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c 192 Municipal Act

Ontario

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SECTION XIV.

MUNICIPAL MATTERS.

CHAPTER 192.

An Act respecting Municipal Institutions.

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

PRELIMINARY.

1. This Act may be cited as The Municipal Act. 3-4 Geo. V. c. 43, s. 1.

2. In this Act,

(a) "Arbitration" shall mean an arbitration under the provisions of this Act.

(b) "Bridge" shall mean a public bridge, and shall include a bridge forming part of a highway or on, over or across which a highway passes.

(c) "City," "town," "village," "township," and "County," "city," "town," "village," "township" or county, the inhabitants of "township," which are a body corporate within the meaning "county," and for the purposes of this Act.

(d) "Elector," when applied to a municipal election, "Elector," shall mean the persons entitled to vote at a municipal election, when applied to voting on money by-law shall mean the persons entitled to vote on the by-law and when applied to voting on any other by-law or on a resolution or question unless otherwise provided by the Act, by-law, or other authority under which the vote is taken, shall mean municipal electors.

(e) "Highway" shall mean a common and public highway, and shall include a street and a bridge forming part of a highway, or on, over or across which a highway passes.
"Land."

(f) "Land" shall include lands, tenements, and hereditaments, and any estate or interest therein, and any right or easement affecting them, and land covered with water.

"Local municipality."

(g) "Local municipality" shall mean a city, a town, a village and a township.

"Member."

(h) "Member" or "members," referring to a member or members of a council shall include the head of the council, and a member or members of a Board of Control.

"Money by-law."

(i) "Money by-law" shall mean a by-law for contracting a debt or obligation or for borrowing money.

"Municipal Board."

(j) "Municipal Board" shall mean Ontario Railway and Municipal Board.

"Municipal electors."

(k) "Municipal electors" shall mean the persons entitled to vote at a municipal election.

"Municipality."

(l) "Municipality" shall mean a locality, the inhabitants of which are incorporated.

"Population."

(m) "Population" shall mean population as determined by the last preceding census taken under the authority of the Parliament of Canada, or under a by-law of the council, or by the last preceding municipal enumeration by the assessor whichever shall be the latest.

"Prescribed."

(n) "Prescribed" shall mean prescribed by or under the authority of this Act.

"Published."

(o) "Published" shall mean published in a newspaper in the municipality to which what is published relates, or which it affects, or if there is no newspaper published in the municipality, in a newspaper published in an adjacent or neighbouring municipality; and "publication" shall have a corresponding meaning.

"Publication."

(p) "Separated town" shall mean town separated for municipal purposes from the county in which it is situate.

"Supreme Court."

(q) "Supreme Court" shall mean Supreme Court of Ontario.

"Township."

(r) "Township" shall include a union of townships, and a municipality composed of two or more townships.

"Two-thirds vote."

(s) "Two-thirds vote" shall mean the affirmative vote of two-thirds of the members of a council present at a meeting thereof.
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(4) "Unorganized territory" shall mean that part of Ontario without county organization.

(6) "Urban municipality" shall mean and include a "Urban municipality." 3-4 Geo. V. c. 43, s. 2.

3.—(1) Where under the provisions of this Act evidence is taken orally before a Special Examiner or a Judge he may direct that the same be taken in shorthand by a stenographic reporter.

(2) The fees of the stenographic reporter including those for the transcribing of his notes shall be paid by the party on whose behalf the evidence is taken, and the same shall form part of the costs of the proceedings in which the evidence is taken. 3-4 Geo. V. c. 43, s. 3.

4. Where registration in a registry office is prescribed or Registration
provided for by this Act it shall mean where The Land Titles Act is applicable, registration in the office of the Master or Local Master of Titles of the locality in which the land is situate. 3-4 Geo. V. c. 43, s. 4.

5. A person in the actual occupation of land under an agreement with the owner for the purchase of it shall be deemed to be the owner, and the unpaid purchase money shall be deemed to be an encumbrance on the land. 3-4 Geo. V. c. 43, s. 5.

6. Where power to acquire land is conferred upon a municipal corporation by this or any other Act, unless otherwise expressly provided, it shall include the power to acquire by purchase or otherwise and to enter on and expropriate. 3-4 Geo. V. c. 43, s. 6.

7. Except where otherwise expressly provided, this Act shall not affect the provisions of any special Act relating to a particular municipality. 3-4 Geo. V. c. 43, s. 7.

8. The inhabitants of every county, city, town, village, and township shall be a body corporate for the purposes of this Act. 3-4 Geo. V. c. 43, s. 8.

9. The name of the body corporate shall be "The Corporation of the County [United Counties, City, Town, Village, Township (as the case may be)], of (naming the municipality)." 3-4 Geo. V. c. 43, s. 9.

10. The powers of a municipal corporation shall be exercised by its council. 3-4 Geo. V. c. 43, s. 10.
PART I.

FORMATION OF NEW CORPORATIONS AND ALTERATIONS OF BOUNDARIES OF MUNICIPALITIES.

11. In this Part, "district" shall mean part of a township or parts of two or more townships which it is proposed to erect into a village or part of a township which it is proposed to add to another municipality, or the part so erected or added, as the case may be. 3-4 Geo. V. c. 43, s. 11.

12. Under and subject to the provisions and conditions hereinafter mentioned, a district may be erected into a village by the council of the county in which it is situated, or if the district comprises parts of two or more counties by the council of the county in which the larger or largest part of the district is situated. 3-4 Geo. V. c. 43, s. 12.

13.—(1) Where a petition, signed, if the district or part of it lies within one mile of the limits of a city having a population of not less than 100,000, by at least two-thirds and in other cases by at least 100 of the freeholders and resident tenants of the district whose names are entered on the last revised assessment roll of the municipality in which the district is situated, and in the case of tenants who have been resident in the district for at least four months next preceding the presentation of the petition, all of the petitioners being of the full age of 21 years, and at least one half of them freeholders, praying for the erection of the district into a village, is presented to the council, the council, if the district has a population exceeding 750, shall, within three months after the presentation of the petition, pass a by-law erecting the district into a village, declaring the name which it shall bear and its boundaries.

(2) Opposite the name of every petitioner there shall be shown, by reference to the number of the lot, the land owned or occupied by him, and where it is or forms part of a lot laid down on a registered plan, the reference shall be to the number of the lot according to the plan, and the petition shall also show whether the petitioner is a freeholder or resident tenant.

(3) A petition shall be deemed to be presented when it is lodged with the clerk, and the sufficiency of the petition shall be determined by him and his certificate shall be conclusive in reference thereto.

(4) The number of the inhabitants of the district shall be ascertained by a special census taken by direction of the council.

(5) The by-law shall not be passed before the expiration of one month after the presentation of the petition, or unless within two months next preceding the meeting of the council
at which it is to be considered notice has been given of the
intention of the council to take it into consideration.

(6) The notice shall be published at least once a week for
two successive weeks, and shall contain a description of the
district sufficiently full to indicate the land which it is
intended to embrace in the proposed village.

(7) The council may require that the expenses of taking
the census and of publishing the notice be paid by the peti-
tioners, or that a sum sufficient to defray them be deposited
with the clerk.

(8) The clerk shall forthwith, after the passing of it, trans-
mit a certified copy of the by-law to the Provincial
Ontario Gazette.

(9) After the expiration of three months from the pub-
tication of the notice of the by-law, and after the final dis-
position of any application to quash it made within that
period, if the application is unsuccessful, the by-law shall not
be liable to be quashed on any ground, and the village
thereby erected shall be deemed to have been duly erected in
accordance with the provisions of this Act. 3-4 Geo. V. c.
43, s. 13.

14.—(1) Subject to subsection 2, the area of a town or
village hereafter erected shall not exceed five hundred acres
for the first one thousand or less, with two hundred acres
added for each additional one thousand in excess of one
thousand of its population.

(2) In unorganized territory, the area of a town shall not
exceed 750 acres for the first 500 of its population, with 300
acres added for each additional 500.

(3) An addition shall not be made to any town or village
which will have the effect of increasing its area beyond the
prescribed area.

(4) Land occupied by highways, parks, and public squares
shall be excluded in determining the area. 3-4 Geo. V. c. 43,
s. 14.

15.—(1) Where a village comprises parts of two or more
counties, it shall be annexed to, and form part of, that one of
them which shall be agreed on by the councils, or which, failing an agreement within six months after the presenta-
tion of the petition, the Lieutenant-Governor in Council may
by proclamation direct.

(2) If an agreement is come to, the clerk of each of the
 councils shall forthwith notify the Provincial Secretary of it,
and, if an agreement is not come to within the period men-
tioned in subsection 1, shall forthwith, after the expiration
of that period, notify the Provincial Secretary of the fact.

30 s.—11
If councils agree notice to be published in Gazette.

Erection of police village into a village.

Annexation of district to village.

Annexation of land to township in unorganized territory.

Incorporation of towns in unorganized territory.

Order of Board.

Erection of cities and towns.

Part of township may be included.

(3) Where the councils agree as to the county to which the village shall be annexed, the Provincial Secretary shall forthwith, after notice of the agreement, cause to be published in the Ontario Gazette notice of the county to which the village has been annexed. 3-4 Geo. V. c. 43, s. 15.

16. A police village may be erected into a village in the manner and subject to the conditions mentioned in section 13. 3-4 Geo. V. c. 43, s. 16.

17. The Municipal Board may, upon the application of the council of a village, annex a district to it where from the proximity of the streets or buildings in the district or the probable future exigencies of the village, the Board deems it expedient. 3-4 Geo. V. c. 43, s. 17.

18.—(1) The Municipal Board may annex land in unorganized territory to an adjacent incorporated township therein, and may also, on the application of two or more adjacent townships in such territory, form them, with or without additional territory, into one township municipality, bearing such name as the Board may direct.

(2) The Board, on the application of the council of a city or town in unorganized territory, may annex to the city or town the whole or any part of an adjoining unorganized township, on such terms and conditions as may be determined by the Board. 3-4 Geo. V. c. 43, s. 18.

19.—(1) Subject to subsection 2 of section 14, the Municipal Board may, upon the application of not less than 75 male inhabitants of the locality, each of the full age of twenty-one years, incorporate as a town the inhabitants of a locality having a population of at least 500, and situate in one or more of the provisional judicial districts, whether or not it lies within an existing township municipality.

(2) The order of the Board shall declare the name which the town shall bear, and its boundaries. 3-4 Geo. V. c. 43, s. 19.

20.—(1) The Board may erect a town having a population of not less than 15,000 into a city, and a village having a population of not less than 2,000 into a town, and declare the name which it is to bear.

(2) Where, from the proximity of streets or buildings or the probable future exigencies of the newly erected city or town, the Board deems it desirable that part of one or more adjacent townships should be included in it, the Board may, subject to the provisions of subsection 6, detach such part from the township or townships and annex it to the newly erected city or town.
The newly erected city or town shall be divided into wards bearing such numbers or names as the Board may direct.

The number of wards in the town shall not be less than three, and each of the wards in the city or town shall have a population of not less than five hundred.

Notice of the application for the erection of a town into a city or of a village into a town shall be published at least once a week for three months.

Where it is proposed that part of one or more adjacent townships shall be embraced in the newly erected city or town, the notice shall so state and shall designate the part proposed to be embraced therein.

The order shall be conclusive evidence that all conditions precedent to the making of it have been complied with, and that the city or town has been duly erected in accordance with the provisions of this Act. 3-4 Geo. V. c. 43, s. 20.

21.—(1) Where the council of a city or town by resolution declares that it is expedient that part of an adjacent township should be annexed to the city or town, and the majority of the municipal electors in such part petition the Board to add the same to such city or town, and after due notice of such resolution and petition has been given by the council of such city or town to the council of such adjacent township, and also, where the part is proposed to be added to a city or to a separated town to the council of the county in which the township is situate, the Board may, by order to take effect upon a day to be named therein, annex such part to the city or town upon such terms and conditions as to the adjustment of assets and liabilities, taxation, assessment, improvements or otherwise as may have been agreed upon, or as shall be determined by the Board.

The order may, before it takes effect, be amended in any respect by a further order, and may at any time when it does not correctly set forth the terms and conditions as to the adjustment of assets and liabilities, taxation, assessment, improvements or otherwise agreed upon, be amended to conform with the agreement.

(3) The Board may direct that a vote be taken for determining whether or not the majority of the municipal electors of the part proposed to be annexed are in favour of its being annexed, and may fix the time and place for the taking of the vote, name the returning officer and make such other provisions as may be deemed necessary. 3-4 Geo. V. c. 43, s. 21.

22. Where territory constituting or forming part of a local municipality becomes part of a local municipality in another county, it shall thereafter form part of that county.
except for the purpose of representation in the Assembly. 3-4 Geo. V. c. 43, s. 22.

23.—(1) The Board may annex a town or a village to an adjacent urban municipality, where:

(a) The councils of the town or village and of the adjacent urban municipality by by-law assent to the annexation; and

(b) The assent of the municipal electors of the town or village is given to the by-law of the council thereof.

(2) Subject to the provisions of subsection 5, the by-law may provide for the annexation unconditionally, or on such terms as may be deemed expedient.

(3) If the urban municipality to which the town or village is annexed has the requisite population, it may be erected into a city or town bearing such name as the Board may direct.

(4) Such redivision into wards of the city or town as the annexation renders necessary shall also be made.

(5) If a petition, signed by at least 150 electors of a town or village, praying that it may be annexed to an adjacent urban municipality, either unconditionally or on such terms as may be stated in the petition, is presented to the council of the town or village the council shall within four weeks after the presentation of the petition submit to the electors of the town or village for their assent thereto, a by-law providing for its annexation on the terms mentioned in the petition. 3-4 Geo. V. c. 43, s. 23.

[As to formation of new Townships, see Rev. Stat. c. 3, s. 11.]

TOWNSHIPS.

24.—(1) The inhabitants of a township in unorganized territory having a population of not less than 100, and the inhabitants of a locality not surveyed into townships having an area of not more than 20,000 acres and a population of not less than 100, may become incorporated as a township municipality.

(2) Upon the receipt of a petition praying for incorporation, signed by not less than 30 of the resident householders of the township or locality, and defining the limits of the proposed municipality, and a deposit being made of a sum sufficient to defray the expenses of the meeting to be held as hereinafter mentioned, a Judge of the District Court of the Provisional Judicial District in which the township or locality is situate may call a meeting of the inhabitants of it to consider the expediency of becoming incorporated and to choose a reeve and four councillors for the proposed municipality, and he shall name a fit person to be the chairman.
of the meeting, and make such provisions as he may deem proper for the conduct of the meeting and the manner of choosing the reeve and councillors; and notice of the meeting shall be given in such manner as the Judge shall direct.

(3) Every resident male householder of the full age of 21 years and a British subject shall be entitled to vote or to be elected as reeve or councillor at such meeting.

(4) The chairman shall preside at the meeting and shall record the votes given, and in the case of an equality of votes between two candidates for the office of reeve or councillor he shall give the casting vote, and he shall forthwith, after the close of the meeting, make a report in writing of the result of it to the Judge.

(5) The report shall contain a statement of the votes given for and against the proposed incorporation, and for and against each person proposed for reeve or councillor, and shall be verified by the oath of the chairman.

(6) If it appears to the Judge from the report that a majority of the inhabitants present at the meeting voted in favour of incorporation, and that those so voting number or include not less than 30 resident householders and no objection to the report or to the manner in which the meeting was conducted or the reeve and councillors were chosen has been filed with the Judge within 10 days after the receipt by him of the report, the Judge shall declare in writing, Form 1, the inhabitants of the township or locality to be incorporated in accordance with the prayer of the petition and state the persons who were elected as reeve and councillors and fix the time and place for the first meeting of the council, and shall forthwith transmit to the Minister of Lands, Forests and Mines, and to the Provincial Secretary, a certified copy of the declaration, and the Provincial Secretary shall thereupon cause notice of it to be published in the Ontario Gazette.

(7) If such an objection is filed within the prescribed time the Judge shall hear and determine the matter complained of, and if he finds that the complaint is well founded shall call a new meeting and perform the other duties assigned to him by subsections 2 and 6.

(8) The incorporation shall be deemed to be complete when the Judge has signed the declaration, but shall not take effect until the 31st day of December following.

3-4 Geo. V. c. 43, s. 24.

UNION OF TOWNSHIPS.

25. A union of townships shall consist of two or more townships united for municipal purposes and having in common, as if one township, all offices and institutions established by law pertaining to township municipalities. 3-4 Geo. V. c. 43, s. 25.
26. The Lieutenant-Governor in Council may, by proclamation, annex a township, or two or more townships lying adjacent to one another laid out by the Crown in unorganized territory, to any adjacent county, and may erect the same with another township of such county into a union of townships. 3-4 Geo. V. c. 43, s. 26.

27.—(1) The inhabitants of two or more townships in unorganized territory, adjacent to one another, and having in the aggregate a population of not less than 100, may become incorporated as a union of townships.

(2) The proceedings for and incidental to the incorporation and the election of the members of the first council shall be the same as provided by section 24. 3-4 Geo. V. c. 43, s. 27.

28. If two-thirds of the resident freeholders and tenants of a junior township whose names are entered on the last revised assessment roll petition the council of the county to be separated from the union to which it belongs, and to be attached to another adjoining township in the county, and the council considers that the interest and convenience of the inhabitants of the township would be promoted thereby, such council may separate it from the union, and may erect it with such adjoining township into a union of townships. 3-4 Geo. V. c. 43, s. 28.

29. The order of seniority of townships forming a union of townships shall be determined by the number of freeholders and tenants thereof whose names are entered on the last revised assessment roll, and the township having the largest number of them shall be the senior township, and the other or others the junior township or townships, and where there is no such assessment roll for all or any one or more of the townships their seniority shall be determined by the functionary or body by which the union is formed. 3-4 Geo. V. c. 43, s. 29.

[As to annexation of gores, etc., to Townships, see Rev. Stat. c. 3, s. 11.]

SEPARATION OF JUNIOR TOWNSHIP FROM UNION.

30.—(1) When a junior township of a union of townships has 100 resident freeholders and tenants whose names are entered on the last revised assessment roll, the county council, if the union is not in unorganized territory, may separate the township from the union.

(2) If the junior township is in unorganized territory and has a population of not less than 100, the Municipal Board, upon the application of not less than 15 of the assessed freeholders and tenants therein, may separate the township from the union.
(3) If a junior township has 50, but less than 100, resident freeholders and tenants whose names are entered on the last revised assessment roll, and two-thirds of such resident freeholders and tenants petition the council of the county to separate the township from the union and the council considers the township to be so situated with reference to natural obstructions, that its inhabitants cannot conveniently remain united with the inhabitants of the other township or townships, the council may separate it from the union.

(4) Where a union of townships consisting of more than two townships is dissolved by the withdrawal of a junior township, the remaining townships shall constitute the union, which shall be continued under its former name, omitting that of the junior township.

