATED TOWNS.
- DIV. VI.—OF CITIES, TOWNS, AND INCORPORATED VILLAGES.
- DIV. VII.—OF CITIES AND TOWNS.
- DIV. VIII.—OF TOWNSHIPS, TOWNS AND VILLAGES.
- DIV. IX.—OF TOWNS AND INCORPORATED VILLAGES.
- DIV. X.—OF COUNTIES ONLY.
- DIV. XI.—OF TOWNSHIPS ONLY.

DIVISION I.—POWERS OF COUNCILS OF COUNTIES, TOWNSHIPS, CITIES, TOWNS, AND INCORPORATED VILLAGES.

- Respecting the obtaining of property. Sec. 479 (1).*
- “ *Appointment of certain officers. Sec. 479 (2, 3).*
- “ *Harbours, Docks, etc. Sec. 479 (4, 8).*
- “ *Aid to Agricultural, etc, Societies. Sec. 479 (9).*
- “ “ *Manufacturing Establishments. Sec. 479 (10).*
- “ “ *Road Companies, etc. Sec. 479 (11).*
- “ “ *Indigent persons and Charities. Sec. 479 (12).*
- “ *Census. Sec. 479 (13).*
- “ *Driving and Riding. Sec. 479 (14).*
- “ *Drainage. Sec. 479 (15).*
- “ *Mode of Egress from Buildings. Sec. 479 (16).*
- “ *Fines and Penalties. Sec. 479 (17-19).*
- “ *Ornamental Trees. Sec. 479 (20).*

- Respecting Seizure of Bread of short weight.* Sec. 479 (21).
 " *Acquisition of land for Parks, etc.* Sec. 479 (22, 23).
 " *Contracts for supply of Gas and Water.* Sec. 480.
 " *Discovery of Crimes.* Sec. 481.
Summary Remedy if By-laws not obeyed. Sec. 482.
Compensation for lands taken. Secs. 484-488.
Powers in relation to Roads and Bridges. See sec. 550 et seq.

Councils
may make
by-laws.

479. The council of every county, township, city, town, and incorporated village may pass by-laws :

Obtaining Property.

For obtaining
property, real
and personal,
etc.

1. For obtaining such real and personal property as may be required for the use of the corporation, and for erecting, improving and maintaining a hall, and any other houses and buildings required by and being upon the land of the corporation, and for disposing of such property when no longer required ;

Appointing certain Officers.

May appoint
certain
officers.

2. For appointing such—

Pound-keepers,	Road Surveyors,
Fence-viewers,	Road Commissioners,
Overseers of Highways,	Valuators,
Game Inspectors,	

and other officers as are necessary in the affairs of the corporation, for carrying into effect the provisions of any Act of the Legislature or by-law of the corporation, or for the removal of such officers ; but nothing in this Act shall prevent any member of a corporation from acting as commissioner, superintendent or overseer, over any road or work undertaken and carried on, in part or in whole, at the expense of the municipality ; and it shall be lawful for the municipality to pay to such member of the corporation acting as such commissioner, superintendent or overseer ; 49 V. c. 45, s. 15 ; 50 V. c. 29, s. 18. See Cap. 210, s. 5.

May fix fees
and securities.

3. For regulating the remuneration, fees, charges and duties of such officers, and the securities to be given for the performance of such duties ; See sec. 278.

Harbours, Docks, etc.

Cleanliness of
wharves,
docks, etc.

4. For regulating or preventing the encumbering, injuring, or fouling, by animals, vehicles, vessels or other means, of any public wharf, dock, slip, drain, sewer, shore, bay, harbour, river or water ;

5. For directing the removal of door steps, porches, railings, or other erections, or obstructions projecting into or over any wharf, dock, slip, drain, sewer, bay, harbour, river or water, the banks or shores thereof, at the expense of the proprietor or occupant of the property connected with which such projections are found; Removal of door steps, etc., obstructions, etc., wharves, etc.

6. For making, opening, preserving, altering, improving and maintaining public wharves, docks, slips, shores, bays, harbours, rivers, or waters and the banks thereof; Making, etc., of wharves, docks, etc.

7. For regulating harbours; for preventing the filling up or encumbering thereof; for erecting and maintaining the necessary beacons, and for erecting and renting wharves, piers and docks therein, and also floating elevators, derricks, cranes and other machinery suitable for loading, discharging or repairing vessels; for regulating the vessels, crafts and rafts arriving in any harbour; and for imposing and collecting such reasonable harbour dues thereon as may serve to keep the harbour in good order, and to pay a harbour master; Regulating harbors, beacons, wharves, elevators, etc. Vessels, etc. Harbor dues.

8. For granting aid by way of bonus, for or towards the construction of harbours, wharves, docks, slips, and necessary beacons on any river, lake, or navigable water passing in, through, or forming any part of the boundary of a county whether such bonus be given by such county or by a city town, township, or incorporated village situated therein and to pay such bonus either in one sum, or in annual or other periodical payments, with or without interest, and subject to such terms, conditions and restrictions as the municipality may deem expedient; Granting aid by way of bonus to harbors, etc.

(a) No such by-law shall be passed until the assent of the electors has been obtained in conformity with the provisions of this Act in respect of by-laws for creating debts; Assent of electors necessary.

(b) Any municipality granting such aid may take and receive of and from such person or body corporate, receiving any such aid, security for the compliance with the terms and conditions upon which such aid is given. Security may be taken.

Aiding Agricultural and other Societies.

9. For granting money or land in aid of the Agricultural and Arts Association of Ontario, or of any duly organized Agricultural or Horticultural Society in Ontario, or of any incorporated Mechanics' Institute or free library, established under *The Free Libraries Act*, within the municipality, or within any adjoining municipality. Granting aid to agricultural societies. 45 T. c. 18, s. 482 (1-9); 189. 50 V. c. 29, s. 19. *See also* Cap. 39, s. 81 (1).

Aiding Manufacturing Establishments.

Granting aid by way of bonus to manufactures. 10. For granting aid by way of bonus for the promotion of manufactures within its limits, by granting such sum or sums of money to such person or body corporate, and in respect of such branch of industry as the said municipality may determine upon; and to pay such sum, either in one sum or in annual or other periodical payments, with or without interest, and subject to such terms, conditions and restrictions as the said municipality may deem expedient;

Assent of electors necessary.

(a) No such by-law shall be passed until the assent of the electors has been obtained, in conformity with the provisions of this Act in respect of by-laws for creating debts. *See sec. 320.*

Persons interested in company not to vote on by-law aiding same.

(b) No property owner or lessee interested in, or holding shares or stock in, any company shall be qualified to vote on a by-law for the purpose of granting a bonus to the company in which he is so interested as aforesaid.

Security may be taken.

(c) Any municipality granting such aid, may take and receive security for the compliance with the terms and conditions upon which such aid is given. (*See section 366 as to exempting manufacturing establishments from taxation.*)

Aiding Road Companies, etc.

Aid for roads, bridges and harbours. 11. For taking stock in or lending money, or granting bonuses to any incorporated company, in respect of any road, bridge or harbour, within or near the municipality, under and subject to the respective statutes in that behalf, or for granting aid by way of bonus to any incorporated road or bridge company;

Assent of electors necessary.

(a) No such by-law granting such aid by way of bonus shall be passed until the assent of the electors has been obtained in conformity with the provisions of this Act in respect of by-laws for creating debts.

Aiding Indigent Persons and Charities.

Aiding indigent persons and charities. 12. For aiding in maintaining any indigent person belonging to or found in the municipality, at any workhouse, hospital or institution for the insane, deaf and dumb, blind or other public institution of a like character; or for granting aid to any charitable institution or out-of-door relief to the resident poor; *See sec. 504 (11).*

Census.

13. For taking a census of the inhabitants, or of the resident male freeholders and householders in the municipality; Local census.

Driving or Riding on Roads and Bridges.

14. For regulating the driving and riding of horses and other cattle on the highways and public bridges, and for preventing racing, immoderate or dangerous driving or riding thereon; To regulate driving on roads and bridges.

Drainage.

15. For opening, making, preserving, improving, repairing, widening, altering, diverting, stopping up and pulling down, drains, sewers or water-courses, within the jurisdiction of the council, and for entering upon and breaking up, taking or using any land in any way necessary or convenient for the said purposes, subject to the restrictions in this Act contained; Opening or stopping up drains and water-courses, etc. 46 V. c. 18, s. 482 (10-15).

Egress from Buildings.

16. For regulating the size and number of doors in churches, theatres, halls, or other buildings used for places of worship, public meetings or places of amusement, and the street gates leading thereto; and also the size and number of doors, halls, stairs and other means of egress from all hospitals, schools, colleges and other buildings of a like nature, and also the structure of stairs and stair-railings in all such buildings; and the strength of the walls, beams and joists and their supports, and for compelling the production of the plans of all such buildings for inspection and for enforcing observance of such regulations. Doors, etc., of public buildings. 50 V. c. 29, s. 20.

Fines and Penalties.

(See also secs. 420-423.)

17. For inflicting reasonable fines and penalties not exceeding \$50 exclusive of costs,— Fines and penalties.

(a) Upon any person for the non-performance of his duties who has been elected or appointed to any office in the corporation, and who neglects or refuses to accept such office, unless good cause is shewn therefor, or to take the declaration of office, and afterwards neglects the duties thereof; and For neglect of duty, or refusal to accept office.

(b) For breach of any of the by-laws of the corporation. On breach of by-laws.

18. For collecting such penalties and costs by distress and sale of the goods and chattels of the offender; Collecting penalties and costs.

Imprisonment, when allowed and time of

19. For inflicting reasonable punishment, by imprisonment with or without hard labour, either in a lock-up house in some town or village in the township, or in the county-gaol or house of correction, for any period not exceeding twenty-one days, for breach of any of the by-laws of the council, in case of non-payment of the fine inflicted for any such breach, and there being no distress found out of which such fine can be levied: except for breach of any by-law in cities, and of any by-law for the suppression of houses of ill-fame in any municipality, in which cases the imprisonment may be for any period not exceeding six months, with or without hard labour in case of the non-payment of the costs and fines inflicted, and there being no sufficient distress as aforesaid; 46 V. c. 18, s. 482 (18-20).

Ornamental Trees.

Regulations as to trees, shrubs, etc., in public places.

20. For causing any tree, shrub or sapling, growing or planted on any public place, square, highway, street, lane, alley or other communication under its control, to be removed, if and when such removal is deemed necessary for any purpose of public improvement; but no such tree, shrub or sapling shall be so removed until after one month's notice thereof is given to the owner of the adjoining property, and he is recompensed for his trouble in planting and protecting the same; nor shall such owner, or any pathmaster or other public officer, or any other person, remove or cut down or injure such tree, shrub, or sapling, on pretence of improving the public place, square, highway, street, road, lane, alley or other communication or otherwise, without the express permission of the municipal council having the control of the public place, square, highway, street, road, lane, alley, or other communication; and any council may expend money in planting and preserving shade and ornamental trees upon any public place, square, highway, street, road, lane, alley or other communication within the municipality, and may grant sums of money to any person or association of persons to be expended for the same purposes. 46 V. c. 18, s. 482 (22).

Seizing Bread, etc.

Light weight and short measure.

21. For seizing and forfeiting bread or other articles when of light weight or short measurement. 46 V. c. 18, s. 482 (24). See also secs. 489 (52); 503 (9).

Acquiring land for Parks, etc.

Acquiring land for parks, etc.

22. For entering upon, taking and using and acquiring so much real property as may be required for the use of the corporation, for public parks, squares, boulevards, and drives in the municipality and adjoining local municipalities, without the consent of the owners of such real property, making due compensation therefor to the parties entitled thereto, to be determined under the provisions of this Act, by arbitration, where the parties do not agree.

23. In every case in which any municipality shall expropriate lands in an adjoining municipality, the municipality so expropriating such lands shall put the same in an efficient state to be used as, and open the same to the general public, for the purposes of such public parks, squares, boulevards and drives within a reasonable time after such expropriation, and shall maintain and keep the same in an efficient state of repair; and shall provide and maintain such police protection for such public parks, squares and drives as shall be necessary for the safety of the public frequenting and using the same and the residents whose lands adjoin the lands so expropriated. 50 V. c. 29, s. 21.

GAS AND WATER.

480.—(1) Every municipal council shall have power to contract with any water-works or water company for a supply of water within the municipality for fire purposes and other public uses, from hydrants or otherwise as may be deemed advisable and for the renting of such hydrants for any number of years not, in the first instance, exceeding ten, and for renewing such contract from time to time for such period, not exceeding ten years, as the council may desire, and every council shall also have power to purchase hydrants necessary for any of the purposes or uses aforesaid, and also to erect the same; and to purchase or rent for a term of years or otherwise, fire apparatus of any kind, and fire appliances and appurtenances belonging thereto respectively. 46 V. c. 18, s. 483.

(2) Subject to the provisions of this Act, or any special Act Powers in respect of lighting and construction of gas works. municipal corporation for lighting the municipality, or for constructing gas works, whether by this or by any special Act, shall include the powers conferred on gas companies by sections 54 and 55 of *The Act respecting Joint Stock Companies for supplying Cities, Towns, and Villages with Gas and Water.* 42 Rev. Stat. c. 164. V. c. 23, s. 3.

(3) Where any municipal corporation has constructed any gas or water works for supplying the municipality with gas or water, and where there is a sufficient supply thereof, it shall be the duty of the corporation to supply with gas or water all buildings within the municipality situate upon land lying along the line of any supply pipe of the said corporation, upon the same being requested by the owner, occupant, or other person in charge of such building.

(4) The corporation before supplying gas or water to any building or as a condition to its continuing to supply the same, may require any consumer to give reasonable security for the payment of the proper charges of the company therefor or for carrying the gas or water into such building.

Liability for failure of supporting not affected.

(5) Nothing in the preceding two sub-sections contained shall be construed in any way to affect the liability of any corporation in respect of damages on account of any failure of supply through mischance, accident or mismanagement, but the position of the corporation in respect thereto shall remain as if such two sub-sections had not been enacted. 47 V. c. 26, ss. 1, 3, 4.

DISCOVERY OF CRIMES.

Rewards for apprehension of criminals.

481. The council of any municipality in which a flagrant crime is believed to have been committed, may offer and pay a reward for the discovery, apprehension, or conviction of the criminal, or of any person who is suspected to be the criminal. 46 V. c. 18, s. 484.

SUMMARY REMEDY IF BY-LAWS NOT OBEYED.

Mode of compelling performance of matters directed to be done by council, etc.

482. Whenever any municipal council has any authority to direct, by by-law or otherwise, that any matter or thing should be done by any person or corporation, such council may also, by the same or another by-law, direct that in default of its being done by the person, such matter or thing shall be done at the expense of the person in default, and may recover the expense thereof with costs by action or distress; and, in case of non-payment thereof, the same shall be recovered in like manner as municipal taxes. 46 V. c. 18, s. 485.

COMPENSATION FOR LANDS TAKEN OR INJURED.

Owners of lands taken by corporation, etc., to be compensated.

483. Every council shall make to the owners or occupiers of, or other persons interested in, real property entered upon, taken or used by the corporation in the exercise of any of its powers, or injuriously affected by the exercise of its powers, due compensation for any damages (including cost of fencing when required) necessarily resulting from the exercises of such powers, beyond any advantage which the claimant may derive from the contemplated work; and any claim for such compensation, if not mutually agreed upon, shall be determined by arbitration under this Act. 46 V. c. 18, s. 486. *See sec. 385 et seq.*

Differences to be determined by arbitration.

How title acquired to land when owned by corporations, tenants in tail, vested in trustees, etc.

484.—(1) In the case of real property which a council has authority under this Act to enter upon, take or use, without the owner's consent, corporations, tenants in tail or for life, guardians, committees, and trustees, shall, on behalf of themselves, their successors and heirs respectively, and on behalf of those they represent, whether infants, issue unborn, lunatics, idiots, married women or others, have power to act, as well in reference to any arbitration, notice and action under this Act, as in contracting for and conveying to the council any such real property, or in agreeing as to the amount of damages arising from the exercise by the council of any power in respect thereof.

(2) In case there is no such person who can so act in respect of such real property, or in case any person interested in respect to any such real property is absent from this Province, or is unknown, or in case his residence is unknown, or he himself cannot be found, the Judge of the County Court for the county in which such property is situate may, on the application of the council, appoint a person to act in respect to the same for all or any of the said purposes. 46 V. c. 18, s. 487.

485. In case any person acting as aforesaid has not the absolute estate in the property, the council shall pay to him the interest only at six per centum per annum on the amount to be paid in respect of such property, and shall retain the principal to be paid to the person entitled to it whenever he claims the same and executes a valid acquittance therefor, unless the High Court, or other Court having jurisdiction in such cases, in the meantime directs the council to pay the same to any person or into Court; and the council shall not be bound to see to the application of any interest so paid, or of any sum paid under the direction of such Court. 46 V. c. 18, s. 488.

486. All sums agreed upon, or awarded in respect of such real property, shall be subject to the limitations and charges to which the property was subject. 46 V. c. 18, s. 489.

487.—(1) Notwithstanding any of the provisions contained in this Act, in all cases where claims are made for compensation for damages by the owners or occupiers of, or other persons interested in lands entered upon, taken or used by the corporation of any city, or alleged to have been injuriously affected by such corporation in the exercise of any of its powers, in the event of the corporation not being able to agree with the claimant or claimants on the amount of compensation to be made, and the amount claimed does not exceed \$1,000, the same shall be settled and determined by the award of the Judge of the county within which the city is situate, (sitting as sole arbitrator,) or at the option of either party, by such other sole arbitrator as the said Judge on application made by either party to him, upon notice to the other party, may appoint for the purpose.

(2) Either party shall be entitled to at least seven days' notice exclusive of the day of the service of the notice, of the wish of the other party to have an arbitration, and seven days' notice, exclusive of the seven days above mentioned and of the day of the service of the notice, shall be given of any application to the Judge to appoint any sole arbitrator as aforesaid.

(3) The fees to be paid to the arbitrator shall be the same as those payable to referees under the provisions of *The Act respecting Arbitrations and References*. 49 V. c. 37, s. 41 (1-3). 53.

Reference of
claims for
compensation
in respect of
lands.

488. The council of any municipality in all cases where claims for compensation or damages are made against them which under the provisions of this or any other Act, are declared to be the subject of arbitration in the event of the parties not being able to agree, may tender to any person making such claim, such amount as they may consider proper compensation for the damage sustained or lands taken, and in the event of the non-acceptance by the claimant or claimants of the amount so tendered, and the arbitration being proceeded with, and if an award is obtained for an amount not greater than the amount so tendered, the costs of the arbitration and award shall, unless otherwise directed by the arbitrator, be awarded to the corporation and set off against any amount which shall have been awarded against them. 49 V. c. 37, s. 42.

DIVISION II.—POWERS OF COUNCILS OF TOWNSHIPS, CITIES,
TOWNS, AND INCORPORATED VILLAGES.

- Respecting Polling Subdivisions. Sec. 489 (1).*
 “ *Disqualification of Electors for non-paymnet of Taxes. Sec. 489 (2).*
 “ *Water and Water Works. Sec. 489 (3, 4).*
 “ *Reduction of Sinking Fund. Sec. 489 (5).*
 “ *Billiard or Bagatelle Tables. Sec. 489 (6).*
 “ *Victualling Houses, etc. Sec. 489 (7, 8).*
 “ *Licensing Transient Traders. Sec. 489 (9).*
 “ *Schools. Sec. 489 (10).*
 “ *Cemeteries. Sec. 489 (11, 12).*
 “ *Graves. Sec. 489 (13).*
 “ *Cruelty to Animals. Sec. 489 (14).*
 “ *Dogs. Sec. 489 (15, 16).*
 “ *Fences. Sec. 489 (17).*
 “ *Division Fences. Sec. 489 (18, 19).*
 “ *Snow Fences. Sec. 489 (20).*
 “ *Water-courses. Sec. 489 (21).*
 “ *Weeds. Sec. 489 (22).*
 “ *Filth in Streets. Sec. 489 (23).*
 “ *Burning Stumps, Brush, etc. Sec. 489 (24).*
 “ *Exhibitions, Shows, etc. Sec. 489 (25, 26).*
 “ *Trees. Sec. 489 (27).*
 “ *Injury to property and notices. Sec. 489 (28, 29).*
 “ *Gas and Water Companies. Sec. 489 (30, 31).*
 “ *Giving Intoxicating Liquors to Minors, etc. Sec. 489 (32).*
 “ *Public Morals. Sec. 489 (33-40).*
 “ *Nuisances. Sec. 489 (41-46).*
 “ *Sewerage and Drainage. Sec. 489 (47-49).*
 “ *Inspection of Meat, Milk, etc. Sec. 489 (50-53).*

- Respecting Licensing Milk Dealers. Sec. 489 (54).*
- " Contagious Diseases. Sec. 489 (55).*
- " Establishment of Boundaries. Secs. 489 (56) 491.*
- " Acquisition of Land outside the limits. Sec. 489 (57).*
- " Weighing Machines. Sec. 489 (58).*
- " Pounds. Sec. 490.*
- " Extension of Sewers. Secs. 492.*
- " Lock-up Houses. Secs. 458, 459.*
- " Tavern and Shop Licenses. See Cap. 194.*

489. The council of every township, city, town or incorporated village may pass by-laws— By-laws may be made for—

Polling Subdivisions.

1. For dividing the wards of such city or town, or for dividing such township or incorporated village into two or more convenient polling subdivisions, and for establishing polling places therein, and for repealing or varying the same from time to time; and such polling subdivisions shall be made or varied whenever the electors in any ward, township, village or polling division exceed 200, and shall be made and varied in such a manner that the number of electors in any polling subdivision shall not exceed at any time 200;

(a) Where a municipality is divided into polling subdivisions, the same polling subdivisions shall be used both for the election of members of the Legislative Assembly and for municipal elections; and the polling subdivisions for elections to the Legislative Assembly and municipal elections shall hereafter be made the same in all cases, except that the municipal council of every city, town or incorporated village, may by by-law unite, for the purpose of municipal elections, any two adjoining polling subdivisions. Polling subdivisions to be the same for elections to Legislative Assembly and municipal elections. Adjoining sub-divisions may be united for municipal elections. 46 V. c. 18, s. 490 (1).

(b) Where a polling place has been fixed by by-law for the holding of any election, or the taking of any vote in any city, town or village, and it is afterwards found that the building named as such polling place cannot be obtained, or is unsuitable for the purpose, the clerk of the municipality shall have the power to choose in lieu thereof as a polling place the nearest available building suitable for the purpose, and shall post up and keep posted up a notice on the building fixed by the by-law, and in two other conspicuous places near by, directing the voters to the place chosen as aforesaid. 50 V. c. 29, s. 22.

Disqualification of Electors not paying Taxes.

Disqualifying electors in arrears for taxes. 2. For disqualifying any elector from voting at municipal elections who has not paid all municipal taxes due by him on or before the 14th day of December next preceding the election; 46 V. c. 18, s. 490 (2). *See also sec. 251.*

Water and Waterworks.

Constructing water-works. 3. For constructing, building, purchasing, improving, extending, holding, maintaining, managing and conducting water-works and all buildings, materials, machinery and appurtenances thereto belonging in the municipality and in the neighbourhood thereof, subject to the provisions contained in *The Municipal Water-works Act*; 46 V. c. 18, s. 496 (2).

Rev. Stat. c. 192.

4. For compelling the use of water, supplied by the water-works of the city, town, township or village, for drinking and domestic purposes within certain areas to be defined by by-law, and for prohibiting the use of spring or well water within such areas for such purpose. 49 V. c. 37, s. 38 (1); 50 V. c. 29, s. 48.

Reduction of Sinking Fund.

Reduction of sinking fund. 5. For authorizing the reduction of the annual sinking fund rate, or amount required to be collected under local improvement by-laws passed by the council prior to the Act passed in the 42nd year of the reign of Her Majesty, chaptered 31, and for making allowance for the interest accrued from the investment of the amounts of sinking fund heretofore collected under such by-laws; provided always that in settling the sum to be raised annually for the remaining years which any such by-law has to run for the payment of the debt, in lieu of the sinking fund rate, fixed by the original by-law, the rate of interest on future investments shall not be estimated at more than five per cent. per annum, to be capitalized yearly; provided also that no by-law reducing the sinking fund rates, fixed by any such local improvement by-law, shall become valid or effectual until the same shall have been assented to by the Lieutenant-Governor in Council. 49 V. c. 37, s. 38 (2); 50 V. c. 29, s. 48.

Billiard or Bagatelle Tables.

Licensing and regulating the use of billiard and bagatelle tables. 6. For licensing, regulating and governing all persons who for hire or gain, directly or indirectly, keep, or have in their possession, or on their premises, any billiard or bagatelle table, or who keep or have a billiard or bagatelle table in a house or place of public entertainment or resort, whether such billiard or bagatelle table is used or not, and for fixing the sum to be paid for a license so to have or keep such billiard or bagatelle table, and the time such license shall be in force;

Victualling Houses, etc.

7. For limiting the number of and regulating victualling houses, ordinaries, and houses where fruit, oysters, clams, or victuals are sold to be eaten therein, and all other places for reception, refreshment or entertainment of the public ;

8. For licensing the same when no other provision exists therefor, and for fixing the rates of such licenses not exceeding \$20;

Licensing Transient Traders.

9. For licensing, regulating and governing transient and other persons who occupy premises in the city or town, incorporated village, or township, for temporary periods, and whose names have not been duly entered on the assessment roll in respect of income or personal property for the then current year ; and who may offer goods or merchandise of any description for sale by auction, or in any other manner conducted by themselves or by a licensed auctioneer or otherwise ; but no such by-law shall affect, apply to, or restrict the sale of the stock of an insolvent estate which is being sold or disposed of within the county in which the insolvent carried on business therewith at the time of the issue of a writ of attachment or of the execution of an assignment ;

Schools.

10. For obtaining such real property as may be required for the erection of public school houses thereon, and for other public school purposes, and for the disposal thereof when no longer required ; and for providing for the establishment and support of public schools according to law ;

Cemeteries.

11. For accepting or purchasing land for public cemeteries as well within as without the municipality, but not within any city, town, or incorporated village, except as hereinafter provided, and for laying out, improving and managing the same ; but no land shall be accepted or purchased for such purpose except by a by-law declaring in express terms that the land is appropriated for a public cemetery, and for no other purpose ; and thereupon such land, although without the municipality, shall become part thereof, and shall cease to be a part of the municipality to which it formerly belonged ; and such by-law shall not be repealed ; and the trustees of any burying ground may agree for the sale or transfer thereof to the municipality which desires to acquire the same ; and in cases where such grounds have not been used for burials, the municipality may dispose thereof, and acquire other ground instead thereof ;

Selling portion of such land for certain purposes.

- (a) For selling or leasing portions of such land for the purpose of interment, in family vaults or otherwise, and for declaring in the conveyance the terms on which such portion shall be held; 46 V. c. 18, s. 490 (2-9).
- (b) Provided, however, that the municipal council of an incorporated village may pass a by-law for accepting or purchasing land for a public cemetery within the territorial limits of the village upon the by-law being first approved of by the Local Board of Health, and ratified by the Provincial Board of Health; and the by-law shall thereupon be as valid and effectual as if the land were situated without the municipality;
- (c) All expenses incurred by the Provincial Board of Health, in respect of and incidental to the by-law, and whether the by-law be ratified by the board or not, shall be paid by the village municipality to the secretary of the board. 50 V. c. 29, s. 23. *See Caps. 175, 176.*

Enlargement of Cemeteries.

Councils may pass by-laws for taking lands.

12. For the acquiring and expropriation of lands to be used for enlarging any existing public cemetery or burying ground, but no expropriation of any land within the limits of a city shall be authorized, and as to any such enlargement in a village or town the consent of the Provincial Board of Health shall be first obtained;

Reference to arbitration.

- (a) In case the owner of the land required refuses to sell the same, or refuses to take the price the council of the municipality is willing to pay, then in either of such cases the matter in dispute shall be referred to arbitration, and shall be proceeded with under the provisions of this Act, respecting arbitrations, as to compensation for lands taken.
- (b) The arbitrators shall decide whether it is necessary in the public interests that the lands should be expropriated for the aforesaid purposes or any of them, and if so decided they shall award as to the price to be paid to the owner of said lands, but the costs shall be in the discretion of the arbitrators;
- (c) If the arbitrators award that the lands shall be taken for such cemetery or burying ground, one copy of the award shall be deposited with the registrar of the county or city, as the case may be, in which the lands are situate, and shall be a valid title to the said lands.

- (d) No lands used as an orchard, pleasure ground, or garden, nor any lands within two hundred yards of any dwelling-house, shall be expropriated without the consent of the owner or owners of such dwelling-house. Certain lands not to be taken except with consent of owner.
- (e) The award shall be in writing, and the boundaries of the lands or premises taken shall be fully described therein. Boundaries to be described in award.
- (f) All the provisions of sub-sections 11 and 13 of this section shall, as far as applicable, apply to the lands acquired under this sub-section. Sub-ss 11 and 13 to apply. 48 V. c. 38, ss. 1-5.

Protection of Graves.

13. For preventing the violation of cemeteries, graves, tombs, tombstones, or vaults where the dead are interred; Protecting graves.

Cruelty to Animals.

14. For preventing cruelty to animals; and for preventing the destruction of birds; the by-laws for these purposes being inconsistent with any statute in that behalf; Preventing cruelty to animals, and destruction of birds.

Dogs.

15. For restraining and regulating the running at large of dogs, and for imposing a tax on the owners, possessors, or bourners of dogs; Regulations as to dogs.

16. For killing dogs running at large contrary to the laws; Killing dogs.

Fences.

17. For settling the height and description of lawful fences, and for regulating and settling the height, description and manner of maintaining, keeping up and laying down fences along highways or any part or parts thereof, and for making compensation for the increased expenses, if any, to persons required so to maintain, keep up or lay down such last-mentioned fences or any part thereof; Fences. *See sec. 511 (3).*

Division Fences.

18. For regulating the height, extent and description of lawful division fences; and for determining how the cost thereof shall be apportioned; and for directing that any amount so apportioned shall be recovered in the same manner as penalties not otherwise provided for may be recovered under this Act; but until such by-laws are made, the Acts respecting Line Fences and Ditching Water-courses shall continue applicable to the municipality; Division fences, and cost thereof. Provision until by-laws made. Rev. Stat. cc. 219, 220.

Barbed wire fences. 19. For providing proper and sufficient protection against injury to persons or animals by fences constructed wholly or in part of barbed wire or any other material;

Snow Fences.

Snow fences. 20. For requiring owners or occupiers of lands bordering upon any public highway, to take down, alter, or remove any fence or fences, subject to the provisions of *The Act respecting Snow Fences*. See sec. 511 (3).
Rev. Stat. c. 198.

Water-courses.

Water-courses. 21. For compelling the owners of lands through which any open drain or water-course passes to erect and keep up water gates where fences cross such drain or water-course, and for preventing persons obstructing any drain or water-course;

Weeds.

Prevention of growth of thistles and weeds. 22. For preventing the growth of Canada thistles and other weeds detrimental to husbandry, and compelling the destruction thereof; for the appointment of an inspector with power to enforce the provisions of such by-law; for regulating his duties, and determining the amount of remuneration, fees or charges he is to receive for the performance of such duties. See also Cap 202.

Filth in Streets.

Preventing throwing of dirt, etc., in streets, etc. 23. For preventing persons from throwing any dirt, filth, carcasses of animals, or rubbish, on any street, road, lane, or highway;

Burning Stumps, Brush, etc.

Regulating the burning of stumps, trees, brush, etc. 24. For regulating the times during which stumps, wood, logs, trees, brush, straw, shaving, or refuse, may be set on fire or burned in the open air, and for prescribing precautions to be observed during such times, and for preventing such fires being kindled at other times. 46 V. c. 18, s. 490 (10-21). See Cap. 213.

Exhibitions, Places of Amusement, etc.

Regulating public shows and licensing same. 25. For preventing or regulating and licensing exhibitions of wax work, menageries, circus-riding, and other such like shows usually exhibited by showmen, and for regulating and licensing roller skating rinks and other places of like amusement; and for requiring the payment of license fees for authorizing the same, not exceeding \$500 for every such license; and for imposing fines on such persons infringing such by-laws; and for levying the same by distress and sale of the goods and chattels of such showman or belonging to or used in such exhibition, whether owned by such showman or not, or for the imprisonment of such offenders for any term not exceeding one month.

Fines for infraction.

(a) It shall not be lawful for the council of any municipal corporation, or the commissioners of police in any city, to grant licenses or license certificates to persons having exhibitions of any work or riding, or other shows of a like character, or places of gambling, or to those engaged in traffic in goods, wares, or merchandise of whatever description, for gain on the days of the exhibition of the Agricultural Association of Ontario, or of any electoral district or township agricultural society, either on the grounds of such society, or within the distance of 300 yards from such grounds. 46 V. c. 18, s. 490 (22); 49 V. c. 37, s. 12; 50 V. c. 29, s. 24.

26. For preventing or regulating and licensing exhibitions held or kept for hire or profit, bowling alleys and other places of amusement. 46 V. c. 18, s. 490 (32);

Trees.

27. For allowing to any person who plants fruit trees, or trees, shrubs or saplings, suitable for affording shade any highway within the municipality, in abatement of labour or out of the general fund, a sum of not less than five cents for every tree so planted. See Cap. 201.

Injuries to Property and Notices.

28. For preventing the injuring or destroying of shrubs planted or preserved for shade or ornament; and defacing of private or other property by printed or other notices.

29. For preventing the pulling down or defacing of boards, or of printed or written notices lawfully affixed.

Gas and Water Companies.

30. For authorizing any corporate gas or water company to lay down pipes or conduits for the conveyance of gas under streets or public squares, subject to such regulations as the council sees fit.

31. For acquiring stock in, or lending money to, such company; and for guaranteeing the payment of money borrowed by, or of debentures issued for money so borrowed by the company; provided the by-law is consented to by the electors, as hereinbefore provided. In such case the head of any corporation holding stock in such company to the amount of \$10,000 shall be, *ex officio*, a director of the company in addition to the other directors thereof, and shall also be entitled to vote on such stock at any election of directors.

Giving Intoxicating Liquors to Minors, etc.

Sale of intoxicating drink to children, etc. 32. For preventing the sale or gift of intoxicating drink to a child, apprentice or servant, without the consent of a parent, master or legal protector ;

Public Morals.

Indecent placards, etc. 33. For preventing the posting of indecent placards, writings or pictures, or the writing of indecent words, or the making of indecent pictures or drawings, on walls or fences in streets or public places ;

Vice, drunkenness, etc. 34. For preventing vice, drunkenness, profane swearing, obscene, blasphemous or grossly insulting language, and other immorality and indecency ;

Lewdness. 35. For suppressing disorderly houses and houses of ill-fame ;

Gaming. 36. For suppressing gambling houses, and for seizing and destroying faro-banks, *rouge et noir*, roulette tables, and other devices for gambling found therein ;

Racing. 37. For preventing horse racing ;

Vagrants. 38. For restraining and punishing vagrants, mendicants, and persons found drunk or disorderly in any street, highway or public place ;

Indecent exposure. 39. For preventing indecent public exposure of the person and other indecent exhibitions ;

Bathing. 40. For preventing or regulating the bathing or washing the person in any public water in or near the municipality ; 46 V. c. 18, s. 490 (23-31, 33-37).

Nuisances.

Nuisances. 41. For preventing and abating public nuisances ;

By-laws for cleansing wells, etc. 42. For establishing, protecting, regulating and cleansing public and private wells, reservoirs and other public and private conveniences for the supply of water, and for closing public and private wells ; for preventing the fouling of the same and the wasting of water therein or therefrom ; for procuring an analysis of such water, and providing for the payment of the expense thereof, and for making reasonable charges for the use of public water ;

Closing and filling up cess-pools, etc. 43. For compelling the owners, lessees and occupants of real property within any defined area to fill up or close any wells, water-closets, privies, privy-vaults, or cesspools the continuance of which may, in the judgment of the council, be dangerous to health ;

44. For preventing or regulating the erection or continuance of slaughter houses, gas works, tanneries, distilleries or other manufactories or trades which may prove to be nuisances ; Slaughter-houses, gas-works, distilleries, etc.

45. For preventing or regulating the keeping of cows, goats, pigs and other animals, and defining limits within which the same may be kept ; Limits in which animals may be kept.

46. For regulating or preventing the ringing of bells, blowing of horns, shouting and other unusual noises, or noises calculated to disturb the inhabitants. Ringing of bells, etc.

Sewerage and Drainage.

47. For regulating the construction of cellars, sinks, cess-pools, water-closets, earth closets, privies and privy vaults, and for compelling and regulating the manner of draining, cleaning, clearing, and disposing of the contents of the same ; Construction of cellars, drains, etc.

48. For compelling or regulating the filling up, draining, cleaning, clearing, altering, relaying or repairing of any grounds, yards, vacant lots and private drains ; Filling up, draining, etc., grounds, yards, etc.

49. For making any other regulations for sewerage or drainage that may be deemed necessary for sanitary purposes. Regulations for sewerage, etc.

Inspection of Meat, Milk, etc.

50. For seizing and destroying all tainted and unwholesome meat, poultry, fish, or other articles of food. Tainted provisions. 47 V. c. 32, s. 13 (1-9, 12).

51. For preventing or regulating the buying and selling of articles or animals exposed for sale or marketed, subject to the restrictions contained in sections 497-502. Regulating sales, etc. 46 V. c. 18, s. 503 (4); 47 V. c. 32, s. 15 (1).

52. For preventing the use of deleterious materials in making bread ; and for providing for the seizure and forfeiture of bread made contrary to the by-law. 47 V. c. 32, s. 15 (2); 46 V. c. 18, s. 503 (13 part). See sec. 479 (21).

53. For appointing inspectors, and for providing for the inspection of milk, meat, poultry, fish and other natural products offered for sale for human food or drink, whether on the streets or in public places, or in shops. Inspection of milk and provisions. 47 V. c. 32, s. 13 (10 part).

Licensing Milk Dealers.

54. For licensing and regulating milk vendors, and for fixing the fee to be paid for such license at a sum not to exceed \$1 for one year. Licensing milk dealers. 47 V. c. 32, s. 13 (10, part).

Contagious Diseases.

Contagious diseases.

55. For making provision for supplying blanks for the notification and recording of cases of contagious or infectious disease, for giving public notice of houses wherein such cases exist, and for taking such measures as by any Act respecting the public health or any other Act, are required to be taken in that behalf, and such other measures as may be necessary for preventing the spread of such diseases. 46 V. c. 18, s. 496 (13); 47 V. c. 32, s. 13 (11).

Establishing Boundaries.

Regulating boundaries of municipalities.

56. For procuring the necessary estimates, and making the proper application for ascertaining and establishing the boundary lines of the municipality, according to law, in case the same has not been done; and for erecting and providing for the preservation of the durable monuments required to be erected for evidencing the same. 46 V. c. 18, s. 490 (38).

Acquiring Land outside the limits for public Purposes.

Acquiring land outside of municipality.

57. For acquiring and holding, by purchase or otherwise for the public use of the municipality, lands situate outside the limits of such township, city, town or incorporated village; but such lands so acquired shall not form part of the municipality of such township, city, town, or incorporated village, but shall continue and remain as of the municipality where situate; and all by-laws passed by township councils for the purpose of acquiring land as provided by this subsection, are hereby declared as legal and binding where the by-laws have not been contested or impeached before the 23rd day of April, 1887, as if the lands were within the limits of the municipality the council of which passed the by-law.

Weighing Machines.

Erecting and maintaining weighing machines.

58. For erecting and maintaining weighing machines in villages or other convenient places, and charging fees for the use thereof, not being contrary to the limitations provided by sub-section 8 of section 497 of this Act. 50 V. c. 29, s. 25.

Pounds, etc.

By-laws may be made for.

490. The council of every township, city, town and incorporated village, may also pass by-laws (not inconsistent with the Statutes of Canada respecting Cruelty to Animals)—

Providing pounds.

1. For providing sufficient yards and enclosures for the safe keeping of such animals as it may be the duty of the pound-keeper to impound;

2. For restraining and regulating the running at large or trespassing of any animals, and providing for impounding them; and for causing them to be sold, in case they are not claimed within a reasonable time, or in case the damages, fines and expenses are not paid according to law;

3. For appraising the damages to be paid by the owners of animals impounded for trespassing, contrary to the laws of Ontario or of the municipality;

4. For determining the compensation to be allowed for services rendered, in carrying out the provisions of any Act, with respect to animals impounded or distrained and detained in the possession of the distrainer. 46 V. e. 18, s. 492. See Cap. 215.

491.—(1) In case the council of any township, city, town or incorporated village adopts a resolution on the application of one-half of the resident landholders to be affected thereby, or upon its own motion, that it is expedient to place durable monuments at the front or rear of any concession or range or part thereof in the municipality, or at the front or rear angles of the lots therein, the council may apply to the Lieutenant-Governor, in the manner provided for in sections 38, 39 and 40 of *The Act respecting Land Surveyors and the Survey of Lands*, praying him to cause a survey of such concession or range or such part thereof, to be made, and such monuments to be placed under the authority of the Commissioner of Crown Lands.

(2) The person or persons making the survey shall accordingly plant stones or other durable monuments at the front or at the rear of such concession or range, or such part thereof as aforesaid, or at the front and rear angles of every lot therein (as the case may be), and the limits of each lot so ascertained and marked shall be the true limits thereof; and the costs of the survey shall be defrayed in the manner prescribed by the said statute. 46 V. c. 18, s. 491.

Extension of Sewers.