(5) Where a union of townships consisting of two townships only is dissolved, the inhabitants of each of the townships shall become a separate corporation bearing the name of the township. 3-4 Geo. V. c. 43, s. 30.

DATE WHEN NEW INCORPORATION TO TAKE EFFECT.

31.—(1) Where a new corporation is constituted under this Act, the incorporation shall take effect on the 31st day of December next after the proclamation, order of the Municipal Board or by-law by which it is effected, and except in the case of a town being erected into a city or a village into a town the functionary or body by which the new corporation is constituted shall fix the place for holding the first election, appoint a returning officer, and otherwise provide for the holding of the election according to law.

(2) The returning officer shall perform all the duties in connection with the election which in other cases are to be performed by the clerk of a local municipality, and shall act as clerk of the new municipality until a clerk is appointed and has taken the oath of office. 3-4 Geo. V. c. 43, s. 31.

As to registration of by-laws, etc., erecting a village, town or city, or enlarging, diminishing or altering the boundaries of a municipality, see The Registry Act, Rev. Stat. c. 124, s. 70.

MATTERS CONSEQUENT UPON THE FORMATION OF NEW CORPORATIONS.

32. The erection of a district into a village, of a village into a town, or of a town into a city, or the separation of a township from a union of townships shall not affect the by-laws then in force in the district or municipality but the same shall remain in force until repealed by the council of the newly erected municipality, but nothing herein shall
authorize the amendment or repeal of a by-law which the council by which it was passed could not lawfully amend or repeal. 3-4 Geo. V. c. 43, s. 32.

33. Where a district or a municipality is annexed to a municipality, its by-laws shall extend to such district or annexed municipality, and the by-laws in force therein shall cease to apply to it, except those relating to highways, which shall remain in force until repealed by the council of the municipality to which the district or municipality is annexed, and except by-laws conferring rights, privileges, franchises, immunities or exemptions which could not have been lawfully repealed by the council which passed them. 3-4 Geo. V. c. 43, s. 33.

ASSETS, DEBTS AND LIABILITIES.

34. Where a junior township is separated from a union of townships the senior or remaining township or townships shall be liable to the creditors of the union for all the debts and obligations of the union. 3-4 Geo. V. c. 43, s. 34.

35. Where a junior township is separated from a union of townships all taxes imposed by the council of the union for the year in which the separation takes place shall be collected and paid over to the senior or remaining township or townships. 3-4 Geo. V. c. 43, s. 35.

36. After a junior township is separated from a union of townships the property of the union shall be disposed of as follows:

(a) The real estate situate in the junior township shall become the property of that township;
(b) The real estate situate in the remaining township or townships shall be the property of the remaining township or townships;
(c) 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 them, or shall be otherwise disposed of, as they may agree;
(d) The one shall pay or allow to the other, in respect of the disposition of the real and personal estate of the union, and in respect of its debts, such sum as may be just;
(e) If the councils of the two corporations do not, within three months after the first meeting of the council of the junior township, agree as to the disposition of the personal estate, or as to the sum to be paid by the one to the other, or as to
the time of payment thereof, the matters in dispute shall be determined by arbitration;

(f) The amount so agreed upon or determined shall bear interest from the day on which the union was dissolved; and the same shall be provided for by the corporation which is to pay it, as in the case of other debts. 3-4 Geo. V. c. 43, s. 36.

37. Where one local municipality is annexed to another the corporation of the latter shall become and be liable to the creditors of the corporation of the former for its debts and obligations and all the property and assets of the corporation of the annexed municipality shall be vested in the corporation of the municipality to which it is annexed, and that corporation shall have the same rights and powers as respects the collection and recovery of all unpaid taxes imposed by the council of the annexed municipality including those for the year in which the annexation takes effect as if such taxes had been imposed by the council of the municipality to which it is annexed. 3-4 Geo. V. c. 43, s. 37.

38.—(1) Where a district is erected into a village, or is detached from one and annexed to another local municipality, there shall be an adjustment of assets and liabilities between the corporation of the municipality from which the district becomes or is detached and the corporation of the village or of the municipality to which the district is annexed, as the case may be, and if the interest of the district in the assets of the corporation of the municipality from which it becomes or is detached exceeds its proportion of the liabilities thereof, that corporation shall pay to the corporation of the village or of the municipality to which the district is annexed, as the case may be, the amount of the excess; but if the district’s proportion of such liabilities exceeds its interest in such assets the corporation of the village or of the municipality to which the district is annexed, as the case may be, shall pay to the corporation of the municipality from which the district becomes or is detached the amount of the excess.

(2) If the corporations do not within three months after the separation takes effect agree as to such adjustment, the matter shall be determined by arbitration.

(3) Where a district is detached as well from a county as from the local municipality, of which it forms part, there shall be a similar adjustment of the assets and liabilities of the corporation of the county from which the district is detached between that corporation and the corporation of the county to which the district is annexed, and the provisions of subsections 1 and 2 shall mutatis mutandis apply.

(4) If the corporation of the county, or of the local municipality, does not within three months after the separation takes effect notify the corporation of the other county or municipality, the right to adjustment shall be barred.
local municipality that it requires an adjustment of the assets
and liabilities, its right to claim an adjustment shall be
barred.

(5) Where a town not being a separated town is erected
into a city, or a town or village is annexed to a city or separ­
atated town, there shall be a similar adjustment of the assets
and liabilities of the corporation of the county from which
the town or village is withdrawn between that corporation
and the corporation of the city or separated town.

(6) Where a town is erected into a city the city shall not
be entitled in the adjustment of assets and liabilities to any
allowance in respect of its interest in the court house or gaaol
of the county. 3-4 Geo. V. c. 43, s. 38.

39.—(1) Where a district is erected into a village or is
detached from one local municipality and annexed to an­
other, the real estate belonging to the corporation from
which the district becomes or is detached and situate therein,
shall belong to and vest in the corporation of the village
or of the municipality to which the district is annexed, as
the case may be, but this shall not apply to a town hall and
the land on which it is erected or which is used or enjoyed in
connection with it, but the same shall remain the property
of the corporation of the municipality from which the district
becomes or is detached.

(2) The taxes imposed by the council of the municipality
from which the district becomes or is detached for the year
in which it is detached shall belong to the corporation of that
municipality and may be collected and recovered by it as if
the district had not been detached but still remained part of
the municipality. 3-4 Geo. V. c. 43, s. 39.

40.—(1) Where a work or service coming within the pro­
visions of The Municipal Drainage Act or of The Local Im­
provement Act has been undertaken by a corporation, and
after it has become liable for the carrying out of the same,
y any land liable to be specially assessed becomes a new munic­i
pality or is annexed to another municipality, the corpora­
tion of the municipality from which such land becomes or is
detached may complete such work or service, and may enter
upon and acquire any land lying within such new or other munic­i
pality necessary for the completion of such work or service;
and may take all such proceedings, pass all such by-laws, make all such special and other assessments, impose
all such special and other rates, issue and sell all such deben­
tures, borrow all such money, and do all such other acts and
things as are necessary to complete such work or service, and
to provide for the cost thereof in the same manner as if the
land so liable had not become a new municipality or been
annexed to another municipality.
(2) The corporation by which the work or service was undertaken shall be indemnified by the corporation of the municipality which is constituted from such land or to which such land is annexed against all debts and liabilities incurred by it before the formation of the new corporation or the annexation of such land for or in respect of any such work or service to the extent to which the land lying within such new or other municipality was specially assessed; and in adjusting the assets and liabilities consequent on the detachment of such land the debts incurred by the corporation of the municipality from which it was detached, for its share of the cost of such work or service, shall be taken into account.

(3) Where the land specially assessed lies wholly within such new or other municipality, the corporation thereof shall be liable for the entire debt in respect of such work or service, and the clerk of the municipality from which the land was detached shall furnish the clerk of such new or other municipality with certified copies of all the by-laws relating to such work or service and the rates imposed by such by-laws shall be collected by the corporation of the new or other municipality, and that corporation shall pay the principal and interest of the debentures issued in respect of such work or service as they become due and shall indemnify the corporation of the municipality from which the land was detached against the same.

(4) Where part only of the land specially assessed lies within the new or other municipality, the clerk of the municipality from which it was detached shall furnish the clerk of such new or other municipality with a certified copy of the by-law imposing the special assessment, and the corporation of such new or other municipality in each year in which a special rate upon such land is payable shall collect the same and shall pay over the sums collected to the treasurer of the municipality from which such land was detached, when and as the same are collected, and in the adjustment of the assets and liabilities consequent upon the detachment of such land the debts incurred by the corporation of the municipality from which it was detached for its share of the cost of such work or service shall be taken into account. 3-4 Geo. V. c. 43, s. 40.

41. Where the land detached is subject to rates for the payment of a bonus or aid granted by a part of a township in aid of a railway, the provisions of section 40 shall, mutatis mutandis, apply. 3-4 Geo. V. c. 43, s. 41.

42. Where a district is erected into a village, or a village into a town, or a town into a city, or a township is separated from a union of townships, the council having authority in the district or municipality at the time of the erection or separation shall, until the council of the new corporation is organized, continue to have the same powers as before such erection or separation. 3-4 Geo. V. c. 43, s. 42.
Officials and Sureties.

43.—(1) The separation of a junior township from a union of townships shall not affect the office, duty, power or responsibility of any officer of the union who continues to be an officer of the remaining township or townships after such separation, or of the sureties of such officer or their liability, further than by limiting such office, duty, power, responsibility, suretyship and liability to the remaining township or townships.

(2) Every such officer shall, after the separation, be the officer of the remaining township or townships as if he had been originally appointed an officer thereof.

(3) The sureties for such officer shall remain liable, as if they had become his sureties in respect only of the remaining township or townships, and all securities shall, after the separation, be read as if they had been given only to or for the benefit of the remaining township or townships. 3-4 Geo. V. c. 43, s. 43.

New Division into Wards.

44. Where the council of a city or town, before the 15th day of July in any year, by a vote of two-thirds of all the members, passes a resolution affirming the expediency of a new division into wards of the city or town or of a part of it, the Lieutenant-Governor in Council may by proclamation re-divide the city or town or part of it into wards, as he may deem expedient. 3-4 Geo. V. c. 43, s. 44.

PART II.

MUNICIPAL COUNCILS—HOW COMPOSED.

Counties.

45. The council of a county shall be composed of the reeves and deputy reeves of the towns, not being separated towns, and of the villages and townships in the county. 3-4 Geo. V. c. 43, s. 45.

Cities.

46.—(1) Subject to subsection 7 the council of a city shall be composed of a mayor, the members of the Board of Control, if the city has such a board, and

(a) Three aldermen for each ward, or

(b) Where the council by by-law so provides two aldermen for each ward;
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(c) In the case of a city having a population of not more than 15,000, where the council by by-law so provides, one alderman for every 1,000 of the population.

(2) In the case provided for by clause (c) of subsection 1, or where the council of a city having a population of more than 15,000 by by-law so provides, the aldermen shall be elected by general vote, and in the latter case the number of aldermen shall be the same as if they were elected by wards.

(3) A by-law for the purposes mentioned in clause (b) or (c) of subsection 1 shall not be repealed until at least two annual elections have been held under it, and a by-law under subsection 2 shall not be repealed until at least five annual elections have been held under it.

(4) A by-law for any of the purposes mentioned in subsections 1 and 2 and a by-law repealing any such by-law shall be passed not later in the year than the first day of November and shall not be passed unless it has received the assent of the municipal electors.

(5) Every such by-law including a repealing by-law shall take effect at and for the purposes of the annual election next after the passing of it.

(6) Subject to subsection 3 where the petition of at least one-fifth of the municipal electors is presented on or before the first day of November in any year praying for the passing of a by-law repealing a by-law for the purpose mentioned in clause (c) of subsection 1, or where a petition of not less than 400 electors is presented praying for the passing of a by-law for the purpose mentioned in subsection 2, or for the repeal of a by-law passed under that subsection, the council shall submit the question of making the proposed change to a vote of the municipal electors at the next ensuing annual election, and if the voting is in favour of the change shall without delay pass a by-law in accordance with the prayer of the petition.

(7) Notwithstanding anything in any special Act the council of the City of Toronto shall consist of the mayor and four controllers to be elected by general vote, and three aldermen for each of the Wards, Numbers 1 to 6 inclusive, and two aldermen for Ward Number 7 until its population, according to the municipal enumeration by the assessor, reaches 30,000, and after that three aldermen for that Ward. 3-4 Geo. V. c. 43, s. 46.

Towns.

47.—(1) The council of a town in unorganized territory shall be composed of a mayor and six councillors to be elected by general vote.
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(2) If the town has a population of not less than 5,000 the council may provide that the council shall be composed of a mayor and nine councillors to be elected by general vote. 3-4 Geo. V. c. 43, s. 47.

48.—(1) The council of a town not in unorganized territory having a population of more than 5,000 shall be composed of a mayor, a reeve, as many deputy reeves as the town is entitled to and three councillors for each ward where there are less than five wards, or two councillors for each ward where there are five or more wards.

(2) Where there are less than five wards the council on the petition of not less than 100 municipal electors shall provide that the number of councillors shall be two for each ward, or may without petition provide that the number of councillors shall be one for every 1,000 of the population to be elected by general vote, or if the population is less than 6,000 that the number of councillors shall be six to be elected by general vote.

(3) Where the town has a population of not more than 5,000 the council shall be composed of a mayor, a reeve, as many deputy reeves as the town is entitled to and

(a) Six councillors to be elected by general vote; or

(b) Where the council so provides one councillor for each ward and the remaining councillors to complete the full number of six to be elected by general vote.

(4) A by-law for any of the purposes mentioned in subsection 2 of section 47 or subsection 2 or clause (b) of subsection 3 of this section shall not be repealed until two annual elections have been held under it, and a by-law for the purpose mentioned in clause (b) of subsection 3 shall not be passed until two annual elections under clause (a) have been held.

(5) A by-law for any of the purposes mentioned in subsection 2 of section 47 or in subsections 2 and 3 of this section, and a by-law repealing any such by-law shall be passed not later in the year than the first day of November and shall not be passed unless it has received the assent of the municipal electors.

(6) Every such by-law, including a repealing by-law, shall take effect at and for the purposes of the annual election next after the passing of it.

(7) Subject to subsections 2 and 4, where a petition of not less than one-fifth of the municipal electors is presented on or before the first day of November in any year praying for the passing of a by-law for any of the purposes mentioned in this section or for repealing any such by-law, except a by-law reducing the number of councillors to two for each
ward, the council shall submit the question of making the proposed change to a vote of the municipal electors at the next ensuing annual election and if the voting is in favour of the proposed change shall without delay pass a by-law in accordance with the prayer of the petition.

(8) Subject to subsection 4, where a by-law has been passed for reducing the number of councillors to two for each ward, the council, upon the petition of not less than 100 resident municipal electors, presented not later in the year than the first day of November, shall submit the question of repealing the by-law to a vote of the electors at the next ensuing annual election and if the voting is in favour of the repeal shall without delay pass a by-law in accordance with the prayer of the petition. 3-4 Geo. V. c. 43, s. 48.

49. For the purposes of sections 46 to 48 the population shall be determined by the latest census of Canada. 3-4 Geo. V. c. 43, s. 49.

Villages and Townships.

50.—(1) The council of a village and the council of a township shall consist of a reeve, as many deputy reeves as the municipality is entitled to, and a sufficient number of councillors to make up with the deputy reeves four in all, and they shall all be elected by general vote.

(2) The council of a township in unorganized territory shall consist of a reeve and four councillors. 3-4 Geo. V. c. 43, s. 50.

Towns, Villages and Townships.

51.—(1) A town, not being a separated town, and a village and a township in a county shall each be entitled where it has more than 1,000 and not more than 2,000 municipal electors to a first deputy reeve, or where it has more than 2,000 and not more than 3,000 municipal electors to a first deputy reeve and a second deputy reeve, and where it has more than 3,000 municipal electors to a first deputy reeve, a second deputy reeve and a third deputy reeve.

(2) The number of municipal electors shall be determined by the last revised voters’ list, but in counting the names the name of the same person shall not be counted more than once. 3-4 Geo. V. c. 43, s. 51.

QUALIFICATION.

52.—(1) Subject to subsection 6, no person shall be qualified to be elected a member of the council of a local municipality unless he

(a) Resides in or within two miles of the municipality;
(b) Is a British subject;
(c) Is a male of the full age of twenty-one years;
(d) Is not disqualified under this or any other Act, and
(e) In any municipality is at the time of the election in actual occupation of a freehold estate rated in his own name or in the name of his wife on the last revised assessment roll of the municipality for at least $2,000, whether or not the same is encumbered, and of which he or she is the owner; or

(f) Is or his wife is at the time of the election the owner or tenant of a freehold or leasehold or partly freehold and partly leasehold estate, legal or equitable, or partly legal and partly equitable, in land assessed in his or her name on the last revised assessment roll of the municipality, if not in unorganized territory, of at least the value according to such assessment roll over and above, in the case of an owner, all liens, charges and encumbrances thereon, of

i. In a village, if freehold, $200; or if leasehold, $400;

ii. In a township, if freehold, $400; or if leasehold, $800;

iii. In a town, if freehold, $600; or if leasehold, $1,200;

iv. In a city, if freehold, $1,000; or if leasehold, $2,000;

Or if in unorganized territory,

v. In a township, (except at the first election), if freehold, $100; or if leasehold, $200;

vi. In a city or town, if freehold, $400; and if leasehold, $800.

(2) A person who would have had the qualification prescribed by subsection 1, if he or his wife had continued to be the owner or tenant of land in respect of which his or her name was entered on the last revised assessment roll down to and at the time of the election, if otherwise qualified, shall be qualified to be elected, notwithstanding that he or his wife has alienated the estate in the land for which he or she was assessed, or, if a leasehold estate, it has been determined by effluxion of time, surrender or otherwise between the date of the return of the assessment roll and the time of the election, if at the time of the election he is a resident of the municipality and he or his wife has at the time of the election an estate in other land of a sufficient assessed value, according
to the last revised assessment roll, to qualify him for election under subsection 1 if he or she had been assessed for it.

(3) Subsections 4 and 5 of section 56 shall apply to the rating qualifications prescribed by this section.

(4) Where territory has been annexed to an urban municipality, until an assessment roll for the municipality, including such territory, has been made and revised, it shall be sufficient for the purposes of this section if the assessment is upon the last revised assessment roll of the municipality in which the territory, before its annexation, was situate, and for a sufficient amount to qualify him for election to the council of that municipality.

(5) In this section "leasehold" and "leasehold estate" shall mean a tenancy for one year or more, or a tenancy meaning of from year to year.

(6) Where the inhabitants of a township or locality in unorganized territory have become incorporated as a town-ship or a union of townships, the only qualification necessary at the first election shall be that the person is a male of the full age of twenty-one years, a British subject and a householder resident in the municipality.

(7) If there are not at least two persons qualified to be elected for each seat in the council, no qualification beyond that of a municipal elector shall be necessary. 3-4 Geo. V. e. 43, s. 52.