492.—(1) In case any township, city, town, or incorporated village, shall be so situated that in the construction of any sewer therein it becomes necessary in order to procure an outlet therefor, to extend the same into or through a contiguous municipality, such townships, city, town, or incorporated village so situated, shall be permitted and have power, subject as hereinafter provided, to so extend such sewer into or through such contiguous municipality, and shall be permitted and have power to unite and connect the same to any already existing sewer or sewers of such contiguous municipality, upon such terms and conditions as shall be agreed upon between the respective municipalities, and in case of a difference, then upon such terms and conditions as shall be determined by arbitration, under the provisions of this Act in that behalf.

(2) In any case where the council of any municipality shall object to allow an adjoining municipality to connect a sewer with any existing sewer or extend a sewer through its territory, as above provided, then and in every such case the arbitrators shall not only determine the terms and conditions upon which the connection or extension shall be allowed to be made; but also whether the connection or extension should, under the circumstances, be permitted or allowed to be made, but nothing in this section contained shall authorize the making of an open drain or sewer, nor shall anything herein affect the provisions of *The Ditches and Water-courses Act*.

Rev. Stat. c.
220.

(3) Nothing in this section contained shall be construed as limiting or abridging any of the powers conferred on township councils by this Act. 48 V. c. 39, s. 39 (4).

For powers of Cities, Townships, Towns and Villages as to Lock-up Houses, see secs. 458, 449; and as to Tavern and Shop Licenses, see Cap. 194.

DIVISION III.—POWERS OF COUNCILS OF TOWNSHIPS, CITIES
AND TOWNS.

Respecting Plumbers. Sec. 493 (1).

" *Accidents by Fire. Sec. 493 (2).*

493. The council of every township, city and town may pass by-laws:

Plumbers.

1. For licensing and regulating plumbers.

Prevention of Accident by Fire.

2. For making better provision for securing the inmates and employees in all factorics, hotels, boarding and lodging houses, warehouses, theatres, music halls, opera houses and other public buildings and places of amusement, against accident by fire, and providing for the adoption and erection of proper fire escapes upon all such buildings more than two stories in height. 49 V. c. 37, s. 37; 50 V. c. 29, s. 48.

DIVISION IV.—POWERS OF COUNCILS OF COUNTIES AND CITIES.

Horse Thieves. Sec. 494.

Reward for
apprehension
of persons
guilty of
horse-
stealing.

494. The council of every county or city shall provide by-law, that a sum not less than \$20 shall be payable as a reward to any person or persons who shall pursue and apprehend, or cause to be apprehended, any person or persons guilty of stealing any horse or mare within the said county or city, and such reward shall be paid out of the funds of the corporation on the conviction of the thief, on the order of the Judge before whom the conviction is obtained. 46 V. c. 18, s. 494.

DIVISION V.—POWERS OF COUNCILS OF COUNTIES, CITIES AND SEPARATED TOWNS.

Respecting Engineers, Inspectors, Gaol Surgeons, etc. Sec. 495 (1).

“ *Auctioneers.* Sec. 495 (2).

“ *Hawkers and Pedlars.* Sec. 495 (3).

“ *Ferries.* Sec. 495 (4).

“ *High Schools.* Sec. 495 (5, 6).

“ *Support of pupils at High Schools, Toronto University and U. C. College.* Sec. 495 (7, 8).

“ *Endowment of Fellowship.* Sec. 495 (9).

“ *Public Fairs.* Sec. 495 (10).

“ *Junk Stores.* Sec. 495 (11).

495. The council of any county, city and town separated from the county for municipal purposes, may pass by-laws for the following purposes:

Engineers—Inspectors—Gaol Surgeons, etc.

1. For appointing, in addition to other officers, one or more engineers, and also one or more inspectors of the house of industry; also one or more surgeons of the gaol and other institutions under the charge of the municipality; and for the removal of such officers.

Auctioneers.

2. For licensing, regulating and governing auctioneers and other persons selling or putting up for sale, goods, wares, merchandise or effects by public auction; and for fixing the sum to be paid for every such license, and the time it shall be in force; 46 V. c. 18, s. 495, (1, 2).

Hawkers and Pedlars.

3. For licensing, regulating and governing hawkers or petty chapmen, and other persons carrying on petty trades, who go from place to place or to other men's houses, on foot, or with any animal, bearing or drawing any goods, wares, or merchandise for sale, or in or with any boat, vessel, or other craft, or otherwise carrying goods, wares, or merchandise for sale, and for fixing the sum to be paid for a license for exercising such calling within the county, city or town, and the time the license shall be in force:

In case of counties for providing at the discretion of the council, either the treasurer or clerk of the county, or the clerk of any municipality within the county with licenses, in this and the previous sub-section mentioned, for sale to parties applying for the same under such regulations as may be prescribed in such by-laws:

Proviso.

Provided always that no such license shall be required for hawking, peddling or selling from any vehicle or other conveyance any goods, wares or merchandise to any retail dealer, or for hawking or peddling any goods, wares or merchandise, the growth, produce, or manufacture of this Province, not being liquors within the meaning of the law relating to taverns or tavern licenses, if the same are being hawked or peddled by the manufacturer or producer of such goods, wares or merchandise, or by his *bona fide* servants or employees having written authority in that behalf; and such servant or employee shall produce and exhibit his written authority when required so to do by any municipal or peace officer :

Proviso.

And provided also that nothing herein contained shall affect the powers of any council to pass by-laws, under the provisions of section 496 of this Act. 46 V. c. 18, s. 495 (3); 47 V. c. 32, s. 11.

Interpretation
"Hawkers."

(a) The word "hawkers" in this sub-section shall include all persons who, being agents for persons not resident within the county, sell or offer for sale tea, dry goods or jewellery, or carry and expose samples or patterns of any of such goods to be afterwards delivered within the county to any person not being a wholesale or retail dealer in such goods, wares or merchandise.

(b) The provisions of any by-law passed or enacted by any municipal council prior to the first day of October, 1885, shall not be held as extending to any persons who by this sub-section are to be held as included within the meaning of the word "hawkers." 48 V. c. 40, ss. 1, 2.

Ferries.

Licensing,
etc., ferries,
etc.
Rev. Stat.
c. 117, s. 14.

4. For licensing and regulating ferries between any two places within the municipality, under the provisions of *The Act respecting Ferries*, and establishing the rate of ferriage to be taken thereon; but no such law as to ferries shall have effect until assented to by the Lieutenant-Governor in Council, but the powers by this sub-section conferred on county councils shall not extend to a ferry between any two places within the same township. 46 V. c. 18, s. 495 (4); 48 V. c. 39, s. 15.

Until by-law
passed Lieut.-
Governor in
Council to
regulate.

(a) Until the council passes a by-law regulating such ferries, and in the case of ferries not between two places in the same municipality, the Lieutenant-Governor, by Order in Council, may, from time to time, regulate such ferries respectively, and establish the rates to be taken thereon, in accordance with the statutes in force relating to ferries. 46 V. c. 18, s. 495 (4 a).

Lands for High Schools.

5. For obtaining in such part of the county, or of any city or town separated within the county, as the wants of the people may most require, the real property requisite for erecting high school houses thereon and for other high school purposes, and for preserving, improving and repairing such school houses, and for disposing of such property when no longer required;

Acquiring lands for High Schools, etc.

Aiding High Schools.

6. For making provisions in aid of such high schools as may be deemed expedient.

Aiding High Schools.

Supporting Pupils at High Schools, Toronto University and Upper Canada College.

7. For making a permanent provision for defraying the expenses of the attendance at the University of Toronto, and at the Upper Canada College in Toronto, of such of the pupils of the public high schools of the county as are unable to incur the expense, but are desirous of, and in the opinion of the respective masters of such high schools, possess competent attainments for competing for any scholarship, exhibition or other similar prize offered by such University or College; See Cap. 226, s. 36 (4).

Supporting certain High School pupils at University of Toronto and U. C. College, etc.

8. For making similar provision for the attendance at any high school, for like purposes, of pupils of public schools of the municipality; See Cap. 226, s. 36 (5).

Similar provision for attendance at High Schools.

Endowing Fellowships.

9. For endowing such fellowships, scholarships or exhibitions and other similar prizes, in the University of Toronto, and in the Upper Canada College at Toronto, for competition among the pupils of the public high schools in the county, as the council deem expedient for the encouragement of learning amongst the youth thereof; See Cap. 226, s. 36 (6).

Endowing fellowships, etc., in University of Toronto and U. C. College.

Public Fairs.

10. For authorizing, on petition of at least fifty qualified electors of the municipality, the holding of public fairs at one or more of the most public and convenient places not separated from the municipality for municipal purposes;

Authorizing the holding, etc., of public fairs and regulating same.

(a) The purpose for which such fairs may be held shall be restricted to the sale, barter and exchange of cattle, horses, sheep, pigs and articles of agricultural production or requirement.

Purpose of such fairs restricted.

Rules to be made for governing the same.

(b) The by-law to authorize the establishment of any such fair shall establish rules and regulations for the government of the same, and appoint a person whose duty it shall be to have them carried out, and shall also fix the fees to be paid him by persons attending the said fair.

Public notice of by-law establishing same.

(c) The council authorizing the establishment of a public fair shall, immediately after the passing of a by-law for that purpose, give public notice of the same.

Junk Shops.

Licensing and regulating "Junk" shops.

11. for licensing and regulating "junk" stores or shops, and for fixing the sum to be paid for a license so to have or keep such "junk" store or shop. 46 V. c. 18, s. 495 (5-11).

For powers of Counties, Cities and Towns as to Houses of Refuge, see Sec. 460.

DIVISION VI.—POWERS OF COUNCILS OF CITIES, TOWNS AND INCORPORATED VILLAGES.

Respecting Light and Heat. Sec. 496 (1).

" *Begging in the Streets. Sec. 496 (2).*

" *Fire-Arms, Fire-Works. Sec. 496 (3).*

" *Enclosure of Vacant Lots. Sec. 496 (4).*

" *Driving upon Sidewalks. Sec. 496 (5).*

" *Importuning Travellers. Sec. 496 (6).*

" *Interments. Sec. 496 (7, 8).*

" *Gunpowder. Sec. 496 (9).*

" *Wooden Buildings. Sec. 496 (10).*

" *Prevention of Fires. Sec. 496 (11-24).*

" *Removal of Snow, Ice, Dirt. = Sec. 496 (25).*

" *Removal of obstructions to Wharves, Waters, etc. Sec. 496 (26).*

" *Obstruction of Roads and Streets. Sec. 496 (27, 28).*

" *Numbering Houses and Lots—Record of Streets. Sec. 496 (29, 30).*

" *Naming Streets. Sec. 496 (31).*

" *Cellars. Sec. 496 (32, 33).*

" *Sewerage and Drainage. Sec. 496 (34, 35).*

" *User of Streets. Sec. 496 (36, 37).*

" *Cab Stands. Sec. 496 (38).*

" *Telegraph Poles. Sec. 496 (39).*

" *Children riding behind waggons. Sec. 496 (40).*

" *Sale of Tobacco. Sec. 496 (41).*

" *Inspection of Bathing and Boat Houses Sec. 496 (42).*

" *Markets, etc. Secs. 497-502, 503 (1-11).*

" *Assize of Bread. Sec. 503 (12).*

496. The council of every city, town and incorporated village may pass by-laws: By-laws may be made for—

Light and Heat.

1. For manufacturing and supplying light and heat under Rev. Stat. c. 191.
The Municipal Light and Heat Act. 46 V. c. 21, s. 2 (1).

Begging in the Streets.

2. For preventing common begging, or persons in the streets from importuning others for help or aid in money, or deformed, or malformed, or diseased persons, from exposing themselves, or being exposed in the public streets to excite sympathy or induce help or assistance from general or public charity; Prevention of begging, etc.

Fire-arms—Fireworks.

3. For preventing or regulating the firing of guns or other fire-arms; and the firing or setting off of fire balls, squibs, crackers or fire-works, and for preventing charivaries and other like disturbances of the peace; Firing of guns, etc.

Enclosure of Vacant Lots.

For causing vacant lots to be properly enclosed; Vacant lots.

Driving upon Sidewalks.

5. For preventing the leading, riding or driving of horses or cattle upon sidewalks or other places not proper therefor; Driving, etc., upon sidewalks.

Importuning Travellers.

6. For preventing persons in streets or public places from importuning others to travel in or employ any vessel or vehicle, or go to any tavern or boarding house, or for regulating persons so employed; Importuning travellers.

Interments.

7. For regulating the interment of the dead, and for preventing the same taking place within the municipality; Interments.

8. For directing the keeping and returning of bills of mortality; and for imposing penalties on persons guilty of default; Bills of mortality.

Gunpowder.

9. For regulating the keeping and transporting of gunpowder and other combustible or dangerous materials; for regulating and providing for the support, by fees, of magazines

for storing gunpowder belonging to private parties; for compelling persons to store therein; for acquiring land, as well within as without the municipality, for the purpose of erecting powder magazines, and for selling and conveying such land when no longer required therefor; 46 V. c. 18, s. 496 (5, 9-12, 14-16).

Wooden Buildings.

Regulating erection of buildings and fences.

Establishment of fire limits.

10. For regulating the erection of buildings and preventing the erection of wooden buildings, or additions thereto, and wooden fences in specified parts of the city, town or village; and also for prohibiting the erection or placing of buildings, other than with main walls of brick, iron or stone, and roofing of incombustible material within defined areas of the city, town or village; and for regulating the repairing or alteration of roofs or external walls of existing buildings within the said areas, so that the said buildings may be made more nearly fire-proof; and for authorizing the pulling down or removal, at the expense of the owner thereof, of any building or erection which may be constructed, repaired or placed in contravention of any by-law; 47 V. c. 32, s. 16.

Preventing Fires.

Fire companies, etc.

Medals and rewards. Aid to widows.

Fire in stables, etc.

Dangerous manufactories.

Chimneys, stoves, etc.

Regulating construction, etc., of chimneys.

11. For appointing fire wardens, fire engineers and firemen, and promoting, establishing, and regulating fire companies, hook-and-ladder companies, and property-saving companies;

12. For providing medals or rewards for persons who distinguish themselves at fires; and for granting pecuniary aid or otherwise assisting, the widows and orphans of persons who are killed by accident at such fires;

13. For preventing or regulating the use of fire or lights in stables, cabinet makers' shops, carpenters' shops, and combustible places;

14. For preventing or regulating the carrying on of manufactories or trades dangerous in causing or promoting fire;

15. For preventing, and for removing or regulating, the construction of any chimney, flue, fire-place, stove, oven, boiler, or other apparatus or thing which may be dangerous in causing or promoting fire;

16. For regulating the construction of chimneys as to dimensions and otherwise, and for enforcing the proper cleaning of the same, and for compelling manufacturers and others to have such chimneys or other apparatus as shall consume the smoke or prevent the same from fouling the atmosphere or being carried by the wind or otherwise to other shops, houses, or premises, to the inconvenience or injury of the neighbouring premises or residents therein;

17. For regulating the mode of removal and safe keeping of Ashes.
ashes;
18. For regulating and enforcing the erection of party walls.
Party walls;
19. For compelling the owners and occupants of houses to have scuttles in the roof thereof, with approaches; or stairs or ladders leading to the roof; Scuttles, ladder, etc., to houses.
20. For causing buildings and yards to be put in other respects into a safe condition to guard against fire or other dangerous risk or accident; Guarding buildings against fire.
21. For requiring the inhabitants to provide so many buckets, in such manner and time as may be prescribed; and for regulating the examination of them, and the use of them at fires; Fire buckets.
22. For authorizing appointed officers to enter at all reasonable times upon any property subject to the regulations of the council, in order to ascertain whether such regulations are obeyed, or to enforce or carry into effect the same; Inspection of premises.
23. For making regulations for suppressing fires, and for pulling down or demolishing adjacent houses or other erections, when necessary to prevent the spreading of fire; Preventing spreading of fire.
24. For regulating the conduct and enforcing the assistance of the inhabitants present at fires, and for the preservation of property at fires; Enforcing assistance at fires.

Removal of Snow, Ice, Dirt.

25. For compelling persons to remove all snow and ice from the roofs of the premises owned or occupied by them; and to remove and clear away all snow, ice and dirt, and other obstructions from the sidewalks, streets and alleys adjoining such premises; and also to provide for the cleaning of sidewalks and streets adjoining vacant property, the property of non-residents, and all other persons who, for twenty-four hours, neglect to clean the same; and to remove and clear away all snow and ice, and other obstructions from such sidewalks and streets, at the expense of the owner or occupant in case of his default; and in case of non-payment, to charge such expenses as a special assessment against such premises, to be recovered in like manner as other municipal rates; 46 V. c. 18, s. 496 (17-31). Removal of snow, etc. Cleaning of sidewalks, streets, etc.

(c) The council may, in the by-law passed for the purposes of this sub-section, define certain areas or streets within the municipality, within or upon which the by-law shall be operative. 48 V. c. 39, s. 17.

Removal of obstructions from wharves, waters, etc.

By-laws to regulate the cleanliness of wharves, docks, etc.

26. For regulating and compelling the removal from any public wharf, dock, slip, drain, sewer, shore, bay, harbour, river or water, of all sunken, grounded or wrecked vessels, barges, craft, cribs, rafts, logs or other obstructions or incumbrances, by the owner, charterer or person in charge, or any other person who ought to remove the same; 47 V. c. 32, s. 12.

Obstruction of Roads or Streets.

Preventing obstruction and fouling of streets, etc.

27. For regulating or preventing the encumbering, injuring or fouling, by animals, vehicles, vessels or other means, of any road, street, square, alley, lane, bridge or other communication;

Removal of door-steps, etc.

28. For directing the removal of door-steps, porches, railings or other erections, or obstructions projecting into or over any road or other public communication, at the expense of the proprietor or occupant of the property connected with which such projections are found;

Numbering Houses and Lots.

Numbering houses, etc.

29. For numbering the houses and lots along the streets of the municipality, and for affixing the numbers to the houses, buildings, or other erections along the streets, and for charging the owner or occupant of each house or lot, with the expense incident to the numbering of the same;

Record of streets, numbers, etc.

30. For keeping (and every such council is hereby required to make and keep) a record of the streets and numbers of the houses and lots numbered thereon respectively, and entering thereon, and every such council is hereby required to enter thereon a division of the streets with boundaries and distances for public inspection; 46 V. c. 18, s. 496 (32-35).

Naming Streets.

For marking the boundaries of and naming streets, etc.

31. For surveying, settling, and marking the boundary lines of all streets, roads, and other public communications, and for giving names thereto, and affixing such names at the corners thereof, on either public or private property; but no by-law for altering the name of any street, square, road, lane, or other public communication, shall have any force or effect unless passed by a vote in favour thereof of at least three-fourths of the whole council, nor unless and until the by-law has been registered in the registry office of the registry division; and the registrar shall be entitled to a fee of \$1 for every by-law so registered, and for the necessary entries and certificates in connection therewith; 46 V. c. 18, s. 496 (36); 48 V. c. 39, s. 18.

- (a) Every by-law changing the name of a street in a city or town shall state the reasons for the change, and shall be expressed to be subject to the approval of the County Judge, and the same shall not take effect unless afterwards so approved.
- (b) The Judge, on an application by or on behalf of the municipal council, shall name a day, hour and place for considering the same, and for hearing the advocates of the change, and persons who may deem themselves aggrieved thereby and may desire to be heard, and any other persons the Judge may think fit.
- (c) A copy of the by-law and of the Judge's appointment shall be served on the registrar or deputy registrar of the registry division at least two weeks before the time named, and shall be published once in the *Ontario Gazette* at least two weeks before the time so named, and at least weekly for four weeks in such other newspaper or newspapers as the Judge directs.
- (d) If the Judge approves of the change he shall certify to that effect, and his certificate shall be filed with the by-law in the registry office of the registry division in which the territory lies. The change shall take effect from the date of the registration of the certificate and not before. 50 V. c. 29, s. 26.

Levels of Cellars—Plans.

32. For ascertaining and compelling owners, tenants and occupants to furnish the council with the levels of the cellars heretofore dug or constructed, or which may hereafter be dug or constructed along the streets of the municipality, such levels to be with reference to a line fixed by the by-laws; Ascertaining levels of cellars, etc.

33. For compelling to be deposited with an officer, to be named in the by-law, before commencing the erection of any building, a ground or block plan of such building, with the levels of the cellars and basements thereof, with reference to a line fixed by the by-laws; Compelling the furnishing of ground or block plan of a buildings to be erected. 46 V. c. 18, s. 496 (37, 38).

Sewerage and Drainage.

34. For charging all persons who own or occupy property which is drained into a common sewer, or which by any law of the council is required to be drained into such sewer, with a reasonable rent for the use of the same; and for regulating the time or times and manner in which the same is to be paid; Charging rent for sewers.

- Acquiring land in another municipality for drainage purposes. 35. For accepting or purchasing any land in any other municipality which may be required for preventing such city, town or incorporated village, or any part thereof, being flooded by the surface or other waters flowing from such other municipality into such city, town, or incorporated village, and for providing an outlet for such waters through any other municipality, and for opening, making, preserving and improving drains, sewers, and water-courses in the lands so acquired; Provided always that the consent of the municipality in which the lands to be taken are situate shall be obtained before the powers conferred by this sub-section shall be exercised; 46 V. c. 18, s. 496 (42, 43).
- Proviso.

User of Streets.

- Regulating traffic on streets and width of wheels. 36. For regulating the conveyance of traffic in the public streets and the width of the tires and wheels of all vehicles used for the conveyance of articles of burden, goods, wares or merchandise, and for prohibiting heavy traffic, and the driving of cattle, sheep, pigs and other animals in certain public streets and places to be named in the by-law; 47 V. c. 32, s. 14.
37. For prohibiting or regulating the practice of coasting or tobogganing on the public streets; 48 V. c. 39, s. 19.

Cab Stands.

- Cab stands. 38. For authorizing, and for assigning stands for vehicles kept for hire on the public streets and places, and for authorizing the erection and maintenance of covered stands or booths on the streets, highways and public places for the protection and shelter of the drivers of such vehicles: Provided that no such booth or covered stand shall be placed upon any sidewalk without the previous consent of the owner or lessee of the property fronting, abutting or adjoining such stand or booth;
- Proviso.

Telegraph Poles.

- Telegraph poles. 39. For regulating the erection and maintenance of telegraph and telephone poles and wires within their limits;

Children Riding behind Vehicles.

- Preventing children from riding behind wagons, etc. 40. For preventing children from riding on the platform of cars, or behind waggons and other vehicles, and for preventing accidents arising from such causes; 46 V. c. 18, s. 496 (46-48).

Sale of Tobacco.

- Regulating sale of tobacco. 41. For licensing and regulating the owners and keepers of stores and shops (other than taverns and shops holding licenses under *The Liquor License Act*) where tobacco, cigars or cigarettes are sold by retail, and for preventing the sale of
- Rev. Stat. c. 194.

tobacco, cigars or cigarettes to children under the age of fourteen years, except on the written order of the parent, guardian or employer of the child.

Inspection of Bathing and Boat Houses.

42. For inspecting public bathing houses and boat-houses, or premises wholly or partly used for boat-house purposes, and for preventing the use thereof for illegal or immoral purposes; 50 Inspection of bathing and boat-houses.
V. c. 29, s. 28.

Markets, etc.

497.—(1) No municipality shall impose, levy or collect a market fee upon any wheat, barley, rye, corn, oats, or upon any other grain, or upon any hay or other seed, or wool, lumber, lath or shingles, or cordwood or other firewood, or upon dressed hogs, or cheese, or upon hay, straw or other fodder, that may be brought to market, or to the market place, for sale or other disposal, or upon the person bringing, or the vehicle in which the same is or shall be brought. Market fees on certain products abolished.

(2) No market fee shall be charged, levied, or imposed upon or in respect of butter, eggs or poultry brought to market, or upon the market place for sale, unless a convenient and fit place in which to offer or expose the same for sale shall be provided by the municipality, which shall afford shelter in summer, and shelter and reasonable protection from the cold in winter. When fees may be charged on butter, etc., brought to market.

(3) When the vendor of any article brought within the municipality in pursuance of a prior contract for the sale thereof, proceeds directly to the place of delivery thereof, under such contract, without hawking the same upon the streets or elsewhere in the municipality, it shall not be lawful to impose, levy or collect a market fee thereon, or in respect thereof, or on the vehicle in which the same is so brought. Fees not to be charged on articles delivered in pursuance of prior contract.

(4) Where there is no prior contract as mentioned in the previous sub-section, no market fee shall be imposed, levied or collected upon or in respect of any article brought into any municipality after the hour of ten o'clock in the forenoon, nor on or in respect of any vehicle in which such article is so brought, unless such article is offered or exposed for sale upon the market place of the municipality. When fees not to be charged, though, no prior contract.

(5) No by-law shall require hay, straw or other fodder to be weighed, or wood to be measured, where neither the vendor nor purchaser desires to have the same so weighed or measured. Restriction as to by-laws requiring articles to be weighed or measured.

(6) After nine o'clock in the forenoon, between the 1st day of April and the 1st day of November, and after ten o'clock in the forenoon, between the 1st day of November and the 1st day of April, no person shall be compelled to remain on Limit of time for enforced sale of goods at market.

any market place with any article which he may have been exposing or offering for sale in such market place, but may, after the expiration of such hour, proceed to sell such article elsewhere than in or on said market place; Provided that such person has paid the market fee on or in respect of such article, or the vehicle in which the same is contained.

Scale of market fees. (7) No market fees shall be imposed by any municipality higher than those contained in the following scale:

- Upon articles brought to the market place in a vehicle drawn by two horses, upon which fees may be imposed, not more than 10 cents.
- Upon articles brought to the market place in a vehicle drawn by one horse, not more than 5 cents.
- Upon articles brought to the market place by hand or in any basket or vessel, not more than 2 cents.
- Upon or in respect of live stock driven to or upon the market place for sale, as follows: .
- Every horse, mare, or gelding, not more than 10 cents.
- Every head of horned cattle, not more than 5 cents.
- Every sheep, calf, or swine, not more than 2 cents.

Scale of fees for weighing or measuring. (8) No fee shall be imposed or levied by any municipality for weighing or measuring greater than as follows:

- For weighing a load of hay 15 cents.
- For weighing slaughtered meat, or grain, or other articles exposed for sale, under one hundred pounds 2 cents.
- Over one hundred pounds, and up to one thousand pounds 5 cents.
- Over one thousand pounds 10 cents.
- For weighing live animals, other than sheep or pigs, per head 3 cents.
- Sheep or pigs, if more than five, per head 1 cent.
- If less than five, for the lot 4 cents.
- For measuring a load of wood 5 cents.

Regulation of sale and traffic. (9) Subject to the other provisions of this section, the municipality may regulate the sale by retail in the public streets, or on vacant lots adjacent thereto, of any of the articles herein mentioned, and may regulate traffic in the streets, and prevent the blocking up of the same by vehicles or otherwise. 46 V. c. 18, s. 497.

Preceding section not to apply where by-law in force allowing sale, except at the market, without payment of fees; 498.—(1) The preceding section shall not apply to any municipality which shall pass, and so long as it shall keep in force, a by-law providing that the vendors of any articles in respect of which a market fee may, under this Act be lawfully imposed, may, without paying market fees, offer for sale and sell or otherwise dispose of any such articles, at any place within the municipality, excepting only at and upon the market place or places thereof.

(2) Such by-law may, nevertheless, provide for the imposition and collection of market fees from such vendors of articles in respect of which a market fee may now be imposed, under this Act, as shall voluntarily use the market place for the purpose of selling such articles. but such by-law may impose fees on persons voluntarily using market;

(3) The by-law may also provide for the imposition upon and collection of market fees from any person who shall remain, or cause his vehicle to remain upon that part of any street immediately adjoining or surrounding or being within 100 yards of the market place, for the purpose of selling upon such street or streets such articles, so as to obtain the advantages of the said market place, but driving through or across such portions of streets shall not of itself be deemed sufficient ground for the imposition of any fee; but this sub-section shall not apply to grain, seeds, dressed hogs or wool. and on others taking advantage of market.

(4) The by-law shall not prevent the sale of any such articles to any person carrying on business and having an actual store, shop or other similar place of business, on those portions of the streets in the next preceding sub-section mentioned; nor shall the by-law authorize the imposing or levying of any fee in respect of any article so sold, or of any vehicle in which the same is contained. By-law not to interfere with sales to persons carrying on business in vicinity of market.

(5) It shall not be lawful for any municipality passing such by-law to impose a higher tariff or greater fee upon any article or vehicle than was in force or imposed by the municipality on the 1st day of March, 1882. Restriction on article fees.

(6) No market fee shall be levied, collected or imposed by any municipality in respect of any market place or market, or any portion of any such market place or market hereafter established, declared or made in, or out of any street or part of any street within said municipality: Provided always that this sub-section shall not apply to so much of any street as immediately adjoins and abuts upon any market square, either now or hereafter established as a market place. 46 V. c. 18, s. 498. Fees not to be charged on markets made in streets.

499. The preceding section shall not apply to any municipality where no market fees were charged or imposed on the 10th day of March, 1882, but sections 497, 500 and 501 shall apply to such municipality in the event of market fees being thereafter charged or imposed therein. 46 V. c. 18, s. 499. Preceding section not to apply when no fees are charged.

500. Nothing in the preceding sections contained shall prevent any municipality wherein no market fees are imposed or charged from regulating the sale and the place of sale of any articles within the municipality to the same extent as it might do before the 10th day of March, 1882: Provided always that market fees within the meaning of this section shall not include fees for weighing or measuring; Provided further, that after nine o'clock in the forenoon, between the Power to regulate sales when no fees are charged.

1st day of April and the 1st day of November, and after ten o'clock in the forenoon, between the 1st day of November and the 1st day of April, no person shall be compelled to remain on, or resort to, any market place with any articles which he may have for sale, but may, after the expiration of such hour, sell or dispose of such articles elsewhere than in or on said market places. 46 V. c. 18, s. 500.

Inconsistent enactments to be of no effect

501. When and so long as section 497 shall be in force and apply to any municipality, so much of any Act or law as may be contrary to, and as shall conflict with the same, shall not be in force in or apply to such municipality; and when and as long as section 498 shall be in force in and apply to any municipality, so much of any Act or law as may be contrary to, and as shall conflict with the same, shall not be in force in or apply to such municipality. 46 V. c. 18, s. 501.

Right to lease market fees.

502. Subject to the provisions of the last preceding five sections, every municipality shall have the power to sell, assign, or lease its market fees. 46 V. c. 18, s. 502.

Market by-laws.

503. The council of every city, town and incorporated village may, subject to the restrictions and exceptions contained in the last preceding six sections, also pass by-laws :

Establishing markets.
Regulating markets.

1. For establishing markets;

2. For regulating all markets established and to be established; the places, however, already established as markets in the municipality shall continue to be markets, and shall retain all the privileges thereof until otherwise directed by competent authority; and all market reservations or appropriations heretofore made in any such municipality shall continue to be vested in the corporation thereof;

Old markets continued.

Regulating vending in streets, etc.,

3. For preventing or regulating the sale by retail in the public streets, or vacant lots adjacent thereto, of any meat, vegetables, grain, hay, fruit, beverages, small-ware, and other articles offered for sale. 46 V. c. 18, s. 503 (1-3).

Sale of grain, meat, farm produce, small ware, etc.

4. For regulating the place and manner of selling and weighing grain, meat, vegetables, fish, hay, straw, fodder, wood, lumber, shingles, farm produce of every description, small-ware and all other articles exposed for sale, and the fees to be paid therefor; and also for preventing criers and vendors of small-ware from practising their calling in the market place, public streets and vacant lots adjacent thereto;

Regulating sale of meat.

5. For granting annually, or oftener, licenses for the sale of fresh meat in quantities less than by the quarter carcase, and for regulating such sale, and fixing and regulating the places where such sale shall be allowed, and for imposing a license fee not exceeding \$50 in cities and \$25 in towns and incorporated villages to be paid for such license, and for

enforcing the payment of the same, and for preventing the sale of fresh meat in quantities less than by the quarter carcase, unless by a person holding a valid license and in a place authorized by the council, but nothing herein contained shall affect the powers conferred in the preceding sub-section. 46 V. c. 18, s. 503 (5, 6).

6. For preventing the forestalling, regrating or monopoly of ^{Preventing forestalling, etc.} market grains, wood, meats, fish, fruits, roots, vegetables, poultry and dairy products, eggs, and all articles required for family use, and such as are usually sold in the market; Provided that this sub-section shall not be qualified as respects shops or stalls occupied by butchers or others for the sale of fresh meat in quantities less than by the quarter carcase within the said municipality by anything contained in sections 497 or 500 of this Act. 46 V. c. 18, s. 503 (7); 50 V. c. 29, s. 29.

7. For preventing and regulating the purchase of such ^{Regulating} things by hucksters, grocers, butchers or runners; 46 V. c. 18, ^{hucksters, etc.} s. 503 (8).

8. For regulating the measuring or weighing (as the case ^{Measuring, etc., certain} may be) of lime, shingles, laths, cordwood, coal and other fuel; ^{articles.} 46 V. c. 18, s. 503 (9); 49 V. c. 37, s. 13.

9. For imposing penalties for light weight or short count ^{or Penalties for light weight, etc.} or short measurement in anything marketed; *See sec.* 479 (21).

10. For regulating all vehicles, vessels, and all other things ^{Regulating} in which anything is exposed for sale or marketed and for im- ^{vehicles used} posing a reasonable duty thereon, and establishing the mode in ^{in market} which it shall be paid; ^{vending.}

11. For selling, after six hours' notice, butchers' meat dis- ^{Sale of meat} trained for rent of market stalls; 46 V. c. 18, s. 503 (10-12). ^{distrained.}

Assize of Bread.

12. For regulating the assize of bread. 46 V. c. 18, s. 503 ^{Assize of} (13 part). *See sec* 479 (21). ^{bread.}

DIVISION VII.—POWERS OF COUNCILS OF CITIES AND TOWNS.

Respecting Intelligence Offices. Sec. 504 (1-5).

“ *Police. Sec. 504 (6, 7).*

“ *Industrial Farms—Exhibitions. Sec. 504 (8-10).*

“ *Almshouses—Charities. Sec. 504 (11).*

“ *Corporation Surveyor. Sec. 504 (12).*

“ *Gas and Water. Sec. 504 (13), 505-508.*

By-laws may be made for— **504.** The council of every city and town may pass by-laws:

Intelligence Offices.

Licensing intelligence offices.

1. For licensing and regulating suitable persons to keep intelligence offices, for registering the names and residences of, and giving information to, or procuring servants, labourers, workmen, clerks or other employes for employers in want of the same, and for registering the names and residences of, and giving information to, or procuring employment for domestic servants and other labourers and any other class of servant, workman, clerk or person seeking employment, and for fixing the fees to be charged and recovered by the keepers of such offices; 50 V. c. 29, s. 30.

Regulation of.

2. For the regulation of such intelligence offices;

Duration of license.

3. For limiting the duration of or revoking any such license;

Prohibition, without license.

4. For prohibiting the opening or keeping of any such intelligence office within the municipality without license;

Fees.

5. For fixing the fee to be paid for such license, not exceeding \$10 for one year. 46 V. c. 18, s. 504 (2-5).

Police.

Police.

6 For establishing, regulating and maintaining a police; but subject to the other provisions of this Act;

Superannuation and benefit fund for fire and police force.

7. For aiding and assisting by annual money grant or otherwise, as the council may deem expedient, the establishment and maintenance of superannuation and benefit funds for the benefit of the members of the police force and fire brigades, and of their families respectively, where police forces and fire brigades are established;

Industrial Farm—Exhibitions.

Industrial farms, parks, etc.

8. For acquiring any estate in landed property within or without the city or town for an industrial farm, or for a public park, garden or walk, or for a place for exhibitions, and for the disposal thereof when no longer required for the purpose; and for accepting and taking charge of landed property, within or without the city or town, dedicated for a public park, garden or walk for the use of the inhabitants of the city or town. See secs. 460, 462.

Buildings thereon.

9. For the erection thereon of buildings and fences for the purposes of the farm, park, garden, walk or place for exhibitions as the council deems necessary;

10. For the management of the farm, park, garden, walk or place for exhibitions and buildings; Managing the same.

Almshouses—Charities.

11. For establishing and regulating within the city or town, or on the industrial farm or ground held for public exhibitions, one or more almshouses or houses of refuge for the relief of the destitute, and also for aiding charitable institutions within the city or town. See sec. 479 (12), and as to Workhouses, sec. 462.

Corporation Surveyor.

12. For appointing any provincial land surveyor to be the corporation surveyor. 46 V. c. 18, s. 504 (7-13). Corporation surveyor.

Gas and Water.

13. For constructing gas and water works, and for levying an annual special rate to defray the yearly interest of the expenditure therefor, and to form an equal yearly sinking fund for the payment of the principal within a time not exceeding thirty years, nor less than five years. 46 V. c. 18, s. 504 (14). Construction of gas and water works.

505. No by-law under the last sub-section of the preceding section shall be passed— Estimate to be published, and notice of taking poll on by-law.

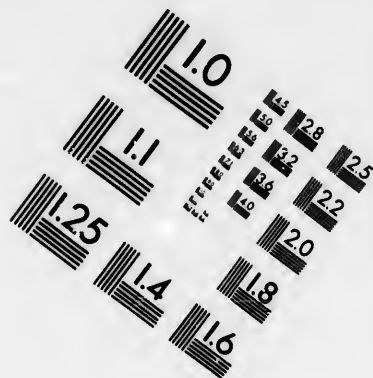
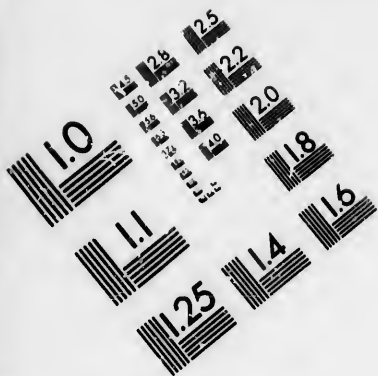
Firstly:—Until estimates of the intended expenditure have been published for one month, and notice of the time appointed for taking a poll of the electors on the proposed by-law has been published for two months, and a copy of the proposed by-law at length, as the same may be ultimately passed, and a notice of the day appointed for finally considering the same in council, have been published for three months, in some newspaper in the municipality; or if no newspaper is published therein, then in some newspaper in the county in which the municipality is situate;

Nor, secondly:—Until, at a poll held in the same manner and at the same places and continued for the same time as at elections for councillors, a majority of the electors, voting at the poll, vote in favour of the by-law; Poll to be held and majority must be in favour.

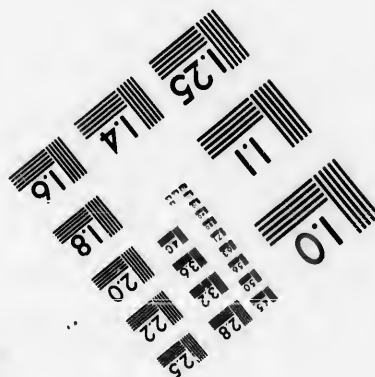
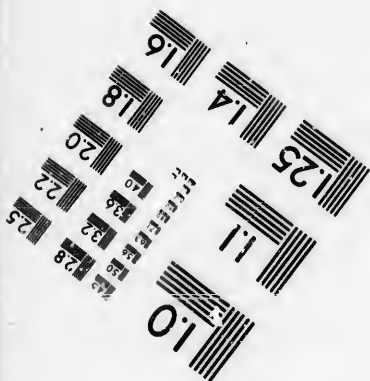
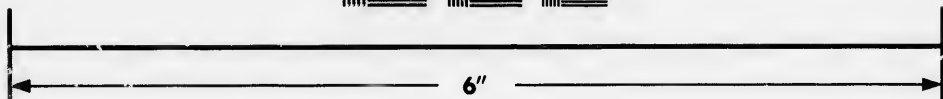
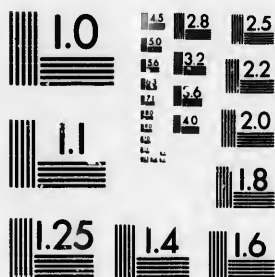
Nor, thirdly:—Unless the by-law is passed within three months after holding the said poll. 46 V. c. 18, s. 505. By-law to be passed within three months.

506. If the proposed by-law is rejected at such poll, no other by-law for the same purpose shall be submitted to the electors during the current year. 46 V. c. 18, s. 506. If by-law rejected.





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Provisions where there is a water company incorporated for the municipality.

507. In case there is any water company incorporated for the municipality, the council shall not levy any water rate until such council has, by by-law, fixed a price to offer for the works or stock of the company; nor until after thirty days have elapsed after notice of such price has been communicated to the company without the company's having accepted the same, or having, under the provisions of this Act as to arbitrators, named and given notice of an arbitrator to determine the price, nor until the price accepted or awarded has been paid, or has been secured to the satisfaction of the company. 46 V. c. 18, s. 507.

Proviso as to provisions in special Acts.

508. The foregoing clauses or any of them shall not be construed to apply to, or affect the provisions contained in, any special Act obtained, or to be obtained, by any company or municipal corporation. 46 V. c. 18, s. 508.

DIVISION VIII.—POWERS OF COUNCILS OF TOWNSHIPS,
TOWNS AND VILLAGES.

Drainage.

509. The council of every township, town or village may pass by-laws—

Borrowing Money for Drainage Purposes.

Rev. Stat. c. 38. For borrowing money and issuing debentures therefor, for the purposes and subject to the provisions of *The Tile, Stone and Timber Drainage Act*. 46 V. c. 18, s. 509.

DIVISION IX.—POWERS OF COUNCILS OF TOWNS AND INCORPORATED VILLAGES.

By-laws may be made for— **510.** The council of every town and incorporated village may pass by-laws:

Licensing Vehicles, etc.

Regulating and licensing livery stables, cabs, etc.

For regulating and licensing the owners of livery stables, and of horses, cabs, carriages, omnibuses and other vehicles for hire; for establishing the rates of fares to be taken by the owners or drivers, and for enforcing payment thereof. 46 V. c. 18, s. 510.