DISQUALIFICATION.

53.—(1) The following shall not be eligible to be elected a member of a council or be entitled to sit or vote therein:

(a) A judge of any court;
(b) A gaoler or a keeper of a lock-up;
(c) A sheriff, deputy sheriff or sheriff’s bailiff;
(d) A high bailiff or chief constable of a city or town;
(e) An assessment commissioner, assessor, a collector of taxes, a treasurer, a clerk, or any other officer, employee or servant of the corporation of a municipality;
(f) A clerk or bailiff of a division court;
(g) A crown attorney or a clerk of the peace;
(h) A registrar or a deputy registrar of deeds;
(i) A master or a local master of titles;
(j) A member of a public or separate school board or of a board of education, of a city, town or village, or a member of a high school board, unless he

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has at least ten days before the day of nomination filed his resignation with the Secretary of the Board;

(k) A person licensed to sell spirituous liquor by retail;

(l) A license commissioner or an inspector of licenses;

(m) A police magistrate;

(n) A clerk of a county or district court;

(o) A deputy clerk of the Crown or a local registrar;

(p) A person having himself or by or with or through another an interest in any contract with the corporation or with any commission or person acting for the corporation or in any contract for the supply of goods or materials to a contractor for work for which the corporation pays or is liable directly or indirectly to pay, or which is subject to the control or supervision of the council or of an officer of the corporation, or who has an unsatisfied claim for such goods or materials;

(q) A person who either himself or by or with or through another has any claim, action or proceeding against the corporation;

(r) A person who, either himself or by or with or through another is counsel or solicitor in the prosecution of any claim, action or proceeding against the corporation or in opposing or defending any claim, action or proceeding by the corporation;

(s) A person who at the time of the election is liable for any arrears of taxes to the corporation of the municipality;

(t) A person against the land in respect of which he qualifies there are at the time of the election any arrears of taxes.

(2) Subsection 1 shall not apply to a person by reason only:

(a) Of his being a shareholder in an incorporated company having dealings or a contract with the corporation, or

(b) Of his being a lessee of the corporation for a term of twenty-one years or upwards of any property of the corporation, or

(c) That part of his property is exempt wholly or in part from taxation, whether such exemption is founded on an agreement with the corporation or on a by-law of the council, or
(d) Of his being the proprietor of or otherwise interested in a newspaper or other periodical publication in which official advertisements or notices which appear in other newspapers or periodical publications are published by the council or for which the council is a subscriber or which is furnished to any department or officer of a corporation if the same are paid for at the usual rates, and he has not agreed with the corporation to do the whole or the principal part of its printing.

(e) Of his having been appointed and paid for his services as commissioner, superintendent or overseer of any highway or of any work undertaken wholly or in part at the expense of the corporation.

(f) Of his being a consumer or taker of anything supplied by the corporation or any commission under The Public Utilities Act or of his having entered into a contract with the corporation or commission for the supply of it to him.

(3) A person being such a shareholder shall not vote on any question affecting the company or being such a lessee shall not vote on any question affecting his lease or his rights, or liabilities thereunder, or being so exempt from taxation shall not vote on any question affecting the property so exempt, or being such a proprietor of or otherwise interested in a newspaper or other periodical publication shall not vote on any question affecting his dealings with the corporation.

(4) The filing of the resignation mentioned in clause (j) of subsection 1 shall render vacant the seat of the member. 3-4 Geo. V. c. 43, s. 53.

54. If a member of a council in his own name or in that of another and alone or jointly with another enters into a contract with or makes a purchase from or a sale to the corporation, the contract, purchase or sale as against the corporation shall be void. 3-4 Geo. V. c. 43, s. 54.

EXEMPTIONS.

55. The following shall be exempt from being elected as members of a council and from being appointed to any municipal office:

(a) Persons of the age of sixty years and upwards;

(b) Members and officers of the Senate, or of the House of Commons of Canada, or of the Assembly;

(c) Coroners;

(d) Clergymen and ministers of every denomination:
(e) Members of the Law Society of Upper Canada, whether barristers or students;

(f) Officers of Courts of Justice;

(g) Physicians and surgeons;

(h) Professors, masters and teachers, and the officers and servants of a university, college or school in Ontario;

(i) Millers;

(j) Officers and members of a fire brigade or of an authorized fire company. 3-4 Geo. V. c. 43, s. 55.

PART III.

MUNICIPAL ELECTIONS.

Who to be entered on Voters’ List.

56.—(1) Every person shall be entitled to be entered on the voters’ list prepared under Part I. or II. of The Ontario Voters’ Lists Act, who is:

(a) A male, a widow or an unmarried woman;

(b) Of the full age of twenty-one years;

(c) A British subject by birth or naturalization;

(d) Not disqualified under this Act or otherwise by law prohibited from voting; and

(e) Rated, or entitled to be rated, or in the case of a male whose wife is or was entitled to be rated to the amount hereinafter mentioned on the last revised assessment roll of the local municipality for land held in his or her own right, or so rated or entitled to be so rated for income, or who is entered or was entitled to be entered on such roll as a farmer’s son.

(2) The rating for land shall be in respect of a freehold or leasehold, legal or equitable or partly of each to an amount not less than

(a) In villages and townships, $100;

(b) In towns having a population not exceeding 3,000, $200;

(c) In towns having a population exceeding 3,000, $300;

(d) In cities, $400.
(3) The rating for income shall be in respect of income from a trade, office, calling or profession of not less than $400 which has been received during the twelve months next preceding the final revision of the assessment roll or the twelve months next preceding the last day for making complaint to the Judge under The Ontario Voters' Lists Act.

(4) If both the owner and the occupant are severally but not jointly rated, each shall be deemed to be rated.

(5) Where land is owned or occupied jointly by two or more persons who are rated at an amount sufficient, if equally divided between them, to give a qualification to all each shall be deemed to be rated within the meaning of this section, otherwise none of them shall be deemed to be so rated.

(6) A person not entitled under The Assessment Act to be entered on the last revised assessment roll as a farmer's son, shall be entitled to be entered on the voters' list if he has the other qualifications of a farmer's son as prescribed by that Act and has resided on the farm of his father or mother for the twelve months next preceding the date of the final revision of the assessment roll or for the twelve months next preceding the last day for making complaint to the judge under The Ontario Voters' Lists Act.

(7) Occasional or temporary absence from the farm for a time or times not exceeding in the whole six of the twelve months shall not disentitle a farmer's son to be entered on the voters' list. 3-4 Geo. V. c. 43, s. 56.

Right to Vote.

57. Subject to sections 59, 60 and 61, every person whose name is entered on the proper voters' list shall be entitled to vote at a municipal election except that in the case of a tenant he shall not be entitled to vote unless he is a resident of the municipality at the date of and has resided therein for one month next before the election and, in the case of an income voter and of a farmer's son, he is a resident of the municipality at the date of the election. 3-4 Geo. V. c. 43, s. 57.

58. Except as to the disqualification arising from his not residing in the municipality at the time of the election in the case of an income or farmer's son voter or from his not residing in the municipality for one month next before the election and at the time of the election in the case of a tenant, or from the non-payment of taxes in the case of a voter whose name appears on the defaulters' list, no question as to the qualification of any person whose name is entered on the proper list of voters shall be raised at an election. 3-4 Geo. V. c. 43, s. 58.
59.—(1) No person whose name appears on the defaulters' list provided for by section 95 shall be entitled to vote in respect of income in any municipality, or in respect of real property in a municipality the council of which has passed a by-law under paragraph 9 of section 399, unless at the time of tendering his vote he produces and leaves with the deputy returning officer a certificate from the treasurer, or the collector, showing that the taxes, in respect of which the default was made, have since been paid.

(2) The deputy-returning officer shall file the certificate and note the same on the defaulters' list. 3-4 Geo. V. c. 43, s. 59.

60. The Clerk of the municipality shall not be entitled to vote except to give a casting vote as provided by section 127. 3-4 Geo. V. c. 43, s. 60.

61.—(1) No person shall be entitled to vote who, at any time, before or during the election, has been employed as counsel, agent, solicitor or clerk or in any other capacity by a candidate or by any other person at or in reference to or for the purpose of forwarding the election, and who has received or expects to receive, either before, during or after the election, from any candidate or from any other person, for acting in such capacity, any money, fee, office, place or employment, or any promise, pledge or security therefor.

(2) Subsection 1 shall not apply to a person who performs any official duty in connection with the election and who receives the fees therefor to which he is entitled. 3-4 Geo. V. c. 43, s. 61.

62. Where territory has been annexed to an urban municipality, or a town with additional territory erected into a city, or a village with additional territory erected into a town, or a new town or village erected, and an election takes place before a voters' list including the names of the persons entitled to vote in such territory, or for the new town or village, is certified by the Judge, all persons who would have been qualified as municipal electors if such addition had not been made or the new town or village erected shall be entitled to vote in the city, town or village at such election. 3-4 Geo. V. c. 43, s. 62.

NOMINATION MEETING.

63. Subject to subsection 4 of section 64 and to section 73 a meeting of the electors shall take place for the nomination of candidates for mayor and controllers in cities and towns, and for reeve or reeve and deputy reeve or deputy reeves in towns, at the hall of the municipality annually on the last Monday in December, at ten o'clock in the forenoon. 3-4 Geo. V. c. 43, s. 63.
64.—(1) Subject to subsections 3 to 6, and to section 73, a meeting of the electors shall take place for the nomination of candidates for aldermen in cities and councillors in towns, to be elected by general vote, and for reeves, deputy reeves and councillors in villages and townships, annually at noon, on the last Monday in December, at the hall of the municipality, or at such place therein as may from time to time be fixed by by-law.

(2) Where the election of aldermen or councillors is by wards the meeting shall be held annually at noon on the last Monday in December at such places in each ward as may from time to time be fixed by by-law, but the council of a town divided into wards may provide that the meeting for the nomination of candidates for councillors for the wards shall be held at the same time and place as the nomination for mayor.

(3) The council of a city may by the by-law fixing the places for the nomination of candidates for aldermen provide that the hour of nomination shall be half-past seven o'clock in the afternoon.

(4) The council of a town or village may by by-law provide that the meeting for the nomination of all candidates may be held at half-past seven o'clock in the afternoon.

(5) The council of a township may by by-law provide that the meeting for the nomination of all candidates shall be held at one o'clock in the afternoon.

(6) Where a township adjoins an urban municipality, that township may be designated as the place of meeting for the nomination of all candidates. 3-4 Geo. V. c. 43, s. 64.

65. The nomination meeting shall be held on the day fixed for it by or under the authority of this Act, except where it is Christmas Day, and in that case the meeting shall be held on the preceding Friday. 3-4 Geo. V. c. 43, s. 65.

66. Where the incorporation of a new municipality takes effect on the 31st day of December as provided by section 31, the nomination and all proceedings incidental thereto and to the holding of the election on the 1st Monday of the January following may be had and taken as if the incorporation had taken effect. 3-4 Geo. V. c. 43, s. 66.

67. The returning officer shall give at least six days' notice of the nomination meeting. 3-4 Geo. V. c. 43, s. 67.

68.—(1) At all nomination meetings, the candidates for each office shall be proposed and seconded seriatim, and every nomination shall be in writing, shall state the name, residence and occupation of the candidate, and shall be signed by his proposer and seconder, both of whom shall be present.
and filed with the returning officer within one hour from the time fixed for holding the meeting.

(2) Failure to comply with the provisions of subsection 1 shall not invalidate the nomination if it is received and acted on by the returning officer without objection.

(3) If no more candidates are nominated for an office than are to be elected, the returning officer, after the lapse of one hour from the time fixed for holding the meeting, shall declare such candidate duly elected.

(4) If more candidates are nominated for an office than are to be elected, the returning officer shall adjourn the proceedings until the first Monday in January next thereafter, when, unless there is an election by reason of the resignation of any candidate or candidates nominated, as in the next succeeding section provided, polls shall be opened in each ward or polling subdivision at such place or places as have been fixed by by-law. 3-4 Geo. V. c. 43, s. 68.

69.—(1) The returning officer shall, on the day of the nomination, post up in the office of the clerk the names of the persons nominated for the respective offices.

(2) At the nomination meeting or at any time before nine o'clock in the afternoon of the following day, or, if that day is a holiday, before noon of the succeeding day, any person nominated for one or more offices may resign, or may elect for which office he is to remain nominated; and in default he shall be deemed to be nominated for the office for which he was first nominated.

(3) Where he resigns after the nomination meeting the resignation shall be in writing, signed by him and attested by a witness, and shall be delivered to the clerk within the time hereinbefore mentioned.

(4) In an urban municipality every candidate for any municipal office shall on nomination day, or before nine o'clock in the afternoon of the following day, or if that day is a holiday before noon of the succeeding day, file in the office of the clerk a declaration, Form 2.

(5) Where a candidate is unable on account of illness or absence from the municipality to make the declaration or to file it within the time prescribed by subsection 4, and he appears by the last revised assessment roll to be qualified to be elected, the declaration of any person who has and states in the declaration that he has knowledge of the facts, that the inability exists and the nature of it and that he has reason to believe and does believe that the candidate possesses the qualification prescribed for the office for which he has been nominated and that if elected he will accept the office, may be filed in lieu of the declaration of the candidate.
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(6) If one or other of such declarations is not filed within the time mentioned in subsection 4, the candidate in default shall be deemed to have resigned, and his name shall be removed from the list of candidates and shall not be printed on the ballot paper.

(7) If by reason of resignations the number of candidates remaining for any office does not exceed the number to be elected the returning officer, whether the event happens on or after nomination day, shall declare the remaining candidate or candidates duly elected.

(8) On the day following the nomination day, the returning officer for each ward shall certify to the clerk the result of the meeting. 3-4 Geo. V. c. 43, s. 69.

70.—(1) Where the candidates or any of them, retire, and by reason of such retirement or where from any other cause the requisite number of persons is not elected, the members elected, if they equal or exceed one-half of the council when complete, or a majority of such members, shall order a new election to be held to fill the vacancies.

(2) Where less than half the members of the council are elected the clerk shall cause a new election to be held; and until such election is held, and the council is elected, the council of the preceding year shall continue in office.

(3) The new election shall be held as soon as practicable. 3-4 Geo. V. c. 43, s. 70.

71. Except in the case of the first election provided for by sections 24 and 27 and subject to section 73 the electors of every local municipality shall elect annually on the first Monday in January, although it is a holiday, the members of council, the water commissioners, and the sewerage commissioners who are to be elected, except such as have been elected at the nomination. 3-4 Geo. V. c. 43, s. 71.

72. The members of a council shall hold office until their successors are elected and the new council is organized. 3-4 Geo. V. c. 43, s. 72 (1).

73. The council of a city having a population of not less than 75,000 may, by by-law passed not later in the year than the 15th day of November, provide that the meeting of electors for the nomination of candidates for Mayor, Controllers, Aldermen and the Board of Education shall be held on the 23rd day of December, except where that day is a Sunday, and in that case on the following day, and that the polling shall take place on the 1st day of January next thereafter, except where that day is a Sunday, and in that case on the following day, and the by-law shall remain in force from year to year until repealed. 3-4 Geo. V. c. 43, s. 73.
74. The council of a local municipality may by by-law passed with the assent of the municipal electors extend the term of office of the members of the council to be thereafter elected to two years, and may with the like assent repeal such by-law. 3-4 Geo. V. c. 43, s. 74.

75. Subject to subsection 6 of section 64 the election shall be held in the municipality. 3-4 Geo. V. c. 43, s. 75.

76. An election shall not be held in a tavern or in a house of public entertainment licensed to sell spirituous or fermented liquors. 3-4 Geo. V. c. 43, s. 76.

77.—(1) The council of every local municipality in which the election is by wards or polling subdivisions, shall from time to time appoint:

(a) the places for holding the nominations for each ward;

(b) a returning officer to hold the nominations for each ward;

(c) the places at which polls shall be opened if a poll is required;

(d) a deputy returning officer and a poll clerk for each polling subdivision.

(2) In a city having a population of not less than 100,000 the returning officers, deputy returning officers, and poll clerks shall be appointed on the recommendation of the clerk, and such appointments shall be made at least one month before polling day, and as far as practicable the deputy returning officers and poll clerks shall be appointed for polling places in the subdivisions in which they reside.

(3) If a poll clerk signifies to the returning officer in writing that he will not act, the returning officer shall appoint another person to act in his place.

(4) If a poll clerk does not attend at the opening of the poll the deputy returning officer shall appoint another person to act in his place.

(5) The clerk shall be the returning officer for the whole municipality; and if a poll is required, the deputy-returning officers shall make to him the returns for their respective wards or polling subdivisions. 3-4 Geo. V. c. 43, s. 77.

78.—(1) In a local municipality which is not divided into polling subdivisions, the clerk shall be the returning officer for the nomination of candidates.

(2) The council shall from time to time appoint the place at which the poll shall be opened if a poll is required. 3-4 Geo. V. c. 43, s. 78.
79.—(1) Where a by-law to appoint the place for holding any meeting required to be held for the nomination of candidates is necessary and the council fails to pass it the meeting shall be held at the place at which the nomination for the next preceding election was held.

(2) Where the council fails to appoint all or any of the places at which a poll is to be opened if a poll is required, as to such of them as are not appointed, the polls shall be opened at the place or places at which the polling took place at the next preceding election. 3-4 Geo. V. c. 43, s. 79.

80.—(1) Where the returning officer for any ward notifies the clerk that he is unable or that he refuses to act or does not attend at the time and place appointed by the clerk to receive his instructions and nomination papers, or where a deputy returning officer does not attend at the time and place at which he is required by the clerk to attend to receive his ballot box, voters’ lists, and other election papers, the clerk shall appoint another person to act in his place.

(2) If at the time and place appointed for holding a nomination the returning officer does not attend to hold the nomination within fifteen minutes after the time appointed or if no returning officer has been appointed, the electors present at the place for holding the nomination may choose from amongst themselves a returning officer to hold the nomination.

(3) If at the time and place appointed for holding the poll the deputy returning officer does not attend within one hour after the time appointed, the clerk shall appoint another person to act in his place and shall furnish him with a ballot box, voters’ lists and other election papers.

(4) In a city having a population of not less than 100,000 a deputy returning officer shall not be appointed unless a poll clerk has not been appointed or if appointed is not present, but the poll clerk shall act as deputy returning officer and he shall appoint some other person to be poll clerk.

(5) If, during the polling, the returning officer or the deputy returning officer at a polling place becomes unable through illness or other cause, to perform his duties, the poll clerk shall act in his place and shall perform all the duties of a returning officer or deputy returning officer, and may appoint some other person to act as poll clerk. 3-4 Geo. V. c. 43, s. 80.

81.—(1) A returning officer and a deputy returning officer from the time he takes the oath of office until the day after the close of the election or of the voting on a by-law shall be a conservator of the peace and shall have all the powers of a Justice of the Peace.
2346 Chap. 192. MUNICIPAL INSTITUTIONS. Sec. 81 (2).

(2) A returning officer, a deputy returning officer or a Justice of the Peace may arrest or by a verbal order cause to be arrested and placed in the custody of a constable or of any other person a person who disturbs the peace and good order and may cause such person to be imprisoned under an order signed by him until an hour not later than the closing of the nomination, polling or voting as the case may be, and all constables and persons present when required shall assist the returning officer, deputy returning officer or Justice of the Peace in the performance of his duties under this subsection. 3-4 Geo. V. c. 43, s. 81.

82. A returning officer, a deputy returning officer, or a Justice of the Peace may appoint and swear in as many special constables to assist in the preservation of the peace and order as he may deem necessary; and any person liable to serve as constable, and required by a returning officer, a deputy returning officer, or a justice, to be sworn in as a special constable, if he refuses to be sworn in or to serve, shall incur a penalty of $20. 3-4 Geo. V. c. 43, s. 82.

Ballot Boxes.

83.—(1) Where a poll is required, the clerk shall procure as many ballot boxes as there are polling subdivisions.

(2) The ballot boxes shall be made of durable material, provided with lock and key, and so constructed that the ballot papers can be deposited therein and cannot be withdrawn without unlocking the box.

(3) Two days at least before polling day the clerk shall deliver a ballot box to every deputy returning officer.

(4) The ballot boxes, when returned to the clerk after the election, shall be preserved by him for use at future elections; and he shall have ready for use, at all times, as many ballot boxes as there are polling subdivisions.

(5) If the clerk fails to provide the ballot boxes he shall incur a penalty of $100 in respect of every ballot box which he fails to provide.

(6) A deputy returning officer who has not been provided with a ballot box within the time prescribed shall forthwith procure one to be made, and he may make a requisition upon the treasurer for payment of the cost of it, and the treasurer shall pay the same to the deputy returning officer. 3-4 Geo. V. c. 43, s. 83.

Ballot Papers.

84. Where a poll is required, the clerk shall forthwith cause to be printed a sufficient number of ballot papers for the purposes of the election. 3-4 Geo. V. c. 43, s. 84.
Sec. 89. MUNICIPAL INSTITUTIONS. Chap. 192. 2347

85.—(1) In cities and towns in which the aldermen or councillors are elected by wards, there shall be prepared one set of ballot papers for all the polling subdivisions containing the names of the candidates for mayor, another set for all the polling subdivisions containing the names of the candidates for reeve or reeve and deputy reeves, and another set for each ward containing the names of the candidates for aldermen or councillors for the ward.

(2) In cities and towns where the aldermen or councillors are elected by general vote, there shall be prepared for all the polling subdivisions one set of ballot papers containing the names of the candidates for mayor or mayor and reeve or mayor, reeve and deputy reeves, and another set containing the names of the candidates for aldermen or councillors.

(3) In villages and townships there shall be prepared one set of ballot papers containing the names of the candidates for reeve or reeve and deputy reeves and for councillors.

(4) There shall also be separate sets of ballot papers for controllers and public utility commissioners. 3-4 Geo. V. c. 43, s. 85.

86. The ballot papers shall be according to Forms 3, 4, or 5, and shall contain the names of the candidates arranged alphabetically in the order of their surnames, or if there are two or more candidates for the same office with the same surname, in the order of their Christian names. 3-4 Geo. V. c. 43, s. 86.

Polling Places.

87. Before opening the poll, the clerk shall deliver to every deputy returning officer the ballot papers for use in the polling subdivision for which he has been appointed, and shall furnish him with the materials necessary to enable voters to mark their ballot papers, and such materials shall be kept at the polling place by the deputy returning officer for the use of voters. 3-4 Geo. V. c. 43, s. 87.

88. Every polling place shall be furnished with a compartment in which the voters can mark their ballot papers screened from observation, and if it is not provided by the corporation the deputy returning officer shall furnish it, and the cost of it shall be repaid to him as provided by subsection 6 of section 83. 3-4 Geo. V. c. 43, s. 88.

Directions to Voters.

89. The clerk shall cause to be printed in conspicuous type a sufficient number of the directions for the guidance of voters, Form 6, for the purposes of the election, and shall deliver to every deputy returning officer as many of the printed directions, but not less than five, as the clerk may deem sufficient. 3-4 Geo. V. c. 43, s. 89.
90. Every deputy returning officer, before opening the poll, or immediately after he has received the printed directions from the clerk, if the same were not received before opening the poll, shall cause them to be placed outside the polling place, and in every compartment of the polling place, and shall see that they remain so placed until the close of the polling. 3-4 Geo. V. c. 43, s. 90.

**Voters’ Lists, Poll Books.**

91. The proper list of voters to be used at an election shall be the first and second parts of the last voters’ list certified by the Judge under The Ontario Voters’ Lists Act, with the supplementary list, if any, under section 93 or the list provided for by section 94. 3-4 Geo. V. c. 43, s. 91.

92. For the first election in a new municipality for which there is no assessment roll, the clerk, instead of a voters’ list, shall provide every deputy returning officer with a poll book, Form 7, and the deputy returning officer or the poll clerk shall enter in it in the proper column the name of every person who tenders his vote, and, at the request of any candidate or voter, shall note opposite the name of such person the property in respect of which he claims to be entitled to vote. 3-4 Geo. V. c. 43, s. 92.

93.—(1) Where a district as defined by section 11 has been annexed to an urban municipality, or a town with additional territory erected into a city, or a village with additional territory into a town, or a new town or village is erected, and an election takes place before a voters’ list including the names of the persons entitled to vote in such district, territory or for the new town or village is certified by the Judge, the clerk of the municipality to which the same was added, and in the case of a new town or village the returning officer shall prepare from the last certified voters’ list of the municipality from which such district, territory, town or village was or became detached, a supplementary list of voters containing the names of and the other particulars relating to the persons who would have been entitled to vote in such district or territory if it had not been so detached.

(2) The supplementary list shall be signed by the clerk and attested by his declaration, and he shall deliver to every deputy returning officer a copy of so much of such list as relates to his polling subdivision. 3-4 Geo. V. c. 43, s. 93.

94. In a municipality for which there is an assessment roll, but for which there is no voters’ list certified by the Judge, the clerk shall, before the poll is opened, prepare and deliver to the deputy returning officer for every polling subdivision, a list signed by him and attested by his declaration, contain-
ing the names, arranged alphabetically, of all persons appearing by the then last revised assessment roll to be entitled to vote in that polling subdivision. 3-4 Geo. V. c. 43, s. 94.

List of Defaulters in Payment of Taxes.

95.—(1) On or before the last Monday in December the treasurer of each local municipality, if the collector's roll has been returned to him, or the collector, if the roll has not been so returned, shall prepare and verify by his declaration and shall deliver to the clerk an alphabetical list of—

(a) all persons entered on the first and second parts of the voters' list in respect of income only, who have not paid the taxes on such income on or before the 14th day of December next preceding the election; and,

(b) in municipalities the councils of which have passed by-laws under paragraph 9 of section 399, all persons entered on the first and second parts of the voters' list, who have not paid all municipal taxes due by them on or before the 14th day of December next preceding the election.

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

(3) The person who prepares the defaulters' list shall furnish to all persons applying for the same, certified copies of it and of the declaration, in the same manner as and for the same compensation for which copies of the voters' list are to be furnished. 3-4 Geo. V. c. 43, s. 95.

96.—(1) The clerk, before the poll is opened, shall at a time and place appointed by him deliver to the deputy returning officer for every polling subdivision a list, either printed or written, or partly printed and partly written, certified to be a correct list of voters for the polling subdivision, together with a blank poll book, Form 7, and also a copy of the proper defaulters' list prepared under section 95 for the polling subdivision.

(2) The list of voters may be prepared by the clerk or may be procured from the Clerk of the Peace; and in the latter case the Clerk of the Peace shall be entitled to six cents for every ten voters whose names are on the list. 3-4 Geo. V. c. 43, s. 96.

Certificates as to the Assessment Roll.

97.—(1) The clerk, before the poll is opened, shall deliver to every deputy returning officer a certificate, Form 8, of
(a) the date of the final revision of the assessment roll, and

(b) the last day for making complaints to the judge with respect to the voters' list to be used at the election.

Fee for certificate.

(2) The clerk shall also give to any person applying for it a like certificate upon payment of twenty-five cents.

Penalty for neglect.

(3) For every contravention of subsection 2 the clerk shall incur a penalty of $200. 3-4 Geo. V. c. 43, s. 97.

In Municipalities without Polling Subdivisions.

98. In municipalities not divided into 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, the materials for marking ballot papers, the printed directions for the guidance of voters, copies of the voters' list, poll book and defaulters' list, and a certificate of the date of the final revision of the assessment roll, and the last day for making complaints to the judge with respect to the voters' list; and he shall perform the like duties with respect to the whole municipality as are imposed upon a deputy returning officer for a polling subdivision. 3-4 Geo. V. c. 43, s. 98.

Where and how often electors may vote.

99.—(1) An elector shall be entitled to vote,

(a) once only for mayor, controller, reeve, first deputy reeve, second deputy reeve, and third deputy reeve,

(b) where the election is by general vote, once only for as many candidates for any office as there are offices to be filled and once only for each of them.

(2) Where the election is by general vote and an elector is qualified to vote in more than one ward or polling subdivision he shall vote only in that in which he resides if qualified to vote there, or if not qualified to vote there or if he is not a resident of the municipality, he may elect at which of such wards or polling subdivisions he will vote and shall vote there only.

(3) Where the aldermen or councillors are elected by wards an elector if qualified to vote therein may vote in each ward for as many candidates as there are offices to be filled and once only for each of them. 3-4 Geo. V. c. 43, s. 99.
100.—(1) The clerk, at the request of an elector, who has been appointed deputy returning officer, poll clerk, or agent of a candidate, for any polling place other than the one at which 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 polling day; and the certificate shall state the property or other qualification in respect of which he is entitled to vote.

(2) On the production of the certificate such elector shall have the right to vote at the polling place at which he is stationed instead of at the polling place at which he would otherwise be entitled to vote; and the deputy returning officer shall attach the certificate to the voters’ list.

(3) The certificate shall not entitle the elector to vote at such polling place unless he has been actually engaged as deputy returning officer, poll clerk, or agent during polling day, or to vote for aldermen in cities, or for councillors in municipalities divided into wards, except in the ward where he would otherwise be entitled to vote.

(4) If a deputy returning officer votes at the polling place for which he has been appointed, the poll clerk, or in his absence any elector entitled to be present, may administer to the deputy returning officer the oath required by law to be taken by voters. 3-4 Geo. V. c. 43, s. 100.

THE POLL.

101.—(1) The poll shall be opened at every polling place at nine o’clock in the forenoon and shall be kept open until closing poll. five o’clock in the afternoon of the same day.

(2) The council of a city may by by-law passed before the 15th day of November in any year extend the time for keep- ing open the poll until seven o’clock in the afternoon.

(3) The votes shall be given by ballot. 3-4 Geo. V. c. 43, Vote by ballot. s. 101.

102. The deputy returning officer shall, immediately before opening the poll, show the ballot box to such persons as are present in the polling place, so that they may see if 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 keep the box on a desk, counter or table or otherwise so that it is raised above the floor in full view of all present, and shall keep the box so locked and sealed. 3-4 Geo. V. c. 43, s. 102.

103.—(1) Where a person tenders his vote, the deputy returning officer shall proceed as follows:

(a) except where there is no voters’ list he shall ascer- tain that the name of such person or a name ap- Name.

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Recording.

(b) he shall record, or cause to be recorded by the poll clerk, in the proper columns of the poll book the name, qualification, residence and occupation of such person;

Objection.

(c) where the vote is objected to by any candidate or his agent, the deputy returning officer shall enter or cause to be entered the objection in the poll book, by writing opposite the name of such person in the proper column the words "Objected to," and the name of the candidate by or on behalf of whom the objection was made;

Oath.

(d) if such person takes the prescribed oath, the deputy returning officer shall enter or cause to be entered opposite such person's name, in the proper column of the poll book the word "Sworn," or "Affirmed," according to the fact;

Refusal to take the oath.

(e) where such person has been required to take the oath and refuses to do so, the deputy returning officer shall enter or cause to be entered opposite the name of such person, in the proper column of the poll book, the words, "Refused to be Sworn," or "Refused to Affirm," according to the fact;

Deputy returning officer to initial ballot paper and mark voters' list.

(f) after the proper entries have been made in the poll book the deputy returning officer shall place or cause to be placed a check or mark opposite the name of the voter in the voters' list to indicate that he has voted, and shall then put his initials on the back of the ballot paper;

Delivery of to voter.

(g) the ballot paper shall then be delivered to such person;

Deputy returning officer to explain mode of voting.

(h) the deputy returning officer may, and upon request shall, either personally or through the poll clerk, explain to the voter, as concisely as possible, the mode of voting.

Penalty.

(2) The vote of a person who has refused to take the oath shall not be received, and if the deputy returning officer receives such vote, or causes it to be received, he shall incur a penalty of $200. 3-4 Geo. V. c. 43, s. 103.

Oath, etc., of person claiming to vote.

104.—(1) The only oath to be required of a person claiming to vote shall be according to Form 9.

(2) The voter shall be entitled to select any one of the forms of oath, whatever may be the description either in the voters' list or assessment roll of the qualification or character in which he is entered upon it.
Sec. 105. The oath may be administered by the returning officer or deputy returning officer if he thinks fit, and shall be administered at the request of any candidate or his agent, and no inquiry shall be made of a voter, except with respect to the matters required to be stated in the oath or to ascertain if he is the person intended to be designated on the voters' list, or the assessment roll, as the case may be. 3-4 Geo. V. c. 43, s. 104.

105. The deputy returning officer or the poll clerk shall place his initials in the appropriate column of the poll book opposite the name of every person who has voted for a candidate for the office named in that column. 3-4 Geo. V. c. 43, s. 105.

106.—(1) Upon receiving the ballot paper the person receiving it shall—

(a) forthwith proceed into the compartment provided for the purpose, and shall then and there mark his ballot paper by placing a cross, on the right hand side, opposite the name of a candidate for whom he desires to vote, or at any other place within the division which contains the name of such candidate;

(b) then fold the ballot paper so as to conceal the names of the candidates, and the marks upon the face of it, and to expose the initials of the deputy returning officer;

(c) then leave the compartment without delay, and without showing the face of the ballot paper to any one, or so displaying it as to make known how he has marked it; and

(d) then deliver the ballot paper so folded to the deputy returning officer.

(2) The deputy returning officer, without unfolding the ballot paper, or in any way disclosing the names of the candidates, or the marks made by the voter, shall verify his own initials, and at once deposit the ballot paper 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. 3-4 Geo. V. c. 43, s. 106.

107. While a voter is in a compartment for the purpose of marking his ballot paper, no other person shall be allowed to enter the compartment, or to be in a position from which he can see how the voter marks his ballot paper. 3-4 Geo. V. c. 43, s. 107.

108. A person who has received a ballot paper shall not take, and the deputy returning officer may prevent him from taking, it out of the polling place and if he leaves the polling place.
place without delivering it to the deputy returning officer in the prescribed manner or returns the ballot paper declining to vote he shall thereby forfeit his right to vote and the deputy returning officer shall make an entry in the poll book, in the column for “Remarks,” to the effect that such person received a ballot paper, but took it out of the polling place, or returned it, declining to vote, as the case may be and in the latter case the deputy returning officer shall immediately write the word “Declined” upon the ballot paper and shall preserve it. 3-4 Geo. V. c. 43, s. 108.

109.—(1) The deputy returning officer on the application of a voter who is incapacitated by blindness or other physical cause from marking his ballot paper, or who makes a declaration, Form 10, that he is unable to read, or where the voting is on a Saturday that he is of the Jewish persuasion and objects on religious grounds to mark his ballot paper in the manner prescribed by section 106, the deputy returning officer shall—

(a) in the presence of the poll clerk and the agents of the candidates, cause the vote of such person to be marked on the ballot paper in the manner directed by him, and shall place the ballot paper in the ballot box.

(b) make an entry opposite the name of the voter in the proper column of the poll book, that his vote was marked in pursuance of this section, and of the reason why it was so marked.

Oral declaration.

110. A voter who has inadvertently dealt with his ballot paper in such a manner that it cannot be conveniently used, upon returning it to the deputy returning officer shall be entitled to obtain another ballot paper, and the deputy returning officer shall immediately write the word “Cancelled” upon the first mentioned ballot paper, and preserve it. 3-4 Geo. V. c. 43, s. 110.

111. A person who applies for a ballot paper shall be deemed to have tendered his vote; and a person whose ballot paper has been deposited in the ballot box, or who has delivered it to the Deputy Returning Officer or Poll Clerk, for the purpose of having it deposited in the ballot box, shall be deemed to have voted. 3-4 Geo. V. c. 43, s. 111.

112. The deputy returning officer, the poll clerk, the constable or constables, the candidates and their agents, and no others, shall be permitted to remain in the polling place during the time the poll is open or at the counting of the votes. 3-4 Geo. V. c. 43, s. 112.
113. In cities in which the aldermen are elected by general vote a candidate shall be entitled to one agent only, and except in such cities a candidate in any municipality shall be entitled to two agents. 3-4 Geo. V. c. 43, s. 113.

114.—(1) No person on the day of the polling shall use or deliver to any other person any card, ticket, leaflet, book, circular or writing soliciting votes for or against any candidate, or by-law, or for an affirmative or negative answer to any question, or having upon it the name of any candidate.

(2) Every person who contravenes the provisions of subsection 1 shall incur a penalty not exceeding $20. 3-4 Geo. V. c. 43, s. 114.

Proceedings after the Close of the Poll.

115. Immediately after the close of the poll, the deputy returning officer shall first place all the cancelled and declined ballot papers in separate packets and seal them up, and shall then count the number of voters whose names appear by the poll book to have voted, and cause a certificate, in the following form:—"I certify that the number of voters who voted at the election in this polling place is (stating the number in words) and that ——— was the last person who voted at this polling place," to be entered in the poll book on the line immediately below the name of the voter who voted last, and such certificate shall be signed by the deputy returning officer, the poll clerk, and any candidate or agent present who desires to sign it; then, in their presence and in full view he shall open the ballot box and count the number of votes for each candidate, giving full opportunity to those present to examine each ballot paper. 3-4 Geo. V. c. 43, s. 115.

116. In counting the votes the deputy returning officer shall reject all ballot papers—

(a) which have not been supplied by him; or

(b) by which votes have been given for more candidates than are to be elected; or,

(c) upon which there is any writing or mark by which the voter can be identified, or which has been so torn, defaced or otherwise dealt with by the voter that he can thereby be identified;

but no word, letter or mark written or made or omitted to be written or made by the deputy returning officer on a ballot paper shall avoid it or warrant its rejection. 3-4 Geo. V. c. 43, s. 116.

117.—(1) The deputy returning officer shall make a note of every objection taken to a ballot paper, by a candidate or
his agent, and shall decide the objection subject to review on recount or in a proceeding questioning the validity of the election.