DIVISION X.—EXCLUSIVE POWERS OF COUNCILS OF
COUNTIES.

- Respecting Protection of Booms. Sec. 511 (1).*
 “ *Guaranteeing Debentures. Sec. 511 (2).*
 “ *Fences. Sec. 511 (3).*
 “ *Livery Stables, etc. Sec. 512.*
 “ *Board of Audit—Criminal Justice Account. Secs.*
 513, 514.
 “ *Improvements by either County of a Union. Secs.*
 515-519.
 “ *Support of Destitute Insane Persons. Sec. 520.*
 “ *Roads and Bridges. See sec. 565.*

511. The council of every county may make by-laws :

By-laws may
be made for—

Protecting Booms.

1. For protecting and regulating booms on any stream or river for the safe keeping of timber, saw-logs and staves within the municipality ; Protecting bonus.

Guaranteeing Debentures.

2. For guaranteeing debentures of any municipality within the county, as the council may deem expedient ; Guaranteeing debentures. 46 V. c. 18, s. 511.

Fences.

3. For the exercise, in respect of fences along highways, or parts thereof, which it is the duty of the council to maintain, of the powers conferred upon the councils of townships, cities, town and incorporated villages, by sub-sections 17 and 20 of section 489 of this Act. Powers of county councils in respect of fences. 48 V. 39, s. 14.

(a) The council of every county shall be deemed and held to have had, and possessed on, from, and since the first day of February, 1883, the powers conferred by this sub-section, and also the power to assist, aid, and compensate, either by payment of money or otherwise, any owner or occupier of land bordering upon any public highway within the county for the taking down, altering or removing any fence or fences, which in the opinion of the council, would be likely to cause such an accumulation of snow or drift as would impede or obstruct travel on such highway or any part thereof, or for the erection and construction of some other discription of fence, approved of, or designated by the council, and subject to such terms and conditions in that behalf as by such council have been or shall be fixed and prescribed. 49 V. c. 37, s. 35.

Livery Stables, etc.

512. The council of every county, having county gravel or macadamized roads within its jurisdiction, and under its immediate control, such roads being kept up and repaired by municipal taxation, and upon which no toll is collected, shall have power to pass a by-law or by-laws for regulating and licensing the owners of livery stables, and of horses, cabs, carriages, omnibuses, and all other vehicles used or kept for hire; and for issuing and regulating teamsters' licenses; for regulating the width of tire used on such vehicles; for establishing the rates of fare that may be collected or taken by the owners or drivers; for enforcing the payment of such licenses, regulating rates of fares for the conveyance of goods or passengers; and for enforcing the width of tire that may be used on such vehicles, when travelling on the aforesaid county gravel or macadamized roads. 46 V. c. 18, s. 512.

Regulating and licensing livery stables, etc.

Tires.
Rates of fare.

Board of Audit—Criminal Justice, etc.

513. Every county council shall appoint at its first meeting in each year two persons, not more than one of whom shall belong to the council, to be members of the board of audit, for auditing and approving accounts and demands preferred against the county, the approving and auditing whereof previous to the 19th day of December, 1868, belonged to the General Quarter Sessions. 46 V. c. 18, s. 513.

County boards of audit.

514. The council may pay the members of the said board of audit any sum not exceeding \$4 each per day for their attendance at such audit, and five cents for each mile necessarily travelled in respect thereof in going to and from such audit. 46 V. c. 18, s. 514.

Payment of members of board.

Improvements by either County of a Union.

515. The councils of united counties may make appropriations and raise funds to enable either county, separately, to carry on such improvements as may be required by the inhabitants thereof. 46 V. c. 18, s. 515.

Enabling either county of a union to make improvements therein.

516. Whenever any such measure is brought before the council of any united counties, none but the reeves and deputy reeves of the county to be affected by the measure shall vote; except in case of an equality of votes, when the warden, whether a reeve or deputy reeve of any portion of the county to be affected by the measure or not, shall have the casting vote. 46 V. c. 18, s. 516.

Reeves, etc., of the county interested alone to vote.
Exception.

517. In all other respects, all the provisions of this Act making provisions for the payment of the amounts appropriated, whether to be borrowed upon a loan or to be raised directly by taxation, shall be adhered to. 46 V. c. 18, s. 517.

Provisions of this Act for repayment to apply.

518. The treasurer of the united counties shall pay over all sums so raised and paid into his hands by the several collectors, without any deduction or percentage. 46 V. c. 18, s. 518. Treasurer to pay over moneys without deduction.

519. The property to be assessed for the purposes contemplated in the last preceding four sections of this Act, shall be the same as the property assessed for any other county purpose, except that any sum to be raised for the purposes of one county only, or for the payment of any debt contracted for the purposes of one county only, shall be assessed and levied solely upon property assessed in that county, and not upon property in any other county united with it, and any debenture that may be issued for such purposes may be issued as the debenture of the said one county only, and shall be as valid and binding upon that county as if that county were a separate municipality, but such debentures shall be under the seal of the united counties, and be signed by the warden thereof. 46 V. c. 18, s. 519. The property to be assessed in such cases.

Support of Destitute Insane Persons.

520. The county council of each county shall, from time to time, make provision for the whole or partial support either in the county gaol or some other place within the county, of such insane destitute persons as cannot properly be admitted to the Provincial asylums, and shall determine the sum to be paid for such support, and also the parties to whom such sums shall be paid by the county treasurer. 46 V. c. 18, s. 520. County council to make provision for the destitute insane.

DIVISION XI.—EXCLUSIVE POWERS OF COUNCILS OF TOWNSHIPS.

- Respecting Statute Labour.* Sec. 521 (1-8).
- " *Town Halls.* Sec. 521 (9, 10).
- " *Ferries.* Sec. 521 (11).
- " *Purchasing Wet Lands.* Sec. 521 (12).
- " *Boundaries of Marsh Lands.* Sec. 521 (13).
- " *Nuisances.* Sec. 521 (14).
- " *Dry Earth Closets.* Sec. 521 (15).
- " *Obstructions to Streams and Water-Courses.* Sec. 521 (16-18), 522.
- " *Repair of Roads.* Sec. 523.

521. The council of every township, may pass by laws— By-laws may be made for—

Statute Labour.

1. For empowering any person (resident or non-resident) liable to statute labour within the municipality, to compound for such labour, for any term not exceeding five years, at any sum not exceeding \$1 for each day's labour; Commutation of statute labour.

Rate of commutation. 2. For providing that a sum of money, not exceeding \$1 for each day's labour, may or shall be paid in commutation of such statute labour ;

Fixing number of days' statute labour. 3. For increasing or reducing the number of days' labour, to which the persons rated on the assessment roll or otherwise shall be liable, in proportion to the statute labour to which such persons are liable in respect of the amounts at which they are assessed or otherwise, respectively ;

Enforcing statute labour. 4. For enforcing the performance of statute labour, or payment of a commutation in money in lieu thereof, when not otherwise provided by law ;

Regulating performance, etc. 5. For regulating the manner and the divisions in which statute labour or commutation money shall be performed or expended ;

Reducing or abolishing. 6. For reducing the amount of statute labour to be performed by the ratepayers or others within the municipality, or for entirely abolishing such statute labour ; 46 V. c. 18, s. 521 (1-6).

7. For providing for the making and keeping open of township roads during the season of sleighing in each year, and for appointing overseers of highways or pathmasters to perform that duty, and such overseers and pathmasters shall have full power to call out persons liable to perform statute labour within their respective municipalities, to assist in keeping open such roads, and may give to such persons as may be employed in so doing, certificates of having performed statute labour to the amount of the days' work done, and such work shall be allowed for to such persons in their next season's statute labour ;

8. For providing for the application of so much of the commutation of the statute labour fund as may be necessary for keeping open such roads as last aforesaid within such respective municipalities. 48 V. c. 39, s. 20, *part.*

Town Halls.

Acquiring land for a town hall in a town or village. 9. For acquiring lands in any town or in incorporated village within, or partly within, the original boundaries of the township, for the purpose of erecting thereon a town Hall, or for renting or acquiring a hall, within such town or village, for the purpose of a town hall ;

Township and other meetings may be held and notice posted at such hall. 10. Any township owning, renting or otherwise acquiring a town hall in any such town or village may hold at such town hall, any meeting, nomination, or election, or post at such town hall, any notice, assessment roll or voters' list, or do thereat any other act required by law to be held, posted or done in the township at the town hall, and any meeting

of any mutual insurance company, or upon the formation thereof, which is required by any statute to be held in the municipality may lawfully be held in such hall. 46 V. c. 18, s. 521 (7, 8).

Ferries.

11. For licensing and regulating ferries between any two places within the township with the same rights and powers in respect thereof, and as to establishing rates as are conferred upon county councils by sub-section 4 of section 494 of this Act, and upon the same terms and conditions as are provided by said sub-section 4; but this shall not apply to any ferry for which a license has been granted prior to the 30th day of March, 1885, and was then running, until the expiry of such license. 48 V. c. 39, s. 16.

Powers of townships as to ferries.

Purchasing Wet Lands.

12. For purchasing from the Government or any corporation or person, at a price (in case of Crown Lands, to be fixed by the Lieutenant-Governor in Council, and which price the Lieutenant-Governor in Council is hereby authorized to fix), all the wet lands at the disposal of the Crown or such corporation or person in such township; and such lands may be sold accordingly to the corporation of such township;

Purchasing of wet lands from Government, etc.

(a) The purchase and draining of such lands shall be one of the purposes for which any such corporation may raise money by loan or otherwise, or for which they may apply any of their funds not otherwise appropriated;

Raising money for purchasing and draining same.

(b) The corporation of a township may possess and hold the land so purchased, and may, whenever they deem it expedient, sell or otherwise depart with or dispose of the same by public auction, in like manner as they may by law sell or dispose of other property, and upon such terms and conditions, and with such mortgages upon the land so sold, or other security for the purchase money or any portion thereof, as they may think most advantageous.

May hold or dispose of such land.

(c) The proceeds of the sale of such lands shall form part of the general funds of the municipality. 46 V. c. 18, s. 482 (21).

Proceeds of sale.

Boundaries of Marsh Lands.

13. For declaring that in the case of any lands, the boundary line, or any part of the boundary line whereof passes through a marsh or swamp, or any land covered with water, the same shall, so far as respects that part of such boundary line which so passes through a marsh or swamp, or land covered with water, be deemed to be wholly enclosed within the meaning of section 1 of *The Act respecting petty trespasses*, if posts

Boundaries of marsh lands.

Rev. Stat. c. 101.

are put up and maintained along such part of such line at distances which will permit of each being clearly visible from the adjoining post. 50 V. c. 29, s. 50.

Nuisances.

14. For relating slaughter houses and manufactures or trades which may prove to be nuisances. 49 V. c. 37, s. 14.

Dry Earth Closets.

15. For regulating the construction of dry earth closets and compelling the use of the same within such limits within the municipality as may be defined by the by-law. 50 V. c. 29, s. 31.

Obstructions to Streams and Watercourses.

Preventing obstruction of streams, etc. 16. For preventing the obstruction of streams, creeks and watercourses, by trees, brushwood, timber or other materials, and for clearing away and removing such obstructions at the expense of the offenders or otherwise;

Levying expenses. 17. For levying the amount of such expense, in the same manner as taxes are levied;

Penalties. 18. For imposing penalties on parties causing such obstructions. 46 V. c. 18, s. 521 (9-11).

When stream in any township cleared of obstructions, notice may be served on council of adjoining municipality requiring them to clear such stream within their municipality. 522.—(1) Whenever any stream or creek in any township is cleared of all logs, brush or other obstructions to the town line between such township and any adjoining township into which such stream or creek flows, the council of the township in which the creek or stream has been cleared of obstruction may serve a notice in writing on the head of the council of the adjoining township into which the stream or creek flows, requesting such council to clear such stream or creek through their municipality; and it shall be the duty of such last named council, within six months after the service of the notice as aforesaid, to enforce the removal of all obstructions in such creek or stream within their municipality, to the satisfaction of any person whom the council of the county, in which the municipality whose council has served the notice it situate, shall appoint to inspect the same. 46 V. c. 18, s. 522.

(2) When a river or stream which forms a boundary line between two municipalities becomes obstructed with driftwood or fallen timber, any one of the councils of such municipalities may cause the removal of such driftwood or fallen timber, and may pay the costs of such removal out of the general funds of the municipality. 50 V. c. 29, s. 32.

Repair of Roads.

523. No stone, gravel or other material shall be put upon the roads for repair during the winter months so as to interfere with sleighing. 48 V. c. 39, s. 20 part.

TITLE II.—POWERS AND DUTIES OF COUNCILS AS
TO HIGHWAYS AND BRIDGES.

- Div. I.—GENERAL PROVISIONS.
Div. II.—COUNTIES, TOWNSHIPS, CITIES, TOWNS AND VILLAGES.
Div. III.—TOWNSHIPS, CITIES, TOWNS AND VILLAGES.
Div. IV.—COUNTY AND TOWNSHIP COUNCILS.
Div. V.—COUNTY COUNCILS.
Div. VI.—TOWNSHIP COUNCILS.

DIVISION I.—GENERAL PROVISIONS.

- Highways defined.* Sec. 524.
Freehold in Crown. Sec. 525.
Jurisdiction of Councils. Sec. 526.
Possession in Municipalities. Sec. 527.
Acquiring Roads for Public Avenues. Sec. 528.
Assumption of County Bridges by Villages. Sec. 529.
Liability for Repairs. Secs. 530, 531.
County Roads and Bridges. Secs. 532, 533.
Improving and Maintaining County Roads. Secs. 534, 535.
Maintaining Township Roads. Secs. 536, 537.
Roads under Joint Jurisdiction. Secs. 538-540.
Transfer of former Powers of Justices in Sessions to County Councils. Sec. 541.
Roads vested in Her Majesty. Sec. 542.
Roads on Dominion Lands. Sec. 543.
Roads necessary for ingress and egress. Sec. 544.
Width of Roads. Sec. 545.
Notices of By-laws affecting Public Roads. Sec. 546.
Registration of Road By-laws. Sec. 547.
Disputes respecting Roads—Administration of Oaths. Sec. 548.
Mistakes in opening Road Allowances. Sec. 549.

Highways Defined,

524. All allowances made for roads by the Crown sur-^{What shall}veyors in any town, township or place already laid out constitute or hereafter laid out; and also all roads laid out by virtue of public highways. any statute, or any roads whereon the public money has been expended for opening the same, or whereon the statute labour has been usually performed, or any roads passing through the Indian lands, shall be deemed common and public highways, unless where such roads have been already altered, or may hereafter be altered according to law. 46 V. c. 18, s. 524. See Cap. 152, secs. 44, 45, 62 (1).

Freehold in the Crown.

Certain high-ways, etc., vested in the Crown.

525. Unless otherwise provided for, the soil and freehold of every highway or road altered, amended or laid out according to law, shall be vested in Her Majesty, Her Heirs and Successors. 46 V. c. 18, s. 525.

Jurisdiction of Municipal Councils.

Jurisdiction of councils over roads, etc.

526. Subject to the exceptions and provisions hereinafter contained, every municipal council shall have jurisdiction over the original allowances for roads and highways and bridges within the municipality. 46 V. c. 18, s. 526.

Possession in Municipalities.

Streets in cities, townships, towns and incorporated villages vested in municipalities subject to certain rights.

527. Every public road, street, bridge or other highway, in a city, township, town or incorporated village, shall be vested in the municipality, subject to any rights in the soil which the individuals who laid out such road, street, bridge, or highway reserved, and except any concession or other road within the city, township, town or incorporated village, taken and held possession of by an individual in lieu of a street, road or highway laid out by him without compensation therefor. 46 V. c. 18, s. 527.

Acquiring Roads for Public Avenues.

Acquiring roads and lands for public avenue or walk.

528. The council of every city and town may respectively pass by-laws for acquiring and assuming possession of and control over, any public highway or road in an adjacent municipality by and with the consent of such municipality, the same being signified by a by-law passed for that purpose, for a public avenue or walk ;

And for acquiring from the owners of the land adjacent to such highway or road, such land as may be required on either side of such highway or road to increase the width thereof to the extent of 100 feet or less, subject to the provisions of section 483 of this Act. 46 V. c. 18, s. 528.

Assumption of County Bridges by Villages.

* Assumption by village of bridges under control of county.

529. The councils of every county and incorporated village may pass by-laws for carrying out any arrangement between them for the assumption, by the village municipality, of any bridge within its limits, under the jurisdiction of the county council, and for such bridge being toll free; and for the payment by the village municipality to the county municipality of any part of the cost of the construction of such bridge ;

After the passing of such by-laws the bridge shall be, and remain, under the exclusive jurisdiction of the village muni-

unicipality; and the village municipality shall be subject to all the liabilities in the premises, which but for the transfer would have devolved on the county municipality; and the bridge shall be and remain toll free. 46 V. c. 18, s. 529.

Liability for Repairs.

530. The approaches for 100 feet to and next adjoining each end of all bridges belonging to, assumed by, or under the jurisdiction of any municipality or municipalities, shall be kept up and maintained by such municipality or municipalities: the remaining portion or portions of such approaches shall be kept up and maintained by the local municipalities in which they are situate. 46 V. c. 18, s. 530.

531.—(1) Every public road, street, bridge and highway shall be kept in repair by the corporation, and on default of the corporation so to keep in repair, the corporation shall, besides being subject to any punishment provided by law, be civilly responsible for all damages sustained by any person of such default, but the action must be brought within three months after the damages have been sustained.

(2) This section shall not apply to any road, street, bridge or highway laid out by any private person, and the corporation shall not be liable to keep in repair any such last mentioned road, street, bridge or highway, until established by-law of the corporation, or otherwise assumed for public user by such corporation. 46 V. c. 18, s. 531.

(3) The corporation shall, in the absence of an agreement to the contrary, keep in repair all crossings, sewers, culverts and approaches, grades, sidewalks, and other works made or done by the council of any municipality, or by any person with the permission of the said council, upon any toll road or through the said municipality, and on default so to keep in repair shall be responsible for all damages sustained by any person by reason of such default, but the action must be brought within three months after the damages have been sustained. 47 V. c. 32, s. 17; 48 V. c. 39, s. 21.

(4) In case an action is brought against a municipal corporation to recover damages sustained by reason of any obstruction, excavation or opening in a public highway, street or bridge placed, made, left or maintained by another corporation or any person other than a servant or agent of the municipal corporation, the last mentioned corporation shall have a remedy over against the other corporation or person for and may enforce payment accordingly of the damages and costs, if any, which the plaintiff in the action may recover against the municipal corporation; provided nevertheless that the municipal corporation shall only be entitled to the said remedy over if the other corporation or person shall be or be made a party to the action

and if it shall be established in the action as against the other corporation or person that the damages were sustained by reason of an obstruction, excavation or opening as aforesaid placed, made, left or maintained by the other corporation or person; and the municipal corporation may in such action have the other corporation or person added as a party defendant or third party for the purposes hereof if the same is not already a defendant in the action jointly with the municipal corporation and the other corporation or person may defend such action as well against the plaintiff's claim as against the claim of the municipal corporation to a remedy over; and the Court or Judge upon the trial of the action may order costs to be paid by or to any of the parties thereto or in respect of any claim set up therein as in other cases. 50 V. c. 29, s. 33.

County Roads and Bridges.

Jurisdiction of county councils over roads and bridges.

532. The county council shall have exclusive jurisdiction over all roads and bridges lying within any township, town or village in the county, and which the council by by-law assumes with the assent of such township, town or village municipality as a county road, or bridge, until the by-law has been repealed by the council, and over all bridges across streams separating two townships in the county, and over all bridges crossing streams or rivers over 100 feet in width, within the limits of any incorporated village in the county, and connecting any main highway leading through the county, and over all bridges over rivers forming or crossing boundary lines between two municipalities. 46 V. c. 18, s. 532; 50 V. c. 29, s. 34.

Boundary lines may be maintained by county.

533. Any county council may assume, make and maintain any township or county boundary line at the expense of the county, or may grant such sum or sums from time to time for the said purposes as they may deem expedient. 46 V. c. 18, s. 533.

Improving and Maintaining County Roads.

Roads or bridges assumed by county councils.

534. When a county council assumes, by by-law, any road or bridge within a township as a county road or bridge, the council shall, with as little delay as reasonably may be, and at the expense of the county, cause the road to be planked, gravelled or macadamized, or the bridge to be built in a good and substantial manner; and further the county council shall cause to be built and maintained in like manner, all bridges on any river or stream over 100 feet in width, within the limits of any incorporated village in the county, necessary to connect any main public highway leading through the county. 46 V. c. 18, s. 534; 50 V. c. 29, s. 35.

Maintenance of certain bridges in villages.

535.—(1) It shall be the duty of county councils to erect and maintain bridges over rivers forming or crossing boundary lines between two municipalities (other than in the case of a city or separated town) within the county; and in case of a bridge over a river forming or crossing a boundary line between two or more counties, or a county, city or separated town, such bridge shall be erected and maintained by the councils of the counties, or county, city and separated town respectively; and in case the councils fail to agree as to the respective portions of the expense to be borne by the municipalities interested, it shall be the duty of each to appoint arbitrators as provided by this Act, to determine the proportionate amount to be paid by each, and the award made shall be final.

(2) A road which lies wholly or partly between two municipalities shall be regarded as a boundary line within the meaning of this section, although such road may deviate so that it is in some place or places wholly within one of the municipalities, and a bridge built over a river crossing such road where it deviates as aforesaid shall be held to be a bridge over a river crossing a boundary line within the meaning of this section. 48 V. c. 39, s. 22.

Maintaining Township Roads.

536. All township boundary lines not assumed by the county council shall be opened, maintained and improved by the township councils, except where it is necessary to erect or maintain bridges over rivers forming or crossing boundary lines between two municipalities. 46 V. c. 18, s. 536.

537 Township boundary lines forming also the county boundary lines, and not assumed or maintained by the respective counties interested, shall be maintained by the respective townships bordering on the same, except where it is necessary to erect or maintain bridges over rivers forming or crossing boundary lines between two municipalities. 46 V. c. 18, s. 537.

Roads under Joint Jurisdiction.

538. In case a road lies wholly or partly between a county, city, town, township and incorporated village, and an adjoining village, the councils of the municipalities between which the road lies shall have joint jurisdiction over the same although the road may so deviate as in some places to be wholly or in part within one or either of them; and the said road shall not include a bridge over a river forming or crossing the boundary line between two municipalities, other than counties. 46 V. c. 18, s. 538.

Both councils must concur in by-laws respecting them.

539. No by-law of the council of any one of such municipalities with respect to such last mentioned road or bridge, shall have any force until a by-law has been passed in similar terms, as nearly as may be, by the other council or councils having joint jurisdiction in the premises. 46 V. c. 18, s. 539.

Arbitration if they do not concur.

540. In case the other council, or councils, for six months after notice of the by-law, omit to pass a by-law or by-laws in similar terms, the duty and liabilities of each municipality in respect to the road or bridge shall be referred to arbitration under the provisions of this Act. 46 V. c. 18, s. 540.

Transfer of former Powers of Justices in Sessions to County Councils.

Certain powers of justices in sessions transferred to county councils.

541. All powers, duties and liabilities which at any time before the 1st day of January, 1850, belonged to the magistrates in Quarter Sessions, with respect to any particular road or bridge in a county, and are not conferred or imposed upon any other municipal corporation, shall belong to the council of the county, or in case the road or bridge lies in two or more counties, to the councils of such counties; and the neglect and disobedience of any regulations or directions made by such council or councils shall subject the offenders to the same penalties and other consequences as the neglect or disobedience of the like regulations of the magistrates would have subjected them to. 46 V. c. 18, s. 541.

Roads vested in Her Majesty.

Roads, etc., provincial works vested in Her Majesty, etc., not to be interfered with. Proclamation by Lieut.-Gov. as to roads, etc., under control of Commissioner of Public Works.

542. No council shall interfere with any public road or bridge vested as a Provincial work in Her Majesty, or in any public department or board, and the Lieutenant-Governor shall by order in Council have the same powers as to such road and bridge as are by this Act conferred on municipal councils with respect to other roads and bridges: but the Lieutenant-Governor may, by proclamation, declare any public road or bridge, under the control of the Commissioner of Public Works, to be no longer under his control, and in that case after a day named in the proclamation, the road or bridge shall cease to be under the control of the Commissioner, and no tolls shall be thereafter levied thereon by him, and the road or bridge shall thenceforth be controlled and kept in repair by the council of the municipality. 46 V. c. 18, s. 542.

Roads on Dominion Lands.

543. No council shall pass a by-law—

Ordinance roads, lands, etc.,

1. For stopping up or altering the direction or alignment of any street, lane or thoroughfare made or laid out by Her Majesty's Ordinance, or the Principal Secretary of State in whom the Ordinance Estates became vested under the Statute

of the Province of Canada passed in the 19th year of Her Majesty's reign, chapter 45, or the Consolidated Statute of Canada, chapter 24, respecting the Ordnance and Admiralty lands, or by the Dominion of Canada; or

2. For opening any such communication through any lands held by the Dominion of Canada; or

3. Interfering with any bridge, wharf, dock, quay or other work vested in the Dominion of Canada; or

4. Interfering with any land reserved for military purposes or with the integrity of the public defences,—

without the consent of the Government of the Dominion of Canada; and a by-law for any of the purposes aforesaid shall be void unless it recites such consent. 46 V. c. 18, s. 543.

Roads necessary for Ingress and Egress.

544.—(1) No council shall close up any public road or highway, whether an original allowance or a road opened by the Sessions or any municipal council, or otherwise legally established, whereby any person will be excluded from ingress and egress to and from his lands or place of residence over such road, unless the council, in addition to compensation, also provides for the use of such person some other convenient road or way of access to the said lands or residence. 46 V. c. 18, s. 544.

(2) If the compensation offered by the council, to the owner of the lands, or the road provided for the owner in lieu of the original road, as a means of egress and ingress, is not mutually agreed upon between the council and the owner or owners, (as the case may be), then in such case, the matters in dispute shall be referred to arbitration, under the provisions of this Act respecting arbitration. 49 V, c. 37, s. 15.

Width of Roads.

545. No council shall lay out any road or street more than 100 nor less than 66 feet in width, except where an existing road or street is widened, or unless with the permission of the council of the county in which the municipality is situate; but any road when altered, may be of the same width as formerly, and no highway or street shall be laid out by any owner of land of a less width than 66 feet, without the consent of the council of the municipality. 46 V. c. 18, s. 545.

Notices of By-laws affecting Public Roads.

546. No council shall pass a by-law for stopping up, altering, widening, diverting or selling any original allowance for road, or for establishing, opening, stopping up, altering, widening, diverting or selling any other public highway, road, street or lane;

Notice to be posted up.

1. Until written or printed notices of the intended by-law have been posted up one month previously in six of the most public places in the immediate neighbourhood of such original allowance for road, street or other highway, road, street or lane;

And published in a newspaper.

2. And published weekly for at least four successive weeks in some newspaper (if there be any) published in the municipality; or if there be no such newspaper, then in a newspaper published in some neighbouring municipality; and, in either case, in the county town, if any such there be;

Parties prejudicially affected to be heard.

3. Nor until the council has heard, in person or by counsel or solicitor, any one whose land might be prejudicially affected thereby, and who petitions to be so heard;

Clerk to give the notices on payment of expenses.

4. And the clerk shall give such notices at the request of the applicant for the by-law, upon payment of the reasonable expenses attendant on such notices. 46 V. c. 18, s. 546.

Provision where price settled by agreement.

5. In case the council of a township or an incorporated village, and property owners interested in lands required to be taken possession of, for establishing a public road, mutually agree as to the recompense or price of such lands, the council may accept a deed or deeds for the same, which shall be registered as provided by section 547 of this Act, and in such case the publication of any by-law in the manner required by sub-section 2 shall be dispensed with. 50 V. c. 29, s. 37.

Registration of Road By-laws.

By-laws under which roads are opened on private property to be registered.

547.—(1) Every by-law passed since the 29th day of March, 1873, or hereafter to be passed by any municipal council, under the authority of which any street, road or highway has been, or is, opened upon any private property, shall, before the same becomes effectual in law, be duly registered in the registry office of the registry division in which the land is situate; and for the purpose of registration a duplicate original of the by-law shall be made out, certified under the hand of the clerk and the seal of the municipality, and shall be registered without any further proof.

As to by-laws passed before 29th March, 1873.

(2) Every by-law passed before the said day and every order and resolution of the Quarter or General Sessions, passed before said day, under the authority of which any street, road or highway has already been opened upon any private property, may, at the election of any party interested, and at the cost and charges of such party or municipality, be also duly registered, upon the production, to the registrar, of a duly certified copy of the by-law under the hand of the clerk of the municipality and the seal of the municipality, or by a duly certified copy of such order or resolution of the Quarter or

General Sessions, given under the hand of the clerk of the peace, as the case may be. 46 V. c. 18, s. 547. *See also* Cap. 114, s. 75.

Disputes respecting Roads—Administration of Oaths.

548. In case of disputes in any municipality concerning roads, allowances for roads, side lines, boundaries or concessions, within the cognizance of and in the course of investigation before a municipal council, the head of the council may administer an oath or affirmation to any party or witness examined upon the matters in dispute. 46 V. c. 18, s. 548.

Power to administer oaths in certain cases.

Mistakes in Opening Road Allowances.

549.—(1) In case any municipality in whose jurisdiction an original road, or allowance for road is situate, shall open that which they take and believe to be the true site of the same, and in case the municipality, their officers and servants, shall act in good faith, and shall take all reasonable means to inform themselves of the correctness of their line and work, and in case it appears that the road being opened, although not or not altogether upon the true line of the original road, or allowance for road, is nevertheless, from any difficulty in discovering correctly the true line, as near to, or as nearly upon the true line as under the circumstances could be ascertained, no action shall be brought by any person against the municipality, their officers or servants, for or in respect of the opening of such road, or allowance for road, or for any other act or matter whatsoever connected with or arising from the same.

Municipality and officers thereof protected from actions arising from mistakes in opening road allowances.

(2) The municipality shall, however, in any case respecting the opening of an original road, or road allowance, make to any person having title to or interest in the same, reasonable compensation in full of all claims, and as a final settlement of the same: Provided the claims for such compensation shall be made within one year from the time of the laying out or taking possession of such road by the municipality or its officers, or the part thereof in respect of which compensation is claimed, and in the event of the parties not agreeing as to the amount or terms of such compensation, the same shall be ascertained and the payment thereof enforced, under the provisions of this Act relating to arbitrations. 46 V. c. 18, s. 549.

Municipality to make compensation. Proviso.

DIVISION II.—POWERS OF COUNTIES, TOWNSHIPS, CITIES,
TOWNS AND INCORPORATED VILLAGES IN RELATION
TO ROADS AND BRIDGES.

General Powers. Sec. 550 (1, 2).

Respecting Tolls. Sec. 550 (3-5).

" *Timber, Stone, etc., on Road Allowances. Sec. 550 (6).*

" *Privileges to Road or Bridge Companies. Sec. 550 (7).*

" *Procuring Materials for Constructing or Repairing Roads. Sec. 550 (8).*

Road Allowances. Secs. 550 (9), 551-553.

" *Aid to adjoining Municipalities in Making Roads or Bridges. Sec. 554.*

By-laws may
be made for— **550.** The council of every county, township, city, town
and incorporated village may pass by-laws—

General Powers.

Opening or
stopping up
roads, etc. 1. For opening, making, preserving, improving, repairing,
widening, altering, diverting or stopping up roads, streets,
squares, alleys, lanes, bridges, or other public communications
within the jurisdiction of the council, and for entering upon,
breaking up, taking or using any land in any way necessary or
convenient for the said purposes, subject to the restrictions in
this Act contained; and for preventing and removing any
obstruction upon any roads or bridges within its jurisdiction,
and also for permitting sub-ways for cattle under any high-
way;

Roads across
railway lands. 2. For establishing, opening, making, preserving, improving,
maintaining, widening, enlarging, altering, diverting or stopping
up, within the limits of the municipality, any highway through,
over, across, under, along, or upon the railway and lands of any
railway company, and for entering upon, breaking up, taking or
using any such land in any way necessary or convenient for the
said purpose; but subject to the provisions contained in *The
Railway Streets and Drains Act*, and provided that the high-
way is within the jurisdiction of the council;

Rev. Stat. c.
199.

Tolls.

Raising
money by toll. 3. For raising money by toll on any bridge, road or other
work, to defray the expense of making or repairing the same;

Making regu-
lations as to
dangerous
places. 4. For making regulations as to pits, precipices and deep
waters, and other places dangerous to travellers;

Granting
right to take
tolls. 5. For granting to any person, in consideration or part
consideration of planking, gravelling or macadamizing a road,
or of building a bridge, the tolls fixed by by-law to be levied

on the work for a period of not more than twenty-one years after the work has been completed, and after such completion has been declared by a by-law of the council authorizing tolls to be collected; and the grantee of the tolls shall, during the period of his right thereto, maintain the road or bridge in repair;

Timber, Stone, etc., on Road Allowances.

6. For preserving or selling timber, trees, stone, sand or gravel, on any allowance or appropriation for a public road; but this shall be subject to the provisions of *The Act respecting Timber on Public Lands* relative to Government road allowance and the granting of Crown timber licenses;

For preservation of trees, stone, etc.
Rev. Stat. c. 28.

Granting Privileges to Roads or Bridge Companies.

7. For regulating the manner of granting to road or bridge companies permission to commence or proceed with roads or bridges within its jurisdiction, and for regulating the manner of ascertaining and declaring the completion of the work, so as to entitle such companies to levy tolls thereon, and for regulating the manner of making the examinations necessary for the proper exercise of these powers by the council. 46 V. c. 18, s. 550 (1-7). See Cap. 159.

Granting privileges to road or bridge companies.

Procuring Materials for Constructing or Repairing.

8. For searching for and taking such timber, gravel, stone, or other material or materials (within the municipality) as may be necessary for keeping in repair any road or highway within the municipality; and, for the purpose aforesaid, with the consent of the council of an adjoining municipality (by resolution expressed), for searching for and taking gravel within the limits of such adjoining municipality; and the right of entry upon such lands, as well as the price or damage to be paid to any person for such timber or materials, shall, if not agreed upon by the parties concerned, be settled by arbitration under the provisions of this Act;

Power to take materials for roads.

(a) But no such gravel shall be taken or removed from the premises of any person in an adjoining municipality until the price or damage has been agreed upon between the parties, or settled by arbitration. 48 V. c. 39, s. 23.

Selling Road Allowances.

9. For selling the original road allowance, to the parties next adjoining whose lands the same is situated, when a public road has been opened in lieu of the original road allowance, and for the site or line of which compensation has been paid, and for selling, in like manner, to the owners of any adjoining

When the council may stop up or sell a road allowance.

land, any road legally stopped up or altered by the council; and in case such parties respectively refuse to become the purchasers at such price as the council thinks reasonable, then for the sale thereof to any other person for the same or a greater price. 46 V. c. 18, s. 550 (9).

When a road is substituted for an original allowance without compensation to person whose land is taken, such person, if he owns land adjoining, to be entitled to original road.

551.—(1) In case any one in possession of a concession road or side line has laid out and opened a road or street in place thereof without receiving compensation therefor, or in case a new or travelled public road has been laid out and opened in lieu of an original allowance for road, and for which no compensation has been paid to the owner of the land appropriated as a public road in place of such original allowance, the owner, if his lands adjoin the concession road, side line, or original allowance, shall be entitled thereto, in lieu of the road so laid out, and the council of the municipality, upon the report in writing of its surveyor, or of a deputy provincial land surveyor, that such new or travelled road is sufficient for the purposes of a public highway, may convey the said original allowance for road, in fee simple, to the person or persons upon whose land the new road runs.

Compensation to party whose land is taken who does not own land adjoining original road.

(2) When such original road allowance is, in the opinion of the council, useless to the public, and lies between lands owned by different parties, the municipal council may, subject to the conditions aforesaid, sell and convey a part thereof to each of such parties, as may seem just and reasonable; and in case compensation was not paid for the new road, and the person through whose land the same passes does not own the land adjoining the original road allowance, the amount received from the purchaser of the corresponding part of the road allowance when sold shall be paid to the person who at the time of the sale owns the land through which the new road passes. 46 V. c. 18, s. 551.

Possession of Unopened Road Allowances.

Original allowances for roads when to be deemed legally possessed till a by-law is passed for opening them.

552. In case a person is in possession of any part of a government allowance for road, laid out adjoining his lot and enclosed by a lawful fence, and which has not been opened for public use by reason of another road being used in lieu thereof, or is in possession of any government allowance for road parallel or near to which a road has been established by law in lieu thereof, such person shall be deemed legally possessed thereof, as against any private person, until a by-law for opening such allowance for road has been passed by the council having jurisdiction over the same. 46 V. c. 18, s. 552.

Notice of By-laws for Opening such Allowances.

Notice of by-law to be given.

553. No such by-law shall be passed until notice in writing has been given to the person in possession, at least eight days before the meeting of the council, that an application will be made for opening such allowance. 46 V. c. 18, s. 553.

Aiding in making Roads and Bridges.

554. The council of any municipality may pass by-laws for granting aid to any adjoining municipality in making, maintaining, widening, raising, lowering, or otherwise improving any highway, road, street, bridge, or communication passing from or through an adjoining municipality. By-laws to aid adjoining municipality to open roads, etc. 46 V. c. 18, s. 554.

DIVISION III.—POWERS OF TOWNSHIPS, CITIES, TOWNS, AND VILLAGES IN RELATION TO ROADS AND BRIDGES.

Aiding Counties in opening New Roads. Sec. 555 (1).

Joint works with other Municipalities. Sec. 555 (2).

Repair of Township Roads, how enforced. Secs. 556-564.

555. The council of every township, city, town and incorporated village may pass by-laws— By-laws may be made for—

New Roads.

1. For granting to the county or united counties in which such municipality lies, aid, by loan or otherwise, towards opening or making any new road or bridge on the bounds of such municipality; Aiding counties in making roads and bridges.

Joint Works with other Municipalities.

2. For entering into and performing any arrangement with any other council in the same county or united counties, executing, at their joint expense and for their joint benefit, work within the jurisdiction of the council. Joint works with other municipalities. 46 V. c. 18, s. 555.

Repair of Township roads—how enforced.

556. Whenever township councils fail to maintain township boundary lines not assumed by the county council, in the same way as other township roads, by mutual agreement as to the share to be borne by each, it shall be competent for one or more of such councils to apply to the county council to enforce joint action on all township councils interested. Township council failing to perform their duty. 46 V. c. 18, s. 556.

557. In cases where all the township councils interested neglect or refuse to open up and repair such lines of road in a manner similar to the other local roads, it shall be competent for a majority of the ratepayers resident on the lots bordering on either or both sides of such line, to petition the county council to enforce the opening up or repair of such lines of road by the township councils interested. Resident rate-payers may petition county council to enforce opening up of road. 46 V. c. 18, s. 557.

Action by county council on petition.

558. A county council receiving such petition either from township councils or from ratepayers, as in the preceding section mentioned, may consider and act upon the same at the session at which the petition is presented. 46 V. c. 18, s. 558.

Amount, etc., to be furnished by each township.

559. The county council may determine upon the amount which each township council interested shall be required to apply for the opening or repairing of such lines of road, or to direct the expenditure of a certain portion of the statute labour, or both, as may seem necessary to make the said lines of road equal to other roads. 46 V. c. 18, s. 559.

Commissioners to enforce order of county council as to such roads.

560. It shall be the duty of the county council to appoint a commissioner or commissioners to execute and enforce their orders or by-laws relative to such roads. If the representatives of any or all of the townships interested intimate to the council or to the commission or commissioners so appointed, their intention to execute the work themselves, then the commissioner or commissioners shall delay proceedings for a reasonable time; but if the work is not proceeded with during the favourable season by the township officers, then the commissioners shall undertake and finish it themselves. 46 V. c. 18, s. 560.

Proviso.

Sums determined upon to be paid by townships.

561. Any sum of money so determined upon by the county council, as the portion to be paid by the respective townships, shall be paid by the county treasurer on the order of the commissioner or commissioners, and the amount retained out of any money in his hands belonging to such township; but if there are not, at any time before the striking of a county rate, any such moneys belonging to such township in the treasurer's hands, an additional rate shall be levied by the county council against such township sufficient to cover such advances. 46 V. c. 18 s. 561.

When the several townships interested cannot agree. Wardens to be arbitrators.

562. Whenever the several townships interested in the whole or part of any county boundary line road are unable mutually to agree as to their joint action in opening or maintaining such line road, or portion thereof, one or more of such township councils may apply to the wardens of the bordering counties to determine jointly the amount which each township shall be required to expend, either in money or statute labour, or both, and the mode of expenditure, on such road; the County Judge of the County in which the township first making the application is situate, shall in all cases be the third arbitrator. 46 V. c. 18, s. 562.

County judge also.

Meetings of wardens.

563. It shall be the duty of the wardens of the counties interested to meet within twenty-one days from the time of receiving such application for the determination of the matter

in dispute. The warden of the county in which the township first making the application is situated, shall be the convener of the meeting; and it shall be his duty to notify the warden of the other county and County Judge of the time and place of meeting within eight days of the time of his receiving such application. 46 V. c. 18, s. 563.

564. At such meeting the wardens and County Judge, or any two of them, shall determine on the share to be borne by the respective townships, of the amount required on the part or parts to be opened or repaired by each or both, and shall appoint a commissioner or commissioners to superintend such work, and it shall be the duty of the township treasurer to pay the orders of the commissioners to the extent of the sum apportioned to each; and pathmasters controlling the statute labour on the lots adjoining such line, on the portion of such line to be opened or repaired, shall obey the orders of the commissioner or commissioners in performing the statute labour unexpended. 46 V. c. 18, s. 564.