(2) Each objection shall be numbered, and a corresponding number shall be placed on the back of the ballot paper and initialed by the deputy returning officer. 3-4 Geo. V. c. 43, s. 117.

118.—(1) All the ballot papers except those rejected shall be counted, shall be put into a packet, and an account shall be kept of the number of ballots cast for each candidate, and of the number of rejected ballot papers, and the rejected and unused ballot papers shall be put into separate packets.

(2) Every packet shall be endorsed so as to indicate its contents, and shall be sealed by the deputy returning officer, and any candidate or agent present may write his name on the packet and may affix to it his seal. 3-4 Geo. V. c. 43, s. 118.

119.—(1) The deputy returning officer shall make out a statement in duplicate of—

(a) the number of ballot papers received from the clerk;

(b) the number of votes given for each candidate and the rejected ballot papers;

(c) the used ballot papers which have not been objected to and have been counted;

(d) the ballot papers which have been objected to, but which have been counted by the deputy returning officer;

(e) the rejected ballot papers;

(f) the cancelled ballot papers;

(g) the declined ballot papers;

(h) the unused ballot papers;

(i) the number of voters whose ballot papers have been marked by the deputy returning officer under section 109.

(2) One statement shall be attached to the poll book, and the other shall be enclosed in a special packet and delivered to the clerk.

(3) The statement shall be signed by the deputy returning officer and the poll clerk and such of the candidates or their agents as are present and desire to sign it.

(4) The deputy returning officer shall deliver to such of the candidates or their agents as are present, if requested to
do so, a certificate of the number of ballot papers counted for each candidate, and of the rejected ballot papers. 3-4 Geo. V. c. 43, s. 119.

120. The poll clerk, immediately after the completion of the counting of the votes, shall take and subscribe an oath similar to that required by subsection 3 of section 122, to be taken by the deputy returning officer. 3-4 Geo. V. c. 43, s. 120.

121. The poll book, the voters’ list, the packets containing the ballot papers, and all other documents which served at the election, except the duplicate statement, shall then be placed in the ballot box. 3-4 Geo. V. c. 43, s. 121.

122.—(1) The deputy returning officer shall then immediately lock and seal the box, and any candidate or agent present may also affix to it his seal and the deputy returning officer shall then forthwith deliver it personally to the clerk, or if he is unable to do so owing to illness or other imperative cause, he shall deliver it to the poll clerk, or where the poll clerk is unable to act, to some person chosen by the deputy returning officer for the purpose of delivering it, and shall on it or on a ticket attached to it write the name of the person to whom the ballot box has been delivered, and shall take a receipt for it, and the poll clerk or person so chosen shall forthwith deliver the ballot box personally to the clerk and shall take and subscribe before him, the oath, Form 12.

(2) In cities and towns, the deputy returning officer, or in case of his inability, as mentioned in subsection 1, the poll clerk or the person chosen, shall proceed directly from the polling place to the office of the clerk with the ballot box, and there personally on the same day, as soon as possible after leaving the polling place, deliver it to the clerk, and the poll clerk or the person chosen shall take and subscribe before him the oath, Form 12, and the clerk shall remain in his office on the evening of the polling day until all the ballot boxes have been returned to him.

(3) Forthwith thereafter the deputy returning officer shall take and subscribe the oath, Form 13, and shall personally deliver it or transmit it by registered post to the clerk. 3-4 Geo. V. c. 43, s. 122.

123. The clerk, upon the receipt of a ballot box, shall take every precaution for its safe keeping and for preventing any other person from having access to it, and shall immediately on the receipt of it seal it with his own seal in such a way that it cannot be opened without his seal being broken, and that any other seals affixed to it are not effaced or covered. 3-4 Geo. V. c. 43, s. 123.
124. A deputy returning officer in a city or town shall not under any circumstances take, or allow to be taken, the ballot box to his home, house, office or place of business, or to any house or place except the office of the clerk. 3-4 Geo. V. c. 43, s. 124.

125. Where the holding of the election has been interrupted, as mentioned in section 128, the deputy returning officer shall delay making his return to the clerk until the polling has taken place. 3-4 Geo. V. c. 43, s. 125.

126. The clerk, after he has received the ballot papers and statements of the number of votes given at each polling place, without opening any of the sealed packets of ballot papers, shall cast up from the statements the number of votes for each candidate; and at the town hall, or if there is no town hall, at some other public place, at four o'clock in the afternoon in the case of a city having a population of not less than 100,000, and at noon in the case of other municipalities on the day following the return of the ballot papers and statements, shall publicly declare to be elected the candidate or candidates having the highest number of votes; and he shall also put up in some conspicuous place a statement under his hand showing the number of votes for each candidate. 3-4 Geo. V. c. 43, s. 126.

127. If, upon the casting up of the votes or upon a recount, two or more candidates have an equal number of votes, the clerk, or other person appointed by by-law to discharge the duties of clerk, whether otherwise qualified or not, shall, at the time he declares the result of the poll, or after receiving the certificate of the result of the recount, as the case may be, give a vote for one or more of such candidates, so as to decide the election. 3-4 Geo. V. c. 43, s. 127.

Case of Election not held at Proper Time, etc.

128. If, by reason of a riot or other emergency, an election, or the voting at a polling place, 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 nine o'clock in the forenoon, and continue the same from day to day until a fair opportunity for nominating candidates has been given or, in the case of polling, until the poll has been opened without interruption and with free access to voters for eight hours in all. 3-4 Geo. V. c. 43, s. 128.

[As to postponement of an election on account of an epidemic or contagious disease, see The Public Health Act. Rev. Stat. c. 218, s. 115.]
Sec. 129 (7). MUNICIPAL INSTITUTIONS. Chap. 192. 2359

RECOUNT.

129.—(1) If within fourteen days after the declaration by the clerk of the result of the election, upon the application of a candidate or voter it is made to appear by affidavit to a Judge of the county or district court of the county or district in which the municipality is situate, that a deputy returning officer, in counting the votes has improperly counted or rejected any ballot paper, or made an incorrect statement of the number of ballots cast for any candidate, and if within that time the applicant deposits with the clerk $25 as security for the costs in connection with the recount of the candidate declared to be elected, or if at any time within four weeks after such declaration in a city having a population of not less than 100,000 the council has by resolution declared that a recount is desirable in the public interest, the Judge may appoint a time and place to recount the votes.

(2) At least two days' notice in writing of the time and place appointed shall be given to the candidates and to the clerk, and the clerk shall attend the recount with the ballot boxes and all documents relating to the election.

(3) The Judge, the clerk, and each candidate and his agent appointed to attend the recount, but no other person, except with the sanction of the Judge, shall be entitled to be present at the recount.

(4) At the time and place appointed, the Judge shall recount all the ballot papers received by the clerk, and shall in the presence of such of the persons entitled to be present as attend, open the sealed packets containing the used ballot papers which were not objected to and were counted; the ballot papers objected to, but which were counted; the rejected ballot papers; the cancelled ballot papers; and the unused ballot papers.

(5) The Judge shall, as far as practicable, proceed continuously, allowing only time for refreshment and excluding, except so far as he and the persons present agree, the hours between six o'clock in the afternoon and nine o'clock in the succeeding forenoon, and during the excluded time the Judge shall place the ballot papers and other documents relating to the election close under his own seal, and the seals of such of the persons present as desire to affix their seals, and shall otherwise take all necessary precautions for the security of them.

(6) Subject to subsection 7 the Judge shall proceed according to the provisions for the counting of the ballot papers at the close of the poll by a deputy returning officer, and shall verify and correct the statement of the poll.

(7) If for any reason it appears desirable to do so, the Judge upon the application of any party to the proceeding may be taken.
may hear such evidence as he may deem necessary for the purpose of making a full and proper recount of the ballot papers.

(8) Upon the completion of the recount the Judge shall seal up all the ballot papers in their separate packets, and shall forthwith certify the result to the clerk, who shall then declare elected the candidate having the highest number of votes.

(9) Nothing in this section shall affect any remedy which any person may have under the provisions hereinafter contained by proceedings in the nature of quo warranto or otherwise. 3-4 Geo. V. c. 43, s. 129.

Costs.

130.—(1) The costs of the recount shall be in the discretion of the Judge, who may order by whom, to whom and in what manner the same shall be paid.

(2) The Clerk of the County or District Court shall tax the costs and shall, as nearly as may be, follow the tariff of costs of the County Court.

(3) Where costs are directed to be paid by the applicant, the money deposited as security for costs shall be paid out to the party entitled to such costs, so far as necessary.

(4) Payment of the costs may be enforced by execution, to be issued from any County or District Court, upon filing therein the order of the Judge and a certificate showing the amount at which the costs were taxed and an affidavit of the non-payment of them. 3-4 Geo. V. c. 43, s. 130.

Secrecy of Proceedings.

131.—(1) Every person in attendance at a polling place or at the counting of the votes shall maintain and aid in maintaining the secrecy of the voting.

(2) No person shall interfere or attempt to interfere with a voter when marking his ballot paper, or obtain or attempt to obtain at the polling place information as to how a voter is about to vote or has voted.

(3) No person shall communicate any information obtained at a polling place as to how a voter at such polling place is about to vote or has voted. 3-4 Geo. V. c. 43, s. 131.

132. No person shall, directly or indirectly, induce or attempt to induce a voter to show his ballot paper after he has marked it so as to make known to any person how he has voted. 3-4 Geo. V. c. 43, s. 132.

133. Subject to section 109 a voter shall not show his ballot paper, when marked, to any person so as to make known how he voted. 3-4 Geo. V. c. 43, s. 133.
134. Every returning officer and every officer, clerk, constable, agent and other person authorized to attend at a polling place, or at the counting of the votes, shall, before entering on his duties, take the oath of secrecy, Form 14. 3-4 Geo. V. c. 43, s. 134.

135.—(1) If a returning officer, deputy returning officer or poll clerk becomes aware, or has reason to believe or suspect, that any provision of the law as to secrecy has been violated, he shall forthwith communicate the particulars to the Crown Attorney.

(2) The Crown Attorney, on receiving such information from any person, shall forthwith enquire into the matter and, if proper, prosecute the offender. 3-4 Geo. V. c. 43, s. 135.

136. No person who has voted at an election shall, in any legal proceeding to question the election or return, be required to state how or for whom he has voted. 3-4 Geo. V. c. 43, s. 136.

General.

137. Every returning officer, deputy returning officer, or other person whose duty it is to deliver poll books or who has the custody of a voters’ list or poll book, who wilfully makes any alteration or insertion in or wilfully omits any thing from or in any way wilfully falsifies such voters’ list or poll book, shall incur a penalty of $2,000, and shall also be liable to imprisonment for any term not exceeding one year. 3-4 Geo. V. c. 43, s. 137.

138. Every person who—

(a) Fraudulently alters, defaces or destroys a ballot paper or the initials of the deputy returning officer thereon; or

(b) Without due authority supplies a ballot paper to any person; or

(c) Fraudulently places in a ballot box a paper other than the ballot paper which he is authorized by law to place therein; or

(d) Fraudulently delivers to the deputy returning officer to be placed in the ballot box any other paper than the ballot paper given to him by the deputy returning officer; or

(e) Fraudulently takes a ballot paper out of the polling place; or

(f) Without authority destroys, takes, opens or otherwise interferes with a ballot box or book or packet of ballot papers or a ballot paper or ballot in use or used for the purposes of an election; or
Applies for a ballot paper in the name of another person whether the name be that of a person living or dead, or of a fictitious person, or having voted applies at the same election for a ballot paper in his own name or votes oftener than he is entitled to; or

Being a deputy returning officer, contravenes section 124, or fraudulently puts his initials on the back of any paper purporting to be or capable of being used as a ballot paper at an election; or

With fraudulent intent, prints any ballot paper or what purports to be or is capable of being used as a ballot paper at an election; or

Being employed to print the ballot papers for an election, with fraudulent intent prints more ballot papers than he is authorized to print; or

Attempts to commit or aids, abets, counsels or procures the commission of any offence mentioned in this section;

if a returning officer, deputy returning officer or other officer engaged in the election, shall be liable to imprisonment for any term not exceeding two years, and, in the case of any other person, to imprisonment for any term not exceeding six months. 3-4 Geo. V. c. 43, s. 138.

139.—(1) Every person who wilfully and maliciously destroys, injures or obliterates, or causes to be destroyed, injured or obliterated, a warrant for holding an election, a poll book, voters’ list, certificate, affidavit or other document or paper made, prepared or drawn according to or for the purpose of meeting the requirements of this Act or any of them, shall incur a penalty of $2,000, and shall also be liable to imprisonment for any term not exceeding one year.

(2) Every person who aids, abets, counsels or procures the commission of a violation of subsection 1 shall incur the like penalty and be subject to the like imprisonment.

(3) The pecuniary penalty shall be recoverable by action at the suit of His Majesty, and the imprisonment may be directed by the court in which the action is brought. 3-4 Geo. V. c. 43, s. 139.

140.—(1) Every deputy returning officer who wilfully omits to put his initials on the back of a ballot paper in use for the purposes of an election, shall incur a penalty of $10 in respect of every such ballot paper.

(2) A deputy returning officer or poll clerk who refuses or neglects to perform any of the duties imposed upon him by sections 115 to 123 shall, for each refusal or neglect, incur a penalty of $200. 3-4 Geo. V. c. 43, s. 140.
Sec. 147 (2). Municipal Institutions. Chap. 192. 2363

141. Every deputy returning officer or poll clerk who willfully miscounts the ballots or otherwise makes up a false statement of the poll shall incur a penalty of $200. 3-4 Geo. V. c. 43, s. 141.

142. Every person who acts in contravention of sections 131 to 133 shall be liable to imprisonment for any term not exceeding six months. 3-4 Geo. V. c. 43, s. 142.

143. Every officer engaged in the election who is guilty of a wilful act or omission in contravention of this Act shall in addition to any other penalty or liability to which he may be subject forfeit to any person who may be aggrieved thereby the sum of $400. 3-4 Geo. V. c. 43, s. 143.

Miscellaneous Provisions.

144. A candidate may undertake the duties which his agent might undertake, or he may assist his agent in the performance of such duties, and may be present at any place at which his agent is authorized to be present; but no candidate shall be present at the marking of a ballot paper under section 109. 3-4 Geo. V. c. 43, s. 144.

145. Except where otherwise provided any oath required to be taken in connection with an election may be taken before the clerk of the municipality, a returning officer or a deputy returning officer, as well as before any other person by whom under The Interpretation Act an oath may be administered. 3-4 Geo. V. c. 43, s. 145.

146.—(1) The clerk shall retain in his possession for one month all the ballot papers, and, unless otherwise directed by an order of a Judge or officer having jurisdiction to inquire as to the validity of the election, shall then destroy them in the presence of two witnesses, who shall make a declaration that they witnessed the destruction of them.

(2) The declaration shall be made before the head of the municipality and filed in the office of the clerk. 3-4 Geo. V. c. 43, s. 146.

147.—(1) No person shall be allowed to inspect any ballot paper in the custody of the clerk except under the order of a Judge or an officer having jurisdiction to inquire as to the validity of the election.

(2) The order may be made on the Judge or officer being satisfied by affidavit or other evidence that the inspection is required for the purpose of maintaining a prosecution for an offence in relation to ballot papers, or of taking proceedings for contesting the election or return.
(3) The order may be made subject to such conditions as the Judge or officer may deem proper. 3-4 Geo. V. c. 43, s. 147.

148. Where an order is made for the production by the clerk of any document in his possession relating to an election, the production of it by him in such manner as may be directed by the order shall be evidence that the document relates to the election; and any indorsement appearing on any packet of ballot papers so produced shall be evidence that the contents are what they are stated to be by the indorsement. 3-4 Geo. V. c. 43, s. 148.

149. Where in this Part expressions are used, requiring or authorizing any act or thing to be done, or implying that any act or thing is to be done in the presence of the agents of the candidates, they 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 an agent at such time and place, if it is otherwise duly done, shall not invalidate the act or thing done. 3-4 Geo. V. c. 43, s. 149.

150. No election shall be or be declared to be invalid—

(a) For non-compliance with the provisions of this Act as to the taking of the poll or anything preliminary thereto or as to the counting of the votes; or

(b) By reason of mistake in the use of the prescribed forms; or

(c) By reason of any mistake or irregularity in the proceedings at or in relation to the election;

if it appears to the tribunal by which the validity of the election or any proceeding in relation to it is to be determined that the election was conducted in accordance with the principles laid down in this Act, and it does not appear that such non-compliance, mistake or irregularity affected the result of the election. 3-4 Geo. V. c. 43, s. 150.

151. The reasonable expenses incurred by a clerk or any other officer for printing, providing ballot boxes, ballot papers, materials for marking ballot papers, and balloting compartments, and for the transmission of packets, and reasonable fees and allowances for services rendered under this Part, shall be paid to the clerk by the treasurer, and shall be paid by the clerk to the persons entitled thereto. 3-4 Geo. V. c. 43, s. 151.
Sec. 156 (1). MUNICIPAL INSTITUTIONS. Chap. 192. 2365

Vacancies in Council.

152. The seat of a member of a council shall become vacant if he—

(a) Is undergoing imprisonment under sentence for a criminal offence; or

(b) Becomes insolvent within the meaning of any Insolvent Act in force in Ontario; or

(c) Is in close custody under The Fraudulent Debtors Rev. Stat. e. 55. Arrest Act or is discharged from close custody under section 53 of that Act; or

(d) Assigns his property for the benefit of his creditors; or

(e) Absents himself from the meetings of the council for three successive months without being authorized so to do by a resolution of the council entered upon its minutes;

and the council shall forthwith declare the seat to be vacant. 3-4 Geo. V. c. 43, s. 152.

153. Except in the cases provided for by section 152, if a member of a council forfeits his seat or his right to it or becomes disqualified to hold it and does not forthwith resign his seat, proceedings may be taken under sections 160 to 179 to declare it vacant. 3-4 Geo. V. c. 43, s. 153.

154. A member of a council, with the consent of the majority of the members present at a meeting, entered upon the minutes of it, may resign his office and his seat in the council. 3-4 Geo. V. c. 43, s. 154.

155.—(1) The warden of a county may resign his office either by verbal intimation to the county council when in session or by letter to the clerk when the council is not in session.

(2) Where from any cause a vacancy occurs in the office of warden when the council is not in session, the clerk shall forthwith notify the members of the vacancy and, if required in writing so to do by a majority of them, he shall call a special meeting of the council to fill the vacancy. 3-4 Geo. V. c. 43, s. 155.

156.—(1) Subject to sections 157 and 158, a new election shall be forthwith held where—

(a) A person elected has neglected or refused to accept office or to make the prescribed declarations within the prescribed time; or
(b) A vacancy, except in the office of controller, occurs from any cause.