DIVISION IV.—POWERS OF COUNTY AND TOWNSHIP COUNCILS
IN RELATION TO ROADS.

Sale or Lease of Minerals on or under Roads.

565.—(1) The corporation of any township or county, wherever minerals are found, may sell or lease, by public auction or otherwise, the right to take minerals found upon, or under any roads over which the township or county may have jurisdiction, if considered expedient so to do.

(2) No such sale or lease shall take place until after due notice of the intended by-law has been posted up in the most public places in the immediate neighbourhood of such road, for at least one month previous to the time fixed for considering the by-law.

(3) The deed of conveyance or lease to the purchaser or lessee under the by-law, shall contain a proviso protecting the road for public travel, and preventing any uses of the granted rights interfering with public travel.

DIVISION V.—POWERS OF COUNTY COUNCILS IN RELATION TO
ROADS AND BRIDGES.

- Respecting the closing of Road Allowances. Sec. 566 (1).*
 “ *The opening and altering of Roads. Sec. 566 (2).*
 “ *Trees obstructing highways. Sec. 566 (3).*
 “ *Double tracks in Snow Roads. Sec. 566 (4).*
 “ *Aid to Townships. Sec. 563 (5).*
 “ *Repair of County roads in local Municipalities.*
Sec. 566 (6, 7.)

By-laws for— **566.** The council of every county shall have power to pass by-laws for the following purposes :

Closing Road Allowances.

Disposing of original allowance for roads in certain cases. 1. For stopping up, or stopping up and sale, of any original allowance for roads or parts thereof within the county, which is subject to the sole jurisdiction and control of the council, and not being within the limits of any village, town or city within or adjoining the county; but the by-law for this purpose shall be subject to section 546 of this Act;

Opening and Altering Roads.

Opening, etc., roads, etc., within or between several municipalities. 2. For opening, making, preserving, improving, repairing, widening, altering, diverting and stopping up roads, streets, squares, alleys, lanes, bridges or other public communications, running or being within one or more townships, or between two or more townships of the county; or any bridge required to be built or made across any river over 100 feet in width within any incorporated village in the county connecting any public highway leading through the county, and which is in continuation of a county road, or between the county and any adjoining county or city or separated town, or on the bounds of any town or incorporated village, within the boundaries of the county, as the interests of the inhabitants of the county, in the opinion of the council, require to be so opened, made, preserved and improved; and for entering upon, breaking up, taking or using any land in any way necessary or convenient for the said purposes, subject to the restrictions herein contained; 46 V. c. 18, s. 565 (1, 2).

Trees obstructing Highways.

May direct the trees to be cleared on each side of highways. 3. For directing that, on each and either side of a highway, under the jurisdiction of the council, passing through a wood, the trees (unless such as are reserved by the owner for ornament or shelter) shall, for a space not exceeding twenty-five feet

on each side of the highway, be cut down and removed by the proprietor, within a time appointed by the by-law, or, in his default, by the county surveyor or other officer in whose division the land lies; and in the latter case, for authorizing the trees to be used by the overseer or other officer for any purpose connected with the improvement of the highways and bridges in his division, or to be sold by him to defray the expenses of carrying the by-law into effect; and the council may further pay such expenses out of county funds;

Double Tracks on Snow Roads.

4. For providing for the making and keeping open of double tracks in snow roads, according to the provisions of *The Act Respecting Double Tracks in Snow Roads*; Double tracks in snow roads. Ev. Stat. c. 197.

Aiding Townships, etc.

5. For granting to any town, township or incorporated village in the county, aid, by loan or otherwise, towards opening or making any new road or bridge in the town, township or village, in cases where the council deems the county at large sufficiently interested in the work to justify such assistance, but not sufficiently interested to justify the council in at once assuming the same as a county work, and also for guaranteeing the debentures of any municipality within the county, as the council may deem expedient; For aiding the making of roads and bridges. Guaranteeing debentures of local municipalities.

Repair of County Roads in local Municipalities.

6. For requiring that the whole or any part of a county road within any local municipality shall be opened, improved and maintained by such local municipality; 46 V. c. 18, s. 565 (3-6). Opening roads in local municipalities.

7. For abandoning or otherwise disposing of the whole or any portion of a toll road owned by a county, whether situated wholly within the county or partly within the county and partly within an adjoining county or counties, and on the passing of such by-law the clerk shall forthwith forward a certified copy thereof to the local municipality or municipalities through or along which any portion of said abandoned road shall run or border upon: Provided, however, that no such by-law shall take effect until assented to by the local municipality or municipalities affected, or until the same shall have been approved by the Lieutenant-Governor in Council. 48 V. c. 39, s. 24; 49 V. c. 37, s. 18. Disposing of roads.

DIVISION VI.—POWERS OF TOWNSHIP COUNCILS IN RELATION
TO ROADS AND BRIDGES.

Aiding Counties. Sec. 567 (1).

Closing Road Allowances. Sec. 567 (2).

Trees obstructing highways. Sec. 567 (3).

Footpaths. Sec. 567 (4).

Sale of Roads in Villages and Hamlets. Sec. 568.

By-laws for— **567.** The council of every township may pass by-laws—

Aiding Counties.

Aiding adjoining county in making roads, etc., and granting aid to county for roads assumed by county.

1. For granting to any adjoining county, aid in making, opening, maintaining, widening, raising, lowering or otherwise improving any highway, road, street, bridge or communication lying between the township and any other municipality, and for granting like aid, to the county in which the township lies, in respect of any highway, road, street, bridge, or communication, within the township, assumed by the county as a county work, or agreed to be so assumed on condition of such grant;

Closing Road Allowances.

Stopping up, leasing or sale of original road allowance.

2. For the stopping up, leasing or sale of any original allowance for road, or any part thereof, within the municipality, and for fixing and declaring therein, the terms upon which the same is to be leased, sold and conveyed;

Proviso.

But no such by-law shall have any force—

(a) Unless passed in accordance with section 546 of this Act, nor

(b) Until confirmed by a by-law of the council of the county in which the township is situate, at an ordinary session of the county council, held not sooner than three months nor later than one year next after the passing thereof;

Trees obstructing Highways.

Ordering trees to be cut down on each side of a road.

3. For directing that, on each or either side of a highway, under the jurisdiction of the council, passing through a wood, the trees (unless such as are reserved by the owner for ornament or shelter) shall, for a space not exceeding twenty-five feet on each side of the highway, be cut down and removed by the proprietor within a time appointed by the by-law, or, on his default, by the overseer of highways, or other officer in whose

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division the land lies; and, in the latter case, for authorizing the trees to be used by the overseer or other officer for any purpose connected with the improvement of the highways and bridges in his division, or to be sold by him, to defray the expenses of carrying the by-law into effect; and the council may grant, out of township funds, any money that may be necessary to pay for cutting down and removing such trees;

Footpaths.

4. For setting apart so much of any highway as the council may deem necessary for the purposes of a footpath, and for imposing penalties on persons travelling thereon on horseback or in vehicles. 46 V. c. 18, s. 566.

Sale of Roads in Villages or Hamlets.

568.—(1) In case the trustees of any police village, or fifteen of the inhabitant householders of any other unincorporated village or hamlet consisting of not less than twenty dwelling houses standing within an area of 200 acres, petition the council of the township in which the village or hamlet is situate, and in case the petition of such unincorporated village or hamlet, not being a police village, is accompanied by a certificate from the registrar of the registry division within which the township lies, that a plan of the village or hamlet has been duly deposited in his office according to the registry laws, the council may pass a by-law to stop-up, sell and convey, or otherwise deal with any original allowance for road lying within the limits of the village or hamlet, as the same shall be laid down on the plan, but subject to all the restrictions contained in this Act with reference to the sale of original allowances.

When roads in police villages and certain hamlets be stopped, up, sold, etc., by township council.

(2) The preceding sub-section shall apply to a village or hamlet situate in two townships, whether such townships are in the same or different counties, and in such case the council of each of the townships shall have the power thereby conferred as to any original allowance for road lying within that part of the village or hamlet which, according to the registered plan, is situate within such township. 46 V. c. 18, ss. 568, 569.

When village is partly in each of two townships.

TITLE III.—POWERS OF MUNICIPAL COUNCILS AS TO DRAINAGE AND OTHER IMPROVEMENTS PAID FOR BY LOCAL RATE.

- DIV. I.—TOWNSHIPS, CITIES, TOWNS AND VILLAGES.
 DIV. II.—TOWNSHIPS AND VILLAGES.
 DIV. III.—COUNTIES.

DIVISION I.—LOCAL IMPROVEMENTS IN TOWNSHIPS, CITIES, TOWNS AND VILLAGES.

- Local Drainage By-laws, and fund for.* Secs. 569, 570.
Complaints respecting assessments, how tried. Sec. 569 (10-15).
Quashing by-laws, limitations respecting. Secs. 571-574.
Extension of works to other Municipalities. Sec. 575.
Mode of apportioning cost. Secs. 576-582.
Who to keep in repair. Secs. 583-590.
Damage done by works. Sec. 591, 592.
Drainage by private persons. Sec. 593.
Earth, etc., may be spread on road. Sec. 594.
Part of cost payable by Municipality. Sec. 595.
Construction of ditch on town line between two Municipalities. Secs. 596, 597.
Construction of works affecting several Municipalities in same County. Secs. 598, 599.
Construction of works affecting several Municipalities in different Counties—Procedure. Secs. 600-611.
Cost of local improvements. Secs. 612-628.
Sweeping, watering and lighting streets. Sec. 629.

Drainage Works.

569. In case the majority in number of the persons, as shewn by the last revised assessment roll, to be the owners (whether resident or non-resident) of the property to be benefited in any part of any township, city, town or incorporated village, petition the council for the deepening or straightening of any stream, creek, or water-course, or for draining of the property (describing it), or for the removal of any obstruction which prevents the free flow of the waters of any stream, creek or water course, as aforesaid, or for the lowering of the waters of any lake or pond, for the purpose of reclaiming flooded land or more easily draining any lands, the council may procure an engineer or provincial land surveyor to make an examination of the stream, creek or water-course proposed to be deepened or straightened, or from which it is proposed to remove obstructions, or of the lake or pond, the waters of which it is proposed to lower, or of the locality proposed to be drained, and may procure plans and estimates to be made of the work by such engineer or surveyor, and an assessment to be made by such

Municipal councils may pass by-laws for deepening streams, etc., drainage, etc.

Examination by engineer.

Plans and estimates.

engineer or surveyor of the real property to be benefited by such work, stating as nearly as may be, in the opinion of such engineer or surveyor the proportion of benefit to be derived therefrom by every road and lot, or portion of lot; and if the council is of opinion that the proposed work, or a portion thereof, would be desirable, the council may pass by-laws:

1. For providing for the proposed work, or a portion thereof, being done, as the case may be. 46 V. c. 18, s. 570 (1). For deepening streams, etc.

2. For borrowing, on the credit of the municipality, the funds necessary for the work, although the same extends beyond the limits of the municipality (subject in that case to be reimbursed as hereinafter mentioned), and for issuing the debentures of the municipality to the requisite amount, including the costs of arbitration, if any, in sums of not less than \$100 each, and payable within twenty years from date, with interest at a rate of not less than four per centum per annum;

(a) Any council issuing debentures under the provisions of this section may include the interest on the debentures in the amount payable, in lieu of the interest being payable annually in respect of each debenture, and any by-law authorising the issue of debentures for a certain amount and interest shall be taken to authorize the issue of debentures, in accordance with this sub-section, to the same amount with interest added, if the council, by subsequent resolution, direct the treasurer to issue debentures in accordance with this section, as aforesaid; 46 V. c. 18, s. 570 (2); 49 V. c. 37, s. 20; 50 V. c. 6, s. 1. Payment of interest on debentures how made.

3. For assessing and levying in the same manner as taxes are levied, upon the real property to be benefited by the work, a special rate sufficient for the payment of the principal and interest of the debentures, and for so assessing and levying the same as other taxes are levied, by an assessment and rate on the real property so benefited (including roads held by joint stock companies or private individuals), in proportion, as nearly as may be, to the benefit derived by each lot or portion of lot and road in the locality; Levying rate or payment.

(a) The cost of any arbitration held in connection with the construction of any works under this section, the cost of the publication of by-laws, and all other expenses incidental to the construction of the works and the passing of the by-laws shall be deemed part of the cost of such works, and included in the amount to be raised by local rate; What cost to be deemed cost of works.

(b) Any person whose property has been assessed for such work may pay the amount of such assessment, less the interest, at any time before the debentures are issued, in which case the amount of debentures shall be proportionably reduced; and Proviso.

Proviso.

(c) Any agreement on the part of any tenant to pay the rates or taxes of the demised property shall not apply to or include the charges or assessments for any works under this section, unless such agreement in express terms mentions or refers to such charges or assessments, and as payable in respect of drainage works; but in cases of contracts of purchase or of leases giving the lessee a right of purchase, the said charges or assessments shall be added to the price, and shall be paid (as the case may be) by the purchaser, or by the lessee in case he exercises such right of purchase;

For providing how assessment be paid. 4. For regulating the times and manner in which the assessment shall be paid;

For ascertaining the property liable to the rate. 5. For determining what real property will be benefited by the works, and the proportion in which the assessment should be made on the various portions of lands so benefited, and subject in every case of complaint by the owner or person interested in any property assessed, (whether of overcharge, or undercharge of any other property assessed, or that property which should be assessed has been wrongfully omitted to be assessed,) to proceedings for trial of such complaint and appeal therefrom, in like manner, as nearly as may be, as on proceedings for the trial of complaints to the Court of Revision under *The Assessment Act*;

Rev. Stat. c. 193, ss. 64, 65.

Mode of assessing property.

6. The engineer or surveyor in assessing the real property to be benefited by any works to be executed under this section, need not confine his assessment to the part of a lot actually drained, but, in order that the portion to be rated may be conveniently ascertained, may make such assessment on the whole lot, or on the half, quarter, or other described part of the lot, if the person owning the part actually drained owns the whole lot, or owns such half, quarter, or other described part of the lot;

How proportion of benefit may be shewn.

7. The proportion of benefit to be derived from any works, by different parcels of land or roads may be shewn by the engineer or surveyor by placing sums of money opposite such parcels and roads, and it shall not be deemed to have been necessary to state the fraction of the cost to be borne by each parcel or road;

Petition for draining lands by embanking, etc.

8. The council shall have the like power, and the provisions of this section shall apply in cases where the work can be effectually accomplished only by embanking, pumping or other mechanical operations, but in such cases the council shall not proceed except upon the petition of two-thirds of the owners above mentioned in this section. 46 V. c. 18, s. 570 (2, part, 3-8).

Injury to low lying land.

9. In cases provided for in the next preceding sub-section, the council may pass by-laws for assessing and defraying the

annual cost of maintaining the necessary works upon the lands and roads to be benefited thereby, according to the provisions of this Act; and may do all things necessary, and pass all requisite and proper by-laws, and enter into all proper contracts for maintaining and giving full effect to said works; and all the provisions of this and the following sections to section 632 inclusive, shall be applicable, so far as possible to the draining of lands under sub-section 8 of this section; except that the council of the municipality may, on the petition of two-thirds of the owners appearing by the last revised assessment roll to be assessed for work mentioned in said sub-section, pass a by-law relieving the municipality from all liability under the provisions of section 586; and after such last mentioned by-law shall have been passed, the provisions of said section 586 shall not apply to any of the works mentioned in said sub-section and set forth and designated in said last mentioned by-law. 46 V. c. 18, s. 570 (9); 49 V. c. 37, s. 21.

Section 597, on the only to apply during the will of the council.

10. Trial of such complaints shall be had in the first instance by and before the Court of Revision of the municipality in which the lands or roads lie, which Court the council shall from time to time as the occasion may require, hold on some day not earlier than twenty nor later than thirty days from the day on which the by-law was first published, notice of which shall be published with the by-law during the first three weeks of its publication; and all notices of appeal shall be served upon the clerk of the municipality at least eight days prior to such Court of Revision; but the Court of Revision may though such notice be not given permit the appeal to be heard on such conditions as to giving notice to all persons interested and otherwise as may seem just. 46 V. c. 18, s. 570 (10); 50 V. c. 29, s. 38.

Court of Revision to have primary jurisdiction.

11. Such Court shall be constituted in the same manner and have the same power as Courts of Revision under *The Assessment Act*;

Power of. Rev. Stat. c. 193, ss. 55-63.

12. In case of any such complaint, the clerk with whom the roll is deposited shall transmit to the Court of Revision a certified copy of so much of the said roll as relates to such municipality;

Transmission of assessment roll.

13. The appeal from the Court of Revision shall be to the Judge, or junior or acting Judge, of the County Court of the county within which such municipality is situate;

Appeal to county judge.

14. In case of appeal to the Judge, junior or acting Judge of the County Court, he shall have the same powers and duties and the clerk of the municipality shall have the same powers and duties, as nearly as may be, as they have respectively upon appeals from the Court of Revision under *The Assessment Act*;

Powers of judge on appeal. Rev. Stat. c. 193, ss. 68-74.

Variations in assessment on complaint or appeal.

15. In case, on any such complaint or appeal, the assessment is varied in respect of the property which is the subject of the complaint or appeal, the Court or Judge, as the case may be, shall vary *pro rata* the assessment of the said property, and of the other lands and roads benefited as aforesaid, without further notice to the persons interested therein, so that the aggregate amount assessed shall be the same as if there had been no appeal; and the Judge, or in case there is no appeal to the Judge, the Court of Revision, shall return the roll to the municipal clerk from whom it was received, and the assessors shall prepare and attest a roll in accordance with their original assessment as altered by such revision;

Works to which this section applies.

16. The provisions of this section shall be deemed to extend to the re-execution or completion of any works which have been executed or have been partly or insufficiently executed under any provision of any Act of this Legislature, or of the Parliament of the Province of Canada, and to any works which it may be deemed expedient to dig, construct, or make for the purposes aforesaid, or any of them, provided that the stream, lake, or pond is, for the purposes hereof, within the jurisdiction of this Legislature; 46 V. c. 18, s. 570 (11-16).

Appointment of commissioners to carry out drainage works.

17. In order the better to maintain and operate works constructed under the provisions of sub-section 8 of this section, the council may pass by-laws appointing one or more commissioners from among those whose lands are assessed for the construction of such works, and the commissioners so appointed shall have full power to enter into all such necessary and proper contracts for the purchase of fuel, repairs of buildings and machinery, and may do all other things necessary to facilitate the successful operation of such works as may be set forth in the by-law appointing such commissioners; 48 V. c. 39, s. 25.

Provision where obstruction is situate outside of municipality.

18. Where any obstruction within the meaning of the provisions of this section, is wholly situate or existing beyond the limits of the municipality, the same shall for all purposes, and with respect to every provision of this Act, be deemed and taken to be an obstruction, situate and existing partly within and partly without the limits of the municipality, and as if the proposed work or operations in connection therewith, or with the removal thereof, were to be done and performed in part within the limits of the municipality; and in part to be continued and extended beyond such limits, and all the provisions of this Act, shall be held and deemed to apply and operate accordingly;

Removal of artificial structures.

19. Where such obstruction is occasioned by or is a dam or other artificial structure, the council shall be deemed to have full power to acquire, with the consent of the owner thereof, and upon payment of such purchase money as may be mutually agreed upon, the right and title to remove the same, wholly or

'in part; and any amount so paid or payable as purchase money, shall be deemed part of the cost of the works under this section in connection with the removal of such obstruction, and shall be dealt with and provided with accordingly;

20. The two preceding sub-sections are to be taken as ^{Application} applying only to cases where the obstruction is actually situate ^{of sub-ss. 18} or existing in a municipality next adjoining to the municipality ^{and 19.} mentioned in such sub-sections; 49 V. c. 37, s. 22.

21. To remove doubts it is hereby declared and enacted ^{Removal of} that where the obstruction referred to in this section is ^{obstructions} occasioned by, or is a dam or other artificial structure, and is ^{in rivers.} situate wholly within the municipality, the council shall be deemed to have full power to acquire, with the consent of the owner thereof, and upon payment of such purchase money as may be mutually agreed upon, the right to remove the same, wholly or in part; and any amount so paid or payable as purchase money, shall be deemed part of the cost of the works under this section in connection with the removal of such obstruction, and shall be dealt with and provided for accordingly, and where the lands benefited are situated partly in the said municipality and partly in the next adjoining municipality, the special rate sufficient for the payment of the principal and interest of the debentures and the assessment and levying of the same shall be made, levied, and paid over by the said municipality, and the said next adjoining municipality, in such proportions as the said engineer or surveyor may determine and charge upon the lands aforesaid, and in like manner and to the same extent, as nearly as may be, as is provided for by this Act where the lands benefited are situated wholly within the municipality. 50 V. c. 29, s. 54.

570.—(1) The by-law shall, *mutatis mutandis*, be in the ^{Form of by-} form or the effect following: ^{law.}

A BY-LAW to provide for draining parts of (or, for deepening of in or as the case may be) the Township of _____, and for borrowing, on the credit of the municipality, the sum of _____ for completing the same.

Provisionally adopted the _____ day of _____, A.D.

Whereas a majority in number of the owners, as shewn by the last revised assessment roll, of the property hereinafter set forth to be benefited by the drainage (or deepening, or as the case may be), have petitioned the Council of the said Township of _____, praying that (here set out the purport of the petition, describing generally the property to be benefited.)

And whereas, thereupon the said Council procured an examination to be made by _____, being a person competent for such purpose, of the said locality proposed to be drained (or the said stream, creek, or water-course proposed to be deepened, or as the case may be), and has also procured plans and estimates of the work to be made by the said _____ and an assessment to be made by him of the real property to be benefited by such drainage (or deepening, or as the case may be), stating, as nearly as he can, the proportion of benefit which, in his opinion, will be derived in

consequence of such drainage (or deepening, or as the case may be), by every road and lot, or portion of lot, the said assessment so made, being the assessment hereinafter by this by-law enacted to be assessed and levied upon the lots and parts of lots hereinafter in that behalf specially set forth and described, and the report of the said _____ in respect thereof, and of the said drainage (or deepening, or as the case may be), being as follows: (here set out the report of the Engineer or Surveyor employed.)

And whereas, the said Council are of opinion that the drainage of the locality described (or the deepening of such stream, creek, or water-course, or as the case may be) is desirable:

Be it therefore enacted by the said Municipal Council of the said Township of _____ pursuant to the provisions of *The Municipal Act*.

1st. That the said report, plans and estimates be adopted, and the said drain (or deepening, or as the case may be) and the works connected therewith be made and constructed in accordance therewith.

2nd. That the Reeve of the said Township may borrow on the credit of the Corporation of the said Township of _____ the sum of _____, being the fund necessary for the work, and may issue debentures of the Corporation to that amount, in sums of not less than \$100 each, and payable within _____ years from the date thereof, with interest at the rate of _____ per centum per annum, that is to say, in (insert the manner of payment, whether in annual payments or otherwise), such debentures to be payable at _____, and to have attached to them coupons for the payment of interest.

3rd. That for the purpose of paying the sum of \$475, being the amount charged against the said lands so to be benefited as aforesaid, other than lands (or roads, or lands and roads) belonging to the Municipality, and to cover interest thereon for (ten) years at the rate of (five) per cent. per annum, the following special rates, over and above all other rates, shall be assessed and levied (in the same manner and at the same time as taxes are levied) upon the undermentioned lots and parts of lots; and the amount of the said special rates and interest assessed as aforesaid against each lot or part of lot respectively shall be divided into _____ equal parts, and one such part shall be assessed and levied as aforesaid, in each year, for _____ years after the final passing of this by-law, during which the said debentures have to run.

Concession.	Lot or Part of Lot.	Acres.	Value of Improvement.	To cover Interest for (10) years at (5) per cent.	Total Special Rate.	Annual Assessment during each year for (10) years.
			\$ cts.			
10		5 200	75 00			
"	S. $\frac{1}{2}$ 6	100	50 00			
"	N. $\frac{1}{2}$ 6	50	30 00			
"	S.W. $\frac{1}{2}$ 8	100	80 00			
"		9 200	150 00			
"	S. $\frac{1}{2}$ and N. $\frac{1}{2}$ 10	150	90 00			
			475 00			
Chargeable to Municipality for roads (or lands, or roads and lands).....			120 00			
			595 00			

4th. For the purpose of paying the sum of \$120, being the total amount assessed as aforesaid against the said roads (or lands, or roads and lands) of the said Municipality, and to cover interest thereon for (ten) years at the rate of (five) per cent. per annum, a special rate of _____ in the dollar shall, over and above all other rates, be levied (in the same manner and at the same time as taxes are levied) upon the whole ratable property in the said Township of _____ in each year for the period of _____ years, after the date of the final passing of this by-law, during which the said debentures have to run.

(2) In the event, of the assessment being altered by the Court Amendment of Revision or Judge, the by-law shall, before being finally of by-law. passed, be amended so as to correspond with such alteration by the Court of Revision or Judge (as the case may be). 46 V. c. 18, s. 571 ; 49 V. c. 37, s. 24.

(3) In case the council shall finally pass the by-law before Provision the time for appealing to the Judge has expired, or while an where by-law appeal is pending before him, the Judge shall, notwithstanding passed before such by-law has been passed, proceed and determine the appeal; appeal deter- and if he varies the assessment, the council shall by an amend- mined. ing by-law alter the by-law in accordance with the variation in the assessment made by the Judge. 49 V. c. 37, s. 23.

571.—(1) Before the final passing of the by-law it shall be Publication of published, once, or oftener, in every week for four weeks in such drainage by- newspaper published either within the municipality or in the laws. county town, or in a public newspaper published in an adjoining local municipality, as the council may designate by resolution, together with a notice that any one intending to apply to have the by-law or any part thereof quashed, must, not later than ten days after the final passing thereof, serve a notice in writing upon the reeve or other head officer, and upon the clerk of the municipality, of his intention to make application for that purpose to the High Court, at Toronto, during the six weeks next ensuing the final passing of the by-law. 46 V. c. 18, s. 572 (1); 49 V. c. 37, s. 25.

(2) The council may, at their option, instead of such By-law may publication in a newspaper, direct by resolution that a copy of be served on the by-law and notice, written or printed, or partly written and property own- partly printed, be served upon each of the several owners, their ers, instead of lessees or occupants, or upon the agent or agents of such own- published. ers, to be left at their places of residence with some grown up member of the family, or where the land is unoccupied and the owner or owners, or their agent or agents do not reside within the municipality, may cause to be sent by registered letter to the last known address of such owner or owners, a copy of the by-law and notice, and the by-law shall not be finally passed until after the expiration of three weeks from the last of such services, and the clerk shall keep on file in his office a statutory declaration or declarations by the party or parties making the service or services, and the manner in which the same were effected. 46 V. c. 18, s. 572 (2). See sec. 622.

If no application to quash made in time specified, by-law to be valid, notwithstanding the facts.

572.—(1) In case no notice of the intention to make application to quash a by-law is served within the time limited for that purpose in the preceding section, or if the notice is served, then, in case the application is not made or is unsuccessful the by-law shall, notwithstanding any want of substance or form, either in the by-law itself or in the time and manner of passing the same, be a valid by-law.

(2) Where the application is made, and is successful in part, so much of the by-law as is not quashed upon the application shall be valid, notwithstanding any want of substance or form aforesaid. 46 V. c. 18, s. 573.

Power to amend by-law when not sufficient means provided for completion of the work.

573.—(1) In case a by-law already passed, or which may be hereafter passed by the council of any municipality, for the construction of drainage works, by assessment upon the real property to be benefited thereby, and which has been acted upon by the construction of such works in whole or in part, does not provide sufficient means, or provides more than sufficient means for the completion of the works, or for the redemption of the debentures authorized to be issued thereunder as the same become payable, the said council may, from time to time, amend the by-law in order fully to carry out the intention thereof, and of the petition on which the same was founded, and to refund the surplus (if any) to the then owners of the land *pro rata* according to the original assessment. 46 V. c. 18, s. 574 (*); 49 V. c. 37, s. 26.

Provisions respecting by-laws passed under the preceding section.

(2) Where a by-law which has been heretofore passed, or which may be hereafter passed under the provisions of the preceding sub-section, has been or shall hereafter be published in the manner required by section 571 of this Act, or in case of a city, town or incorporated village, has been or shall be notified in the manner required by section 622, section 572 shall apply to such by-law, and any by-law passed under the said preceding sub-section need not be published unless the council sees fit; and the provisions of *The Municipal Drainage Aid Act* shall apply to any debentures issued under the authority of the said sub-section which have heretofore been or shall hereafter be purchased by the direction of the Lieutenant-Governor in Council. 46 V. c. 18, s. 574 (2).

Rev. Stat. c. 37.

When debentures not invalid though not in accordance with by-law.

574. No debenture issued or to be issued under any by-law aforesaid shall be held invalid on account of the same not being expressed in strict accordance with such by-law, provided that the debentures are for sums not in the whole exceeding the amount authorized by the by-law. 46 V. c. 18, s. 575.

When work may be extended beyond limits of municipality.

575. Where it is necessary to continue the works aforesaid beyond the limits of any municipality, the engineer or surveyor employed by the council of such municipality may continue the survey and levels into the adjoining municipality,

until he finds fall enough to carry the water beyond the limits of the municipality in which the work was commenced, and until he obtains a sufficient outlet for the water, and in every such case he may charge the lands and roads to the same extent and in the same manner as is provided by the next succeeding section. 46 V. c. 18, s. 576; 49 V. c. 37, s. 27.

576. Where the works do not extend beyond the limits of the municipality in which they are commenced, but, in the opinion of the engineer or surveyor aforesaid, benefit lands in an adjoining municipality, or greatly improve any road lying within any municipality or between two or more municipalities, then the engineer or surveyor aforesaid shall charge the lands to be so benefited, and the corporation, person or company whose road or roads are improved, with such proportion of the costs of the works as he may deem just; and the amount so charged for roads, or agreed upon by the arbitrators, shall be paid out of the general funds of such municipality or company. 46 V. c. 18, s. 577.

577. The engineer or surveyor aforesaid shall determine and report to the council by which he was employed, whether the works shall be constructed and maintained solely at the expense of such municipality, or whether they shall be constructed and maintained at the expense of both municipalities, and in what proportion. 46 V. c. 18, s. 578.

578. The engineer or surveyor aforesaid, where necessary shall make plans and specifications of the works to be constructed, and charge the lands to be benefited by the work as provided herein. 46 V. c. 18, s. 579.

579. The council of the municipality in which the deepening or drainage is to be commenced, shall serve the head of the council of the municipality into which the same is to be continued, or whose lands or roads are to be benefited without the deepening or drainage being continued, with a copy of the report, plans, specifications, assessment and estimates of the engineer or surveyor aforesaid; and unless the same is appealed from as hereinafter provided it shall be binding on the council of such municipality. 46 V. c. 18, s. 580.

580. The council of such last mentioned municipality shall, within four months from the delivery to the head of the corporation of the report of the engineer or surveyor, as provided in the next preceding section, pass a by-law or by-laws to raise such sum as may be named in the report, or in case of an appeal, for such sum as may be determined by the arbitrators, in the same manner and with such other provisions as would have been proper if a majority of the owners of the lands to be taxed had petitioned as provided in section 569 of this Act. 46 V. c. 18, s. 581.

But such municipality may appeal.

Proceedings thereon.

581.—(1) The council of the municipality into which the work is to be continued, of whose lands, road or roads are to be benefited without the work being carried within its limits, may, within twenty days from the day in which the report was served on the head of the municipality, appeal therefrom, in which case they shall serve the head of the corporation from which they received the report, with a written notice of appeal; such notice shall state the ground of appeal, the name of an engineer or other person as their arbitrator, and shall call upon such corporation to appoint an arbitrator in the matter on their behalf, within ten days after the service of such notice.

(2) When it is proposed to continue the deepening or drainage from the municipality in which the same is to be commenced into another municipality, and when through misapprehension or mistake the council served with the report, plans and specifications of the engineer or surveyor, omits to appeal therefrom within twenty days, the Judge of the County Court of the county in which the municipality so served as aforesaid is situated may, upon application at any time before the drainage works have been already commenced or the contract let for the same, or the debentures have been actually issued under the said by-law, after the said twenty days have elapsed, by order, grant permission to appeal, upon such terms and conditions, as to costs and otherwise, as he deems just and reasonable, within a time to be limited by him in the order; or the other council or councils interested may, by resolution waive the lapse of the said time, and in either of such cases the proceedings for appeal shall be the same as would have been required if the appeal had been gone on with in the proper time.

(3) The summons to shew cause why an appeal should not be allowed shall not be returnable in less than seven days from the service thereof, and the council or councils shall have power to amend any by-law or by-laws which may have been passed as shall become necessary or proper, by reason of the appeal or the result thereof. 46 V. c. 18, s. 582 (1-3).

Arbitrators shall be appointed, etc.

582. The arbitrators shall be appointed by the parties in manner hereinbefore provided by the sections of this Act with reference to arbitration, and shall proceed as therein directed; but in no case shall the engineer or surveyor employed to make surveys, plans and specifications, nor any ratepayer or person interested in the construction of any such works be appointed or act as arbitrator. 46 V. c. 18, s. 583.

Each municipality to contribute to maintaining the work in proportions fixed by engineer.

583.—(1) After such work is fully made and completed, it shall be the duty of each municipality, in the proportion determined by the engineer or arbitrators (as the case may be), or until otherwise determined by the engineer or arbitrators, under the same formalities, as nearly as may be, as provided in

the preceding sections, to preserve, maintain and keep in repair the same within its own limits, either at the expense of the municipality, or parties more immediately interested, or at the joint expense of such parties and the municipality, as to the council upon the report of the engineer or surveyor may seem just. 46 V. c. 18, s. 584 (1).

(2) Any such municipality neglecting or refusing so to do upon reasonable notice in writing being given by any person interested therein, and who is injuriously affected by such neglect or refusal, may be compellable by *mandamus*, to be issued by any Court of competent jurisdiction, to make from time to time the necessary repairs to preserve and maintain the same; and shall be liable to pecuniary damage to any person who, or whose property is injuriously affected by reason of such neglect or refusal. 47 V. c. 32, s. 18. Compelling municipalities to make necessary drainage repairs.

(3) The deepening, extending or widening of a drain in order to enable it to carry off the water it was originally designed to carry off, shall be deemed to be a work of preservation, maintenance, or keeping in repair within the meaning of this section; provided the cost of such extension does not exceed the sum of \$200, and in every case when it exceeds that amount, proceedings shall be taken under the provisions of section 585. 48 V. c. 39, s. 26 (2); 50 V. c. 29, s. 47. Repair and maintenance, what deemed.

584. After any works undertaken under section 598 are fully made and completed, it shall be the duty of each minor municipality to preserve, maintain and keep in repair the same within its own limits, in accordance with the requirements of the preceding section, which shall be applicable thereto. 46 V. c. 18, s. 585. Duty of minor municipalities as to repairing works.

585. In any case wherein the better to maintain any drain constructed under the provisions of this Act, or of *The Ontario Drainage Act* and amendments thereto, or of *The Ontario Drainage Act of 1873*, or of any other Act respecting drainage works and local assessment therefor, or of *The Municipal Drainage Aid Act* or to prevent damages to adjacent lands, it shall be deemed expedient to change the course of such drain, or make a new outlet, or otherwise improve, extend or alter the drain, the council of the municipality, or of any of the municipalities whose duty it is to preserve and maintain the said drain, may on the report of an engineer appointed by them to examine and report on such drain, undertake and complete the alterations and improvements or extensions specified in the report under the provisions of sections 569 to 582 inclusive, without the petition required by section 569. 46 V. c. 18, s. 586; 47 V. c. 32, s. 19; 48 V. c. 39, s. 27; 49 V. c. 37, s. 28, 50 V. c. 29, s. 39. Power to change course of drain, make new outlet, etc. Rev. Stat. caps. 36, 37.

Works not extended beyond municipality commencing same, etc., or which do not benefit any other municipality, to be maintained by municipality commencing same.

When work has been paid for out of funds of municipality repair may be charged on property benefited.

Assessment may be changed.

Repair and maintenance, what deemed.

Repayment of advances.

Application of ss. 583, 586 and 589. Rev. Stat. Caps. 36, 37.

586.—(1) In any case wherein after such work is fully made and completed, the same has not been continued into any other municipality than that in which the same was commenced, or wherein the lands or roads of any such other municipality are not benefited by such work, it shall be the duty of the municipality making such work to preserve, maintain and keep in repair the same at the expense of the lots, parts of lots and roads, as the case may be, as agreed upon and shewn in the by-law when finally passed.

(2) In any case where similar work has been constructed out of the general funds of the municipality, the council may, without petition, on the report of an engineer or surveyor, pass a by-law for preserving, maintaining and keeping in repair the same at the expense of the lots, parts of lots and roads, as the case may be, benefited by such work, and may assess such lots, parts of lots and roads so benefited, for the expense thereof, in the same manner, by the same proceedings, and subject to the same right of appeal as is provided with regard to works made and completed under the provisions of this Act. 46 V. c. 18, s. 587 (1, 2); 50 V. c. 29, s. 40.

(3) The council may, from time to time, charge such assessment on the report of an engineer or surveyor appointed by them to examine and report on such work and repairs, subject to the like rights of appeal as a person charged would have in the case of an original assessment; and the said council shall appoint a Court of Revision to consider such appeals in the manner heretofore provided. 50 V. c. 29, s. 41, *part*.

(4) The deepening, extending, or widening of a drain in order to enable it to carry off the water it was originally designed to carry off, shall be deemed to be a work of preservation, maintenance, or keeping in repair within the meaning of this section; provided the cost of such extension does not exceed the sum of \$200, and in every case where it exceeds that amount, proceedings shall be taken under the provisions of section 585. 48 V. c. 39, s. 26 (2); 50 V. c. 29, s. 47.

(5) In any of the cases referred to in this and the preceding sections, any moneys that have been or may hereafter be advanced by the council of any municipality out of its general funds in anticipation of the levies to be made for the purposes of the said sections, shall be recouped to the municipality so soon as the moneys derived from the assessment shall have been made. 50 V. c. 29, s. 41, *part*.

587. The provisions of sections 583, 586 and 589 of this Act shall extend to drains constructed under the provisions of *The Ontario Drainage Act*, and amendments thereto, or of *The Ontario Drainage Act, 1873*, or of *The Municipal Drainage Aid Act*, the word "assessors" being substituted as to such drains for the word "engineer" in the third line of section 583. 48 V. c. 39, s. 26 (1).

588.—(1) In the event of any ditch, drain, creek or water-course that has been constructed or opened up under the provisions of *The Ontario Drainage Act*, or any of the amendments thereto, or under the provisions of any Act respecting drainage to be paid by local rate, becoming obstructed, so that the free flow of the water is impeded thereby, if the aforementioned obstructions have been wilfully or through negligence placed in such ditch, drain, creek, or water-course, by any party or parties through whose land, or between whose lands, such ditch, drain, creek, or water-course is situate, the party or parties causing the same shall, upon notification in writing by the council of the municipality, or an officer appointed by the council of the municipality, or an officer appointed by the council for the inspection or care of drains, remove such obstructions, and if not so removed within the time specified, the council shall, without further delay, have the same removed at the cost of the said party or parties. 46 V. c. 18, s. 588 (1); 49 V. c. 37, s. 29, *part*.

Drains to be kept free from obstructions. Rev. Stat. c. 36.

(2) If such cost is not paid by the party or parties to the person performing the same when the work is completed, the council shall pay the amount to the party performing the work; and the clerk of the municipality shall place such amount upon the collector's roll against the party or parties, as the case may be, with ten per cent. added thereto, and the same shall be collected like other taxes, subject, however, to an appeal by the said party or parties, in respect of the cost of the work, to the Judge of the County Court of the county in which the lands are situate in the same manner as is provided by section 11 of *The Ditches and Watercourses Act*. 46 V. c. 18, s. 588 (2).

Rev. Stat. c. 220.

(3) Any person or persons who shall wilfully and intentionally obstruct, fill up or injure, any drains constructed under the provisions of any of said Acts, or wilfully or intentionally cut, destroy or injure any embankment or other drainage work connected therewith, shall upon the complaint of the council of the municipality, liable to keep such drain, embankment or work in repair, and upon conviction thereof before a Justice of the Peace, be liable to a fine of not less than \$1 nor more than \$50. 49 V. c. 37, s. 29 *part*.

Penalty for obstructing drain.

589.—(1) Where the repairs, required to be made under either section 583 or section 586, are so extensive that the municipal council does not deem it expedient to levy the cost thereof in one year, the said council may pass a by-law to borrow upon the debentures of the municipality the funds necessary for the work, and shall assess and levy upon the property benefited a special rate sufficient for the payment of the principal and interest of the debentures: the by-law shall not require the assent of the electors.

Power to borrow funds for repairs to drainage works.

(2) The provisions of *The Municipal Drainage Aid Act* shall apply to any debentures issued under the authority of any such by-law, if such by-law, before it was finally passed,

Rev. Stat. c. 37.

was published or notified in the manner provided by section 571 of this Act, or, after it was passed, was promulgated in the manner authorized by section 329 of this Act. 46 V. c. 18, s. 589.

Case of drain used by another municipality.

590. If a drain already constructed, or hereafter constructed by a municipality, is used as an outlet by another municipality, company or individual, or if any municipality, company or individual by any means causes waters to flow upon and injure the lands of another municipality, company or individual, the municipality, company or individual using such drain as an outlet or otherwise, or causing waters to flow upon and injure such land, may be assessed in such proportion and amount as may be ascertained by the engineer, surveyor, or arbitrators, under the formalities, except the petition, provided in the foregoing sections, for the construction and maintenance of the drain so used as an outlet as aforesaid; or for the construction and maintenance of such drain or drains as may be necessary for conveying from such lands the waters so caused to flow upon and injure the same. 46 V. c. 18, s. 590; 49 V. c. 37, s. 30.

Disputes as to damage done by works to be referred to arbitration.

591. If any dispute arises between individuals, or between individuals and a municipality or company, or between a company and a municipality, or between municipalities, as to damages alleged to have been done to the property of any municipality, individual or company, in the construction of drainage works, or consequent thereon, then the municipality, company or individual complaining may refer the matter to arbitration, as provided in this Act; and the award so made shall be binding on all parties. 46 V. c. 18, s. 591.

Damages caused by drainage to be charged on land liable for cost of drainage. Rev. Stat. c. 36.

592. Where, on account of proceedings taken under this Act, or *The Ontario Drainage Act*, or other Acts respecting drainage works and local assessments therefor, damages are recovered against the corporation or parties constructing the drainage work, or other relief is given by any judgment or order of any Court, or any award made under this Act, all such damages, or any sum of money that may be required to enable the corporation to comply with any such judgment, order or award, made in respect thereof, shall be charged *pro rata* upon the lands and roads liable to assessment for such drainage works; provided always, that if to enable the corporation to comply with any such judgment, order or award, it shall be necessary or expedient to change the course of any drain, or to make a new outlet or otherwise improve or alter any drain or drainage works, the same shall for all purposes, and in all respects be dealt with and carried out, and all works and operations in respect thereof shall be executed and performed as if the same were alterations and improvements within the meaning of section 585, and all provisions of this

Act applying to, or in respect of any work, alteration or improvement provided for by the said section, shall apply to any work, alteration or improvement intended to be provided for by this section. 49 V. c. 37, s. 31.

593. In case any person finds it necessary to continue an underdrain into an adjoining lot or lots, or across or along any public highway, for the purpose of an outlet thereto, and in case the owner of such adjoining lot or lots, or the council of the municipality refuses to continue such drain to an outlet, or to join in the cost of the continuation of such drain, then the firstly mentioned person shall be at liberty to continue his said drain to an outlet, through such adjoining lot or lots, or across or along such highway; and in case of any dispute as to the proportion of cost to be borne by the owner of any adjoining lot or municipality the same shall be determined under the provisions of and in the same manner as is provided for the determination of similar disputes by *The Ditches and Water-courses Act*. 48 V. c. 39, s. 28. Carrying drains into adjoining lots or across highways. Rev. Stat. c. 220.

594. Where, under the provisions of sections 569 to 632 both inclusive, of this Act, a ditch is being constructed for drainage purposes along a road allowance, contracts may be made, by the municipal council so constructing, for spreading the earth taken from the ditch on the road; and if the road or any part thereof is timbered, or if stumps are in the way, the timber may be removed; and not less than twelve feet of the centre of the road shall be grubbed before the earth is spread upon it. 46 V. c. 18, s. 594. Power to contract to spread earth, etc., on making ditch for drainage.

595. The removal of the timber, grubbing and spreading of the earth, together with such portion of the cost of the ditch as the engineer or provincial land surveyor may deem just and proper, shall be charged to the municipality and paid out of its general funds. 46 V. c. 18, s. 595. Payment by municipality.

596. When it is necessary to construct such a ditch along a town line between two or more municipalities, the municipal council of either of the adjoining municipalities may, on petition, as provided for in section 569 of this Act, cause the ditch to be constructed on either side of the road allowance between the municipalities, and make the road in manner as provided in the last preceding two sections of this Act, and shall charge the lands and roads benefited in the adjoining municipality or municipalities with such proportion of the cost of constructing the said ditch as the engineer or surveyor aforesaid deems just and proper; and the amount so charged for roads, or agreed upon by the arbitrators, shall be paid out of the general funds of such municipality or municipalities. 46 V. c. 18, s. 596. Construction of ditch on town line between municipalities.

Secs. 569-632 to apply. **597.** The provisions of sections 569 to 632, both inclusive, of this Act, shall apply, as far as applicable, to such ditch. 46 V. c. 18, s. 597.

Where more than one municipality in same county, affected county council may pass by-law. **598.**—(1) Where any works proposed to be constructed in any locality under section 569 affect more than one municipality, either on account of such works passing, or partly passing, through two or more municipalities, or on account of the lowering or raising of the waters of any stream or lake, which is contemplated in the proposed scheme of drainage, either draining or flooding lands in two or more townships, the county council of the county to which such municipalities belong, upon the application of the council of any of the municipalities affected, and without any preliminary petition from the owners of the property to be benefited may pass by-laws for the purposes authorized by the said section. 46 V. c. 18, s. 598 (1).

Sections 569-574, 576, 590 and 591 to apply to work under this section. (2) Unless where contrary to this Act the provisions of sections 569 to 574, 576, 590, and 591 shall apply to any works constructed under this section; but the Court to be held for the trial of complaints in the first instance shall be composed of three or more persons, nominated by the county council for that purpose, who may or may not be members of the council as the council may deem expedient, and any three or more of the persons nominated who are present at the sittings of such Court may proceed and adjudicate upon any complaints notwithstanding the absence of one or more of the members of the Court. The engineer or surveyor who made the assessment shall not be a member of the Court of Revision. 46 V. c. 18, s. 598 (2); 49 V. c. 37, s. 33.

Where court for trial of complaints shall sit. (3) The sittings of such Court shall be held in the county town, or in such other place or places as the county council or the majority of the said Court may name. All complaints against the assessment shall be lodged with the clerk of the county. 46 V. c. 18, s. 598 (3).

County to raise necessary funds, but townships to be liable for same. **599.** The county shall raise the money necessary for the construction of the said works, but each township shall be liable to the county for the amount payable in respect of all the lands within such township, and each township shall pass such by-laws as may be requisite for collecting the amount assessed against the lands or roads within its jurisdiction. 46 V. c. 18, s. 599.

Construction of works in several counties. **600.**—(1) In case the municipalities upon which the cost of the works would fall are in several counties, any of the counties may procure an examination to be made by an engineer or Provincial land surveyor of the lands affected by the proposed works, and may procure plans of the work, and estimates to be made of the cost thereof, including an estimate of the amount

to be paid for damages, if any, and an assessment to be made by such engineer or Provincial land surveyor of the real property to be benefited, stating as nearly as may be in the opinion of such engineer or surveyor, the proportion of benefit to be derived from such works by every road and lot or portion of lot.

(2) Any municipality may agree to indemnify the county, in respect of the expenses incurred in the case of the works not being proceeded with. 46 V. c. 18, s. 600. Municipality may agree to indemnify county.

601. The council shall thereupon, if it considers it desirable to proceed with the work, pass a resolution to this effect, and shall cause a copy of the said report to be published at least once in newspapers published in the county towns of the several counties affected, or in newspapers published in the said county towns as have newspapers, but it shall not be necessary that such report shall be published in more than one paper in one county town, and shall cause to be served a copy of the report, plans, specifications, estimates and assessment upon the warden of each of the other counties affected. 46 V. c. 18, s. 601. If work approved by council report to be published, and copies of plans, etc., served on warden of each county.

602.—(1) In case ten of the owners of the property assessed, within ten days of the first publication of the report in a newspaper published in the county town of the county the council of which procured the examination to be made, petition such council not to proceed with the work, such council shall, if it desires to proceed therewith, pass a by-law for taking the votes of the persons assessed, upon the question whether or not the work shall be proceeded with; such by-law shall provide for holding a polling place in each municipality affected, whether within or without the county passing the by-law; and every person whose lands are assessed, or if the lands of a married woman are assessed, then the husband of such married woman, shall be entitled to vote upon the question: Provided the person proposing to vote is of the full age of twenty-one years, and shall, if required, name the lands in respect of which he claims to be entitled to vote; and shall also, if required take the oath or affirmation following: When votes of persons assessed to be taken. Proviso.

You swear that you are of the full age of 21 years, and a natural born (or Form of oath. naturalized) subject of Her Majesty.

That you have not voted before in the township on the question now being voted upon.

That you are the owner (or as the case may be) of the lands in respect of which you claim to vote, namely (here mention the lands).

That you are, according to law, entitled to vote on the said question.

That you have not directly or indirectly, received any reward or gift, nor do you expect to receive any, for the vote which you tender.

That you have not received anything, nor has anything been promised to you, directly or indirectly, either to induce you to vote on the said question, or for loss of time, travelling expenses, hire of team, or any other service connected therewith.

That you have not directly or indirectly, paid or promised anything to any person, either to induce him to vote or to refrain from voting.

So help you God.

Deputy returning officers and proceedings at poll.

(2) The clerk of each municipality shall act as deputy returning officer at the polling place in such municipality, and the proceedings for taking the poll shall be the same, as nearly as may be, as the proceedings upon voting upon a by-law.

Who to be returning officer.

(3) The clerk of the county council which passed the by-law shall act as returning officer. 46 V. c. 18, s. 602.

Service of "requisition of appeal," and effect thereof.

603.—(1) If a vote of the owners has been taken, and they have decided in favour of proceeding with the work, or if such a vote has not been taken, then after the time for presenting a petition as aforesaid has elapsed, in case the council or councils of the county or counties upon which two-thirds of the cost of such work fall, shall have passed a resolution or resolutions to the effect that it is desirable to proceed therewith, the council which caused the survey to be made may serve upon the warden of the other county, or each of the other counties, a notice (hereinafter called a requisition of appeal) requiring such county to state whether or not it is content to accept the assessment made, as shewing the proper proportion to be borne by such county, and notifying such council that if dissatisfied with such assessment they must, within thirty days from the receipt of such notice by their warden, appeal therefrom.

Time within which notice of appeal to be served.

(2) If the council whose warden is served with a requisition of appeal do not, within thirty days of such service, serve the warden of the council from which they received the requisition with a written notice of appeal, they shall be deemed to have accepted the assessment: Provided that the High Court, or a Judge thereof, if it be shewn that the omission to serve the notice of appeal was through mistake, oversight or misadventure, may upon such terms, as to the Court or Judge seems just, relieve them, and permit them to appoint an arbitrator.

Proviso.

Parties on whom notice of appeal to be served.

(3) In case a council whose warden is served with a requisition of appeal is dissatisfied with the proportion assessed against the county, or with the proportion assessed against any other county, they shall, within thirty days of the receipt of the requisition by their warden, serve the warden of the county from which they have received the requisition with a written notice of appeal, and shall also serve each of the other counties affected with a like notice.

(4) The notice shall state the grounds of appeal, and the name of an arbitrator appointed by such council, and shall call upon the council served to appoint an arbitrator on their behalf within ten days after service of such notice. Particulars which notice is to contain.

(5) In default of an appointment, within the said term, the Judge of the County Court of the county in default shall appoint an arbitrator for such county. Appointment of arbitrator by county judge.

(6) Neither the engineer or surveyor who made the assessment, nor any officer or member of any council concerned, shall be appointed an arbitrator. Who may not be arbitrators.

(7) In case, after such council has appointed an arbitrator, there is an even number of arbitrators, such arbitrators shall select an additional arbitrator, or in case of the arbitrators not agreeing in such selection within thirty days after the completion of their number, the Lieutenant-Governor in Council may appoint such additional arbitrator. Provision in case there is an even number of arbitrators. 46 V. c. 18, s. 603.

604. The arbitrators shall, by their award, determine the proportion of the cost of such work that is to be borne by each of the minor municipalities whose lands are affected thereby. Arbitrators to apportion cost of work. 46 V. c. 18, s. 604.

605. In case of a difference between the arbitrators, the decision of the majority shall be conclusive, and the arbitrators shall make their award in so many parts as may be necessary to permit of one thereof being filed with the clerk of each of the counties interested, and one shall be filed with the clerk of each such county accordingly. Decision of majority to be binding. 46 V. c. 18, s. 605.

606. In case a majority of the arbitrators are unable within six months of their appointment, to agree, or in case, prior to the expiration of the said term they, by and instrument in writing, signed by the majority of them, declare their inability to agree upon a complete award, any of the counties interested may apply to a Judge of the High Court to appoint an umpire, and the umpire may make an award upon hearing the points in difference between the arbitrators stated by them, or may, if he deems necessary, re-hear the entire case, or such particular parts thereof as he considers requisite. Application to High Court of Justice when arbitrators unable to agree. 46 V. c. 18, s. 606.

607. Any of the minor municipalities interested may appear, by their head, or by their counsel or agent, before the arbitrators, in support of the assessment, or of any variations which they contend should be made in the proportions in which the minor municipalities are assessed. Right of minor municipalities interested to appear on arbitration. 46 V. c. 18, s. 607.

Where several counties interested, by-laws for assessment not to be passed pending appeal. **608.** In case more counties than one are concerned, no by-laws for assessing the cost of the work upon the various parcels and roads shall be passed until it is ascertained that there is not to be an appeal, or until after the award is made, where an appeal is had. 46 V. c. 18, s. 608.

After award made, or after time for appeal expired, each county to pass by-laws for raising sum required. **609.** Immediately upon an award being made, or in case there is no appeal, immediately after the time for appealing has elapsed, each county interested shall pass a by-law or by-laws to raise the sum chargeable against such county, and for assessing and levying the same, in accordance with the proportions fixed by the report of the engineer or surveyor, upon real property within the county to be benefited by the said works, and for the appointment of a court for the trial, in the first instance, of complaints against such assessment, in the same manner and be subject to the same conditions as is hereinbefore provided in respect of a county which is solely interested. 46 V. c. 18, s. 609.

Application of ss. 584, 592, 598 (2, 3), and 599. **610.** Sections 584, 592 and 599, and sub-sections 2 and 3 of section 598 shall apply to drainage works, in which several counties are interested, as well as to works which only affect one county. 46 V. c. 18, s. 610.

Powers of municipalities to be subject to cap. 199. **611.** In case any of the drainage works hereinbefore referred to, are to be carried through, across, under or along the railway of any railway company, in respect of which this Legislature has authority in this behalf, the powers of the municipal councils are, so far as regards the railway, to be exercised, subject as nearly as may be to the terms and restrictions contained in *The Railway Streets and Drains Act*. 46 V. c. 18, s. 611.

Cost of Local Improvements. Secs. 612-628.

Councils may make by-laws for— **612.** The council of every township, city, town, and incorporated village may pass by-laws for the following purposes:

Manner of ascertaining real property benefitted by local improvements. **1.** For providing the means of ascertaining and determining what real property will be immediately benefited by any proposed improvement, the expense of which is proposed to be assessed as hereinafter mentioned, upon the real property benefited thereby; and of ascertaining and determining the proportions in which the assessment is to be made on the various portions of real estate so benefited; and there shall be the same right of appeal from any such assessment, to the Court of Revision, and from the Court of Revision to the County Judge, as is provided for by section 569 of this Act, and the proceedings thereon shall, except as otherwise provided in section 622 of this Act, be the same respectively as in the case of appeals from ordinary assessments under *The Assessment Act*,

Rev. Stat. c. 193. 47 V. c. 32, s. 20; 50 V. c. 29, s. 48.

(a) It shall be deemed to have been and to be a sufficient compliance with the provisions of the preceding paragraph of this sub-section, if the Council shall have passed or shall pass a general by-law or general by-laws, providing the means of ascertaining and determining what real property will be immediately benefited by any proposed improvement, the expense of which is proposed to be assessed upon the real property immediately benefited thereby, and of ascertaining and determining the proportions in which the assessment is to be made on the various portions of real estate so benefited, and it shall not be deemed to have been, or to be, necessary to pass a special by-law for the purposes above mentioned in each particular instance; but nothing in this paragraph shall affect any litigation pending on the 30th day of March, 1885, or the rights of the parties thereto; 48 V. c. 39, s. 36.

2. For assessing and levying by means of a special rate, the cost of deepening any stream, creek, or water-course, and draining any locality, or making, enlarging or prolonging any common sewer, or opening, widening, prolonging, or altering, macademizing, grading, levelling, paving, or planking any street, lane, alley, public way or place, or any sidewalk, or any bridge forming part of a highway therein, or curbing, sodding, or planting any street, lane, alley, square, or other public place, or reconstructing, as well as constructing any work hereby provided for;

3. Nothing contained in the preceding sub-sections shall be construed to apply to any work of ordinary repair or maintenance; but all works constructed under the said preceding sub-sections shall thereafter be kept in good and sufficient state of repair at the expense of the township, city, town, or village generally; 46 V. c. 18, s. 612 (2-3); 50 V. c. 29, s. 48.

4. The special rate to be so assessed and levied shall be an annual rate according to the frontage thereof, upon the real property fronting or abutting upon the street or place whereon or wherein such improvement or work is proposed to be done or made, subject to the provisions following, namely:

(a) Unless the majority of the owners of such real property, representing at least one-tenth of the value thereof, petition the council against such assessment, within one month after the last publication of a notice of such proposed assessment, in at least two newspapers published in such township, city, town, or incorporated village, if there are two newspapers published therein; and if there are not, then in a newspaper published nearest to the proposed improvement or work, such publication to be once in each week for

two weeks; any leaseholder, the term of whose lease (including any renewals therein provided for) is not less than twenty-one years, shall be deemed an owner within the meaning of this sub-section if the lessee has therein covenanted to pay all municipal taxes on the demised property during the term of said lease; 46 V. c. 18, s. 612 (4a); 49 V. c. 37 s. 32; 50 V. c. 29, s. 48.

- (b) In the event of any such petition against any such proposed assessment, sufficiently signed, being presented to the council, no second notice of assessment for the same proposed improvement shall be given by the council within two years thereafter;
- (c) The number of the owners petitioning against the assessment and the value of the real property which they represent, may be ascertained and finally determined in such manner and by such means as are provided by by-law in that behalf. 46 V. c. 18, s. 612 (4 b, c);

Provision in case of insufficient or excessive assessment.

5. If in any case the first assessment for any local improvement proves insufficient, the council shall make a second in the same manner, and so on until sufficient moneys shall have been realized to pay for such improvements or works, and if too large a sum shall at any time be raised, the excess shall be refunded ratably to those by whom it was paid;

Regulating time and manner of levying assessments, etc.

6. For regulating the time or times and manner in which the assessments to be levied under this section are to be paid, and for arranging the terms on which parties assessed for local improvements may commute for the payment of their proportionate shares of the cost thereof in principal sums;

If funds furnished by parties.

7. For effecting any such improvement as aforesaid with funds provided by parties desirous of having the same effected; 46 V. c. 18, s. 612 (5-7).

Construction of sewers, etc. in part to be provided by council.

8. If the contemplated improvement is the construction of a common sewer having a sectional area of more than four feet, one-third of the whole cost thereof shall be provided for by the council; the council of any municipality which has not passed a by-law within and under the provisions of section 625 of this Act shall also provide, in connection with all sewers, the cost of all culverts and other works necessary for street surface drainage, and shall also provide the cost of that part of every such work improvement or service which is incurred at and is chargeable in respect of street intersections, and also that part thereof done or made opposite real property which by any general or special Act is exempt from special or local assessment;

Council to undertake works on petition of owners to be benefited.

9. Upon the receipt of a petition praying for any of the works, improvements or services mentioned in this section, signed by at least two-thirds in number of the owners of any

real property to be benefited thereby, such owners representing at least one-half in value of such real property, the council may make the necessary assessment, pass the necessary by-laws, and take all proper and necessary proceedings for the execution and completion of such work, improvement or service, with as little delay as possible; 47 V. c. 32, s. 21.

10. If the contemplated works or improvements relate to any stream, creek or watercourse, or to draining any locality, and in the opinion of the engineer or surveyor benefit any lands lying within the municipality, or any road or roads lying therein, then the engineer or surveyor aforesaid shall charge the lands to be so benefited, and the corporation, person or company whose road or roads are improved, with such proportion of the cost of the work or improvement as he may deem just; and the amount so charged for roads or agreed upon by arbitration shall be paid out of the general funds of the municipality or company, and the provisions of this Act relating to drainage, so far as applicable, shall apply to any such work or improvement constructed under this section. 48 V. c. 39, s. 29.

Lands benefited to be charged with proportion of cost of certain local improvements.

613. In ascertaining and determining the cost of draining any locality or making and laying or prolonging any common sewer, the council of any township, city, town or incorporated village, may estimate the cost of the construction of branch drains to the line of street, and include the cost of such branch drains in making the assessment for such drains or common sewers, as a local improvement pursuant to the last preceding section. 50 V. c. 29, ss. 48, 49.

Cost of sewers

614. The council of every township, city, town, and incorporated village may, by by-law, provide an equitable mode of assessing for local improvements works and services, corner lots, triangular or other irregular shaped pieces of land situate at the intersections or junctions of streets, having due regard to the situation, value and superficial area of such lots, as compared with adjoining lots and pieces of land assessable for such improvements, works and services, and may charge the amount of any allowance, made on any such lot or piece of land, on the other real property fronting on the improvements, or assume the same as a portion of the municipality's share of the work or improvements; the said matters to be subject to appeal to the County Court Judge as already provided. 46 V. c. 18, s. 613; 50 V. c. 29, s. 48.

Assessment of corner lots, etc., for local improvements.

615. It shall and may be lawful for the council of any township, city, town, or incorporated village by a two-thirds vote of the council to pass by-laws to remit and refund so much of the special rates imposed prior to the 30th day of March 1885, on corner lots and irregular pieces of land for the construction of pavements and sidewalks under local improvement by-laws as may be necessary to equalize the assessment made

Refund of part of special rate for local improvements imposed on corner lots, etc.

on such property with the assessment made on adjoining properties for the same improvement or work, and to provide the amount of all rates so remitted or refunded by passing by-laws for borrowing money by the issue of debentures, or by including said amounts in the rate bills for the year; provided that no such remission or refund shall be made in any case where the work or improvement shall have been made or constructed more than four years before the passage of the by-law authorizing the refund or remission. 48 V. c. 39, s. 35; 50 V. c. 29, s. 48.

616. In any case when notice of a proposed improvement, work or service, to be paid for by special assessment as a local improvement, has been given by any council of any municipality pursuant to the provisions of chapter 174 of the Revised Statutes of Ontario, 1877, or of *The Consolidated Municipal Act*, 1883, or any amending Act or Acts, and no petition sufficiently signed has been presented to the said council or to the succeeding council against such proposed improvement, work or service and assessment within the time limited in that behalf by the said Acts, it shall be lawful for the said council, in the same or any succeeding year, to carry on the proposed work, improvement or service to completion, before making the assessment therefor; and such notice, so given, shall stand good as authority for undertaking any such work, improvement or service, and making such assessment or assessments, and passing all necessary by-laws, whether the same shall have been or shall be undertaken and completed by the council giving such notice, or by the council in any succeeding year. 49 V. c. 37, s. 40.

617. Where the lands, on either side of a street, lane, or alley in a city, town or incorporated village, in the opinion of the council, are from any cause unfit for building purposes, and the council deem it inequitable to assess the same for local improvements at as high a rate as the building lots fronting on said street, lane or alley, the council shall, in all such cases, determine in what proportion the cost of any such improvement shall be borne by the lands on each side of said street, lane, or alley, respectively. 46 V. c. 18, s. 614.

618.—(1) Where it shall, in the opinion of the council of any township, city, town or incorporated village, be deemed expedient and necessary to construct or repair bridges or culverts on any street, lane or alley, or to open up and extend any street, lane or alley within the limits thereof for the more immediate convenience or benefit of any locality within such limits, and the council is of opinion that from any cause it is inequitable to charge the whole of the cost of the improvement on the lands fronting thereon, the council shall determine what lands are benefited by the extension, opening up and improving such street, lane, or alley, and the proportion in which the cost thereof shall be

adjoining to provided by doben- for the be made ve been assage of 39, s. 35;

ovement, s a local icipality Revised pal Act, fficiently the suc- work or at behalf il, in the ed work, king the and good ement or d passing been or ing such 37, s. 40.

lane, or pinion of poses, and local im- onting on ch cases, improve- id street,

e council llage, be r repair y, or to within the or benefit cil is of arge the s fronting benefited eet, lane, f shall be

assessed against the lands so benefited, and also the proportion, if any, of the cost of the improvement, which shall be assumed by the township, city, town or incorporated village as its share thereof: provided always that the share or proportion of the cost of such improvement assumed by the municipality may be provided for by the issue of debentures upon the credit of the municipality at large in like manner as in the case of the share of the municipality of other local improvements: provided, also that all assessments made under the above provisions shall be subject to an appeal to the Judge of the County Court in like manner as in the case of other special assessments for local improvements, under the provisions of this Act. 48 V. c. 39, s. 33; 50 V. c. 29, ss. 43, 48.

(2) In any case when the council affirms by a two-thirds vote thereof that the constructing, erecting, or making of any bridge, culvert or embankment, benefits the municipality at large, and that it would be inequitable to raise the whole cost of such improvement or work by local special assessments, the council may pass a by-law for borrowing monoy by the issue of debentures upon the credit of the municipality at large to provide as the corporation's share of the cost of such improvement or work an amount not exceeding one-half of the whole cost thereof; and no such by-law shall require the assent of the electors before the final passing thereof. 50 V. c. 29, s. 43,

619. If in the case of the construction or repair of a bridge or culvert, or the opening up and extension of any street, lane, or alley, the council shall determine what real property other than that fronting or abutting upon the street, lane, or alley, whereon or wherein the improvement is made, or to be made, is specially benefited, and ought to be charged with a part of the cost thereof, and shall determine the proportion in which the cost of the improvement shall be assessed against the lands so benefited, the council shall assess and levy the proportion of the cost of the improvement chargeable against the lands benefited, but not fronting or abutting upon such street, lane, or alley, by a frontage rate, in like manner as the same would be assessed and levied in the case of lands fronting or abutting upon the street, lane, or alley, whereon or wherein the improvement is made or to be made. 48 V. c. 39, s. 34.

Assessment of lands benefited by improvements where land does not front on street which improvement made.

620. The council may permit the owner or owners to build or improve the sidewalk in front of his or their lands, and any street, lane, or alley, within a township, city, town, or incorporated village, under the direction of the council or an officer thereof appointed for that purpose, and according to such plans and regulations as the council may prescribe, in which case the owners or occupants of such lands shall be exempt from all taxes for improvements of a like nature so long as he or they shall keep the same in repair to the satisfaction of the council. 46 V. c. 18, s. 616; 50 V. c. 29, s. 48.

Council may permit owners to build or improve sidewalks in front of their lands.

Power to borrow funds for local improvements.

621.—(1) For the purpose of enabling councils to avoid the necessity of making supplementary assessments, or refunding in case of over assessments, and of ascertaining the exact cost of any work or improvement, done or constructed, as a local improvement under the provisions of this Act, they may and they are hereby authorized and empowered to make agreements with any bank, or any person or body corporate for temporary advances and loans until the completion of the work or improvement, for meeting the cost thereof, and they may and they are hereby authorized and empowered in their option to make the special assessments for the cost thereof, after the work or improvement, as the case may be, shall have been completed, and to pass the necessary by-law authorizing the issue of debentures to repay the amount of the temporary loan or advance.

Time for repayment of loans.

(2) Every by-law for borrowing money shall provide for the repayment of the loan and the maturing of debentures to be issued pursuant to such by-law, within the probable life of the work or improvement for which such debt has been incurred, as certified by the engineer, or other proper officer, to be appointed by the council for that purpose.

Where special assessments are irregular, new assessments may be made.

(3) If, in any case a debt has been incurred by the municipality for any work or improvement done or constructed under the provisions of this Act, and after the incurring of the said debt the special assessment for such work or improvement or the by-law providing for borrowing money therefor, be set aside or quashed, either wholly or in part, on the ground of any irregularity or illegality in the making of such assessment or passing such by-law, it shall be lawful for the council, and they are hereby authorized, to cause a new assessment or assessments to be made, and to pass a new by-law, so often as may be necessary to provide funds for the payment of the debt so incurred for such work or improvement: Provided always that nothing herein contained shall be construed as authorizing any assessment to be made, or work or improvement to be undertaken, except the same be initiated in some one of the three methods by law provided, namely:

- (a) Either on the report of the engineer or other sanitary officer, and of a committee of the council, recommending the proposed work or improvement for sanitary or drainage purposes adopted by the council; or
- (b) On a petition of the owners of the real property benefited, or
- (c) After due notice, as above provided, of the proposed assessment, and no petition of the owners of the real property benefited, against the proposed assessment, sufficiently signed, being presented to the council within the time limited therefor.

(4) Any real property specially assessed by any council for any local improvement or work under this Act, and real property where such improvement or work has been done with moneys provided by the owners of such real property, and real property the owners of which have constructed their own works and improvements, which would otherwise have been constructed by the municipality as local improvements, shall be exempted by the council from any general rate or assessment for the like purpose, except the cost of works and improvements at the intersection of streets, and except such portion of the general rate as may be imposed to meet the cost of works and improvements opposite real property which is exempt from such special assessments, and the general rate which may be imposed to meet the cost of maintenance and repairs on works and improvements constructed under local improvement by-law. 46 V. c. 18, s. 617.

622.—(1) No by-law passed by the council of a township, city, town or incorporated village, under the provisions of sections 569, 570, or 612 of this Act, shall require to be advertised or published by the said council in any newspaper, but a written or printed, or partly written and partly printed, notice of the sitting of the Court of Revision for the confirmation of every such special assessment shall be given to the owners, lessees and occupants, or the agents of the owners, lessees and occupants, of each parcel of real estate included in such by-laws and assessment. 46 V. c. 18, s. 618 (1); 50 V. c. 29, s. 48.

(2) Every such notice shall contain a general description of the property in respect of which the same is given, the nature of the proposed improvements, work or service, the estimated total cost thereof, the amount of the assessment on the particular piece of property, and the time and manner in which the same is payable, and shall be signed by the clerk, or the assessment commissioner, or other officer to be appointed by the council for the purpose, and be mailed to the address of the person entitled to notice, at least fifteen days before the day appointed for the sittings of the said Court, and ten days' notice shall also be given by publication in some newspaper, having a general circulation, of the time and place of the meeting of the said Court, which notice shall specify generally what such assessment is to be for and the total amount to be assessed. 46 V. c. 18, s. 618 (2); 50 V. c. 29, s. 44.

623.—(1) Where a by-law passed under the provisions of section 612 of this Act provides, or is intended to provide, that the special rate assessed thereunder shall be a frontage rate, it shall not be necessary to comply with the provisions of subsection 1 of the said section, or to advertise or publish the by-law, or to comply with the provisions of the next preceding section of this Act, but it shall be sufficient if the by-law describe the street or place or part thereof, whereon or wherein

Property charged with local improvements to be exempt from general rates for same purpose.

By-laws need not be advertised, but notice of the sitting of the court of revision shall be served on owners, lessees, etc.

General description in by-laws under s. 612, sufficient where special rate is a frontage rate.

the local improvement is to be made by a general description thereof, stating the points between which it is to be made, and it shall not be necessary for such by-law to state the value of the real property ratable thereunder, or to impose a rate upon such real property, by any description other than that hereinbefore mentioned.

(2) In cases to which the next preceding sub-section applies, the council shall procure a measurement of the frontage liable to the rate mentioned therein, and of the frontages exempt from taxation, and of the frontages of the several lots or parcels of land liable to such rate, and shall keep a statement of the same open for inspection in the office of the clerk of the municipality for at least ten days before the final passing of the by-law, and the council shall also cause to be inserted in a public newspaper published within the municipality, or in the county town, or in a public newspaper published in the nearest municipality in which a public newspaper is published, once a week for two successive weeks, a notice in the form following or to the like effect:

Take notice that a by-law is intended to be passed by the Municipal Council of the Corporation of the _____ of _____ for levying a frontage rate to pay for the *(describing the work)* constructed *(or made)* or to be constructed *(or made)* *(as the case may be)* on _____ street, between *(describing the points between which the work has been or is to be made or constructed)* and that a statement shewing the lands liable to pay the said rate and the names of the owners thereof, so far as they can be ascertained from the last revised assessment roll, is now filed in the office of the Clerk of the Municipality, and is open for inspection during office hours.

The cost of the work is \$ _____ of which \$ _____ is to be provided out of the general funds of the Municipality.

A Court of Revision will be held on _____ at _____ for the purpose of hearing complaints against the proposed assessment or accuracy of the frontage measurements or any other complaint which persons interested may desire to make, and which is by law cognizable by the Court.

Dated _____

Clerk.

Rev. Stat. c.
193.

(3) There shall be the same right of appeal from any such assessment to the Court of Revision, and from the Court of Revision to the County Judge, as is provided in section 569 of this Act, and the proceedings thereon shall, except as otherwise provided by this Act, be the same (as nearly as practicable) as in the case of appeals from ordinary assessments under *The Assessment Act*, and the Court of Revision and the County Judge shall respectively have the like jurisdiction, rights and powers in respect to every such appeal as in the case of such last mentioned appeals.

(4) The said statement, or the same as altered or varied by the Court of Revision or the County Judge upon appeal, shall be final and conclusive as to all matters therein contained.
48 V. c. 39, s. 38.

624.—(1) Any real property specially assessed by any council for any local improvement or work under this Act, shall be exempted by the council from any general rate or assessment for the like purpose, except the cost of works at the intersection of streets, and except such portion of the general rate as may be imposed to meet the cost of like works opposite real property which is exempt from such special assessment.

Property specially assessed to be exempt from general assessment for same purpose.

(2) Where a local improvement or service is petitioned for, and the petition is by two-thirds in number of the owners of the real property fronting or abutting upon the street or place wherein or whereon such improvement or work is proposed to be done or made, the exemption may be for a specified period named in the petition and agreed to by the council.

(3) Or if, either with or without naming any period for such exemption, the petition requests an arbitration, the council may accede to the proposal for an arbitration.

(4) In case the matter is to be determined by arbitration, a sole arbitrator shall be chosen for the purpose by the county Court Judge, unless some person or persons is or are agreed to in that behalf by the petitioners and the council.

(5) Where, by reason of a special assessment, the owners are exempted from a general rate, for the like purpose, as aforesaid, the council, shall, from year to year, by by-law directing the general rate of assessment, or by some other by-law, state what proportion of the general rate is for purposes for which there is such special assessment in any part of the municipality, and shall state the same in such manner as may give effect to this section.

(6) Until a by-law is passed containing such statement, none of the money raised by general rate on real property specially assessed or rated for any work or service hereafter executed shall be applied to any work or service of the same character in any part of the municipality. 46 V. c. 18, s. 619.

625.—(1) The council of any township, city, town or incorporated village may, by by-law, passed with the assent of the electors according to the provisions of this Act, direct that all future expenditure in the municipality for the improvements and services, or for any class or classes of improvement or service, for which special provisions are made in sections 612 and 629, shall be by special assessment on the property benefited, and not exempt by law from assessment.

By-laws directing improvements to be made by local assessment.

(2) After such a by-law has been passed in manner aforesaid, it shall not be repealed without the like assent of the electors; and, in case of such repeal, the preceding section, with respect to freedom from any general rate or assessment of property which is subject to a special rate, shall apply to all property which had been specially rated or assessed for such improve-

Repeal of by-laws.

ment or service, while the repealed by-law was in force. The time the exemption is to cease, is to be determined by arbitration, and the arbitrator is to be appointed by the County Judge, on the application of the council. 46 V. c. 18, s. 620; 50 V. c. 29, s. 48.

Repairing
and cleaning
streets.

(3) Notwithstanding anything contained in sub-section 3 of section 612, after such a by-law has been passed in manner aforesaid, the council may pass a by-law or by-laws dividing the municipality into certain areas, districts or sections within which the streets or parts of streets may be maintained, repaired, cleaned, cleared of snow and ice, watered, swept, lighted and the grass therein cut and trees therein trimmed, and may impose a special rate upon the assessed real property therein, according to the frontage thereof, in order to pay any expenses incurred in maintaining, repairing, cleaning, clearing of snow and ice, watering, sweeping and lighting such streets or parts of streets, and cutting grass and trimming trees therein, or for any one or more of such services. 48 V. c. 39, s. 30.

Assessment of
places of wor-
ship for local
improve-
ments.

626. With respect to land on which a place of worship is erected, and land used in connection therewith, the municipal council may, by the by-law to be passed in that behalf, require the corporation, trustees, and other persons in whom is vested any such property, and the said property, to be assessed for any local improvement in the same manner, and to the same extent, as the other owners and land benefited by the improvement, in the following cases, namely:

1. In case a by-law is passed under the preceding section;
2. Or in case no such by-law is passed, but two-thirds of the owners of the real property to be benefited by the proposed improvement (excluding such corporation, trustees, or other persons aforesaid), representing at least one-half in value of the remaining property, petition the council to undertake the said improvement;
3. Or in case no such by-law is passed as aforesaid, but the said corporation, trustees or other persons, and two-thirds of the owners of the real property to be benefited by the proposed improvement (including the said corporation, trustees, or other persons), representing at least one-half in value of the property, including the said property so invested in the corporation, trustees, or other persons aforesaid, petition the council for the said improvement. 46 V. c. 18, s. 621.

Certain part
of improve-
ments may be
charged on
general rates.

627.—(1) In case of a special assessment on property benefited by local improvement, the council of the municipality (if they think fit) may, by by-law, provide for constructing, at the expense of the general funds of the municipality, such part of the local improvement as is situate upon or in that part of any street, lane, alley, public place, or square, which is intersected by any other street, lane, alley, public place, or square, or as

would otherwise fall on property exempt from assessment: and the council may provide for the cost in the general rates or taxes for the year, or by the issue of debentures, or in such other manner not inconsistent with the provisions of this Act, or any special Act, as to said council may seem best, and subject to such by-laws as the council may pass in that behalf.

(2) The by-law authorizing the issue of the debentures need not be submitted for the assent of the electors of the municipality; and the debentures being issued to pay for that part of the work payable by local assessment may, if the council thinks fit, be issued as a series distinct from those required to pay for that part which is to be borne by the general funds of the municipality, or all the debentures required for the work may be issued in one series, as "Local Improvement Debentures." This sub-section shall be deemed declaratory of the law on and from the 5th day of March, 1880. 46 V. c. 18, s. 622.

628.—(1) The council of any township, city, town, or incorporated village may pass all by-laws necessary, from time to time, to raise loans and borrow moneys required for its share of any local improvements and works, on the credit of such township, city, town, or incorporated village at large; and it shall not be necessary to obtain the assent of the electors of such township, city, town, or village to the passing of any such by-law under the provisions of this Act, any special or private Act in that behalf to the contrary notwithstanding; provided always that nothing in this section contained shall be construed as authorizing an extension of the general debt of such township, city, town, or village beyond the limits thereof fixed by any Act limiting the same.

(2) It is hereby declared that the debentures issued under local improvement by-laws on the security of special assessments therefor form no part of the general debt of any such municipality, within the meaning of any such last above-mentioned Act, and it shall not be necessary to recite the amount of such local improvement debt so secured by special rates or assessments in any by-law for borrowing money on the credit of the township, city, town, or incorporated village at large as aforesaid, but it shall be sufficient to state in any such by-law, that the amount of the general debt of the municipality as therein set forth is exclusive of local improvement debts, secured by special Acts, rates or assessments. 46 V. c. 18, s. 623; 50 V. c. 29, s. 48.

Sweeping, Lighting and Watering Streets.

629.—(1) The council of every township, city, town and incorporated village may pass by-laws for raising, upon the petition of at least two-thirds of the freeholders and householders resident in any street, square, alley or lane, representing in value one-half of the assessed real property therein, such

Provisions as to "Local Improvement Debentures."

Assent of electors not required by laws for raising municipal share of cost of local improvements.

Sweeping, lighting and watering streets.

sums as may be necessary for sweeping, watering or lighting the street, square, alley or lane, by means of a special rate on the real property therein, according to the frontage thereof, or according to the assessed value thereof when only such latter system of assessment shall have been adopted by a three-fourths vote of the full council; but the council may charge the general corporate funds with the expenditure incurred in such sweeping, watering or lighting as aforesaid. 46 V. c. 18, s. 624 (1); 50 V. c. 29, ss. 45, 48.

Special rate
may be im-
posed there-
for.

(2) The council may also, by by-law, define certain areas or sections within the municipality, in which the streets should be watered, swept and lighted, and may impose a special rate upon the assessed real property therein, according to the frontage thereof, in order to pay any expenses incurred in watering, sweeping or lighting such streets. 46 V. c. 18, s. 624 (2).

Cutting grass,
etc.

(3) The council may also include in either of the foregoing by-laws, the cutting of grass and weeds, and trimming the trees or shrubbery on any such street, square, alley or lane, and otherwise cleaning the same. 48 V. c. 39, s. 31.

Removal of
snow, ice, etc.

(4) The council may also by by-law define certain areas or sections within the municipality in which all snow, ice and dirt and other obstructions shall be removed from the sidewalks, streets, lanes or alleys, in such area or sections, and may impose a special rate upon the real property therein, according to the frontage thereof, in order to pay any expenses incurred in removing such snow, ice, dirt, or, other obstruction. 50 V. c. 29, s. 46.

DIVISION II.—TOWNSHIPS AND VILLAGES.

Light and Water. Sec. 630.

Lighting and
water-works.

630.—(1) In addition to the powers conferred upon the councils of townships and incorporated villages by sections 612 to 628, both inclusive, of this Act, the council of any such township or village, under and subject to the provisions of the said sections, may pass by-laws providing for lighting, or for the construction of water works for the purpose of fire protection.

(2) The said council may, by the same or any subsequent by-law, define by metes and bounds, or otherwise, what real property will be immediately benefited by the proposed improvement, and is to be charged with the cost thereof and may also, by such by-law, make provision for assessing and levying on the property so defined the cost of managing and maintaining the said works.

(3) Sub-section 3 of section 612 of this Act shall not apply to any works constructed under the powers by this section conferred. 46 V. c. 39, s. 32; 50 V. c. 29, s. 48.

DIVISION III.—COUNTIES.

Special rates by County Councils for local improvements in Townships. Secs. 631-633.