(2) Where a new election is to be held the head of the council, or if he is absent or unable to act or there is a vacancy in the office, the clerk, or if they are both absent or unable to act or both offices are vacant, one of the members of the council shall forthwith issue a warrant under his hand for the holding of the new election.

(3) The returning officer and the deputy returning officers appointed to hold the next preceding election shall be the returning officer and the deputy returning officers to hold the new election, and the nomination shall be held and the polling shall take place at the respective places at which the nomination was held and the polling took place at such last election, unless the council appoints other persons to hold the election and other places at which the nomination shall be held and the polling take place, which the council may do.

(4) Where a new election becomes necessary before the first meeting of the council in the year for which it is elected the duties which by subsection 2 are to be performed by the head, clerk, or a member of the council shall be performed by the head, clerk, or a member of the council of the next preceding year.

(5) The new election shall be held at the latest within fifteen days after the receipt of the warrant by the person to whom it is directed, and the person issuing the warrant shall appoint a time for the nomination of candidates and for the polling if a poll is required, and the election shall be conducted in like manner as an annual election.

(6) The person elected shall hold office for the residue of the term for which the person whose place he is elected to fill was elected.

(7) Notwithstanding that a new election becomes necessary meetings of the council may be held if a majority of the full number of the council is present. 3-4 Geo. V. c. 43, s. 156.

157.—(1) Where a vacancy occurs in the office of alderman in a city where aldermen are elected by general vote the unsuccessful candidate who received the highest number of votes at the next preceding election shall be entitled to the office upon making the prescribed declarations within the prescribed time, and if he fails to do so or disclaims the office, one of the candidates following in regular order according to the number of votes received shall, as hereinafter provided, become entitled to the office on making such declarations within the prescribed time.
(2) Where the number of votes cast for two or more of such candidates is equal, their order of succession shall be determined by the amounts for which they are respectively rated upon the last revised assessment roll, the candidate having the largest assessment having the priority.

(3) The clerk shall immediately after the vacancy occurs give notice in writing to the candidate who is first in succession that he is entitled to such vacant office if he makes the prescribed declarations within one week after the giving of the notice, and that if he fails to make the declarations within that time he shall be deemed to have disclaimed the office.

(4) If a candidate fails to make the prescribed declarations within the prescribed time, or disclaims the office, the clerk shall forthwith give notice in writing to the candidate next in succession in the same terms as the notice to the first candidate, until the vacant office has been filled or the list of candidates entitled to take it is exhausted.

(5) The notice may be served personally or may be sent by registered letter addressed to the candidate, and a record of the service or of the mailing and of the address shall be preserved by the clerk.

(6) If all the aldermen were elected by acclamation, or if no candidate takes the vacant office under the preceding provisions of this section, the council shall forthwith elect a person to fill the vacancy for the remainder of the term of the member whose seat has become vacant. 3-4 Geo. V. c. 43, s. 157.

158.—(1) Where the office of mayor of a city becomes vacant after the first day of July in any year and an election to fill the vacancy has not been ordered in a judicial proceeding, the council shall elect one of their number to fill the office for the remainder of the term.

(2) Where the office of mayor, reeve or deputy reeve of a town or of reeve or deputy reeve of a village or township becomes vacant after the first day of November in any year, and an election to fill the vacancy has not been ordered in a judicial proceeding, the council may elect one of its number to fill the office for the remainder of the term.

(3) Where a vacancy occurs in the office of alderman where aldermen are not elected by general vote or of councilor after the first day of November in any year and an election has not been ordered in a judicial proceeding it shall not be necessary that the vacancy be filled if the council so directs. 3-4 Geo. V. c. 43, s. 158.

159. Where the electors do not elect the requisite number of members, the members elected if they equal at least one-half of the council when complete or a majority of them or requisite if half of such members were not elected the members for the

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next preceding year or a majority of them shall elect as many qualified persons as are necessary to constitute or complete the requisite number of members. 3-4 Geo. V. c. 43, s. 159.

PART IV.

PROCEEDINGS TO DECLARE SEAT VACANT.

Procedure.

160. In this Part,—

(a) "Judge" unless the Court is referred to by name shall include a Judge of the Supreme Court and a Judge of a County or District Court;

(b) "Master in Chambers" shall include any officer having jurisdiction to sit and act for the Master in Chambers. 3-4 Geo. V. c. 43, s. 160.

161.—(1) The validity of the election of a member of a council or his right to hold his seat, or the right of a local municipality to a deputy reeve, may be tried and determined by a Judge of the Supreme Court, by the Master in Chambers, or by a Judge of the County or District Court of the county or district in which the municipality is situate.

(2) Where the right of a municipality to a deputy reeve is contested any candidate at the election or an elector who gave or tendered his vote at it, or where the election was by acclamation, or the right to sit is contested on the ground that the member has become disqualified or has forfeited his seat since his election, an elector entitled to vote at the election may be the relator. 3-4 Geo. V. c. 43, s. 161.

162.—(1) If within six weeks after an election, or one month after the acceptance of office by a member of a council a person entitled to be a relator shows by affidavit reasonable ground for supposing that the election was not legal, or was not conducted according to law, or that the person declared elected was not duly elected, or for contesting the validity of the election, or if within six weeks after the facts come to the knowledge of a person entitled to be a relator he shows by affidavit reasonable ground for supposing that a member of a council has forfeited his seat or become disqualified since his election, the Judge or the Master in Chambers, as the case may be, shall give his fiat, authorizing the relator, upon entering into a recognizance as hereinafter provided, and the same being allowed as sufficient, to serve a notice of motion to determine the matter.

(2) The recognizance shall be entered into before the Judge or Master in Chambers granting the fiat, or before a commissioner for taking affidavits, by the relator in the sum
of $200 and by two sureties, to be allowed as sufficient by the Judge or Master in Chambers upon affidavit of justification, each in the sum of $100; and shall be conditioned to prosecute the motion with effect and to pay to the person against whom it is made any costs which may be adjudged to him against the relator.

(3) When the recognizance has been allowed as sufficient, the Judge or Master in Chambers by whom it is allowed shall note upon it and upon the flat allowing service of the notice of motion the words “Recognizance allowed” and shall initial the same.

(4) Where the proceedings are taken before a Judge of the Supreme Court or before the Master in Chambers they shall be entitled in the Supreme Court; and where they are taken before a Judge of a County or District Court they shall be entitled in that Court. 3-4 Geo. V. c. 43, s. 162.

163. The relator in his notice of motion shall set forth his name in full, his occupation and place of residence, and the interest which he has in the election, whether as candidate or as an elector, and shall state specifically under distinct heads all the grounds of objection to the validity of the election complained of, and in favour of the validity of the election of himself or of any other person, where the relator claims that he or that such person was duly elected, or the grounds of forfeiture or disqualification, as the case may be. 3-4 Geo. V. c. 43, s. 163.

164. Before serving the notice of motion, the relator shall file all the affidavits and material upon which he intends to move, except where oral evidence is to be taken, and in that case he shall name in the notice the witnesses whom he proposes to examine. 3-4 Geo. V. c. 43, s. 164.

165. The notice of motion shall be served within two weeks from the date of the fiat, unless upon a motion to allow substituted service the Judge or Master in Chambers otherwise orders, and not less than seven clear days before the day on which the motion is returnable, and shall be served personally, unless the person to be served avoids personal service, in which case an order may be made for substituted service. 3-4 Geo. V. c. 43, s. 165.

166. Where the relator alleges that he or some other person was duly elected, the motion shall be to try the validity of the election complained of and of the alleged election of the relator or other person. 3-4 Geo. V. c. 43, s. 166.

167. Where the grounds of objection apply to two or more persons elected or sitting as members of a council, the relator may proceed by one motion against all of them. 3-4 Geo. V. c. 43, s. 167.
168. On the hearing of the motion the relator shall not be allowed to object to the election of the person complained of or to support the election of himself or of any person alleged to have been duly elected or to attack the right of any member to sit on any ground not specified in the notice of motion; but the Judge or the Master in Chambers may entertain any substantial ground of objection to or in support of the validity of the election of either or any of the parties which may appear in evidence before him. 3-4 Geo. V. c. 43, s. 168.

169. Where more motions than one are made to try the validity of the election, or the right to sit of the same person, all of them shall be made returnable, and unless otherwise directed by a Judge of the Supreme Court, shall be heard and determined by the Judge or Master in Chambers before whom the motion, notice of which was first served, is returnable, and one order upon all, or a separate order upon one or more of them may be made, as he may deem proper. 3-4 Geo. V. c. 43, s. 169.

170. The Judge or Master in Chambers may require the clerk of any municipality to produce before him or to forward under seal to the clerk of the county or district court for the purpose of production, such assessment rolls, collector's rolls, ballot papers, books, voters' and other lists, and other records of the election and papers in his hands connected with or relating to it as the Judge or Master in Chambers may deem proper. 3-4 Geo. V. c. 43, s. 170.

171. Where the motion is returnable before a Judge of the Supreme Court he may direct that the evidence to be used on the hearing of the motion be taken orally in the presence of counsel for or after notice to all parties interested before a special examiner or a Judge of a County or District Court, who shall return the evidence so taken to the proper officer of the Supreme Court. 3-4 Geo. V. c. 43, s. 171.

172.—(1) The Judge or Master in Chambers, at any stage of the proceedings, may

(a) Add the returning officer or any deputy returning officer or other person as a party to the proceedings.

(b) Allow any person entitled to be a relator to intervene and prosecute, or to defend, and may grant a reasonable time for that purpose.

(2) An intervening party shall be liable for or entitled to costs like any other party to the proceedings. 3-4 Geo. V. c. 43, s. 172.

173.—(1) The Judge or Master in Chambers shall, in a summary manner, without formal pleadings, hear and deter-
mine the questions raised by or upon the motion, and, subject to subsection 2, may inquire into the facts on affidavit, by oral testimony, or by an issue framed by him and sent to be tried by a jury in any Court named by him, or by one or more of those means.

(2) Where a question is raised as to whether the candidate or any voter has been guilty of any violation of sections 187 to 189, affidavit evidence shall not be used to prove the offence but it shall be proved by oral evidence taken before the Judge or before a special examiner or a Judge of a County or District Court, upon an order of reference to him for that purpose by the Judge of the Supreme Court, if the motion is returnable before a Judge of the Supreme Court, or before the Master in Chambers or the Judge of the County or District Court if the motion is returnable before him.

(3) Where the seat is claimed for any person, if a candidate is proved to have been guilty, himself or by any person on his behalf, of bribery or of a corrupt practice with respect to a voter who voted at the election, or if a voter who is employed on behalf of such candidate and is disqualified under subsection 1 of section 61 is proved to have voted, there shall be struck off the number of votes given for such candidate one vote for every such voter. 3-4 Geo. V. c. 43, s. 173.

174.—(1) Where the election complained of is adjudged to be invalid, the order shall provide that the person found not have been duly elected be removed from the office, and if it is determined that any other person was duly elected that he be admitted forthwith to the office.

(2) Where it is determined that no other person was duly elected, or that a person duly elected has become disqualified or has forfeited his seat, the order shall provide for the removal from office of such last mentioned person and, except as provided by section 157, for the holding of a new election. 3-4 Geo. V. c. 43, s. 174.

175. Where the election of all the members of a council is adjudged to be invalid, or where it is determined that all of them have become disqualified or have forfeited their seats, the order for their removal, and for the election of new members in their places or for the admission of others adjudged to be legally elected, and for an election to fill the remaining seats in the council, shall be directed to the clerk of the Municipality or where there is no clerk to the sheriff of the county or district in which the municipality is situate, who shall have all the powers for causing the election to be held which a municipal council or any member or officer of it has in order to fill a vacancy in it. 3-4 Geo. V. c. 43, s. 175.
176.—(1) Where an election is adjudged to be invalid owing to the improper refusal of the returning officer or of a deputy returning officer to receive a ballot paper tendered by or to give a ballot paper to an elector, or owing to such officer having put into the ballot box a ballot paper which was not lawfully received from an elector, the Judge or Master in Chambers may order that the costs of the proceedings to unseat the person declared elected, or any part of them, be paid by such returning officer or deputy returning officer.

(2) Nothing in this section shall affect any right of action against the returning officer or deputy returning officer or relieve him from any penalty to which he may be liable under this Act. 3-4 Geo. V. c. 43, s. 176.

177.—(1) After the adjudication an order shall be drawn up stating concisely the ground and effect of the decision.

(2) The order may be at any time amended by the Judge or Master in Chambers in any matter of form, and shall have the same force and effect as a writ of mandamus formerly had in the like case. 3-4 Geo. V. c. 43, s. 177.

178. The Judge or Master in Chambers forthwith after rendering his decision shall return the same with all things had before him touching the proceeding, to the proper officer of the Court, there to remain of record as a judgment of the Court; and the judgment may be enforced for the costs awarded by execution and in other respects in the same manner as an order of mandamus. 3-4 Geo. V. c. 43, s. 178.

179.—(1) The decision of a Judge of the Supreme Court shall be final, but an appeal shall lie from the decision or order of the Master in Chambers or of a Judge of a County or District Court to a Judge of the Supreme Court whose decision shall be final.

(2) The practice and procedure on and in relation to the appeal shall be the same, as nearly as may be, as in the case of an appeal from a decision of the Master in Chambers in an action or proceeding in the Supreme Court. 3-4 Geo. V. c. 43, s. 179.

180.—(1) A candidate elected who is found to have been guilty of bribery, or of a corrupt practice, shall forfeit his seat, and shall be ineligible as a candidate at any election for two years thereafter.

(2) The Judge or Master in Chambers shall report to the Clerk of the Municipality in which the offence was committed the name of every candidate who has been so found guilty, and the clerk shall enter his name in a book to be kept for that purpose. 3-4 Geo. V. c. 43, s. 180.
Disclaimer.

181. — (1) Any person elected may at any time after the election, and before it is complained of, deliver to the clerk of the municipality a disclaimer signed by him, to the effect following:

"I, A.B., hereby disclaim all right to the office of
for the
of
, in the county (or
district) of
, and all defence of any right I may have to the same.
Dated
day of
19
A.B."

3-4 Geo. V. c. 43, s. 181.

182. A person whose election is complained of, unless it is complained of on the ground of bribery or corrupt practices on his part, or a person whose seat is attacked on the ground that he has become disqualified or has forfeited his seat, may, within one week after service on him of the notice of motion, transmit by registered post, or deliver, if the proceedings are in the Supreme Court, to the Clerk in Chambers, at Osgoode Hall, Toronto, or if the proceedings are in a County or District Court to the Judge of that Court, and to the relator or his solicitor, a disclaimer signed by him to the effect following:

"I, A.B., upon whom a notice of motion, in the nature of a quo warranto has been served for the purpose of contesting my right to the office of
for the
of
, in the county (or
district) of
, hereby disclaim the said
office, and all defence of any right I may have to the same.
Dated
day of
19
A.B."

3-4 Geo. V. c. 43, s. 182.

183. A person disclaiming shall deliver a duplicate of his disclaimer to the clerk of the municipality, and the clerk shall forthwith communicate it to the council. 3-4 Geo. V. c. 43, s. 183.

184. — (1) A disclaimer in accordance with section 181 or 182 shall operate as a resignation.

(2) A disclaimer in accordance with section 181 shall relieve the person making it from all liability for costs.

(3) Costs shall not be awarded against a person disclaiming under section 182 unless he consented to his nomination or accepted the office. 3-4 Geo. V. c. 43, s. 184.
185. The Judges of the Supreme Court may make rules regulating the practice and procedure in relation to proceedings under this Part, including the costs of and incidental to them, and as to matters not provided for in it, or by Rules of Court, the practice and procedure of the Supreme Court shall be applicable. 3-4 Geo. V. c. 43, s. 185.

186. Proceedings for the removal from office of a person whose election is alleged to have been undue or illegal, or who is alleged not to have been duly elected, whether or not the seat is claimed by or on behalf of the relator or any other person, and proceedings to have the right of a person to sit in a council determined shall be had and taken under the provisions of this Part and not by quo warranto proceedings or by an action in any court. 3-4 Geo. V. c. 43, s. 186.

PART V.

BRIbery AND CORRUPT PRACTICES.

187.—(1) Every person who:

(a) Directly or indirectly, himself or by any other person on his behalf, gives, lends or agrees to give or lend, or offers or promises any money or valuable consideration, or promises to procure, or to endeavour to procure any money or valuable consideration 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 or corruptly does any such act on account of any voter having voted or refrained from voting at an election; or

(b) Directly or indirectly, himself or by any other person on his behalf, gives or procures, or agrees to give or procure, or offers or promises any office, place or employment, or promises to procure or to endeavour to procure any office, place or employment to or for any voter, or to or for any other person in order to induce any voter to vote, or refrain from voting or corruptly does any such act on account of any voter having voted or refrained from voting at an election; or

(c) Directly or indirectly, himself or by any other person on his behalf, makes any such gift, loan, offer, promise, procurement or agreement, to or for any person, in order to induce such person to procure or endeavour to procure the return of any candidate, or the vote of any voter at an election; or

To induce anyone to procure return of candidate or endeavor to procure.
(d) Upon or in consequence of any such gift, loan, offer, promise, procurement or agreement, procures or engages, promises or endeavours to procure the return of any candidate, or the vote of any voter at an election; or

(e) 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 of it shall be expended in corrupt practices at an election, or who knowingly pays or causes to be paid money to any person in discharge or repayment of money wholly or in part expended in corrupt practices at an election; or

(f) Directly or indirectly, himself or by any other person on his behalf, on account of, and as payment for voting or for having voted, or for illegally agreeing or having agreed to vote for any candidate at an election, or on account of, and as payment for having illegally assisted or agreed to assist any candidate at an election, applies to such candidate, or to his agent, for the gift or loan of any money or valuable consideration, or for the promise of the gift or loan of any money or valuable consideration, or for any office, place or employment, or the promise of any office, place or employment; or

(g) Before or during an election, directly or indirectly, himself or by any other person on his behalf, receives, agrees or contracts for any money, gift, loan or valuable consideration, office, place or employment, for himself or any other person, for voting or agreeing to vote, or for refraining or agreeing to refrain from voting at an election; or

(h) After an election, directly or indirectly, himself or by any other person on his behalf, receives any money or valuable consideration for having voted or refrained from voting, or for having induced any other person to vote or refrain from voting at an election; or

(i) In order to induce a person to allow himself to be nominated as a candidate, or to refrain from becoming a candidate, or to withdraw if he has become a candidate, gives or procures any office, place or employment, or agrees to give or procure or offers or promises to procure, or endeavours to procure any office, place or employment for such person, or for any other person,

shall be guilty of bribery, shall be disqualified from voting at any election for two years, and shall incur a penalty of
(2) The actual personal expenses of a candidate, his reasonable expenses for actual professional services performed, and bona fide payments for the fair cost of printing and advertising and other lawful and reasonable expenses in connection with the election, incurred by the candidate or any agent in good faith and without any corrupt intent, shall be deemed to be expenses lawfully incurred, and the payment thereof shall not be a contravention of this Act. 3-4 Geo. V. c. 43, s. 187.