631. The council of every county shall have power to pass by-laws for levying, by assessment on all ratable property within any particular part of one or parts of two townships to be described by metes and bounds in the by-law, in addition to all other rates, a sum sufficient to defray the expenses of making, repairing or improving any road, bridge or other public work, lying within one township or between parts of such two townships, and by which the inhabitants of such parts will be more specially benefited, but this section shall not apply to any road, bridge or other public works within the limits of any town or incorporated village. 46 V. c. 18, s. 625.

632. No by-law under the last preceding section shall be passed, except—

1. Upon a petition signed by at least two-thirds of the electors who are rated for at least one half of the value of the property within those parts of such township which are to be affected by the by-law; nor

2. Unless a printed notice of the petition, with the names of the signers thereto, describing the limits within which the by-law is to have force, has been given for at least one month, by putting up the same in four different places within such parts of the township, and at the places for holding the sittings of the council of each township, whether it be within such parts or not, and also by inserting the same weekly for at least three consecutive weeks in some newspaper (if any there be), published in the county town, or if there is no such newspaper, then in the two newspapers published nearest the proposed work. 46 V. c. 18, s. 626.

633.—(1) A county council may, by by-law, assume or acquire any road, bridge or other public work, lying within or adjacent to one or more townships or incorporated towns or villages, and may, by by-law, raise by way of loan, a sum of money for the improvement of such road, bridge or public work, to be repaid by a special assessment on all the ratable property within the municipalities which shall be immediately benefited by such road, bridge or public work. 46 V. c. 18, s. 627 (1); 49 V. c. 37, s. 34.

(2) Such by-law shall state the amount to be raised for such work, and shall define the municipalities forming the portion of the county municipality to be affected by the by-law, and the portion of work to be performed in each municipality, and shall provide for the raising of the said amount by the issue

of debentures of the county, payable in twenty years, or by equal annual instalments of principal, with interest, and shall provide for assessing and leying upon all the ratable property, lying within the section defined in such by-law, an annual special rate sufficient for the payment of the principal and interest of the debentures.

By-law to be submitted to electors in portion of county interested.

(3) The by-law shall, if approved by a majority of the representatives in the county council of the municipalities which are defined in the said by-law, be submitted to the vote of the qualified ratepayers in the portion of the said county to be affected by said by-law who are entitled to vote on money by-laws.

By-law only to apply to those municipalities in which it has a majority of votes.

(4) In case there should be a majority of votes cast against the by-law in any one or more of the municipalities mentioned therein, although the by-law be carried, then the same shall only apply to those municipalities in which it has received a majority of the votes cast, and shall not affect the other municipalities mentioned, in any way, and the amount of money mentioned in the by-law to be raised by way of loan, shall be reduced by the proportionate amount which the said municipality or municipalities, giving a majority of votes against the by-law, would have been required to pay under the by-law.

By-law, if carried in some municipalities only, may be passed or dropped.

(5) In case there should be a majority of votes cast against the by-law in any one or more municipalities mentioned therein, although the by-law be carried, then upon the approval of the majority of the representatives in the county council of the municipalities which have given a majority of votes in favour of the by-law, the same may be read a third time and passed by the county council, or dropped altogether; but in case the by-law is finally passed, only the representatives in the county council of those municipalities giving a majority in favour of the by-law, and to be affected by the same, shall have any voice in reference to the expenditure of the money to be raised thereby.

General provisions to apply to voting, etc.

(6) In all other respects the voting on the by-laws, and the passing and subsequent proceedings thereon, shall be in accordance with the provisions of this Act. 46 V. c. 18, s. 627 (2-6).

(7) Cities and towns separated from the county may, with the approval of the ratepayers qualified to vote on money by-laws, pass similar by-laws to assist in the purchase of any toll roads, in which the cities or separated towns may be interested, or may pass by-laws abolishing the market fees charged by them, on condition that certain toll roads therein named are made free. 49 V. c. 37, s. 34, *part.*

TITLE IV.—POWERS OF MUNICIPAL COUNCILS AS
TO RAILWAYS.

Aiding railways by taking stock, etc. Sec. 634.

When head of Council to be a Director ex-officio. Sec. 635.

Townships may permit Railways to be constructed on high-ways, etc. Sec. 636.

Grouping clauses repealed. Sec. 637.

634. The council of every county, township, city, town and By-laws may incorporated village may pass by-laws—
be made for—

1. For subscribing for any number of shares in the capital Taking stock stock of, or lending to, or guaranteeing the payment of any in certain rail- sum of money borrowed by, an incorporated railway company ways or guar- to which section 18 of the statute 14 and 15 Victoria, bentsures. anteeing de- chapter 51, or sections 75 to 78 inclusive of chapter 66 of 14, 15 V. c. the Consolidated Statutes of Canada, or the equivalent sections 51, s. 12, of *The Railway Act of Ontario*, have been or may be made C. S. C. c. 66, applicable by any special Act ; ss. 75-78.

Rev. Stat. c. 170, s. 39.

2. For endorsing or guaranteeing the payment of any de- For guaran- benture to be issued by the company for the money by them teeing the borrowed, and for assessing and levying from time to time, payment of upon the whole ratable property of the municipality, a sufficient etc. debentures, sum to discharge the debt or engagement so contracted ;

3. For issuing, for the like purpose, debentures payable at For issuing such times, and for such sums respectively, not less than \$20, debentures, and bearing or not bearing interest, as the municipal council etc. thinks meet.

4. For granting bonuses to any railway company in aid of Bonuses. such railway, and for issuing debentures, in the same manner as is in the preceding sub-section provided, for raising money to meet such bonuses ;

5. For directing the manner and form of signing or endors- Form of ing any debenture so issued, endorsed or guaranteed, and of debenture. countersigning the same, and by what officer or person the same shall be so signed, endorsed or countersigned respectively ;

But no municipal corporation shall subscribe for stock, or Assent of incur a debt or liability, for the purposes aforesaid, unless the electors neces- by-law, before the final passing thereof, receives the assent of sary. the electors of the municipality in manner provided by this Act. 46 V. c. 18, s. 628. See also Cap. 170, s. 39 (3), and sec. 320 ante.

635. In case any municipal council subscribes for and In certain holds stock in a railway company under the next preceding cases, head of section to the amount of \$20,000 or upwards, the head of the council to be ex-officio a council shall be ex-officio one of the directors of the company, director. in addition to the number of directors authorized by the special

Act, and shall have the same rights, powers and duties as the other directors of the company. 46 V. c. 18, s. 629. *See also* Cap. 170, s. 39 (4).

By-laws authorizing branch railways, tram and other railways along highways. Rev. Stat. c. 170.

636. The council of every township may pass by-laws for authorizing any railway company, in case such authority is necessary to make a branch railway on property of the corporation, or on highways, under such conditions as the council sees fit, and subject to the restrictions contained in *The Railway Act of Ontario*, and any other Acts affecting such railway; and may also pass by-laws to authorize the companies or individuals to construct tramways and other railways, along any highway, on such terms and conditions as the council sees fit 46 V. c. 18, s. 630.

Grouping clauses in railway Acts passed on or before March 5, 1880, repealed.

637. So much of any enactment in private and other Acts, passed on or before the 5th day of March, 1880, as authorizes or provides for the grouping or joining together of municipalities or a municipality, or part of any municipalities or municipality with part of another municipality or parts of other municipalities for the purpose of granting municipal aid to any railway or railway company, is hereby repealed and declared to be inoperative. 46 V. c. 18, s. 631.

PART VIII.

POLICE VILLAGES.

Div. I.—FORMATION OF.

Div. II.—TRUSTEES, AND ELECTION OF.

Div. III.—DUTIES OF POLICE TRUSTEES.

DIVISION I.—FORMATION OF.

Existing Villages continued. Sec. 638.

New Police Villages—how formed. Sec. 639.

Existing police villages continued.

638. Until otherwise provided by competent authority, every existing police village shall continue to be a police village with the boundaries now established. 46 V. c. 18, s. 632.

639. On the petition of any of the inhabitants of an unincorporated village, the council or councils of the county or counties within which the village is situate may, by by-law, erect the same into a police village, and assign thereto such limits as may seem expedient. 46 V. c. 18, s. 633.

DIVISION II.—TRUSTEES, AND ELECTIONS THEREOF.

- Existing Trustees continued.* Sec. 640.
Trustees three in number. Sec. 641.
Qualification required for. Secs. 642, 643.
Electors, who are. Sec. 644.
Election, where to be held. Secs. 645-647.
Returning Officer, how appointed. Sec. 645.
Election not to be held in a tavern. Sec. 647.
Nomination, how conducted. Secs. 648-650.
Polling, how conducted. Secs. 651-655.
Powers of Returning Officer. Sec. 656.
Tenure of office. Sec. 657.
Return of Voters' lists, etc. Sec. 658.
Vacancies, how filled. Sec. 659.
Inspecting Trustees, how appointed. Sec. 660.

640. The trustees of every police village existing when this Act takes effect, shall be deemed the trustees of every such village as continued under this Act. 46 V. c. 18, s. 634.

641. The trustees of every police village shall be three in number. 46 V. c. 18, s. 635.

642. The persons qualified to be elected police trustees shall be such persons as reside within the police village within two miles thereof, and are eligible to be elected township councillors, and are qualified in respect of property for which they are rated in such police village to the amount required so to qualify them. 46 V. c. 18, s. 636.

643. If there are not six persons qualified under the preceding section, any person entitled to vote at the election may be elected. 46 V. c. 18, s. 637.

644. Any township elector, rated on the last assessment roll for such property in a police village as entitles him to vote in respect thereof at the municipal election for the township, shall be entitled to vote at the election for police trustees. 46 V. c. 18, s. 638.

Place for holding first election, etc.

645. The council by which a police village is established shall, by the by-law establishing the same, name the place in the village for holding the first election of police trustees, and the returning officer therefor. 46 V. c. 18, s. 639.

Place for holding subsequent elections, etc.

646. In a police village, after the first election, the trustees thereof, or any two of them, shall, from time to time, by writing under their hands, appoint the returning officer, and the place or places within such village for holding nominations and elections. 46 V. c. 18, s. 640.

No election to be held in a tavern.

647. No election of police trustees shall be held in a tavern, or in a house of public entertainment licensed to sell spirituous liquors. 46 V. c. 18, s. 641.

Nomination meeting.

648.—(1) A meeting of the electors shall take place for the nomination of candidates for the offices of police trustees, in each police village, at noon on the last Monday in December, annually, at such place therein as is from time to time fixed by the trustees.

Provision for Christmas day.

(2) When the last Monday in December happens to be Christmas day, the meeting shall be held on the preceding Friday. 46 V. c. 18, s. 642.

Who to preside.

649. The returning officer (or, in his absence, a chairman to be chosen) shall preside at such meeting, of which the police trustees shall give at least six days' notice. 46 V. c. 18, s. 643.

If no more candidates than offices.

650. If only three candidates are proposed and seconded, the returning officer or chairman shall, after a lapse of one hour, declare such candidates duly elected. 46 V. c. 18, s. 644.

If more, and poll demanded.

651. If more than the necessary number of candidates are proposed, the returning officer or chairman shall adjourn the proceedings until the first Monday in January, when a poll or polls shall be opened for the election, at nine o'clock in the morning, and shall continue open until five o'clock in the afternoon, and no longer. 46 V. c. 18, s. 645.

Election.

Notice of persons proposed to be posted.

652. The returning officer or chairman of the meeting shall, on the day following that of the nomination, post up in the office of the clerk of the township, if it is situated in such police village, and if not, then in some other public place in such police village, the names of the persons nominated at such meeting; and shall, if a poll is necessary, demand in writing from the clerk of the township, or clerks of the townships, a list of the names of the persons appearing by the assessment roll to be entitled to vote in the said police village, such as is required to be furnished under the next succeeding section. 46 V. c. 18, s. 646.

List of voters to be obtained.

653. The clerk of the township, or clerks of the townships in which any police village is situated, shall, at latest on the day previous to the day for opening the poll, deliver to the returning officer of such police village a list of the names, according to the form by law prescribed in the case of other municipal elections, of the persons entitled to vote at township municipal elections, in respect of real property situate, or income received in the said police village, or in the portion thereof in the municipality of such clerk, and shall attest the said list by his solemn declaration in writing under his hand. 46 V. c. 18, s. 647.

Clerk of township to furnish alphabetical list of voters.

654. The various sections of this Act relating to the proceedings at the nomination and election of township councilors, including those relating to the questions to be put and oaths to be administered to electors, and as to the appointment of a chairman or returning officer, in case the person appointed is absent, and also the provisions respecting controverted elections and for the prevention of corrupt practices, shall apply and be acted on, unless where a different provision is herein made, in the election of police trustees. 46 V. c. 18, s. 648.

Except where otherwise provided, same proceedings, etc., to be had as at elections, etc., of councilors, etc.

655. In case a casting vote is required to determine an election, the returning officer, whether otherwise qualified or not, shall give a casting vote for one or more of such candidates, so as to decide the election, and except in such case the returning officer shall not vote at such election. 46 V. c. 18, s. 649.

Casting vote.

656. The returning officer shall have the like powers for the preservation of the peace as are given to returning officers and deputy returning officers at municipal elections. 46 V. c. 18, s. 650.

Powers of returning officer.

657. The persons elected shall hold office until their successors are elected or appointed and sworn into office and hold their first meeting. 46 V. c. 18, s. 651.

Term of office.

658. Every returning officer shall, on the day after the close of the poll, return the ballot papers, voters' list and other documents relating to the election, to the clerk of the township in which the village is situated, or in case the village lies in several townships, then to the clerk of the county, verified under oath before such clerk, or before any Justice of the Peace for the county or union of counties in which the village lies, as to the due and correct taking of the votes. 46 V. c. 18, s. 652.

Returning officer to return ballot papers, etc., to clerk of township, verified under oath.

659. In case of a vacancy in the office of a police trustee by death or otherwise, the remaining trustee or trustees shall, by writing to be filed with such clerk as aforesaid, appoint a trustee or trustees to supply the vacancy. 46 V. c. 18, s. 653.

Filling vacancies.

A ppointment of inspecting trustees. **660.** The trustees of every police village, or any two of such trustees, shall, by writing under their hands, to be filed with the clerk of the township, or in case the village lies in several townships, with the clerk of the county, appoint one of their number to be inspecting trustee. 46 V. c. 18, s. 654.

DIVISION III.—DUTIES OF POLICE TRUSTEES.

Oaths of office and Qualification. Sec. 661.

First Meeting of. Sec. 662.

Expenses of, how provided for. Secs. 663-666.

Regulations to be enforced by Trustees. Sec. 667.

Prevention of Fire. (1-12)

Gunpowder. (13, 14)

Nuisances. (15).

Penalties. Secs. 668-670.

Neglect of duty by Trustees, how punishable. Sec. 669.

Limitation of actions for penalties. Sec. 670.

Oath of office and qualification. **661.** Every police trustee shall take oaths of office and qualification in the same manner and within the time prescribed for township councillors, under like penalties in case of default. 46 V. c. 18, s. 655.

When first meeting to be held. **662.** The trustees of every police village shall hold their first meeting at noon on the third Monday of the same January in which they are elected, or on some day thereafter at noon. 46 V. c. 18, s. 656.

Expenditure, how provided for. **663.** The trustees, at any time previous to the first day of June, may require the council of the township or townships in which the police village is situated to cause to be levied along with the other rates, upon the property liable to assessment in such village, such sums as they may estimate to be required to cover the expenditures for that year in respect of matters coming within their duties, and to cover any balance for expenditures incurred during the year then last past, such sum not to exceed one cent in the dollar on the assessed value of such property. 46 V. c. 18, s. 657.

Where village in two or more townships. **664.** In case the village is situated in two or more townships, the trustees shall require a proportionate amount from each, according to the value of the property of the village in each township, as shewn by the last equalized assessment rolls. 46 V. c. 18 s. 658.

665. The township treasurer shall from time to time, if he has moneys of the municipality in his hands not otherwise appropriated, pay any order given in favor of any person by the inspecting trustee, or by any two of the trustees, to the extent of the amount required to be levied as aforesaid, although the same may not have been then collected. 46 V. c. 18, s. 659.

666. No trustee shall give such order in favour of any person except for work previously actually performed, or in payment of some other executed contract. 46 V. c. 18, s. 660.

667. The trustees of every police village shall execute and enforce therein the regulations following:

Prevention of Fire.

1. Every proprietor of a house more than one story high shall place and keep a ladder on the roof of such house near to or against the principal chimney thereof, and another ladder reaching from the ground to the roof of such house, under a penalty of \$1 for every omission; and a further penalty of \$2 for every week such omission continues.

2. Every householder shall provide himself with two buckets for carrying water in case of accident by fire, under a penalty of \$1 for each bucket deficient.

3. No person shall build any oven or furnace unless it adjoins and is properly connected with a chimney of stone or brick at least three feet higher than the house or building in which the oven or furnace is built, under a penalty not exceeding \$2 for non-compliance.

4. No person shall pass a stovepipe through a wooden lath partition or floor, unless there is a space of four inches between the pipe and the woodwork nearest thereto; and the pipe of every stove shall be inserted in to a chimney; and there shall be at least ten inches in the clear between any stove and any lathed partition or woodwork, under a penalty of \$2.

5. No person shall enter a mill, barn, outhouse or stable with a lighted candle or lamp, unless well enclosed in a lantern, nor with a lighted pipe or cigar, nor with fire not properly secured under a penalty of \$1.

6. No person shall light or have a fire in a wooden house, outhouse, unless such fire is in a brick or stone chimney, or in a stove of iron or other metal, properly secured, under a penalty of \$1.

7. No person shall carry fire or cause fire to be carried into or through any street, lane, yard, garden or other place, without having such fire confined in some copper, iron or tin

Payment of orders given by trustees, etc.

Following regulations to be enforced:

For providing ladders, etc.

Penalty.

Fire buckets.

Penalty.

As to furnaces, etc.

Penalty.

Stove pipes, etc.

Penalty.

Lights in stables, etc.

Penalty.

Chimneys.

Penalty.

Securing fire

carried through streets, etc.

Penalty. vessel, under a penalty of \$1 for the first offence, and of \$2 for every subsequent offence.

Lighting fires on streets. 8. No person shall light a fire in a street, lane or public place, under a penalty of \$1.
Penalty.

Hay, straw, etc. 9. No person shall place hay, straw or fodder, or cause the same to be placed, in a dwelling-house, under a penalty of \$1 for the first offence, and of \$5 for every week the hay, straw or fodder is suffered to remain there.
Penalty.

Ashes, etc. 10. No person, except a manufacturer of pot or pearl ashes, shall keep or deposit ashes or cinders in any wooden vessel, box or thing not lined or doubled with sheet-iron, tin or copper, so as to prevent danger of fire from such ashes or cinders, under a penalty of \$1.
Penalty.

Lime. 11. No person shall place or deposit any quick or unslacked lime in contact with any wood of a house, outhouse or other building, under a penalty of \$1, and a further penalty of \$2 a day until the lime has been removed, or secured to the satisfaction of the inspecting trustee, so as to prevent any danger of fire.
Penalty.

Charcoal furnaces. 12. No person shall erect a furnace for making charcoal of wood, under a penalty of \$5.
Penalty.

Gunpowder.

Gunpowder, how to be kept. 13. No person shall keep or have gunpowder for sale, except in boxes of copper, tin or lead, under a penalty of \$5 for the first offence, and \$10 for every subsequent offence.
Penalty.

Not to be sold at night. 14. No person shall sell gunpowder, or permit gunpowder to be sold in his house, storehouse or shop, outhouse or other building, at night, under a penalty of \$10 for the first offence, and of \$20 for every subsequent offence.
Penalty.

Nuisances.

Certain nuisances prohibited. 15. No person shall throw, or cause to be thrown, any filth or rubbish into a street, lane or public place, under a penalty of \$1, and a further penalty of \$2 for every week he neglects or refuses to remove the same after being notified to do so by the inspecting trustee, or some other person authorized by him. 46 V. c. 18, s. 662.

Penalties.

Who to sue for penalties. 668. The inspecting trustee, or in his absence, or when he is the party complained of, one of the other trustees, shall sue for all penalties incurred under the regulations of police herein

established, before a Justice of the Peace having jurisdiction And before in the village and residing therein, or within five miles there- whom.
of; or if there be no such Justice then before any Justice of the Peace having jurisdiction in the village; and the Justice shall hear and determine such complaint in a summary manner, and Conviction and levy of a penalty.
may convict the offender, upon the oath or affirmation of a credible witness, and cause the penalty, with or without costs, as he may see fitting, to be levied by distress and sale of the goods of the offender, to be paid over to the path-master or path-masters of the division or divisions to which the village belongs, or to such of the said path-masters as the trustees may direct; and such path-master or path-masters shall apply the penalty to the repair and improvement of the streets and lanes of the village, under the direction of the trustees: 46 V. c. 18, s. 663.

669. Any police trustee who wilfully neglects or omits to prosecute an offender at the request of any resident householder of the village offering to adduce proof of an offence against the regulations of police herein established, or who wilfully neglects or omits to fulfil any other duty imposed on him by this Act, shall incur a penalty of \$5. 46 V. c. 18, s. 664. Penalty for breach of duty by trustees.

670. The penalties prescribed by the next preceding section, or by that for the establishment of regulations of police, shall be sued for within ten days after the offence has been committed or has ceased, and not subsequently. 46 V. c. 18, s. 665. When prosecutions to be commenced.

CONFIRMING AND SAVING CLAUSES.

671. Nothing herein contained shall be taken or construed to affect or repeal so much of the schedules in either of the Municipal Corporation Acts of 1849 and 1850 as defines the limits or boundaries of any cities or towns, being Schedule B of the Act of 1849, numbers 2, 3, 4, 6, 7, 8, 9, 10 and 11, and Schedule C of the same Act, numbers 1, 2 and 3, and Schedule B of the Act of 1850, numbers 1, 5, 12, 13, 14 and 15; and also so much of Schedule D of said Act of 1849 and 1850 as relates to Amherstburgh, and also so much of section 203 of the said Act of 1849, and so much of any other sections of either of the said Acts relating to any of the schedules thereof as have been acted upon, or as are in force and remain to be acted upon at the time this Act takes effect, and all proclamations and special statutes by or under which cities and other municipalities have been erected, so far as respects the continuing the same and the boundaries thereof, shall continue in force. 46 V. c. 18, s. 666. Exceptions from repeal. Boundaries of cities and towns. Amherstburgh. Proclamations. Special Acts.

Rev. Stat. c. 672. Nothing herein contained shall affect *The Act respecting the establishment of Municipal Institutions in the Districts of Algoma, Muskoka, Parry Sound, Nipissing, Thunder Bay and Rainy River.* 46 V. c. 18, s. 667.
 185, not affected.

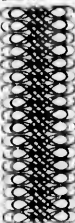
SCHEDULE A.

(Section 123.)

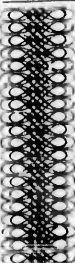
FORM OF BALLOT PAPER.

(1. *In the case of Cities.*)

FORM FOR MAYOR.

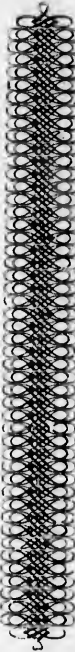
 Election for the Members of the Municipal Council of the City of _____, Ward No. _____, Polling Subdivision No. _____, day of January, 18 _____.	FOR MAYOR.	ALLAN. Charles Allan, King Street, City of Toronto, Merchant.
		BROWN. William Brown, City of Toronto, Banker.

FORM FOR ALDERMAN.


 Election for the Members of the Municipal Council of the City of _____, Ward No. _____, Polling Subdivision No. _____, day of January, 18 _____.	FOR ALDERMAN.	ARGO. James Argo, City of Toronto, Gentleman.
		BAKER. Samuel Baker, City of To- ronto, Baker.
		DUNCAN. Robert Duncan, City of To- ronto, Printer.

(2. In the case of Towns divided into Wards.)

FORM FOR MAYOR, REEVE AND DEPUTY REEVE.


 <p>Election for the Members of the Municipal Council of the Town of _____, Ward _____, No. _____, Polling Subdivision No. _____ day of January, 18 _____.</p>	FOR MAYOR.	<p>THOMPSON. <input checked="" type="checkbox"/></p> <p>Jacob Thompson, of the Town of Barrie, Merchant.</p>
		<p>WALKER.</p> <p>Robert Walker, of the Town of Barrie, Physician.</p>
	FOR REEVE (if any).	<p>BROWN.</p> <p>John Brown, of the Town of Barrie, Merchant.</p>
		<p>ROBINSON. <input checked="" type="checkbox"/></p> <p>George Robinson, of the Town of Barrie, Merchant.</p>
	FOR DEPUTY REEVE (if any).	<p>ARMOUR.</p> <p>Jacob Armour, of the Town of Barrie, Pumpmaker.</p>
		<p>BOYD. <input checked="" type="checkbox"/></p> <p>Zachary Boyd, of the Town of Barrie, Tinsmith.</p>

FORM FOR COUNCILLORS.


 <p>Election for the Members of the Municipal Council of the Town of _____, Ward No. _____, Polling Subdivision No. _____ day of January, 18 _____.</p>	FOR COUNCILLOR	<p>BULL. <input checked="" type="checkbox"/></p> <p>John Bull, of the Town of Barrie, Butcher.</p>
		<p>JONES.</p> <p>Morgan Jones, of the Town of Barrie, Grocer.</p>
		<p>McALLISTER.</p> <p>Allister McAllister, of the Town of Barrie, Tailor.</p>
		<p>O'CONNELL. <input checked="" type="checkbox"/></p> <p>Patrick O'Connell, of the Town of Barrie, Milkman.</p>

(3. In the case of Townships divided into Wards.)

FORM FOR REEVE.

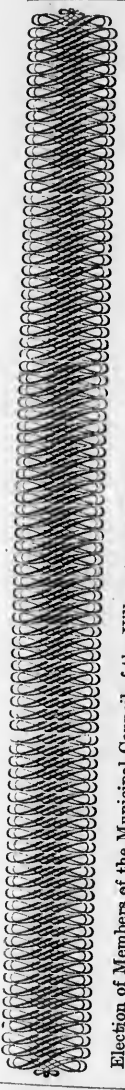
 <p>Election of Members of the Municipal Council of the Township of _____, in the County of _____, Ward No. _____, day of January, 18 _____.</p>	<p>FOR REEVE.</p>	<p>BARDELL.</p> <p>Thomas Bardell, of the Township of Peel, Yeoman.</p>
		<p>SNODGRASS.</p> <p>Alfred Snodgrass, of the Township of Peel, Yeoman.</p>

FORM FOR COUNCILLORS.

 <p>Election of Members of the Municipal Council of the Township of _____, in the County of _____, Ward No. _____, day of January, 18 _____.</p>	<p>FOR COUNCILLOR.</p>	<p>BULL.</p> <p>John Bull, of the Township of York, Doctor of Medicine.</p>
		<p>JONES.</p> <p>Morgan Jones, of the Township of York, Farmer.</p>
		<p>McALLISTER.</p> <p>Allister McAllister, of the township of York, Farmer.</p>
		<p>O'CONNELL.</p> <p>Patrick O'Connell, of the Township of York, Lumber Merchant.</p>
		<p>RUAN.</p> <p>Malachi Ruan, of the Township of York, Farmer.</p>
		<p>SCHULTZE.</p> <p>Gottfried Schultze, of the Township of York, Farmer.</p>
		<p>WASHINGTON.</p> <p>George Washington, of the Township of York, Gentleman.</p>

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ball
Recy

(4. In the case of Incorporated Villages and Townships not divided into Wards.)

 <p>Election of Members of the Municipal Council of the Village (or Township of _____, in the County of _____), Polling Subdivision No. _____, day of January, 18 _____.</p>	FOR REEVE.	BROWN. John Brown, of the Village of Weston, Merchant.
		ROBINSON. George Robinson, of the Village of Weston, Physician.
	FOR DEPUTY REEVE (if any).	ARMOUR. Jacob Armour, of the Village of Weston, Pumpmaker.
		BOYD. Zachary Boyd, of the Village of Weston, Tinsmith.
	FOR COUNCILLOR.	BULL. John Bull, of the Village of Weston, Butcher.
		JONES. Morgan Jones, of the Village of Weston, Grocer.
		McALLISTER. Allister McAllister, of the Village of Weston, Tailor.
		O'CONNELL. Patrick O'Connell, of the Village of Weston, Milkman.

NOTE.—In any case where there are two or more Deputy Reeves, the ballot paper will make provision accordingly, naming them as first Deputy Reeve, second Deputy Reeve, etc.

SCHEDULE B.

(Sections 126 and 146.)

DIRECTIONS FOR THE GUIDANCE OF VOTERS IN VOTING.

The voter will go into one of the compartments, and with the pencil provided in the compartment, place a cross, thus X, on the right hand side, opposite the name or names of the candidate or candidates for whom he votes, or at any other place within the division which contains the name or names of such candidate or candidates.

The voter will then fold up the ballot paper so as to shew the name or initials of the Deputy Returning Officer (or Returning Officer, as the case may be) signed on the back, and leaving the compartment will, without shewing the front of the paper to any person, deliver such ballot so folded to the Deputy Returning Officer (or Returning Officer, as the case may be) and forthwith quit the polling place.


If the voter inadvertently spoils a ballot paper, he may return it to the Deputy Returning Officer (or Returning Officer, as the case may be) who will, if satisfied of such inadvertence, give him another ballot paper.


If the voter votes for more candidates for any office than he is entitled to vote for, his ballot paper will be void so far as relates to that office, and will not be counted for any of the candidates for that office.

If the voter places any mark on the paper by which he may afterwards be identified, his ballot paper will be void, and will not be counted.

If a voter takes a ballot paper out of the polling place, or deposits in the ballot box any other paper than the one given to him by the officer, he will be subject to imprisonment for any term not exceeding 6 months, with or without hard labour.

In the following forms of Ballot Paper, given for illustration, the Candidates are, for Mayor, JACOB THOMPSON and ROBERT WALKER; for Reeve, JOHN BROWN and GEORGE ROBINSON; for Deputy Reeve, JACOB ARMOUR and ZACHARY BOYD; and for Councillors, JOHN BULL, MORGAN JONES, ALLISTER McALLISTER and PATRICK O'CONNELL; and the elector has marked the first paper in favour of JACOB THOMPSON for Mayor, GEORGE ROBINSON for Reeve, and ZACHARY BOYD for Deputy Reeve, and has marked the second paper in favour of JOHN BULL and PATRICK O'CONNELL for Councillors:

 <p>Election for the Members of the Municipal Council of the Town of Ward No. , Polling Subdivision No. day of January, 18</p>	FOR MAYOR.	THOMPSON. Jacob Thompson, of the Town of Barrie, Merchant. X
		WALKER. Robert Walker, of the Town of Barrie, Physician.
	FOR REEVE (if any).	BROWN. John Brown, of the Town of Barrie, Merchant.
		ROBINSON. X George Robinson, of the Town of Barrie, Merchant.
	FOR DEPUTY REEVE (if any).	ARMOUR. Jacob Armour, of the Town of Barrie, Pumpmaker.
		BOYD. X Zachary Boyd, of the Town of Barrie, Tinsmith.

 <p>Election for the Members of the Municipal Council of the Town of , Ward No. , Polling Subdivision No. day of January, 18</p>	FOR COUNCILLOR.	BULL. X John Bull, of the Town of Barrie, Butcher.
		JONES. Morgan Jones, of the Town of Barrie, Grocer.
		McALLISTER. Allister McAllister, of the Town of Barrie, Tailor.
		O'CONNELL. X Patrick O'Connell, of the Town of Barrie, Milkman.

SCHEDULE C.

(Sections 129, 130, 131, 132 and 303).

FORM IN WHICH THE VOTERS' LIST TO BE FURNISHED TO DEPUTY RETURNING OFFICERS IS TO BE PREPARED.

Column for mark indicating that the voter has voted.	NAMES OF THE VOTERS.	Description of Property in respect of which the voter is entitled to vote.	Freeholder, Householder, Tenant, Farmers' Son, or Income Voter.	Residence of voter.	Objections.	Sworn or affirmed.	Refusal to swear or affirm.	Mayor and Reeve.	Councillor.	REMARKS.

NOTE.—In Cities, the column above headed "Mayor and Reeve," will be headed "Mayor," and the column above headed "Councillors" will be headed "Aldermen." In Townships and Villages, the column above headed "Mayor and Reeve" will be headed "Reeve." 46 V. c. 18, Sched. C.

SCHEDULE D.

(Section 135.)

CERTIFICATE AS TO ASSESSMENT ROLL.

Election to the Municipal Council of the
of 18 .

I, A. B., Clerk of the Municipality of , in the County
of , do hereby certify that the assessment roll for this
Township (or as the case may be) of upon which the voters'
list to be used at this election is based, was returned to me by the Assessor
for said Township (or as the case may be) on the day of
, 18 , and that the same was finally revised and cor-
rected on the day of , 18 .

Dated this day of , 18 .

A. B.,
Clerk.

46 V. c. 18, Sched. D.

SCHEDULE E.

(Section 149.)

FORM OF DECLARATION OF INABILITY TO READ, ETC.

I, A. B., of , being numbered on the voters' list for
polling sub-division No. , in the City (or as the case may be) of
and County of , being a legally qualified elector for the said City
(or as the case may be) of , do hereby declare that I am unable to
read (or that I am from physical incapacity unable to mark a voting paper,
as the case may be)

The day of , A. D. 18 . (A. B. His x mark.)

46 V. c. 18, Sched. E.

SCHEDULE F.

(Section 149.)

FORM OF ATTESTATION CLAUSE TO BE WRITTEN UPON OR ANNEXED TO THE
DECLARATION OF INABILITY TO READ, ETC.

I, C. D., the undersigned, being the Deputy Returning Officer for poll-
ing subdivision No. , for the City (or as the case may be) of , do
hereby certify that the above (or as the case may be) declaration, having
been first read to the above named A. B., was signed by him in my pre-
sence with his mark.

(Signed) C. D.,
Deputy Returning Officer for Polling Sub-
Division No. , in the City (or
as the case may be) of

Dated this day of A. D., 18 .

46 V. c. 18, Sched. F.

NOTE.—In Cities, the column above headed "Mayor and Reeve" will be headed "Mayor and Reeve", and the column above headed "Mayor and Reeve" will be headed "Mayor and Reeve". In Townships and Villages, the column above headed "Mayor and Reeve" will be headed "Mayor and Reeve". In Cities, the column above headed "Mayor and Reeve" will be headed "Mayor and Reeve". In Townships and Villages, the column above headed "Mayor and Reeve" will be headed "Mayor and Reeve".

SCHEDULE G.

(Sections 155, 315 and 316.)

OATH OF DEPUTY RETURNING OFFICER AFTER THE CLOSING OF THE POLL.

I, *C. D.*, the undersigned Deputy Returning Officer for polling subdivision No. _____, of the City (or as the case may be) of _____, in the County of _____, do solemnly swear (or if he is a person permitted by-law to affirm, do solemnly affirm) that to the best of my knowledge the annexed voters' list used in and for the said polling subdivision No. _____ of the said City (or as the case may be) was so used in the manner prescribed by-law, and that the entries required by law to be made therein were correctly made.

(Signed), *C. D.*,
Deputy Returning Officer.

Sworn (or affirmed) before me at _____, this _____ day of _____,
A. D. 18 _____.

(Signed) *X. Y.*,
Justice of the Peace.

Or *A. B.*,
Clerk of the Municipality of _____.

NOTE.—The foregoing oath is to be annexed to the voters' list used at the election.

46 V. c. 18, Sched. G.

SCHEDULE H.

(Section 170.)

FORM OF STATUTORY DECLARATION OF SECRECY.

I, *A. B.*, solemnly promise and declare that I will not at this election of members of the Municipal Council of the City (or as the case may be) of _____, disclose to any person or persons the name of any person who has voted, and that I will not in any way whatsoever unlawfully attempt to ascertain the candidate or candidates for whom any elector shall vote or has voted, and will not in any way whatsoever aid in the unlawful discovery of the same; and I will keep secret all knowledge which may come to me of the person for whom any elector has voted.

Made and declared before me at _____, this _____ day of _____,
A. D. 18 _____.


C. D.,
Justice of the Peace (or Clerk
of the Municipality of _____).

46 V. c. 18, Sched. H.

SCHEDULE J.

(Section 295.)

FORM OF BALLOT PAPER.

 18 Voting on By-law to (here insert object of the By-law), submitted to the Council of the	FOR The By-law.
	AGAINST The By-law.

46 V. c. 18, Sched. J.

SCHEDULE K.

(Sections 298 and 300.)

I, the undersigned, *A. B.*, solemnly declare that I am a ratepayer of the Township (or as the case may be) of (*The Municipality the Council of which proposed the By-law*), and that I am desirous of promoting (or opposing, as the case may be) the passing of the By-law to (*here insert object of the By-law*), submitted to the Council of said Township (or as the case may be).

Made and declared before me this (Signature) day of *A. B.*
 A. D. 18 .

C. D.
 Head of Municipality.

46 V. c. 18, Sched. K.

SCHEDULE L.

(Section 307.)

DIRECTIONS FOR THE GUIDANCE OF VOTERS IN VOTING.

The voter will go into one of the compartments, and with the pencil provided in the compartment, place a cross (thus X) on the right hand side, in the upper space if he votes for the passing of the by-law, and in the lower space if he votes against the passing of the by-law.

The voter will then fold up the ballot paper so as to shew the name or initials of the Deputy Returning Officer (or Returning Officer, as the case


may be) signed on the back, and leaving the compartment will, without showing the front of the paper to any person, deliver such ballot so folded to the Deputy Returning Officer (or Returning Officer, as the case may be) and forthwith quit the polling place.

If the voter inadvertently spoils a ballot paper, he may return it to the Deputy Returning Officer (or Returning Officer, as the case may be), who will, if satisfied of such inadvertence, give him another ballot paper.

If the voter places on the paper more than one mark, or places any mark on the paper by which he may be afterwards identified, his ballot paper will be void, and will not be counted.

If the voter takes a ballot paper out of the polling place, or deposits in the ballot box any other paper than the one given to him by the Deputy Returning Officer (or Returning Officer, as the case may be), he will be subject to imprisonment for any term not exceeding six months, with or without hard labour.

In the following form of Ballot Paper, given for illustration, the Elector has marked his ballot paper in favour of the passing of the By-law :

18 Voting on By-law to (here insert object of the by-law) submitted to the Council of the	FOR	X
	The By-law.	
	AGAINST	
	The By-law.	

46 V. c. 18, Sched. L.

SCHEDULE M.

(Section 322.)

FORM OF STATUTORY DECLARATION OF SECRECY.

I, *A. B.*, solemnly promise and declare that, at the voting on the by-law submitted to the electors by the Council of the Township (or as the case may be) of (and the voting on which has been appointed for this day), I will not attempt in any way whatsoever unlawfully to ascertain the manner in which any elector shall vote or has voted, and will not in any way whatsoever aid in the unlawful discovery of the same ; and I will keep secret all knowledge which may come to me, of the manner in which any elector has voted.

Made and declared before me at _____, this _____ day of _____, A.D. 18 _____.

C. D.,

Justice of the Peace (or Clerk of the Municipality of _____).

46 V. c. 18, Sched. M.

AN ACT

RESPECTING THE ESTABLISHMENT OF MUNICIPAL INSTITUTIONS IN THE DISTRICTS OF ALGOMA, MUSKOKA, PARRY SOUND, NIPISSING, THUNDER BAY AND RAINY RIVER.

(Cap. 185, R. S. O., 1887.)

ORGANIZATION OF TOWNSHIPS :

- Area and population required, s. 1.
- Preliminary meeting, ss. 2-5.
- Election of first Council, ss. 6-16.
- Appointment of Clerk, etc., s. 17.

POWERS OF COUNCIL :

- General powers, ss. 18, 19.
- As to assessment, ss. 20, 21.
- Assessment appeals, ss. 22, 28.
- Assessments after the first, s. 29.
- Collection of taxes, ss. 30, 31.
- Arrears of taxes, s. 32.
- Sale of lands, s. 33.
- Liquor licenses, s. 34.
- Licensing auctioneers, etc., s. 35.
- Constables s. 36.
- Lock-up houses, s. 37.
- Other powers, s. 38.

ELECTIONS AND COUNCILS AFTER THE FIRST :

- Voters' qualification, s. 39.
- Councillors' qualification, s. 40.
- Election how conducted, s. 41.
- Nomination meeting, ss. 42-44.
- Polling, s. 45.
- Tenure of office, s. 46.
- Controverted elections, s. 47.
- Vacancies in Council, s. 48.
- Conduct of business, s. 49.
- Reeve to be a justice of the Peace, s. 50.

POLICE VILLAGES :

- Formation of, ss. 51, 52.
- Electors, s. 53.
- Trustees, s. 54.

POWERS OF LIEUTENANT-GOVERNOR AS TO ANNEXATION OR UNION, s. 55

SPECIAL PROVISIONS AS TO ALGOMA AND THUNDER BAY, s. 56.

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

1.—(1) The inhabitants of any township in any of the Municipal districts of Algoma, Muskoka, Parry Sound, Nipissing, Thunder Bay and Rainy River, having a population of not less than 100 persons, may organize themselves into a township municipality, and the inhabitants of any locality in any of the said districts not exceeding in area 20,000 acres not surveyed into a township or townships, and having a population of not less than 100 persons, may likewise organize themselves into a township municipality. 47 V. c. 33, s. 1; 48 V. c. 20, s. 7, Preamble and Sched.