188.—(1) A candidate who himself or by any other person on his behalf and every other person who:

(a) Hires or promises to pay or pays for a conveyance to carry a voter to or near or from or on the way to or from a polling place; or

(b) Pays the travelling or other expenses of a voter in going to or returning from a polling place;

and every person who for a valuable consideration provides or furnishes a conveyance knowing that it is to be used to carry a voter other than the hirer to, or near, or from, or on the way to or from a polling place shall be guilty of a corrupt practice and shall incur a penalty of $100, and, if a voter, shall be disqualified from voting at the election; but this subsection shall not apply to the carrying of voters to the poll in a conveyance used by the candidate personally on polling day.

(2) Every person who provides or furnishes transportation free of charge or at a diminished rate to a voter to, or near, or from, or on the way to or from a polling place, and whether passes or tickets or the like are or are not supplied, shall be guilty of a corrupt practice and shall incur a penalty of $100, and, if a voter, shall be disqualified from voting at the election.

(3) "Conveyance," for the purposes of this section, shall include a horse, team, carriage, cab, vehicle, boat or vessel. 3-4 Geo. V. c. 43, s. 188.

189.—(1) Every person who, directly or indirectly, himself, or by any other person on his behalf, uses or threatens to use force, violence, or restraint, or inflicts or threatens to inflict injury, damage, harm or loss, or in any manner practises intimidation upon or against a voter in order to induce or compel him to vote, or refrain from voting, or on account of his having voted or refrained from voting, or who, by abduction, duress, or false or fraudulent pretence, device or contrivance, impedes, prevents or otherwise interferes with the free exercise of the franchise of a voter, or thereby compels, induces or prevails upon a voter to vote or refrain from
voting, shall be guilty of a corrupt practice and shall be disqualified from voting for two years and shall incur a penalty of $200, and shall also be liable to imprisonment for any term not exceeding one year.

(2) It shall be a false pretence within the meaning of this section to represent to a voter, directly or indirectly, that the ballot to be used, or the mode of voting at an election, is not secret. 3-4 Geo. V. c. 43, s. 189.

190. The clerk shall furnish every deputy returning officer with at least two copies of sections 187 to 189, and the deputy returning officer shall post the same in conspicuous places at the polling place. 3-4 Geo. V. c. 43, s. 190.

191.—(1) No person shall be excused from answering any question put to him in an action or proceeding touching or relating to an election, or the conduct of any person thereat, or in relation thereto, on the ground of any privilege, or on the ground that the answer will tend to criminate him, or subject him to any penalty under this Act.

(2) No answer given by any person claiming to be excused on the ground of privilege, or on the ground that such answer will tend to criminate him or subject him to any penalty under this Act, shall be used in any proceeding thereunder against such person, if the Judge or officer before whom he is examined gives to the witness a certificate that he claimed the right to be excused on either of such grounds, and made full and true answer, to the satisfaction of the Judge. 3-4 Geo. V. c. 43, s. 191.

When no penalty recoverable.

192. No pecuniary penalty shall be recoverable for bribery or a corrupt practice if 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 offence; but this provision shall not apply if the Judge before whom the person charging the benefit of it is charged, certifies that it clearly appears to him that the person so charged took the first step towards the commission of the offence, and that he was in fact the principal offender. 3-4 Geo. V. c. 43, s. 192.
PART VI.

MEETINGS OF MUNICIPAL COUNCILS.

First Meeting of Council.

193.—(1) The first meeting of every council, except a county council, shall be held on the second Monday in January of the year for which the council is elected, at eleven o'clock in the forenoon; and the first meeting of every county council shall be held on the fourth Tuesday of the same month, at two o'clock in the afternoon.

(2) No business shall be proceeded with at the first meeting until after the declarations of office and qualification have been made by all the members who present themselves for that purpose.

(3) A council shall be deemed to be organized within the meaning of this Act when the declarations of office and qualification have been made by a majority of the members, and it may be organized and business may be proceeded with notwithstanding the failure of any of the other members to make such declarations. 3-4 Geo. V. c. 43, s. 193.

194. A member of a county council shall not take his seat until he has filed with the clerk of the county council a certificate, Form 15, under the hand of the clerk of the municipality for which he was elected and the seal of the corporation. 3-4 Geo. V. c. 43, s. 194.

195.—(1) In each year at the first meeting of a county council at which a majority of all the members is present they shall organize as a council and elect one of the members to be warden.

(2) The clerk shall preside, or if there is no clerk the members present shall select a member to preside, and the person so elected may vote as a member.

(3) Subject to subsection 4 and to section 206 the warden shall be elected in the manner provided by resolution of the council passed prior to the election.

(4) In case of an equality of votes the reeve, or in his absence the deputy reeve, or if there are more deputy reeves than one the first deputy reeve, of the municipality which for the preceding year had the largest equalized assessment, shall have a second or casting vote. 3-4 Geo. V. c. 43, s. 195.
Place of Meeting.

196. The first meeting of a county council shall be held Place of first meeting at the county hall if there is one, and if there is none, at the court house. 3-4 Geo. V. c. 43, s. 196.

197. The subsequent meetings of the county council, and all meetings of every other council shall be held at such place as the council from time to time appoints. 3-4 Geo. V. c. 43, s. 197.

198.—(1) The council of a county in which an urban municipality lies may hold its meetings, keep its public offices and transact all the business of the corporation and of its officers and servants within such municipality, and may acquire or rent and hold such real estate therein and erect such buildings thereon as may be convenient for such purpose.

(2) The council of a township shall have the like power in respect of an adjacent urban municipality or township in the same county. 3-4 Geo. V. c. 43, s. 198.

199.—(1) The ordinary meetings of every council shall be open, and no person shall be excluded therefrom except for improper conduct.

(2) The head or other presiding officer may expel or exclude from any meeting any person who has been guilty of improper conduct at such meeting. 3-4 Geo. V. c. 43, s. 199.

200.—(1) A majority of the whole number of members required to constitute a council shall be necessary to form a quorum.

(2) Where a council consists of only five members, the concurrent votes of at least three of them shall be necessary to carry any resolution or other measure. 3-4 Geo. V. c. 43, s. 200.

201.—(1) The head of the council shall preside at all Head of meetings, and may at any time summon a special meeting council to and it shall be his duty to do so when requested in writing by a majority of the members.

(2) In the absence of the head of the council or if his place of Special office is vacant, a special meeting may be summoned by the meeting, clerk upon a requisition signed by a majority of the mem- bers. 3-4 Geo. V. c. 43, s. 201.

202. If there is no by-law or resolution fixing the place of meeting, a special meeting shall be held at the place where the then last meeting was held, and a special meeting may be either open or closed as in the opinion of the council expressed by resolution in writing the public interest requires. 3-4 Geo. V. c. 43, s. 202.
203. In the absence of the head of the council, or if his office is vacant, the council may, from among the members, appoint a presiding officer, who during such absence or vacancy shall have all the powers of the head of the council. 3-4 Geo. V. c. 43, s. 203.

204. 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 presiding officer from among themselves, and he shall have the same authority as the absent person would have had if present. 3-4 Geo. V. c. 43, s. 204.

205. The head of the council, or the presiding officer, except where he is disqualified to vote by reason of interest or otherwise, may vote with the other members on all questions; and, except where otherwise expressly provided by this Act, any question on which there is an equality of votes shall be deemed to be negatived. 3-4 Geo. V. c. 43, s. 205.

206.—(1) Where a division is taken upon the election of a warden or other presiding officer, upon the appointment of an officer of the corporation or upon a by-law, resolution or for any other purpose, each member present shall announce his vote openly and individually, and the clerk shall record it.

(2) No vote shall be taken by ballot or by any other method of secret voting, and every vote so taken shall be of no effect. 3-4 Geo. V. c. 43, s. 206.

207. No member of a council shall vote on any by-law appointing him to any office in the gift of the council or fixing or providing his remuneration for any service to the corporation; but this shall not apply to allowances for attendance at meetings of the council or its committees. 3-4 Geo. V. c. 43, s. 207.

208. A council may adjourn its meetings from time to time. 3-4 Geo. V. c. 43, s. 208.

PART VII.

BOARDS OF CONTROL.

209.—(1) There shall be a Board of Control for the City of Toronto consisting of the Mayor and four controllers to be elected by general vote.

(2) The council may by by-law fix the salaries of the members of the board, not exceeding for each member $2,500 per annum. 3-4 Geo. V. c. 43, s. 209.
Sec. 213 (1). MUNICIPAL INSTITUTIONS. Chap. 192. 2381

210.—(1) The council of any city having a population of less than 100,000, but more than 45,000, may by by-law provide for the election by general vote of four controllers, who with the Mayor shall constitute the Board of Control.

(2) The by-law shall not, nor shall a by-law repealing it, be passed until it has received the assent of the municipal electors.

(3) The council may by by-law fix the salaries of the members of the board, not exceeding for each member $1,500 per annum. 3-4 Geo. V. c. 43, s. 210.

211. During the absence of the Mayor or if there is a vacancy in the office the person appointed as presiding officer of the council shall act as a member of the Board. 3-4 Geo. V. c. 43, s. 211.

212.—(1) Three members of a Board of Control shall form a quorum, and the Mayor shall preside at the meetings of the board, and in his absence the members shall appoint one of their number to preside.

(2) If a vacancy occurs in the office of controller the council, at a meeting called for that purpose, shall elect a person to fill the vacancy for the unexpired term of the member whose seat has become vacant. 3-4 Geo. V. c. 43, s. 212.

213.—(1) It shall be the duty of the Board of Control: Duties of Board.

(a) To prepare an estimate of the proposed expenditure of the year and certify it to the council for its consideration.

(b) To prepare specifications for and award all contracts and for that purpose to call for all tenders for works, material and supplies, implements, machinery, or other goods or property required and which may lawfully be purchased for the use of the corporation, and to report its action to the council at its next meeting.

(c) To inspect and report to the council monthly or oftener upon all municipal works being carried on or in progress.

(d) To nominate to the council all heads of departments and sub-departments in case of a vacancy and after a favourable report by the head of the department, any other officer of the corporation required to be appointed by by-law or resolution of the council, and any other permanent officers, clerks or assistants, and to recommend the salaries of all officers and clerks.
(e) To dismiss or suspend any head of a department and forthwith to report such dismissal or suspension to the council.

The council shall not appropriate or expend, nor shall any officer thereof expend or direct the expenditure of any sum not provided for by the estimates or by a special supplementary estimate certified by the board to the council, without a two-thirds vote of the council authorizing such appropriation or expenditure, but this prohibition shall not extend to the payment of any debenture or other debt or liability of the corporation.

When opening tenders the board shall require the presence of the head of the department or sub-department with which the subject matter of them is connected, and when requisite the presence of the city solicitor.

The head of such department or sub-department may take part in any discussion at the board relating to the tenders.

The council shall not, without a two-thirds vote, reverse or vary the action of the board in respect of the tenders, when the effect of such vote would be to increase the cost of the work or to award the contract to a tenderer other than the one to whom the board has awarded it.

No head of a department or sub-department or other permanent officer, clerk or assistant shall be appointed or elected by the council in the absence of the nomination of the board as provided by clause (d) of subsection 1, without a two-thirds vote.

Where a head of a department has been dismissed by the board, he shall not be reappointed or reinstated by the council without a two-thirds vote.

In the absence of a by-law of the council prescribing the mode of appointing, engaging or employing any officers, clerks, assistants, employees, servants and workmen not included in clauses (d) and (e) of subsection 1, the board may direct by whom and in what manner they shall be appointed, engaged or employed.

The board may submit proposed by-laws to the council.

The board, where in its opinion it is desirable, may amalgamate departments or sub-departments.

The board may appoint a secretary or clerk who shall keep minutes of its proceedings, prepare its reports and perform such other duties as may be assigned to him by the board or by the mayor or the council.

The council may by by-law or resolution assign to the board such other duties as the council may deem proper.
(13) The board, when so required by resolution of the council, and upon one week's notice thereof, shall furnish to the council copies of the minutes of its proceedings and any other information in its possession which the council may require.

(14) The council may refer back to the board any report, nomination, question or matter for reconsideration.

(15) Where it is sought in council to reverse, set aside or vary the action of the board, or where a two-thirds vote is required, the vote by yeas and nays shall be recorded in the minutes of the council.

(16) The public, the high and separate school boards, the board of education, the board of commissioners of police and the public library board and every other board whose estimates are to be provided for, shall furnish to the board on or before the first day of March in each year their annual estimates.

(17) Clause (d) of subsection 1 shall not apply to a member of the fire department, except the head of it, or to an assessor, except the assessment commissioner, or to a representative of the council upon the board of a harbour trust, or of a corporation on the board of which the council is entitled to elect a representative, or to a member of the Court of Revision.

(18) Nothing in this section shall deprive a head of a department of the power which he possessed on the 7th day of April, 1896, under any by-law or otherwise, to dismiss any subordinate officer, clerk or employee.

(19) Notwithstanding anything in this Act, the duties assigned to the board shall be discharged exclusively by the board, except in the case mentioned in subsection 9. 3-4 Geo. V. c. 43, s. 213.

PART VIII.

OFFICERS OF MUNICIPAL CORPORATIONS.

THE HEAD.

214. The warden of a county, the mayor of a city or town, and the reeve of a village or township, shall be the head of the council and the chief executive officer of the corporation. 3-4 Geo. V. c. 43, s. 214.

215. It shall be the duty of the head of the council to,

(a) Be vigilant and active in causing the laws for the government of the municipality to be duly executed and obeyed;

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215 (b). Overseer the conduct of all subordinate officers in the government of it and, as far as practicable, cause all negligence, carelessness and violation of duty to be prosecuted and punished; and

(c) Communicate from time to time to the council such information, and recommend to it such measures as may tend to the improvement of the finances, health, security, cleanliness, comfort and ornament of the municipality. 3-4 Geo. V. c. 43, s. 215.

216. The head of the council of a county and of an urban municipality may be paid such annual or other remuneration as the council may determine. 3-4 Geo. V. c. 43, s. 216.

217. The mayor of a city or town may call out the posse comitatus to enforce the law within the municipality under the same circumstances in which the sheriff of a county may now by law do so. 3-4 Geo. V. c. 43, s. 217.

THE CLERK.

218. Every council shall appoint a clerk, whose duty it shall be:

(a) To truly record in a book, without note or comment, all resolutions, decisions and other proceedings of the council;

(b) If required by any member present, to record the name and vote of every member voting on any matter or question;

(c) To keep the books, records and accounts of the council;

(d) To preserve and file all accounts acted upon by the council;

(e) To keep in his office or in the place appointed for that purpose, the originals of all by-laws, and of all minutes of the proceedings of the council; and

(f) To perform such other duties as may be assigned to him by the council. 3-4 Geo. V. c. 43, s. 218.

219.—(1) Any person may, at all reasonable hours, inspect any of the records, books or documents mentioned in the next preceding section and the minutes and proceedings of any committee of the council, whether the acts of the committee have been adopted or not, and the assessment rolls, voters' lists, poll books, and other documents in the possession or under the control of the clerk, and the clerk shall, within a reasonable time, furnish copies of them, certified under his hand and the seal of the corporation, to any appli-
cant on payment at the rate of ten cents for every hundred words, or at such lower rate as the council may fix.

(2) A copy of any record, book or document in the possession or under the control of the clerk purporting to be certified under his hand and the seal of the corporation, may be filed and used in any Court in lieu of the original, and shall be received in evidence without proof of the seal or of the signature or official character of the person appearing to have signed the same, and without further proof, unless the Court otherwise directs. 3-4 Geo. V. c. 43, s. 219.

220. Where the clerk is absent or incapable through illness of performing his duties, the council may by resolution provide that some other person, to be named in the resolution or to be appointed under the hand of the clerk, shall act in his stead and the person so appointed shall have all the powers of the clerk. 3-4 Geo. V. c. 43, s. 220.

221.—(1) The clerk of every local municipality shall in each year, within one week after the final revision of the assessment roll, make a return to the Secretary of the Bureau of Industries, on forms approved by the Lieutenant-Governor in Council and furnished by the secretary, of such statistics or information as the assessment roll or other records of his office afford, and the forms call for; and every such return shall be transmitted by registered post.

(2) For every contravention of this section, the clerk shall incur a penalty not exceeding $40.

(3) The secretary shall cause to be prepared a tabulated statement of the returns which the Minister of Agriculture shall lay before the Assembly. 3-4 Geo. V. c. 43, s. 221.

THE TREASURER.

222.—(1) Every council shall appoint a treasurer, who may be paid either by salary or by a percentage, and may also appoint a deputy treasurer to act in the absence of the treasurer or in case of a vacancy in the office.

(2) The treasurer and the deputy treasurer, before entering on the duties of their offices, shall give such security as the council directs for the faithful performance of such duties, and for duly accounting for and paying over all money which comes into their hands.

(3) It shall be the duty of every council, in every year, to inquire into the sufficiency of the security given by the treasurer, and to cause to be entered in its minutes the result of the inquiry. 3-4 Geo. V. c. 43, s. 222.

223.—(1) In case of the death of the treasurer of a county, the warden may, by warrant under his hand, appoint for such special purpose as he may deem necessary, a
treasurer pro tempore, who shall hold office until the next meeting of the council; and all acts authorized by the warrant which are performed by him shall be as valid and binding as if performed by a treasurer.

(2) The warden shall, by the warrant, direct what security shall be given by the treasurer pro tempore for the faithful performance of his duties, and for duly accounting for, and paying over, all money which comes into his hands, and before entering upon his duties he shall give such security, but he shall not interfere with the books, vouchers or accounts of the deceased treasurer until a proper audit of them has been made. 3-4 Geo. V. c. 43, s. 223.

224.—(1) The treasurer shall receive, and safely keep, all money of the corporation, and shall pay out the same to such persons and in such manner as the laws of Ontario and the by-laws or resolutions of the council direct.

(2) Except where otherwise expressly provided by this Act, a member of the council shall not receive any money from the treasurer for any work or service performed or to be performed.

(3) The treasurer shall not be liable for money paid by him in accordance with a by-law or resolution of the council unless another disposition of it is expressly provided for by statute. 3-4 Geo. V. c. 43, s. 224.

225. The treasurer shall open an account in the name of the corporation in such of the chartered banks of Canada or at such other place of deposit as may be approved of by the council, and shall deposit to the credit of such account all money received by him on account of the corporation, and he shall keep the money of the corporation entirely separate from his own money. 3-4 Geo. V. c. 43, s. 225.

226. Every treasurer shall prepare and submit to the council, half-yearly, a statement of the money at the credit of the corporation; and in local municipalities which have passed by-laws requiring it to be done shall, on or before the 20th day of December in each year, prepare and transmit to the clerk a list of all persons who have not paid their municipal taxes on or before the 14th day of that month. 3-4 Geo. V. c. 43, s. 226.