(2) Provided always that any number of townships in the District of Rainy River, having in the aggregate at least 100 inhabitants, may organize themselves into a union township municipality, although the population of any one of the said

townships may not amount to one hundred persons, and the proceedings for the purposes of such organization, and all other purposes mentioned in this Act, shall, as nearly as may be practicable, be the same as are hereinafter provided for in respect of the organization of an individual township municipality, and all rights, privileges, and powers conferred upon or granted to individual municipalities organized thereunder shall extend and be applicable to such union township municipality, provided that any township forming part of such union municipality having at any time after the formation thereof a population of not less than one hundred persons may withdraw from such union, and the inhabitants thereof may organize themselves into an individual township municipality in the same manner and for all purposes under this Act, as if such township had not formed part of a union township municipality, and on such withdrawal the assets and liabilities of such township shall be determined, borne and paid in like manner as is directed by the provisions of *The Municipal Act* in regard to the withdrawal or separation of municipalities. 50 V. c. 30, s. 1.

Rev. Stat.
c. 184.

Judge or
Stipendiary
Magistrate,
upon petition,
to call a public
meeting to
form Municipi-
pality.

2. In order to constitute and establish a municipality as above provided, it shall be lawful for the District Judge in Algoma and in that part of Thunder Bay not included within Rainy River, and in Rainy River or any other of the said districts, for the Stipendiary Magistrate of the district in which such locality is situate, upon the receipt of a petition in which the limits of the proposed municipality are defined, and signed by not less than thirty inhabitants of such locality, to call a meeting by public notice of said inhabitants, to consider the expediency of erecting a municipality. R. S. O. 1877, c. 175, s. 2; 50 V. c. 8, Sched.

Petitioners to
make a de-
posit to meet
expenses of
the meeting
and election.

3. Before the Judge or Stipendiary Magistrate calls said meeting, it shall be the duty of those petitioning for the municipality, to deposit with him a sum sufficient to meet the expense of the meeting, as also of the election to be held, as hereinafter provided. R. S. O. 1877, c. 175, s. 3.

Judge or
Magistrate to
appoint chair-
man.

4. The Judge or Stipendiary Magistrate shall name some fit and competent person to preside at the meeting, who shall forthwith report the result of the same, with the votes given thereat, to the Judge or Stipendiary Magistrate, under oath, which may be administered by any Justice of the Peace. R. S. O. 1877, c. 175, s. 4.

Judge or
Magistrate to
provide for
first election.

5. Upon receiving the report of the meeting for the establishment of a municipality, the Judge or Stipendiary Magistrate shall fix a time and place for holding the first election in the proposed municipality, and shall, in the notice providing for the election, name the returning officer who shall preside

thereat; but no such municipality shall be established unless at such meeting at least thirty freeholders or householders have voted in favour thereof. R. S. O. 1877, c. 175, s. 5.

6. The officers to be elected at the said election shall be one Council, of reeve and four councillors, who shall have the same qualification as voters, and shall constitute the council of the township, the reeve being the head thereof. what officers composed. R. S. O. 1877, c. 175, s. 6.

7. The persons qualified to vote at the election shall be male British subjects of the full age of twenty-one years, being householders resident in the locality proposed to be organized into a municipality. Qualification of voters. R. S. O. 1877, c. 175, s. 7.

8. At the time and place appointed by the Judge or Stipendiary Magistrate under section 5 of this Act, the nomination of candidates shall be made in the manner provided in respect to the nomination of candidates at municipal elections. Nomination. R. S. O. 1877, c. 175, s. 8.

9. In case no more persons are nominated than are required to be elected, the returning officer shall declare such persons to be elected. Election by acclamation. R. S. O. 1877, c. 175, s. 9.

10. In case a poll is required the returning officer shall adjourn the proceedings until the same day of the following week and shall declare the place at which a poll will be opened in the locality, and shall forthwith post up in at least six of the most public and conspicuous places in the locality, a notice declaring that a poll will be held at such time and place. Notice of time and place of holding poll. R.S.O. 1877, c. 175, s. 10.

11. The returning officer shall, previous to the opening of the poll, procure a poll book, and he shall enter in such book, in separate columns, the names of the candidates proposed and seconded at the nomination, and shall, opposite to such columns, write the names of the electors offering to vote at the election and shall, in each column in which is entered the name of a candidate voted for by a voter, set the figure "1" opposite the voter's name. Poll book and how filled up. R. S. O. 1877, c. 175, s. 11.

12. In case a casting vote is required to determine an election, the returning officer, whether otherwise qualified or not, shall give a casting vote for one or more of the candidates, so as to decide the election, and except in such case, the returning officer shall not vote at any such election. Casting vote. R.S.O. 1877, c. 175, s. 12.

13. The persons elected shall hold office until their successors are elected, or appointed and sworn into office, and hold their first meeting. Term of office of first members of councils. R. S. O. 1877, c. 175, s. 13.

Oath of voters.

14. The following shall be the oath to be administered to voters at such election :

You swear (or solemnly affirm) that you are *A. B.*;

That you are a subject of Her Majesty by birth (or naturalization) ;

That you are of the full age of twenty-one years ;

That you are a householder in the locality now proposed to be organized into a Municipality ;

That you have not received anything nor has anything been promised you directly or indirectly, either to induce you to vote at this election, or for loss of time, traveling expenses, hire of team, or any other service connected with this election ;

That you have not directly or indirectly paid or promised anything to any person either to induce him to vote or refrain from voting at this election ;

So help you God.

R. S. O. 1877, e. 175, s. 14.

Declaration of election.

15. After the election, the returning officer shall return to the Judge or Stipendiary Magistrate the result of the same, and the Judge or Stipendiary Magistrate shall, as soon as may be convenient thereafter, by public notice, declare, the names of the persons so elected, who shall forthwith enter upon the duties of their office ; and the municipality shall from thenceforth be known as "The Corporation of the Municipality of _____, in the District of _____ ;" and the said reeve and councillors shall hold and continue in office until their successors are elected, as hereinafter provided. R. S. O. 1877, e. 175, s. 15.

Name of municipality.

Tenure of office of councillors.

First meeting of council.

16. The first meeting of the council shall be held at a time and place to be fixed by the Judge or Stipendiary Magistrate. R. S. O. 1877, e. 175, s. 16.

Appointment and remuneration of clerk, treasurer and collector.

17. The council shall at their first meeting, or as early as possible thereafter, appoint a clerk, treasurer and collector, who shall hold office until removed or dismissed by the council ; and the council shall also fix the remuneration to be paid said officers, by by-law to be passed for that purpose. The clerk shall, within six days after his appointment, transmit to the Provincial Treasurer notice of the formation of the municipality with a description of its boundaries or limits. R. S. O. 1877, e. 175, s. 17 ; 50 V. e. 29, s. 55.

POWERS OF COUNCILS.

Power of councils to pass by-laws.

18. The council of every municipality in any of the said districts, whether incorporated under this Act or otherwise, shall have power to pass by-laws for such purposes as are from time to time authorized to be passed by the councils of townships ; and the provisions relating to townships and their

officers of any Municipal Act from time to time in force, shall apply to such municipalities except where inconsistent with the special provisions of the Act under which the municipality was incorporated or this Act. 48 V. c. 41, s. 1.

19. The council of every such municipality shall also have power to pass by-laws in respect of the several matters named in sub-sections 47 to 49 of section 439, and in sub-sections 5, 11 to 25, 27, 28 and 34 of section 496 of *The Municipal Act*. Any such by-law may, at the option of the council be operative throughout the municipality, or only within certain defined parts thereof. 48 V. c. 41, s. 2.

Power to pass by-laws as to matters named in *The Rev. Stat. c. 184, s. 439, (47-49) and s. 496 (5, 11-25, 27, 28 and 34).*

20. The council shall, as early as convenient after their first meeting, appoint one or more assessors, who shall enter upon a roll to be provided for that purpose:

Assessors to be appointed to enter in assessment rolls,

1. The names of all the freeholders and householders in the municipality, stating at the same time on the roll the amount of all the real and personal property owned by such persons respectively, and the actual value thereof, and whether the owners are resident or not;

Freeholders and householders.

2. The names of all persons liable to taxation for income, or who, though exempt from taxation, have required their names to be entered on the said roll, in respect of such income, stating at the same time the amount of such income;

Persons taxable for income.

3. The names of all farmers' sons entitled to be assessed under the provisions of *The Assessment Act*;

Farmers' sons, *Rev. Stat. c. 193.*

and the said assessor or assessors shall duly notify the person or persons so assessed by leaving a notice at his or her place of abode, or if non-resident, by leaving the same at the nearest post-office, stating in such notice the particulars of said assessment. R. S. O. 1877, c. 175, s. 19.

Notice of assessment.

21. The said roll shall be returned to the clerk of the municipality within such time as may be provided for by any law passed by the council. R. S. O. 1877, c. 175, s. 20.

Rolls to be returned to Clerk.

22. The person or persons so assessed, if he complains of his assessment, shall within one month after the time fixed for returning the roll, give to the clerk written notice of his grounds of complaint. R. S. O. 1877, c. 175 s. 21.

Appeal against assessment.

23. The council shall, within two months after the time fixed for returning the roll, appoint a time and place for hearing said complaints as a Court of Revision, and shall, after hearing the parties complaining, as well as the assessor or assessors, and such evidence as may be adduced, alter or amend the roll accordingly. R. S. O. 1877, c. 175, s. 22.

Council to hear and determine appeals.

Appeal from
the Council to
Stipendiary
Magistrate.

24.—(1) An appeal may be had from the decision of the council in that behalf upon any complaint in respect of the said assessment or any subsequent assessment in the same manner as to the County Judge in other municipalities, and the decision of the Stipendiary Magistrate shall be final, and this appeal shall extend to any assessment for the municipality as well as to the first assessment. R. S. O. 1877, c. 175, s. 23; 46 V. c. 23, s. 1.

Appeals
under Assess-
ment Act.
Rev. Stat. c.
193.

(2) Subject to the provisions of section 76 of *The Assessment Act*, such appeals in respect of an assessment in any municipality in the district of Algoma, or in that part of the district of Thunder Bay, not included in the Rainy River district, shall be to the District Judge, and in any municipality in any of the districts of Muskoka, Parry Sound, Nipissing and Rainy River, shall be to the Stipendiary Magistrate of the district, and such appeal shall lie whether the municipality was organized under any general Act relating to municipal institutions in the said districts, or was incorporated otherwise. 49 V. c. 19, s. 5.

Time for
appealing
where deci-
sion of Court
of Revision
delayed.

25.—(1) If for any reason the decision of the Court of Revision is not given six weeks before the time limited for the return of the roll by the Judge or Stipendiary Magistrate in case of an appeal to him, then the time for the return of such roll by the Judge or Stipendiary Magistrate shall be six weeks from the day when the decision of the Court of Revision is given.

(2) The Judge or Stipendiary Magistrate may, note upon the roll that any assessment in respect of which an appeal is pending before him is undecided, and may return such roll to be acted upon in respect of the assessments which are concluded; and the said Judge or Magistrate shall thereafter certify to the clerk of the municipality his decision as to such appeal; and such certificate, whether given before or after the expiration of the said six weeks, shall have the like effect as if his decision were entered upon the roll by the said Judge or Magistrate. 46 V. c. 23, s. 2.

Notice of ap-
peal.

26. Notice of appeal shall, in all cases of appeal, be left with the clerk of the Division Court of the division in which such municipality is situated, and copies thereof shall also be left with the clerk of the municipality; and such notice shall be so given and left within the time, and the said clerks respectively shall, with regard to such appeal, perform all the duties and matters in the manner in that behalf required by law in the case of a like appeal to the County Judge as aforesaid. R. S. O. 1877, c. 175, s. 24.

Powers of
Stipendiary
Magistrate.

27. The Judge or Stipendiary Magistrate shall have the like powers and shall perform the like duties in respect of such appeals as are performed by the County Judge in like case in other municipalities. R. S. O. 1877, c. 175, s. 25.

28. The said roll when finally revised by the council, or by the Judge or Stipendiary Magistrate in case of appeal, shall be taken and held as the roll of the municipality, for all purposes, until a new roll has been made as hereinafter provided.
Revised roll to be the roll of the municipality.
 R. S. O. 1877, c. 175, s. 26.

29. The council shall, by by-law, fix the time for making the subsequent assessments in the municipality at periods not less than one nor more than three years: and the year for the purposes of this Act shall be considered as commencing on the 1st day of January thereof.
Council to fix time for making assessment.
 R. S. O. 1877, c. 175, s. 27.

30. The council may, in each year after the final revision of the roll, pass a by-law for levying a rate on all the real personal property on said roll, of not more than two cents on the dollar, to provide for all the necessary expenses of the municipality, and also such sum or sums as may be found expedient for the purposes mentioned in section 19 of this Act.
Council to levy rates.
 R. S. O. 1877, c. 175, s. 28.

31.—(1) All municipal taxes except for debenture debt levied in any township in a union formed in the District of Rainy River shall, excepting ten per centum thereof, and the costs of collection, be expended within the township in which the same are levied, on roads, bridges, and other works of the same kind, necessary for opening up and settling the said township.
Expenditure of taxes in township unions in Rainy River.

(2) The council of the said union shall be at liberty to retain and appropriate for the general and other expenses of the municipality the reservation of ten per centum and the expense of collection.
Ten per cent to be for general purposes.
 50 V. c. 30, s. 2.

32. The council shall, by by-law, fix the time for the collector making his return, and the collector shall have the same powers as are conferred on collectors by *The Assessment Act*.
The Collector, his returns and powers.
 R. S. O. 1877, c. 175, s. 29. Rev. Stat. c. 193.

33. Arrears of taxes due to any municipality in any of the said districts, shall be collected and managed in the same way as like arrears due to municipalities in counties; and the treasurer and reeve of such municipality shall perform the duties in the collection and management of arrears of taxes as are performed by the treasurers and wardens of counties; and the various provisions of law relating to sales of land for arrears of taxes or to deeds given therefor, shall, unless otherwise provided by this Act, apply to the said municipalities and to sales of land therein for arrears of taxes due thereon and to deeds given therefor.
Collection of arrears of taxes and sales of land for taxes in certain districts, etc., provided for.
 43 V. c. 28, s. 1.

34. No sale of any lands for taxes shall take place in any such municipality formed as aforesaid, except during the months of July, August, September or October; and the advertisement
Mode and time of sale for arrears of taxes.

Notices, time for. *Assessment Act* is required to be published in the *Ontario Gazette* and in a local newspaper, shall, when lands are to be sold in any such municipality for arrears of taxes, be published also once a week, for at least four weeks, in such newspaper published in the city of Toronto as the Lieutenant-Governor in Council may designate. R. S. O. 1877, c. 175, s. 31.

Council to regulate tavern licenses. **35.** The council of any municipality formed under this Act shall have the like authority in respect to taverns and shops within the municipality and the licenses therefor as the councils of townships possess under *The Liquor License Act*. R. S. O. 1877, c. 175, s. 32.

Townships and Villages in Districts to have power to license auctioneers, etc. **36.** Except in the cases of townships and villages attached or belonging to a county for municipal purposes, the councils of townships and incorporated villages in provisional judicial, temporary judicial, and territorial districts shall have power to pass by-laws for the purposes mentioned in sub-sections 2 and 3 of section 495 of *The Municipal Act*. R. S. O. 1877, 184, s. 495 (2) & (3). c. 175, s. 33.

Appointment and removal of constables. **37.** The council shall have the power to appoint one or more constables within the municipality, whose duty it shall be to enforce and maintain law and order, and who shall perform all duties appertaining to constables; and the said council shall have power, from time to time, to remove the same, for any misconduct in their office, and shall also regulate the fees to be paid said constables: but such appointment and tariff of fees shall be subject to the approval and ratification of the Stipendiary Magistrate of the said district. R. S. O. 1877, c. 175, s. 34.

Council may establish a lock-uphouse. **38.** The said council may establish and maintain a lock-up house within the municipality, and may establish and provide for the salary or fees to be paid the constable to be placed in charge of such lock-up house: but the appointment of said constable shall be ratified by the Stipendiary Magistrate of the district; and the said council shall have power to remove or suspend such constable for neglect of duty or other misconduct. R. S. O. 1877, c. 175, s. 35.

Certain sections of Rev. Stat. c. 184, to apply. **39.** In addition to the powers conferred upon said township or village municipalities by this Act, the following sections of *The Municipal Act*, shall be applicable to the said municipalities, so far as they can be adapted to the same, viz.: sections 245, 247, 248, 249, 250, 258, 263, 265, 266, 270, 271, 272, 273, 274, 275, 277, 289, 291, 329, 330, 331, 332, 333, 334, 338, 339, 348, 414, 419, 421, 422, 423, 479, 527 and 531. R. S. O. 1877, c. 175, s. 36.

ELECTIONS AFTER THE FIRST.

40. The persons qualified to vote at every election after the first shall be: Who qualified to vote.

1. Every male freeholder and resident householder whose name appears in the revised assessment roll upon which the voters' list used at the election is based, for said municipality, and who is of the full age of 21 years, and a naturalized or natural-born subject of Her Majesty; Real property

2. Every male person who resides at the time of the election in the municipality in which he tenders his vote, and has resided therein continuously since the completion of the last revised assessment roll of the municipality, and derives an income from some trade, calling, office or profession of not less than \$400 annually, and is assessed for such income in and by the revised assessment roll of the municipality, upon which the voters' list used at the election is based, and possesses the qualifications required by law other than in respect of property; Income.

3. Every person who is a farmer's son within the meaning of *The Municipal Act*, and entitled as such to vote at municipal elections, under the provisions of said Act. Farmers' sons
R. S. O. 1877, Rev. Stat. c. 184, s. 79.

41.—(1) The persons qualified to be elected as members of the council in any municipality after said first election, shall, in addition to the qualification required for voters, be assessed in the said assessment roll for at least \$200 freehold or \$400 leasehold. Qualifications of Councillor.

(2) Section 77 of *The Municipal Act* shall apply to members of a municipal council to be elected under this Act. Disqualification.

42. All elections after the first shall be conducted in the same manner as is provided for municipal elections in townships in Ontario, except so far only as otherwise enacted by this Act. Place and conduct of election.

43. A meeting of the electors shall take place for the nomination of candidates for the offices of reeve and councillors of the municipalities formed in accordance with the provisions of this Act, on the last Monday in December, annually, at such place therein as may from time to time be fixed by by-law of the council. Nomination of Reeve and Councillors.

44. When the last Monday in December happens to be Christmas Day, the nomination of candidates for the office of reeve and councillors in each of the said municipalities, shall take place on the preceding Friday, at the times and places, and in the manner prescribed by law. Nomination of day falling on Christmas Day.

Clerk to preside at nomination. **45.** The clerk of the municipality shall preside at the meeting for the nomination of candidates for the offices of reeve and councillors for such municipality, and shall be the returning officer at all elections after the first election. R. S. O. 1877, c. 175, s. 42.

Polling day. **46.** The electors of every such municipality shall elect annually, on the first Monday in January, the members of the council of the municipality, except such members as may have been elected by acclamation on the nomination day. R. S. O. 1877, c. 175, s. 43.

Term of office. **47.** The persons so elected shall hold office until their successors are elected and sworn into office. R. S. O. 1877, c. 175, s. 44.

Trial of controverted elections. **48.** The provisions of law for the trial of controverted elections, applicable to councillors of townships in counties, shall apply to the members of the council of any municipality formed under this Act. R. S. O. 1877, c. 175, s. 45.

Vacancy in Council, how filled. **49.** In case the seat of any member of the council becomes vacant by death, resignation or a continued absence from meetings of the council for a period of six months, it shall be the duty of the council to direct a new election to be held for the purpose of supplying such vacancy. R. S. O. 1877, c. 175, s. 46.

Who to preside at meetings of the Council. **50.** The reeve shall preside at all meetings of the council, and in the event of his absence the council shall choose from among their number, a person to preside, and, in such case, the said person so presiding shall have all the powers and exercise all the functions appertaining to the reeve. R. S. O. 1877, c. 175, s. 47.

Reeves to be Justices of the Peace. **51.** The Reeves of the various municipalities shall be, *ex officio*, Justices of the Peace, and shall have the like powers as are exercised by other Justices of the Peace in this Province. R. S. O. 1877, c. 175, s. 48.

POLICE VILLAGES.

Erection of police villages. **52.** On petition of thirty of the inhabitants of a village in any of the said territorial districts containing one hundred inhabitants at least, the Lieutenant-Governor in Council may, by proclamation, erect the same into a police village and assign thereto such limits as seem expedient. R. S. O. 1877, c. 175, s. 49.

Rev. Stat. c. 194, ss. 638-670, to apply to police villages. **53.** The provisions of *The Municipal Act* relating to police villages or their officers shall apply to the police villages erected under the preceding section, except where inconsistent with this Act. R. S. O. 1877, c. 175, s. 50.

54. The electors of any such police village shall be required to have the same qualification in respect to such village as the electors of the said township municipalities; and the elections for police trustees shall be held on the same days and in the same manner as elections for councillors. R. S. O. 1877, c. 175, s. 51.

55. Any elector of such police village resident therein may be elected as a police trustee, unless disqualified on account of holding an office inconsistent with the position of police trustee. R. S. O. 1877, c. 175, s. 52.

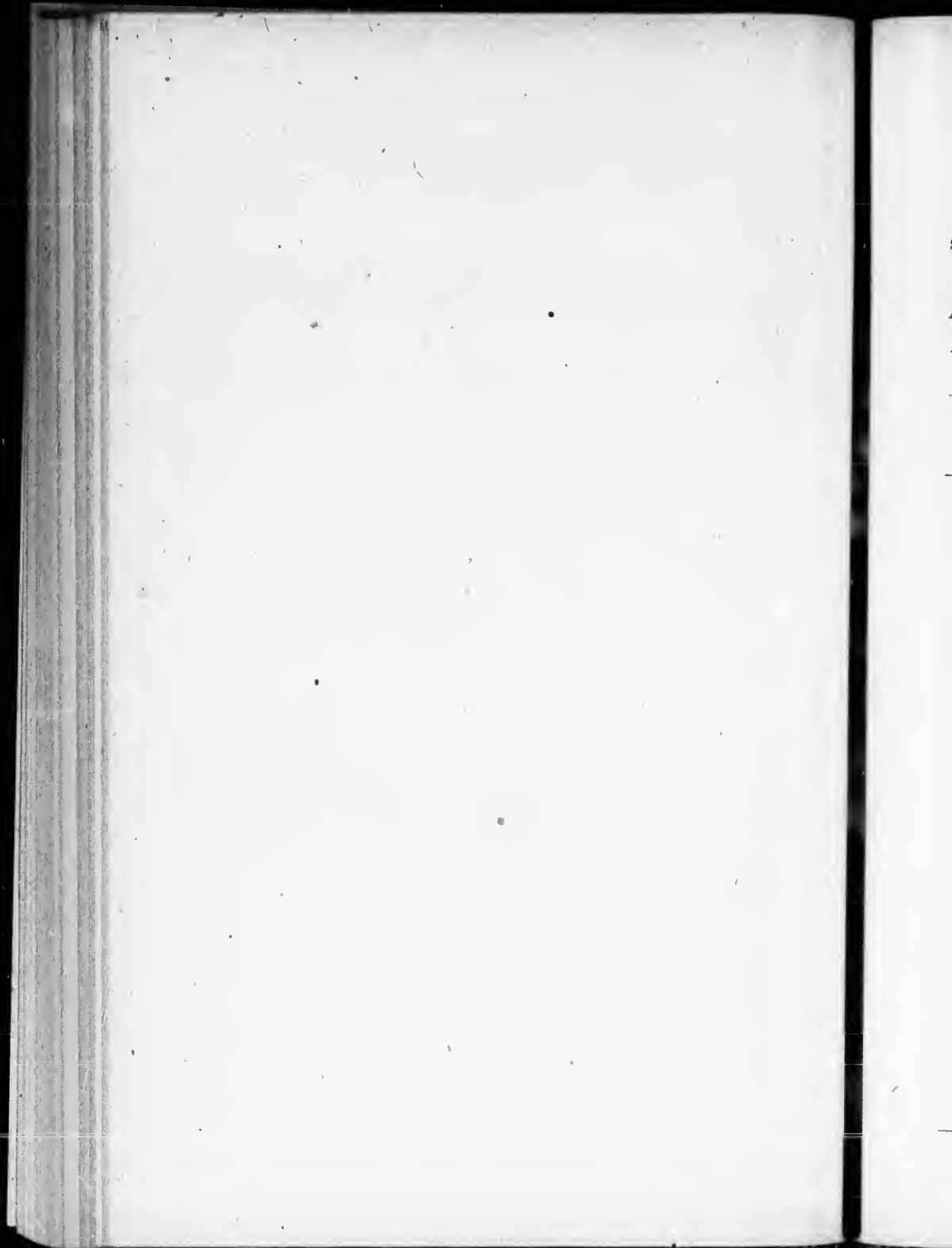
56.—(1) The Lieutenant-Governor in Council may, by proclamation, annex to any municipality, formed as aforesaid, any territory lying adjacent thereto, and may upon the application of two or more adjacent municipalities, form the same, either with or without additional area, into one municipality.

(2) In any such case the Lieutenant-Governor may fix the time at which the annexation or union shall take effect, and also the time when the first election shall take place, and the name by which the municipality shall be called. R. S. O. 1877, c. 175, s. 53.

(3) The provisions of this section shall apply to any municipality or municipalities created by Act of the Legislature in any provisional judicial, temporary judicial or territorial district, and to any territory lying adjacent thereto. 47 V. c. 33, s. 2.

ALGOMA AND THUNDER BAY.

57. If any dispute at any time arises as to the validity of any by-law, or resolution, or order of any municipality in the provisional judicial districts of Algoma and Thunder Bay, the same shall be referred to the Judge of the district, whose decision thereon shall be final, and the said Judge shall have the power of enforcing his decision, if necessary, by a writ or writs under his hand and seal, to be directed to the proper sheriff adapted to the purposes intended. R. S. O. 1877, c. 180, s. 128.



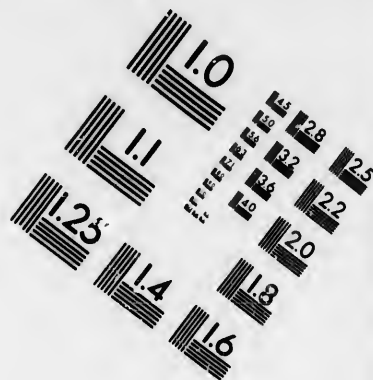
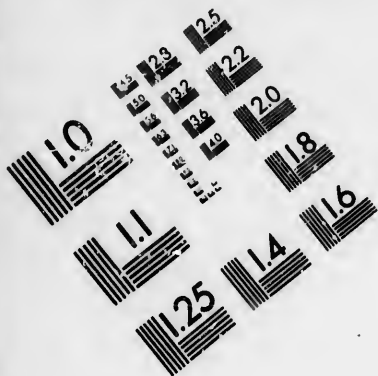
APPENDIX A.

SHEWING ACTS AND PARTS OF ACTS CONSOLIDATED IN THE REVISED STATUTES OF ONTARIO, 1887, SINCE AND INCLUDING 46 VIC. 1883, CAP. 18. THE CONSOLIDATED MUNICIPAL ACT, 1883.

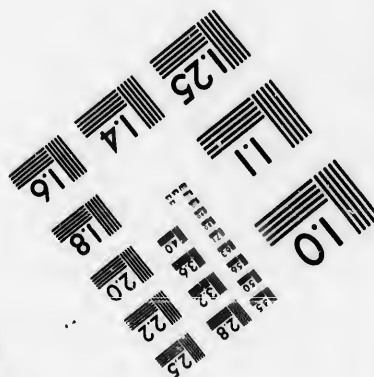
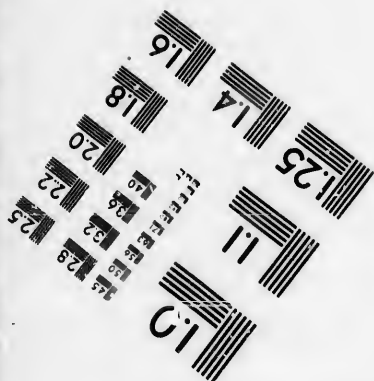
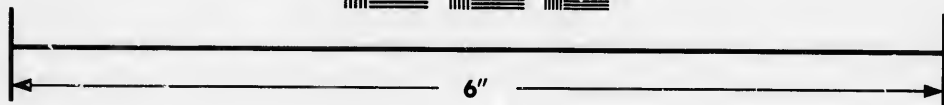
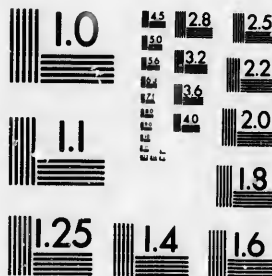
ABBREVIATIONS:—J. A. R., *Judicature Act, 1881, Rules*; C. R., *New Consolidated Rules*; H. C. J., *High Court of Justice Rules*; Sup., *Superseded*; Rep., *Repeated*.

46 VICT. 1883.					46 VICT. 1883.						
Chap.	Sec.	CONSOLIDATED.			REMARKS	Chap.	Sec.	CONSOLIDATED.			REMARKS
		Chap.	Sec.	Page.				Chap.	Sec.	Page.	
18	1	184	1	1759		18	45	184	45	1774	
	2		2	"			46		46	1775	
	3		3	1760			47		47	"	
	4		4	"			48		48	"	
	5		5	"			49		49	"	
	6		6	"			50		50	1776	
	7		7	"			51		51	"	
	8		8	1761			52		52	"	
	9		9	"			53		53	"	
	10		10	1762			54		54	"	
	11		11	"			55		55	1777	
	12		12	"			56	.....	.....		} Rep. 48 V. c. 39, s. 2.
	13		13	1763			57	184	57	1777	
	14		14	"			58		58	"	
	15		15	1764			59		59	1778	
	16		16	"			60		60	"	
	17		18	1766			61		61	"	
	18		19	"			62		62	"	
	19		20	1767			63		63	"	
	20		21	"			64		64	1779	
	21		22	"			65		65	"	
	22		23	1768			66		66	1780	
	23		24	"			67		67	"	
	24	193	206	2147			68		68	1781	
	25	184	25	1768			69		69	"	
	26		26	1769			70		70	1782	
	27		27	1770			71		71	"	
	28		28	"			72		72	"	
	29		29	1771			73	.....	.....		} Rep. 49 V. c. 37, s. 2.
	30		30	"			74	184	74	1783	
	31		31	1772			75		75	1784	
	32		32	"			76		76	"	
	33		33	"			77 (1)		77 (1)	"	
	34		34	"			(2)		(2)	"	
	35		35	"			78		78	"	
	36		36	1773			79		79	1785	
	37		37	"			80		80	1787	
	38		38	"			81		81	"	
	39		39	1774			82		82	"	
	40		40	"			83		83	"	
	41		41	"			84		84	1788	
	42		42	"			85		85	"	
	43		43	"							
	44		44	"							





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46 VICT. 1883.					46 VICT. 1883.						
Chap.	Sec.	CONSOLIDATED.			REMARKS.	Chap.	Sec.	CONSOLIDATED.			REMARKS.
		Chap.	Sec.	Page.				Chap.	Sec.	Page.	
18	86	184	86	1788		18	144	184	145	1806	
	87		87	"			145		146	"	
	88		88	1789			146		147	1807	
	89		89	"			147		148	"	
	90		90	"			148		149	"	
	91		91	"			149		150	1808	
	92		92	1790			150		151	"	
	93		93	"			151		152	"	
	94		94	"			152		153	1809	
	95		95	"			153		154	"	
	96		96	"			154		155	"	
	97		97	"			155		156	1811	
	98		98	1791			156		157	"	
	99		99	"			157		158	1812	
	100		100	"			158		159	"	
	101		101	1792			159		160	"	
	102		102	"			160		161	"	
	103		103	1793			161		162	1813	
	104		104	1794			162		163	"	
	105		105	"			163		164	1815	
	106		106	1795			164		165	"	
	107		107	1796			165		166	1816	
	108		108	"			166		167	"	
	109		109	"			167		168	"	
	110		110	"			168		169	1817	
	111		112	"			169		170	"	
	112		113	1797			170		171	"	
	113		114	"			171		172	"	
	114		115	"			172		173	1818	
	115		116	"			173		174	"	
	116				Rep. 47 V. c. 32, s 5.		174		175	"	
							175		176	"	
	117	184	118	1798			176		177	1819	
	118		119	"			177		178	"	
	119		120	"			178		179	"	
	120		121	"			179		180	"	
	121		122	1799			180		181	"	
	122		123	"			181		183	1820	
	123		124	1800			182		184	"	
	124		125	"							
	125		126	"			183				Rep. 48 V. c. 39, s. 7.
	126		127	"			184	184	186	1820	
	127		128	1801			185		187	1821	
	128		129	"			186		188	"	
	129		130	"			187		189	"	
	130		131	"			188		190	1822	
	131		132	1802			189		191	"	
	132		133	"			190		192	"	
	133		134	"			191		193	"	
	134		135	"			192		194	"	
	135		136	1803			193		195	"	
	136		137	"			194		196	"	
	137		138	"			195		197	"	
	138		139	"			196		198	1823	
	139		140(1)	1804			197		199	"	
	140		141	"			198		200	"	
	141		142	1805			199		201	"	
	142		143	"			200		202	1824	
	143		144	1806			201		203	"	

REMARKS.

46 VICT. 1883.					46 VICT. 1883.						
Chap.	Sec.	CONSOLIDATED.			REMARKS.	Chap.	Sec.	CONSOLIDATED.			REMARKS.
		Chap.	Sec.	Page.				Chap.	Sec.	Page.	
18	202	184	204	1824		18	261	184	263(1)	1838	
	203		205	"			262				Rep. 50 V. c. 29, s. 11.
	204		206	"			263	184	265	1838	
	205		207	"			264				Rep. 50 V. c. 29, s. 9.
	206		208	"			265	184	266	1838	
	207		209	1825			266				
	208		210	1826			267	184	266	1838	
	209		211	"			268				
	210		212	"			268(1)				
	211		213	1827			(2)		259(1)	1837	
	212		214	"			(3)		262	"	
	213		215	"			269		264	1833	
	214		216	"			270		261	1837	
	215		217	"			271		259(2)	"	
	216		218	"			272		269	1839	
	217		219	1828			273		270	"	
	218		220	"			274		271	1840	
	219		221	"			275		272	"	
	220		222	"			276		273	"	
	221		223	1829			277		274	"	
	222		224	"			278		275	1841	
	223		225	"			279		276	"	
	224		226	"			280		277	"	
	225				Rep. 50 V. c. 29, s. 7.		281		278	"	
	226	184	228	1830			282		279	1842	
	227		229	"			283		280	"	
	228		230	"			284		281	"	
	229		231	"			285		282	1843	
	230		232	"			286		283	"	
	231		233	"			287		285	1844	
	232		234	"			288		286	"	
	233		235	1831			289		287	"	
	234		236(1)	"			290		288	1845	
	235		237	"			291		289	"	
	236		238	"			292		290	"	
	237		239	"			293		291	"	
	238		240	"			294(1,2)		292	1846	
	239		241	"			(3)		293 (1,2)	"	
	240		242	"			295	184	294	1847	Rep. 49 V. c. 37, s. 5.
	241		243	1832			296		295	"	
	242		244	"			297		296	"	
	243		245	"			298		297	"	
	244		246	1833			299		298	"	
	245		247	"			300		299	"	
	246				Rep. 49 3. c. 37, s. V.		301		300	1848	
	247-251				Rep. 50 V. c. 29, s. 9.		302		301	"	
	252	184	249	1834			303		302	"	
	253		250	"			304		303	"	
	254		251	"			305		304	1849	
	255		253	1835			306		305	"	
	256		254	"			307		306	"	
	257		255	1836	P'rtSup, 49 V. c. 38, s. 8		308		307	"	
	258		256	1836			309		308	"	
	259		257	"			310		309	1850	
	260		258	1837			311		308	1849	
							312		309	1850	
									310	"	

Rep. 48 V.
c. 39, s. 7.

46 VICT. 1883.					46 VICT. 1883.						
Chap.	Sec.	CONSOLIDATED.			REMARKS.	Chap.	Sec.	CONSOLIDATED.			REMARKS.
		Chap.	Sec.	Page.				Chap.	Sec.	Page.	
18	313	184	311	1851		18	369 (2)	184	367 (2)	1869	
	314		312	1852			370		368	"	
	315		313	"			371		369	"	
	316		314	1853			372		370	1870	
	317		315	"			373		371	"	
	318		316	"			374		372	1871	
	319		317	1854			375		373	"	
	320		318	"			376		374	"	
	321		319	"			377		.....	.....	Rep. 47 V. c. 32, s. 9.
	322		320	"			378	184	376	1872	
	323		321	1855			379		377	"	
	324		322	"			380		378	"	
	325		323	"			381		379	1873	
	326		324	1856			382		380	"	
	327		325	"			383		381	"	
	328		326	"			384		382	1874	
	329		327	"			385		383	"	
	330		328	"			386		384	"	
	331		329	1857			387		385	1875	
	332		330	"			388		386	"	
	333		331	"			389		387	"	
	334		332	"			390		388	"	
	335		333	1858			391		389	"	
	336		334	"			392		390	1876	
	337		335	"			393		391	"	
	338		336	"			394		392	"	
	339		337	1859			395		393	"	
	340		338	"			396		394	1877	
	341		339	"			397		395	"	
	342		340	"			398		396 (1)	"	
	343		341 (1)	1861			399		397	1878	
	344		342	"			400		398	"	
	345		343	1862			401		399	"	
	346		344 (1,2)	"			402		400	"	
	347		345	1863			403		401	1879	
	348		346	"			404		402	"	
	349		347	"			405		404	"	
	350		348	1864			406		405	1880	
	351		349	"			407		406	"	
	352		350	"			408		407	"	
	353		351	"			409		408	1881	
	354		352	1865			410		409	"	
	355		353	"			411		410	1882	
	356		354	"			412		411	"	
	357		355	1866			413		412	"	
	358		356	"			414		413	"	
	359		357	1867			415		414	"	
	360		358	"			416		415	1883	
	361		359	"			417		416	"	
	362		360	"			418		417	1883	
	363		361	"			419		418	1884	
	364		362	"			420		419	"	
	365		363	1868			421		420	"	
	366		364	"			422		421	"	
	367		365	"			423		422	"	
	368	.....	.....	.....	Rep. 47 V. c. 32, s. 8. Rep. 50 V. c. 29, s. 16.		424		423	1885	
	369 (1)				425		424	"
							426		425	"	

46 VICT. 1883.					46 VICT. 1883.										
Chap.	Sec.	CONSOLIDATED.			REMARKS.	Chap.	Sec.	CONSOLIDATED.			REMARKS.				
		Chap.	Sec.	Page.				Chap.	Sec.	Page.					
18	(36)	184	(31)	1829		18	(9-11)	(16-18)	1945						
	(37,38)		(32,33)	1930			522	522 (1)	"						
	(39-41)						523								
	496 (42)	184	496 (34)	1930			524	184	524			1946	Sup. 48 v. c.23, s.2(3).		
	(43)		(35)	1931			525		525			1947			
	(44)						526		526			"			
	(45)						527		527			"			
	(46-48)	184	(38-40)	1931			528		528			"			
	(49)						529		529			"			
	(50)						530		530			1948			
	497	184	497	1932			531		531 (1,2)			"			
	498		498	1933			532		532			1949			
	499			499			1934	533				533		1949	
	500			500			"	534				534		"	
	501			501			1935	535							
	502			502			"	536	184			536		1950	
	503(1-3)			503 (1-3)			"	537				537		"	
	(4)			503 (4,5)			1935	538						538	"
	(5,6)			(6)			1935	539						539	1951
	(7)			(7)			"	540						540	"
	(8)		(8)	"			541					541		"	
	(9)		(9-11)	"			542					542		"	
	(10-12)		489 (62)	1918			543					543		"	
	(13)		503 (12)	1936			544					544 (1)		1952	
	504 (1)						545					545		"	
	(2-5)	184	504 (2-5)	1937			546		546 (1-4)			"			
	(6)							547				547		1953	
	(7-13)	184	504(6-12)	1937			548		548			1954			
	(14)			(13)			1938	549				549		"	
	505		505	"			550(1-7)		550 (1-7)			{ 1955 1956			
506		506	"	(8)			{ Rep. 48 V. c. 39, s. 23.								
507		507	1939	(9)	184	550 (9)	1956								
508		508	"	551		1	1957								
509		509	"	552		2	"								
510		510	"	553		553	"								
511		511 (1-2)	1940	554		554	1958								
512		512	1941	555		555	"								
513		513	"	556		556	"								
514		514	"	557		557	"								
515		515	"	558		558	1959								
516		516	"	559		559	"								
517		517	"	560		560	"								
518		518	1942	561		561	"								
519		519	"	562		562	"								
520		520	"	563		563	"								
521(1-6)		521 (1-6)	{ 1942 1943	564		564	1960								
(7-8)		(9-10)	1943	565		565 (1-6)	1961-2								
				566		567	1963								
				567		568	1960								
				568		568	1964								
				569		568	"								
				570		{ 569(1-16) 16}	1965-9								

REMARKS.	46 VICT. 1883.					46 VICT. 1883.						
	Chap.	Sec.	CONSOLIDATED.			REMARKS.	Chap.	Sec.	CONSOLIDATED.			REMARKS.
			Chap.	Sec.	Page.				Chap.	Sec.	Page.	
	18	571	184	570 (1,2)	1870-2		18	613	184	614	1988	
		572	{ 37	Sch. B.	389			614		617	1989	
Sup. 48 v. c. 23, s. 2(3).		573	184	571	1972			615		.....	.....	Rep. 50 V. c. 29, s. 42.
		574		572	1973			616	184	620	1990	
		575		573	"			617		621	1991	
		576		574	"			618		622	1992	
		577		575	"			619		623	1994	
		578		576	1974			620		625 (1, 2)	"	
		579		577	"			621		626	1995	
		580		578	"			622		627	"	
		581		579	"			623		628	1996	
		582 (1-3)		580	"			624		629 (1, 2)	"	
		(4)		581	1975			625		631 (1, 2)	1998	
		583	184	582	1975	Effete.		626		632	"	
Rep. 48 V. c. 39, s. 22.		584 (1)		583 (1)	"			627		633 (1, 6)	"	
		(2)		.....	.....	Rep. 47 V. c. 32, s. 18.		628		634	2000	
		585	184	584	1976			629		635	"	
		587		585	"			630		636	2001	
		587 (1, 2)		586 (1, 2)	1977			631		637	"	
		(3)		.....	.....	Sup. 50 V. c. 29, s. 41.		632		638	"	
		588	184	588 (1, 2)	1978			633		639	2002	
		589		589	"			634		640	"	
		590		590	1979			635		641	"	
		591		591	"			636		642	"	
		592		.....	.....	Rep. 49 V. c. 37, s. 31.		637		643	2002	
		593		.....	.....	Rep. 48 V. c. 39, s. 28.		638		644	"	
		594	184	594	1980			639		645	2003	
		595		595	"			640		646	"	
Rep. 48 V. c. 39, s. 23.		596		596	"			641		647	"	
		597		597	1981			642		648	"	
		598		598	"			643		649	"	
		599		599	"			644		650	"	
		600		600	"			645		651	"	
		601		601	"			646		652	"	
		602		602	"			647		653	2004	
		603		603	1983			648		654	"	
		604		604	1984			649		655	"	
		605		605	"			650		656	"	
		606		606	"			651		657	"	
		607		607	"			652		658	"	
		608		608	1985			653		659	"	
		609		609	"			654		660	2005	
		610		610	"			655		661	"	
		611		611	"			656		662	"	
		612 part		.....	.....	Sup. 50 V. c. 29, s. 48.		657		663	"	
		(1)		.....	.....	Rep. 47 V. c. 32, s. 20.		658		664	"	
		(2-7)	184	612 (2-7)	1986-7			659	184	667	2006	Sup. 47 V. c. 38, s. 12 (1, 2).
		(8)		Rep. 50 V. c. 32, s. 42.		660		668	2007	
						661		669	2008	
						662		670	"	
						663		671	"	

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	4	184	270	1839		
	5		293 (3)	1847		
	6		327	1856		
	7		344 (3)	1862		
	8		349	1864		
	9		436	1890		
	10		473 (2)	1898		
	11		477 (2)	1899		
	12		489(25)	1915		
	13		503 (8)	1936		
	14		521(14)	1945		
	15		544 (2)	1952		
	16, 17				Rep. 50 V. c. 29, s.36. Part not con- solidated.	
	18	184	566 (7)	1962		
	19				Effete.	
	20	184	566 (2)	1966		
	21		(9)	1967		
	22		(18-20)	1969		
	23		570 (3)	1972		
	24		(1,2)	1970-2		
	25		571 (1)	1972		
	26		573 (1)	1973		
	27		575	"		
	28		585	1976		
	29		588 (1,3)	1978		
	30		590	1979		
	31		592	"		
	32		612(4a)	1986		
	33		598 (2)	1981		
	34		633(1,7)	1998		
	35		511 (3a)	1940		
	36		17 (4)	1766		
	37		493	1921		
	38		489 (4,5)	1911		
	39		341 (2)	1861		
	40		616	1989		
	41(1-2)		487 (1)	1908		
	42	184			Effete.	
	43		488	1909		
			284	1843		

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	6		140 (2)	1804		
	7		227	1829		
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	10	184	258	1837		
	11		263 (2)	1838		
	12		252	1835		
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			252	1835		
	16		367 (1)	1868		
	17	72	3	786		
			25	791		
			30	792		
	18	184	479 (1,2)	1901		
	19		(3-9)	"		
	20		(16)	1904		
	21		(22, 3,	1905		
	22		489 (1 ^b)	1910		
	23		(11 b, c)	1913		
	24		(25)	1915		
	25		(57, 58)	1919		
	26		496 (31 a-d)	1930		
	27				Repealing clause.	
	28	184	466(41)	1931		
			(42)	"		
	29		503 (6)	1936		
	30		504 (1)	1937		
	31		521(15)	1945		
	32		522 (2)	"		
	33		531 (4)	1948		
	34		532	1949		
	35		534	"		
	36				Repealing clause.	
	37	184	546 (5)	1953		
	38		569(10)	1968		
	39		585	1976		
	40		586 (1,2)	1977		
	41		(3,5)	"		
	42				Repealing clause.	
	43	184	618	1989		
	44		622 (2)	1992		
	45		629 (1)	1996		
	46		(4)	1997		
	47	184	583 (3)	1976		
			586 (4)	1977		
			341 (2)	1861		
			489 (4,5)	1911		
	48		493	1921		
			612 (1- 4a)	1985		
			613-615	1988		

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Not consolidated.

Not consolidated.
Repeals R.
S. O. 1877.
c. 175.s.18.

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29	48	192	618 (1)	1989		29	49	184	613	1988	
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			622 (1)	1992			51	48	2081		
			625 (1,2)	1994			52	49	2082		
			628	1996			53	50	"		
			629 (1)	"			54	569(21)	1970		
			630	1997			55	185	17	2023	
			2	2067							
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			47	2081							

THE

MUNICIPAL AMENDMENT ACT 1888.

51 Vict. Cap. 28.

[Assented to 23rd March, 1888.]

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

Commencement of Act.

1. This Act may be cited as *The Municipal Amendment Act, 1888*, and shall come into force on the 1st day of August, 1888, except as to section 16, which shall come into force on the 1st day of November, 1888.

Rev. Stat. c. 184 s. 24, amended.

2. Section 24 of *The Municipal Act* is amended by adding thereto the following sub-sections:

(4) In case a petition signed by one hundred and fifty qualified municipal electors of any town or incorporated village, be presented to the council of such town or incorporated village asking that a by-law be submitted for the annexation of such town or incorporated village to an adjacent village, town or city, either unconditionally or upon such terms as may be set out in said petition, it shall be the duty of such council to submit a by-law for the annexation of the said incorporated village or town to the vote of the municipal electors of the said town or incorporated village, and said council shall forthwith prepare a by-law directing the submission of the question in accordance with the prayer of the petition, and shall submit the same to the said municipal electors for approval or otherwise within four weeks after the receipt of the petition by the said council.

(5) A by-law which is duly carried, under the provisions of the last preceding sub-section, by the vote of the municipal electors of said town or incorporated village shall, within a reasonable time, but not exceeding one month thereafter, be adopted by said council.

(6) Thereupon the council of such adjacent village, town, or city may, by resolution, assent to the annexation of such town or incorporated village aforesaid.

(7) In the event of the annexation of any such town or incorporated village as aforesaid having been approved of and assented to in manner hereinbefore provided, the same may be carried into effect by proclamation of the Lieutenant-Governor in Council, as hereinbefore provided.

3. Section 48 of the said Act is hereby amended by adding thereto the following sub-section:

Rev. Stat. c. 184, s. 48 amended.

Delivery of
books to
treasurer.

(2) The treasurer of the senior county shall, upon being requested so to do, deliver to the treasurer of the new county the books relating to the municipalities within the new county required to be kept under section 152 of *The Assessment Act*.

Rev. Stat. c.
184, s. 49
amended.

4. Section 49 of the said Act is hereby amended by adding thereto the following sub-sections:

Execution of
writs.

(2) This section shall not be held to authorize the sheriff of the senior county to execute within the new county any writ which is not in his hands at the time the dissolution takes effect, unless such writ depends for its priority upon a former writ executed by such sheriff or in his hands at the said time

Pending ac-
tions.

(3) All actions and proceedings in any Court which may be pending at the date the establishment of the new county takes effect, may be prosecuted, continued and completed, and all writs of execution and other processes, and all acts and proceedings subsequent thereto, may (subject to any order to the contrary being made) be taken, issued, and had in the county in which such actions and proceedings were originally commenced as fully and effectually as if the junior county had not been separated from the senior county; and subject to the provisions of the next sub-section, no writ or other process or proceeding shall lose its priority by reason of no entry thereof appearing or being in the proper office in that behalf in the new county; and all officers who would have had power or authority to execute such writ, process or proceedings, if the new county had not been formed, shall, for the purpose of all pending suits, actions and proceedings, have the same power and authority in respect of the same as if the dissolution had not taken place.

Continuation
of writs in
hands of
sheriff at time
of dissolution.

(4) No unsatisfied writ against lands or goods in the hands of the sheriff of the union on the day the dissolution takes effect shall bind lands or goods situate within the limits of the new county, or have any effect upon such lands or goods after one year from the said day, unless the person entitled to the benefit of such unsatisfied writ before the expiration of the said year shall have placed a writ against lands or goods (as the case may require) in the hands of the sheriff of the new county, indorsed with a notice that priority is claimed by virtue of this Act, in which case his writ in the hands of the sheriff of the senior county, if it, at the said time, did bind lands or goods within the territory included in the new county, shall continue to bind such lands or goods and shall retain its priority so long as such indorsed writ remains in force; provided such person shall not in the meantime have permitted his writ in the hands of the sheriff of the senior county to expire, or shall not have otherwise lost his priority.

Division
Courts.

(5) The Lieutenant-Governor may, in the proclamation establishing the new county, or in a subsequent proclamation, fix and determine the number, limits and extent of the Division Courts for the new county, to take effect from a day to be

named, subject to be thereafter altered under the provisions of *The Division Courts Act*, and may by such proclamation direct that suits and proceedings which at the said day are pending or being in any Division Court therein specified, shall become suits or proceedings of any other Division Court therein specified, and thereupon such suits or proceedings may be continued in such last mentioned Court as if they had been commenced therein.

(6) All chattel mortgages relating to property within any of the townships, cities, towns or incorporated villages forming the new county, at the date the proclamation takes effect, shall until their renewal becomes necessary to maintain their force against creditors, continue to be as valid and effectual in all respects as they would have been if the new county had not been formed, but in the event of a renewal of any such chattel mortgage after the date the proclamation takes effect, the renewal shall be filed in the proper office in that behalf in the new county as if the mortgage had originally been filed therein; together with a certified copy under the hand of the clerk and seal of the County Court, and no chattel mortgage in force at the said date shall lose its priority by reason of its not being filed in the new county prior to its renewal.

5. Section 65 of the said Act is hereby repealed, and the following substituted therefor:—

65.—(1) No reeve or deputy reeve shall take his seat in the county council until he has filed with the clerk of the county council a certificate of the township, village or town clerk, under his hand and the seal of the municipal corporation, that such reeve or deputy reeve was duly elected, and has made and subscribed the declarations of office and qualification, as such reeve or deputy reeve; nor, in case of a deputy reeve, until he has also filed with the clerk of the county an affirmation or declaration of the clerk or other person having the legal custody of the last revised voters' list for the municipality which he represents, that there appear upon such voters' list the names of at least 500 persons, entitled to vote at municipal elections, for the first deputy reeve elected for the municipality, and that no alteration reducing the limits of the municipality, and the number of persons on said list entitled to vote at municipal elections, below 500 for each additional deputy reeve, has taken place since the said voters' list was last revised.

(2) In counting the names of voters referred to in this section and in sections 69, 70 and 71 the name of the same person shall not be counted more than once in any municipality, whether the name of such person appears upon the voters' lists only once or more than once.

6. Section 67 of the said Act is hereby repealed, and the following substituted therefor:—

Rev. Stat. c. 184, s. 67, repealed.

Rev. Stat. c. 184, s. 65, repealed.

Certificates as to election and number of voters to be filed by reeves and deputy reeves.

Chattel Mortgages.

Rev. Stat. c. 51.

Form of declaration as to number of voters.

67. The declaration in section 65 mentioned may be in the following form :—

I, A. B., of _____, Gentleman, Clerk of the Township, (Town or Village, as the case may be) of _____, in the County of _____ do hereby declare and affirm as follows :

(1) That I am the person having the legal custody of the last revised voters' list for the said Township (Town or Village as the case may be.)

(2) That there appear upon the said list the names of at least hundred (500 for each Deputy Reeve), persons entitled to vote at municipal elections in the said Township (Town or Village as the case may be.)

(3) That no alteration reducing the limits of the said municipality, and the number of persons entitled to vote at municipal elections, below hundred (500 for each Deputy Reeve), has taken place since the said list was last revised.

(4) That in counting the names of the voters on the said list, the names of the voters thereon have not, to the best of my information, knowledge or belief, been counted more than once, whether they appear upon the said list once or more than once.

A. B.

Rev. Stat. c. 184, s. 69 (1), amended.

7. Sub-section 1 of section 69 of the said Act is amended by striking out all the words in the said sub-section from the word "and," in the seventh line thereof, to the word "deputy reeve," in the thirteenth line thereof, both inclusive and substituting the following words in lieu thereof: "and if the town had the names of 500 persons entitled to vote at municipal elections on the last revised voters' list, then a deputy reeve shall be added, and for every 500 additional names of persons so entitled to vote on such list there shall be elected an additional deputy reeve."

Rev. Stat. c. 184, ss. 70 and 71 repealed.

8. Sections 70 and 71 of the said Act are hereby repealed and the following substituted therefor :

Incorporated village councils.

70. The council of every incorporated village shall consist of one reeve, who shall be the head thereof, and four councillors, and if the village has the names of 500 persons entitled to vote at municipal elections on the last revised voters' list, then of a reeve, deputy reeve and three councillors, and for every additional 500 names of persons entitled to vote on such list there shall be elected an additional deputy reeve instead of a councillor.

Township councils.

71. The council of every township shall consist of a reeve, who shall be the head thereof, and four councillors, one councillor being elected for each ward, where the township is divided into wards, and the reeve to be elected by a general vote; but if the township had the names of 500 persons entitled to vote at municipal elections on the last revised voters' list, then the council shall consist of a reeve, deputy reeve and three councillors, and for every 500 additional names of persons entitled to vote on such list, there shall be elected an additional deputy instead of a councillor.

9. Section 73 of the said Act is hereby amended by adding thereto the following sub-sections:

Rev. Stat. c. 184, s. 73, amended.

(2) No person who has, or whose wife has, property duly rated on the last revised assessment roll, sufficient to qualify him as in the preceding sub-section required, shall be deemed to be disqualified by the alienation by sale or other wise of the said property between the date of the return of the assessment roll and the time of his election, provided that at the time of his election such person is resident within the municipality and has, or his wife has, as proprietor or tenant, a legal or equitable freehold or leasehold, or partly freehold and partly leasehold, or partly legal and partly equitable estate of sufficient assessed value to qualify him for election under the preceding sub-section.

When alienation of property rated not to disqualify.

(3) In the case of the election of a person qualified under the preceding sub-section, the oath of office under sub-section 2 of section 270 of this Act may be taken, striking out all the words thereof after the word "occupation" in the thirteenth line of the said sub-section, and inserting in lieu thereof the words "and I had such an estate actually rated on the last revised assessment roll of this township (naming it) at an amount not less than \$2,000."

10. Section 107 of the said Act is hereby amended by adding thereto the following sub-sections:

Rev. Stat. c. 184, s. 107, amended.

(2) The council of any incorporated town, divided into wards may, by by-law, provide that the nomination for councillors for the several wards shall be held at the same time and place as the nomination for mayor, reeve and deputy reeve.

Nomination of councillors in towns.

(3) Where no such by-law is passed the nomination of councillors in such town shall take place as provided by section 109 of this Act.

(4) Notwithstanding anything herein contained, the council of any incorporated town or village may by by-law provide that the nomination for mayor, reeve, deputy reeve or reeves and councillors may be held at half past seven o'clock in the evening instead of at the hours and times in this Act mentioned.

11. Section 109 of the said Act is amended by adding thereto the following: "And the hour for the nomination of candidates for the offices of aldermen in cities, may, in and by the by-law fixing the places for such nomination, be fixed at half-past seven o'clock in the evening, instead of at noon."

Rev. Stat. c. 184, s. 109, amended.

12. Section 167 is amended by adding to sub-section 1 the following article:

Rev. Stat. c. 184, s. 167, amended.

(e) Apply for a ballot paper in the name of some other person, whether that name is of a person living or dead, or of a fictitious person, or having voted once

and not being entitled to vote again at an election shall apply at the same election for a ballot paper in his own name. This provision is not to be construed as including a person who applies for such ballot paper believing that he is the person intended by the name entered on the voters' list in respect of which he so applies for a ballot paper.

Rev. Stat. c. 184, s. 263, amended. **13.** Section 263 of the said Act is amended by adding the following sub-sections thereto :

Publication of statements of assets and liabilities. (3) The council of every town, township and incorporated village shall hold a meeting on the fifteenth day of December in each year, or if such day happen to be a Sunday, then on the Monday following, and shall immediately thereafter publish a detailed statement of receipts and expenditure for the portion of the year ending on the day of such meeting, together with a statement of assets and liabilities and uncollected taxes. The said statement shall be signed by the mayor or reeve and by the treasurer, and shall be published forthwith in one or more newspapers of the municipality (if any) and in such other newspapers circulated in the municipality, as the council may direct.

(a) Instead of publishing the said statement in any newspaper, the council may cause the same to be posted up, not later than the twenty-fourth day of December, in the offices of the clerk and of the treasurer, as well as at all the post offices in the municipality, and at not less than twelve other conspicuous places therein.

(4) The clerk shall procure not less than one hundred copies of the said statement and shall deliver or transmit by post to the electors who first requested him to do so, one of such copies not later than the twenty-fourth day of December in each year, and shall also see that copies of the said statement are produced at the nomination.

Application of s. 13 limited. **14.** The provisions of the preceding section shall not apply of the township municipalities situated in the electoral districts of East Algoma, West Algoma, North Renfrew, Muskoka, Parry Sound, or Haliburton.

Rev. Stat. c. 184, s. 271, repealed. **15.** Section 271 of the said Act is hereby repealed, and the following substituted therefor:—

Declaration of office to be made by certain officers. **271.** Every member of a municipal council, every mayor, and every clerk, treasurer, assessor and collector, engineer or clerk of works and street overseer or commissioner appointed by

a council, shall also, before entering on the duties of his office, make and subscribe a solemn declaration to the effect following:—

I, *A. B.*, do solemnly promise and declare that I will truly, faithfully and impartially, to the best of my knowledge and ability, execute the office of (*inserting the name of the office*), to which I have been elected (*or appointed*) in this township (*or as the case may be*), and that I have not received, and will not receive, any payment or reward, or promise of such, for the exercise of any partiality or malversation or other undue execution of the said office, and that I have not by myself or partner, either directly or indirectly, any interest in any contract with or on behalf of the said corporation.

271 (a). Every returning officer, deputy returning officer, poll clerk, constable and other officer appointed by a council shall, before entering upon the duties of the office, make and subscribe a solemn declaration to the effect following:—

I, *A. B.*, do solemnly promise and declare that I will truly, faithfully and impartially, to the best of my knowledge and ability, execute the office of (*inserting the name of the office*), to which I have been elected (*or appointed*) in this township (*or as the case may be*), and that I have not received, and will not receive any payment or reward, or promise of such, for the exercise of any partiality or malversation or other undue execution of the said office.

16. The said Act is amended by adding thereto the following as section 320 (a):—

320 (a)—(1) Notwithstanding anything contained in the preceding section of this Act the vote of two-thirds in the affirmative of the ratepayers who are entitled to vote upon any by-law granting aid to or for promoting the establishment of a manufactory or manufacturing establishments, or for lending money to such company, person or establishment, or guaranteeing the payment of money borrowed in any municipality, shall be necessary in order to the carrying of the by-law, and the words “two-fifth,” where they appear in the said preceding section shall not apply to the passage of such by-law, and for the purposes hereof the said section shall be read as if the words “two-thirds” instead of “two-fifths” were inserted therein.

(2) No municipality shall grant a bonus to a manufacturer under this section who proposes to establish an industry of a similar nature to one already established in such municipality without any such bonus;

(3) No bonus shall be granted by a municipality to secure the removal thereto of an industry already established elsewhere in the Province;

(4) No municipality shall grant a bonus in aid of any manufacturing industry, where the granting of such bonus would, for its payment, together with the payment of similar bonuses already granted by said municipality, require an annual levy for principal and interest, exceeding ten per cent. of the total annual municipal taxation thereof

(5) This section shall not apply to the districts of Muskoka, Parry Sound, Algoma East and Algoma West, nor to any of the municipalities therein, nor shall it affect any by-law heretofore adopted or passed, the vote taken thereon or the bonds or debentures issued or to be issued in pursuance thereof.

Rev. Stat. c. 17. Section 436 of the said Act is amended by adding the following sub-section thereto:—

(3) The board of commissioners of police shall also regulate and control children engaged as:

- (a) Express or despatch messengers;
- (b) Vendors of newspapers and small wares;
- (c) Bootblacks;

Rev. Stat. c. 18. Section 460 of the said Act is amended by adding thereto the following sub-sections:

(4) Any two or more local municipalities shall have the same powers and rights as to acquiring, holding and maintaining an industrial farm, or acquiring, erecting and maintaining a house of industry or refuge as any county or city or united or contiguous counties or city or town and county now have under and by virtue of this Act or otherwise, and may arrange with any other local municipality or municipalities for the admission upon such terms and conditions as may be agreed upon between them, of such other local municipality or municipalities to a joint ownership or occupancy or right of user by said other municipality or municipalities in or of said farm, house of industry or refuge. Any purchase or grant to or acquisition by two or more local municipalities of any such farm, or the erection of any such house of industry or refuge, or any agreement or by-law therefor or any agreement or by-law for the admission of any other local municipality to such joint ownership or right of user or occupation made, entered into or passed before the passing of this Act shall be as valid and binding for all purposes as though made, entered into or passed after the passing hereof.

(5) All the provisions of this Act relating to industrial farms, houses of industry or houses of refuge respectively, shall apply to any such local municipalities and to any industrial farm, house of industry or house of refuge acquired, erected, occupied or maintained thereby as fully as to any other municipality or municipalities in the preceding sub-section mentioned, or to any industrial farm, house of industry or house of refuge acquired, owned, erected, occupied or maintained by them, or any of them.

Rev. Stat. c. 19. Section 462 of the said Act is amended by adding the following sub-sections thereto:

(3) For erecting and establishing within a city having a population of 50,000 and upwards an institution for the reclamation and cure of habitual drunkards.

(4) For committing and sending with or without hard labour to the institution for the reclamation and cure of habitual drunkards by the mayor, police magistrate or justice of the peace, while having jurisdiction in the municipality, such drunkards as are set forth or referred to in section 369 of chapter 48 of the Acts passed in the thirty-sixth year of Her Majesty's reign, and as may by the council be deemed and by by-law be declared expedient.

(5) In the event of any city establishing an institution for the reclamation and cure of habitual drunkards under the provisions of this Act, sections 97 to 108, both inclusive, of chapter 246 of the Revised Statutes of Ontario, 1887, shall be applicable thereto as if such institution had been named in said Act.

20. Sub-section 15 of section 479 of the said Act is hereby amended by inserting after the word "land" in the fifth line thereof the words "in or adjacent to the municipality," and by striking out the word "subject" in the sixth line thereof, and inserting in lieu thereof the following words "and for entering upon taking or using any land not adjacent to the municipality for the purpose of providing an outlet for any sewer, but subject always." Rev. Stat. c. 184, s. 479 (15), amended

21. The said section 479 of the said Act is further amended by adding thereto the following as sub-section 16a: Rev. Stat. c. 184, s. 479, amended.

(a) For regulating the size and strength of walls, beams, joists, rafters, roofs and their supports of all buildings to be erected or repaired within the municipality, and for compelling the production of the plans of all buildings for inspection, and for enforcing observance of such regulations.

22. Sub-section 11 of section 489 of the said Act is hereby amended, by inserting the words "or cemetery or the cemetery company owning any burying-ground or cemetery" after the words "burying-ground," in the twelfth line of the said sub-section. Rev. Stat. c. 184, s. 489, (11), amended

23. The said section 489 of the said Act is hereby further amended by adding thereto the following sub-section as sub-section 9 (a) thereof:— Rev. Stat. c. 184, s. 489, amended.

9 (a) Or for requiring all transient traders who occupy premises in the municipality, and are not entered upon the assessment roll in respect of income or personal property, and who may offer goods or merchandise of any description for sale by auction, or in any other manner, conducted by themselves or by a licensed auctioneer, or by their agent or otherwise, to pay before commencing to trade a sum, in cities, not to exceed \$100, and in other municipalities not to exceed Regulating transient traders.

§50 by way of license, and for providing that the sum so paid as license shall be credited to the trader paying the same upon and on account of taxes for the unexpired portion of the then current year, as well as any subsequent taxes, should such trader remain in the municipality a sufficient time for taxes to become due and payable by him, and in any other event to be taken and used by the municipality as a portion of the license fund of such municipality: but no such by-law shall affect, apply to, or restrict the sale of the stock of an insolvent estate which is being sold or disposed of within the municipality in which the insolvent carried on business therewith, at the time of the issue of a writ of attachment or of the execution of an assignment.

Rev. Stat.
c. 184, s. 505,
amended.

45 V. C. 25.

24. Section 505 of the said Act is hereby amended by adding thereto, at the end thereof, the words following:—
“ Provided always that where any city having a population in excess of fifty thousand shall have constructed gas or water works under the authority of this Act, or under the authority of *The Municipal Water Works Act 1882*, or under the authority of any special Act or Acts, or shall hereafter construct such works under the authority of the said Acts or any future amendments of the same, and shall have raised the money for the purchase or construction of such works, or shall hereafter so raise the same by a general rate on the whole of the assessable property of the said corporation under a by-law or by-laws lawfully passed or to be passed, it shall be lawful for the council of the city to raise on the credit of the said corporation such further sums as may be necessary to extend or improve the said works from time to time on the whole ratable property of the said corporation by by-laws to be passed as required by sub-section 14 of section 504 of this Act, and without complying with the requirements of this section,” and it shall not be necessary to obtain the assent of the electors or ratepayers to such by-law or by-laws, provided the same shall first be approved of by the Lieutenant-Governor in Council, it being first shewn to the satisfaction of the Lieutenant-Governor in Council that the proposed extensions are necessary, and that a sufficient additional revenue will be derived therefrom to meet the annual special rate required to pay the new debt and interest; and provided also that on the final passing of such by-law or by-laws, three-fourths of all the members of the council shall vote in favour of the same.

Rev. Stat. c.
184, s. 509,
amended.

25. Section 509 of the said Act is amended by adding thereto the following sub-section:—

(2) For making grants in aid of any high school or collegiate institute, or to build, preserve, enlarge or improve any high school or collegiate institute in any adjacent or other municipality.

26. The said Act is amended by adding thereto the following County council may pass by-law regulating the width of sleighs.—
as section 511 (a):—

511 (a)—(1) The council of any county may pass a by-law providing that no sled, sleigh, or other vehicle upon runners (except cutters or pleasure sleighs) drawn by horses or other animals, shall be used by any person residing within the county for the conveyance of persons or goods, on any of the roads or highways within the county, unless the runners thereof shall be apart from each other at the bottom, at least, three feet, nine inches; Provided that no such by-law shall apply to any sled, sleigh or other vehicle upon runners owned or used by any person not resident within the said county.

(2) The council in passing such by-law may exempt from its operation all sleds, sleighs or vehicles on runners owned at the time of the passing of such by-law by any persons resident within the county. Power to exempt from by-law.

(3) The by-law shall not come into force until the expiration of one year from the time of the passing thereof, or such further time as the council may determine upon. When by-law to come in force.

27. Section 521 of the said Act is hereby amended by adding thereto the following sub-sections:— Rev. Stat. c. 184, s. 521, amended.

(19) For regulating the distance from any public highway within the municipality within which unenclosed portable steam-engines may be used for running a saw mill or shingle mill, and preventing the use of the same for either of such purposes within such distance.

(20) For imposing penalties on parties setting up or operating a portable steam-engine for either of such purposes in contravention of such by-law.

28. Sub-section 1, of section 522, of the said Act is amended by adding thereto the following words: "And if the council receiving such notice shall neglect the said duty, and by reason of such neglect any public road, street, bridge or highway in either of the said townships shall be out of repair, the corporation in default, but not the corporation that served the notice, shall, besides being subject to any punishment or proceeding provided by law, be civilly responsible for all damages sustained by any person by reason of such want of repair; but the action must be brought within three months after the damages have been sustained." Rev. Stat. c. 184, s. 522 (1) amended.

29. Sub-section 2 of the said section 522 of the said Act is hereby repealed. Rev. Stat. c. 184, s. 522 (2) repealed.

30. Section 532 of the said Act is hereby amended by inserting in the seventh line thereof, after the word "streams," the words "or ponds or lakes," and also by inserting in the eleventh line of said section after the word "rivers," the words "or ponds or lakes." Rev. Stat. c. 184, s. 532, amended.

Rev. Stat. c.
184, s. 535,
amended.

31. Section 535 of the said Act is amended by adding the following sub-sections thereto:—

When
County coun-
cil to keep
river or
stream free of
driftwood.

(3) Where a river or stream forms a boundary line between two or more municipalities within a county, it shall be the duty of the council of the county to keep such river or stream free from all accumulation of driftwood or fallen timber now or hereafter accumulated.

When
Councils of
counties,
cities or sep-
arated towns
to keep
stream free
from drift-
wood.

(4) In the case of any river or stream which forms a boundary line between two or more counties, or a county, city, or separated town, it shall be the duty of the councils of the county or counties, city and separated town respectively to keep such river or stream free from all accumulation of drifted or fallen timber now or hereafter accumulated; and in case the councils fail to agree as to the respective portion of the expense to be borne by the municipalities interested, the same shall be decided by arbitration under the provisions of this Act, and the award made shall be final.

Rev. Stat. c.
184, s. 550, (1)
amended.

32. Sub-section 1 of section 550 of the said Act is amended by inserting after the word "contained," in the seventh line thereof, the words "for setting apart and laying out such portions of any such roads, streets, squares, alleys, lanes, bridges or other communications, as the council may deem necessary or expedient for the purposes of carriage ways, boulevards and sidewalks, or for the improvement or beautifying the same."

Rev. Stat. c.
184, s. 613,
amended.

33. Section 613 of the said Act is amended by adding thereto a sub-section as follows:—

(2) In any case where in order to afford an outlet for the sewerage and drainage of real property other than that fronting or abutting upon the street in which a sewer shall hereafter be constructed, such sewer shall be constructed of a larger capacity than that required for the efficient sewerage and drainage of the real property fronting or abutting upon the street, then, and in every such case, the council may impose a special assessment upon the other real property benefited by the construction of such sewer in the manner hereinafter provided by sections 618 and 619 of this Act.

34. The said Act is amended by adding thereto the following as section 635 (a):

Aid to rail-
ways by por-
tions of
townships.

635 (a)—(1) In addition to the powers conferred by section 634 a portion of a township municipality which may be interested in securing the construction of a railway, or through or near which any such railway may pass or be situated, may aid the said railway by granting money or debentures by way of bonus or gift, or by way of loan to such railway under and subject to the provisions hereinafter contained, provided always that such aid shall not be given except after the passing of a by-

law for the purpose, and the adoption of such by-law by the qualified ratepayers of the said portion of the municipality in the manner provided in respect to granting aid by way of bonuses to railways.

(2) Before a by-law is submitted under this section to the vote of the ratepayers a petition shall be presented to the council expressing the desire to aid the railway, and stating in what way and for what amount, and defining the portion of the township to be charged by metes and bounds, or lots and concessions, and shall be signed by fifty freeholders resident in such portion of the township, being duly qualified voters under this Act.

(3) The by-law shall in each instance provide :

(a) For raising the amount petitioned for in the portion of the municipality mentioned in the petition by the issue of debentures of the municipality, and shall also provide for the delivery of the debentures or the application of the amount to be raised thereby as may be expressed in the said by-law.

(b) For assessing and levying upon all ratable property lying within the portion of the municipality defined in said by-law, an annual special rate sufficient to include a sinking fund for the repayment of the said debentures within twenty years with interest thereon payable yearly, or half yearly, which debentures the councils, reeves and other officers of the municipality are hereby authorized to execute and issue in such cases.

35. Sub-section 3, of section 569 of the said Act, is hereby amended by adding after the word "individuals," in the seventh line thereof, the words "and including roads held by counties or county councils." Rev. Stat. c. 184, s. 569 [3], amended.

36. Section 618 of the said Act is amended by striking out the words "the extension, opening up and improving such street, lane, or alley," occurring in the eleventh and twelfth lines of the said section, and inserting in lieu thereof the words "such works or improvements." Rev. Stat. c. 184, s. 618, amended.

37. Section 619 of the said Act is amended by adding thereto the following sub-section :— Rev. Stat. c. 184, s. 619, amended.

(2) Or, in the case of a township, the council may, by by-law, provide that the cost of the works therein specified, may be assessed and levied by a special rate upon the lands benefited thereby, according to the proportion of benefit received therefrom instead of by a frontage rate, as hereinbefore provided ; and where the owners of real property have constructed works or improvements which might have been constructed by the Assessment for local improvements in townships.

municipality as local improvements, the council may, upon the petition of three-fourths of the owners of lands to be benefited by the acquisition of such works or improvements, representing at least two-thirds in value thereof, acquire the same at a price to be fixed by agreement or by arbitration pursuant to this Act, and the purchase money therefor may be raised, assessed, and levied, as for local improvements, upon the real property benefited thereby, as above provided.

- (a) The number of the owners petitioning for the said assessment, and the value of the real property which they represent, may be ascertained and finally determined in such manner and by such means as are provided by by-law in that behalf, subject to an appeal to the judge of the County Court as in the case of other special assessments for local improvements.

Power to
acquire water
rights.
Rev. Stat. c.
192.

38. In addition to the powers given by *The Municipal Water Works Act* and subject to all the provisions of the said Act, including those relating to the making of compensation and otherwise, every municipal corporation may acquire by purchase, demise or gift the right or title to any stream, river, creek, waters, water power, water course or lands situate, being or flowing in or through any such municipality, or within three miles thereof, and build, erect, make, preserve, improve, renew, widen or alter any dam or dams, water gates, waste gates, weirs or flumes upon, over or across any such stream, river, creek, waters, water course or lands, and make, dig, widen, preserve, alter or improve any raceway or raceways leading to or from any such dam or dams, for the purpose of obtaining power to run or drive the necessary machinery for supplying electric light within the municipality.

School sec-
tions in town-
ships divided
by special
Act.

Rev. Stat.
c. 225.

39. When any township municipality is divided by Act of this Legislature for municipal purposes, all school sections which may, by such division, be situated partly in each of the newly formed municipalities, shall be deemed union sections until otherwise altered under the provisions of *The Public Schools Act*.

Provisions as
to schools
when terri-
tory added to
a municipal-
ity.

40. When any portion of a township municipality is annexed to a city or town by proclamation, the portion so annexed shall for all school purposes, be deemed to be part of such city or town, provided always that when the portion annexed does not include the whole of any contiguous school section, the respective municipalities shall appoint an arbitrator, who, with the senior County Judge of the county, shall value and adjust, in an equitable manner, the rights and claims of all parties affected

upon the benefited presenting at a price to this assessed, property

by such annexation, and who shall determine by what municipality or portion thereof the same shall be settled, and the award of said arbitrators shall be final and conclusive.

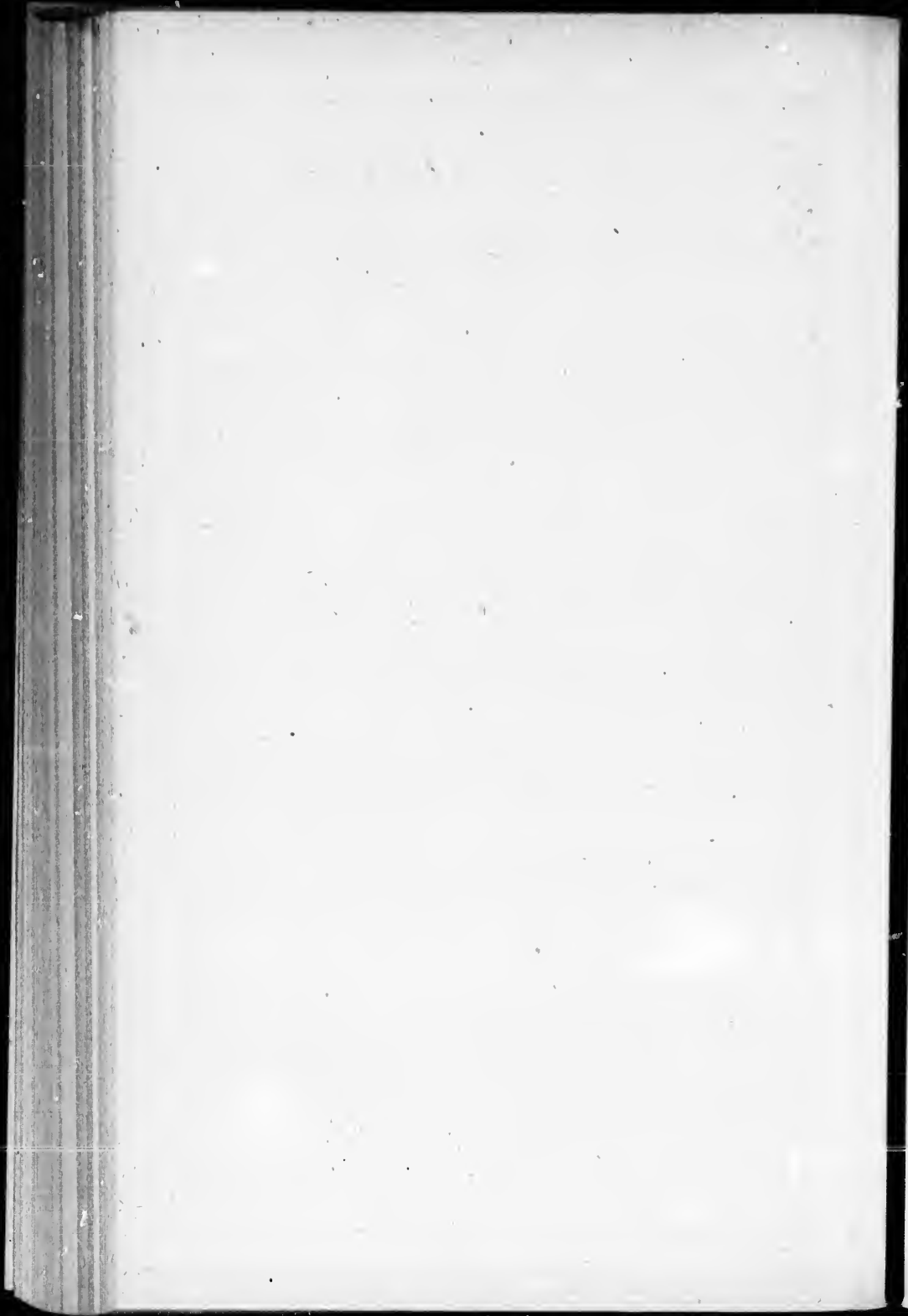
41. The preceding two sections of this Act shall apply to all Applications townships divided by Act of this Legislature, and to all procla- of ss. 39, 40. mations issued since the first day of January, 1887.

the said property ed and by such behalf, County essments

Municipal the said ensation quire by stream, or lands municipi-, erect, ny dam s upon, er course ove any dam or rive the hin the

y Act of sections h of the sections Public

annexed shall city or does not e respec- with the st, in an affected



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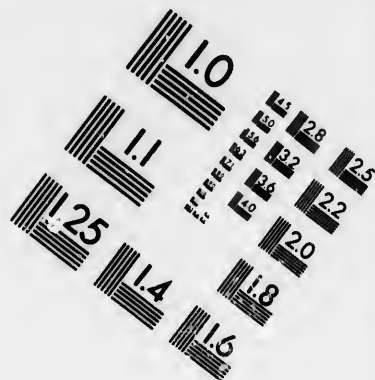
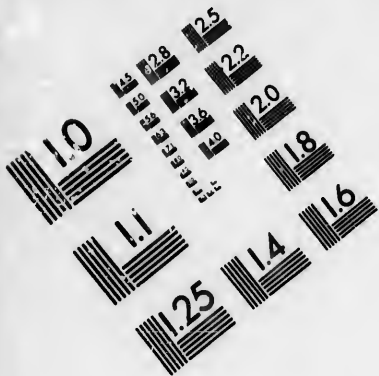
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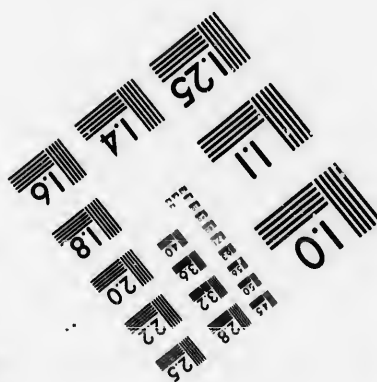
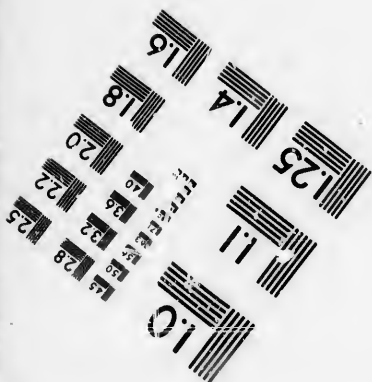
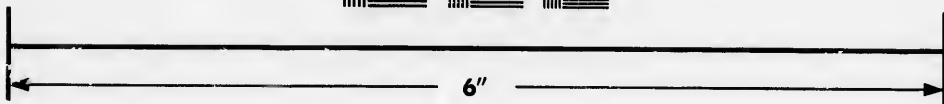
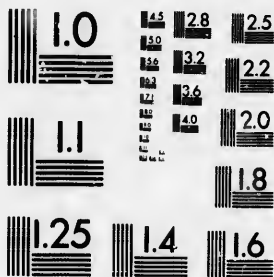
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