227.—(1) The treasurer of every local municipality shall, on or before the first day of April in each year, transmit by registered post to the Secretary of the Bureau of Industries, on forms approved by the Lieutenant-Governor in Council and furnished by the secretary, such information or statistics regarding the finances or accounts of the corporation as the forms call for.
(2) For every contravention of this section the treasurer shall incur a penalty not exceeding $40.

(3) The Secretary shall cause to be prepared a tabulated statement of the returns, which the Minister of Agriculture shall lay before the Assembly. 3-4 Geo. V. c. 43, s. 227.

228.—(1) Every Treasurer, on or before the 7th day of January in each year, shall transmit by registered post to the head of every municipality to whose treasurer he has made any payment during the year ended on the 31st day of December, a statement signed by him setting forth every such payment and the date of it.

(2) The head of the municipality shall cause every such statement received by him to be read at the next meeting of the council after the receipt of it, and to be delivered to the auditors before the audit of the accounts for the year to which the statement relates. 3-4 Geo. V. c. 43, s. 228.

229. Where a treasurer is removed from office, or absconds, the council shall forthwith give notice to his sureties, and his successor may draw any money of the corporation which may have been deposited by the treasurer to his credit. 3-4 Geo. V. c. 43, s. 229.

ASSESSORS AND COLLECTORS.

230.—(1) The council of every local municipality shall annually appoint as many assessors and collectors for the municipality as may be deemed necessary.

(2) The appointment shall be made as soon as practicable after the organization of the council.

(3) The council may assign to an assessor or collector the district within which he is to act, and may make regulations for governing him in the performance of his duties.

(4) In a city, town or township the same person may be appointed assessor or collector for more than one ward or polling subdivision.

(5) A member of the council or the clerk or treasurer of the municipality shall not be appointed assessor or collector.

(6) The collector of a municipality, the council of which has passed a by-law requiring the taxes to be paid on or before the 14th day of December, shall, on the 15th day of December in each year, return, upon oath, to the treasurer the names of all persons who have not paid their taxes. 3-4 Geo. V. c. 43, s. 230.

231.—(1) The council of a city or town, instead of appointing assessors, may appoint an assessment commissioner, who, in conjunction with the mayor, shall appoint such
assessors as may be necessary, and the assessment commissioner and the assessor shall constitute a board of assessors, and shall have all the powers and perform all the duties of assessors appointed under the next preceding section.

(2) The council of a city or town, having a population of less than 20,000, may provide that all the duties of an assessor shall be performed by the assessment commissioner, and in that case it shall not be necessary to appoint assessors.

(3) It shall not be necessary to appoint the assessment commissioner, assessors or collectors of a city annually.

(4) In a city or town which has an assessment commissioner, all notices in matters relating to assessment which in other municipalities are required by this or any other Act to be given to the clerk shall be given to the assessment commissioner.

AUDITORS AND AUDIT.

232.—(1) Subject to sections 233 and 240, every council shall, at its first meeting in every year, appoint two auditors.

(2) No person who is or during the next preceding year was a member of the council, or the clerk or treasurer of the municipality, or who has, or during the next 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.

(3) If a person appointed auditor for a county refuses, or is unable to act, the head of the council shall appoint another person not in the employment of such head to be auditor in his stead. 3-4 Geo. V. c. 43, s. 232.

233. The council of any municipality may provide that the auditors shall be appointed in November or December in each year for the next succeeding year, and thereafter while the by-law remains in force the council shall appoint the auditors in accordance with its terms, instead of at its first meeting. 3-4 Geo. V. c. 43, s. 233.

234.—(1) The auditors appointed under section 233 shall, at the end of every month, beginning with the first month in the year following that of their appointment, examine and report upon all accounts affecting the corporation, or relating to any matter under its control, or within its jurisdiction, and after the examination of every account, voucher, receipt and paid debenture submitted for audit, shall stamp on it, in indelible letters, the word "audited," and initial it.

(2) The auditors appointed under section 233 shall also perform the duties of auditors appointed under section 232 with respect to the accounts and transactions of the year in which they are appointed. 3-4 Geo. V. c. 43, s. 234.
235. An auditor may administer an oath to any person concerning any account or other matter to be audited. 3-4 Geo. V. c. 43, s. 235.

236. Where an auditor of a city dies, or resigns, or his office becomes vacant from any cause, the council may fill the vacancy, and the person appointed shall hold office for the remainder of the year for which the original appointment was made. 3-4 Geo. V. c. 43, s. 236.

237.—(1) The auditors appointed under section 232 shall examine and report upon all accounts affecting the corporation or any commission managing a public utility work or relating to any matter under its control or within its jurisdiction for the year ended on the 31st day of December preceding their appointment.

(2) They shall annually prepare in duplicate an abstract of the receipts, expenditure, assets and liabilities of the corporation or commission and a detailed statement in duplicate of the same for the next preceding year in such form as the council may direct, and shall report on all accounts audited by them, and make a special report of any expenditure made contrary to law, and shall transmit by registered post one copy of the abstract and one copy of the detailed statement to the Secretary of the Bureau of Industries, and shall file the other abstract, the other detailed statement, and their reports, in the office of the clerk not later than the 1st day of March.

(3) Where the auditors are appointed under section 233, or where they have been required to make their audit under the provisions of section 240, the abstract, statements, and reports mentioned in subsection 2, shall be, with respect to the year for which they are appointed, and shall be made and filed within one month after the expiry of that year, and the auditors shall be deemed to continue in office during that period for the purpose only of preparing and filing such statements and reports.

(4) For every contravention of subsection 2 or 3 an auditor shall incur a penalty not exceeding $40.

(5) A resident of the municipality may inspect the abstract, statements and reports at all reasonable hours, and may, by himself or his agent, at his own expense, make a copy of or extracts from them.

(6) The auditors of every municipality shall also make a report upon the condition and sufficiency of the securities of the treasurer; and such report shall show what cash balance, if any, was due from the treasurer to the corporation at the date of the audit, and where it is deposited and what security there is that the same will be available when required; but this shall not relieve the council from the performance of the duty imposed by section 222.
(7) The clerk shall publish the abstract, statements and reports in such form as the council may direct; and in the case of a local municipality shall transmit a copy of the abstract and statements to the clerk of the council of the county, and the same shall be kept in his office.

(8) The auditors may make a written requisition upon the treasurer for a request to any bank or company with which the money is or has been deposited, or with which the treasurer has kept an account, to exhibit the account and details thereof to them; and it shall be the duty of the treasurer, within twenty-four hours after the delivery to him of such requisition, to comply with it.

(9) The council of every town, village and township shall hold a meeting on the 15th day of December in each year, and shall immediately thereafter publish a detailed statement of the receipts and expenditures of the corporation for the portion of the year ended on that day, together with a statement of assets, liabilities and uncollected taxes, and a similar statement respecting the last 15 days of the next preceding year.

(10) The statements shall be signed by the head of the council and by the treasurer, and shall be published.

(11) Instead of publishing the statements the council may cause them to be posted up, not later than the 24th day of December, in the office of the clerk and of the treasurer, at all post offices, and at not less than 12 other conspicuous places in the municipality.

(12) The clerk shall procure to be printed not less than one hundred copies of the statements, and shall deliver or transmit by post one of them to every elector who requests him to do so, not later than the 24th day of December in each year, and shall also see that copies of the statements are produced at the nomination meeting.

(13) The next preceding four subsections shall not apply to a township municipality in a provisional judicial district, or in the electoral district of North Renfrew, or in the Provisional County of Haliburton.

(14) Any member of a council or an officer of a corporation, or any other person, who knowingly makes or causes or procures to be made, any untrue entry in the statements, or who knowingly omits or causes to be omitted from them anything which should be included, shall incur a penalty of not less than $5 or more than $40. 3-4 Geo. V. c. 43, s. 237.

238. The council of a city or town may provide that all accounts shall be audited before payment. 3-4 Geo. V. c. 43, s. 238.

239. The council shall, upon the report of the auditors, finally audit and allow the accounts of the treasurer and col-
lectors, and all accounts chargeable against the corporation; and where charges are not regulated by law, the council shall allow what is reasonable. 3-4 Geo. V. c. 43, s. 239.

240. Instead of appointing two auditors annually as provided by section 232, the council may by by-law provide for the appointment of one or more auditors to hold office during pleasure, who shall daily or otherwise examine, audit and report on the accounts of the corporation. 3-4 Geo. V. c. 43, s. 240.

241. The Treasurer of Ontario shall retain in his hands any money payable to a corporation, if it is certified to him by the Secretary of the Bureau of Industries that any officer of the corporation whose duty it is to make returns to the Bureau has not done so. 3-4 Geo. V. c. 43, s. 241.

DUTIES OF OFFICERS RESPECTING OATHS AND DECLARATIONS.

242.—(1) Every person elected as a member of the council of a township or as trustee of a police village, before he or she takes the declaration of office or enters upon his duties, shall make and subscribe a declaration of qualification, Form 2.

(2) Every member of a council, trustee of a police village, every public utility commissioner and commissioner of industries, and every clerk, treasurer, assessment commissioner, assessor, collector, engineer, clerk of works and street overseer or commissioner, before entering on the duties of his office, shall also make and subscribe a declaration of office, Form 16.

(3) Every person elected or appointed to two or more municipal offices may make one declaration of office as to all of them.

(4) Every returning officer, deputy returning officer, poll clerk, constable and other election officer, before entering upon the duties of his office, shall make and subscribe a declaration, Form 17.

(5) Where by this Act any oath or declaration is required to be made by a deputy returning officer, or by a poll clerk, and no special provision is made therefor, the same, in the case of a deputy returning officer, may be made before the returning officer for the municipality or ward, or before the poll clerk, or before any person authorized to administer an oath; and, in the case of a poll clerk, before any such person, or before the deputy returning officer.

(6) Every auditor, before entering upon his duties, shall make and subscribe a declaration, Form 18.

(7) Except where otherwise provided the person by whom the oath or declaration is made shall file the same in the office of the clerk within 8 days after it is made. 3-4 Geo. V. c. 43, s. 242.
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243. Except where otherwise expressly provided, in addition to the persons authorized by law to administer an oath, the head of a council, a controller, an alderman, a reeve or the clerk of a municipality may, within the municipality, administer an oath, or take any declaration under this Act or relating to the business of the corporation. 3-4 Geo. V. c. 43, s. 243.

244. Every qualified person duly elected to be a member of a council, a trustee of a police village, or a public utility commissioner, and every person appointed as assessment commissioner, commissioner of industries, assessor or collector, who refuses the office to which he has been elected or appointed, or does not, within twenty days after knowing of his election or appointment, make and file the declaration of office and in the case of a member of the council of a township or of a trustee of a police village, the declaration of qualification and every person authorized to take any such declaration, who, upon reasonable demand, refuses to take it, shall incur a penalty of not less than $8 or more than $80, which, when recovered, shall be paid over to the corporation. 3-4 Geo. V. c. 43, s. 244.

SALARIES, TENURE OF OFFICE AND GRATUITIES.

245.—(1) Where the remuneration of any officer of a corporation is not fixed by law, the council shall fix it.

(2) The council shall give to the clerk, for services and duties performed by him, under The Ditches and Watercourses Act, a fair and reasonable remuneration, to be fixed by the council.

(3) The council shall fix the sum to be paid to the clerk by any person for copies of awards or other documents, or for any other services rendered by him, other than such as it is his duty to perform under that Act.

(4) Where an appointment to an office or an arrangement for the discharge of the duties of an office is to be made the council shall not invite or require applicants to name a sum for which they will discharge the duties of the office, or give the appointment to, or make the arrangement with, the person who offers to perform the duties at the lowest salary or remuneration.

(5) Notwithstanding that a corporation employs a solicitor or a counsel whose remuneration is wholly or partly paid by salary, annual or otherwise, the corporation shall 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 so remunerated, if 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. 3-4 Geo. V. c. 43, s. 245.
246. All officers appointed by a council shall hold office during the pleasure of the council, and shall, in addition to the duties assigned to them by this Act, perform all other duties required of them by any other Act, or by by-law of the council. 3-4 Geo. V. c. 43, s. 246.

247. A council may grant to any officer who has been in the service of the corporation for at least twenty years, and who, while in such service, has become incapable, through illness or old age, of efficiently discharging the duties of his office, a sum not exceeding the aggregate of his salary or other remuneration for the next preceding three years of his service, as a gratuity upon his ceasing to hold the office. 3-4 Geo. V. c. 43, s. 247.

INVESTIGATION OF CHARGES OF MALFEASANCE, ETC., OR JUDICIAL INQUIRY IN RELATION TO MUNICIPAL MATTERS.

248.—(1) Where the council of a municipality passes a resolution requesting a Judge of the County or District Court of the county or district in which the municipality is situate to investigate any matter relating to a supposed malfeasance or breach of trust, or other misconduct on the part of a member of the council, or an officer, or a servant of the corporation, or of any person having a contract with it, in regard to the duties or obligations of the member, officer, servant or other person, to the corporation, or to inquire into or concerning any matter connected with the good government of the municipality, or the conduct of any part of its public business, the Judge shall make the inquiry, and shall for that purpose have all the powers which may be conferred upon Commissioners under The Public Inquiries Act, and he shall, with all convenient speed, report to the council the result of the inquiry and the evidence taken.

(2) The Judge shall be paid by the corporation the same fees as he would be entitled to if the inquiry had been made by him as a referee under The Judicature Act.

(3) The council may engage and pay counsel to represent the corporation, and may pay all proper witness fees to persons summoned to give evidence at the instance of the corporation, and any person charged with malfeasance, breach of trust or other misconduct, or whose conduct is called in question on such investigation or inquiry, may be represented by counsel. 3-4 Geo. V. c. 43, s. 248.
PART IX.

GENERAL PROVISIONS APPLICABLE TO ALL MUNICIPALITIES.

JURISDICTION—NATURE AND EXTENT.

249.—(1) Except where otherwise provided, the jurisdiction of every council shall be confined to the municipality which it represents and its powers shall be exercised by by-law.

(2) A by-law passed by a council in the exercise of any of the powers conferred by and in accordance with this Act, and in good faith, shall not be open to question or be quashed, set aside, or declared invalid, either wholly or partly, on account of the unreasonableness or supposed unreasonableness of its provisions or any of them. 3-4 Geo. V. c. 43, s. 249.

250. Every council may pass such by-laws and make such regulations for the health, safety, morality, and welfare of the inhabitants of the municipality in matters not specifically provided for by this Act, as may be deemed expedient and are not contrary to law, and for governing the proceedings of the council, the conduct of its members and the calling of meetings. 3-4 Geo. V. c. 43, s. 250.

251. Proceedings begun by one council may be continued and completed by a succeeding council. 3-4 Geo. V. c. 43, s. 251.

252. The council of a local municipality shall not, after the 31st day of December in the year for which its members were elected, pass any by-law or resolution for, or which involves, directly or indirectly, the payment of money, or enter into any contract or obligation on the part of the corporation, or appoint to or dismiss from office any officer under the control of the council, or do any other corporate act, except in case of extreme urgency, or unless the act is one which the council is required by law to do. 3-4 Geo. V. c. 43, s. 252.

253.—(1) The power to license any trade, calling, business or occupation or the person carrying on or engaged in it shall include the power to prohibit the carrying on of or the engaging in it without a license.

(2) Except where the power of fixing the sum to be paid for the license is expressly conferred on a Board of Commissioners of Police, the Council of the Municipality, where by this or any other Act the Council or the Board is authorized to pass by-laws for licensing any trade, calling, business or occupation or the person carrying on or engaged in it, may,
subject to the limitations contained in the Act, fix the sum to be paid for the license and the time for which it shall be in force and may provide for enforcing payment of the license fee.

(3) The license fee may be in the nature of a tax for the privilege conferred by it.

(4) The granting or refusing of a license to any person to carry on a particular trade, calling, business or occupation, or of revoking a license under any of the powers conferred upon a council or a Board of Commissioners of Police by this Act, or any other Act, shall be in its discretion, and it shall not be bound to give any reason for refusing or revoking a license and its action shall not be open to question or review by any Court.

(5) Where a license is revoked the licensee shall be entitled to a refund of a part of the license fee proportionate to the unexpired part of the term for which it was granted.

3-4 Geo. V. c. 43, s. 253.

254. Subject to section 255, and to section 7 of The Ferries Act and to section 8 of The Ontario Telephone Act, a council shall not confer on any person the exclusive right of exercising, within the municipality, any trade, calling or business, or impose a special tax on any person exercising it, or require a license to be taken for exercising it, unless authorized or required by this or any other Act so to do; but the council may require a fee, not exceeding $1, to be paid to the proper officer for a certificate of compliance with any regulations in regard to the trade, calling or business.

3-4 Geo. V. c. 43, s. 254.

255.—(1) The council of a city may grant to any person, upon such terms and conditions as may be deemed expedient, the exclusive right to place and maintain for any period not exceeding ten years, iron waste-paper boxes on the streets, corners or elsewhere in the city, under and subject to the direction of the city engineer and the approval of the council.

(2) The location of the boxes shall be subject to change from time to time at the expense of the grantee, by whom the boxes shall be kept clean and painted, and the collections therein removed, to the satisfaction of the city engineer, and as often as he may direct. 3-4 Geo. V. c. 43, s. 255.

256. The council of a city may establish and carry on the business of cold storage in connection with or upon the market property of the corporation. 3-4 Geo. V. c. 43, s. 256.

257.—(1) Subject to the limitations and restrictions contained in this Act, a council may borrow money for the purposes of the corporation, whether under this or any other Act, and may issue debentures therefor.
Debts for street railways.

(2) A debt contracted by the corporation of a city for the construction or maintenance of a street railway shall not be included as part of its debt for the purpose of determining whether the limit of its borrowing power as fixed by any special Act has been reached. 3-4 Geo. V. c. 43, s. 257.

AUTHENTICATION OF BY-LAWS.

258.—(1) Every by-law shall be under the seal of the corporation and shall be signed by the head of the council, or by the presiding officer at the meeting at which the by-law was passed, and by the clerk.

(2) Every by-law purporting to be so sealed and signed, when produced by the clerk or any officer of the corporation charged with the custody of it, shall be received in evidence in all Courts without proof of the seal or signature.

(3) Where, by oversight, the seal of the corporation has not been affixed to a by-law it may be affixed at any time afterwards, and, when so affixed, the by-law shall be as valid and effectual as if it had been originally sealed.

(4) A copy of a by-law, purporting to be certified by the clerk, under the seal of the corporation, as a true copy, shall be received in evidence in all Courts without proof of the seal or signature. 3-4 Geo. V. c. 43, s. 258.

CERTIFICATE OF CLERK AS TO APPLICATION FOR BY-LAW.

259.—(1) Where by this or any other Act it is provided that a by-law may be passed by a council upon the application of a prescribed number of electors or inhabitants of the municipality or locality, the by-law shall not be finally passed until the clerk, or, where there is an assessment commissioner, the assessment commissioner has certified that the application was sufficiently signed.

(2) For the purposes of this section the clerk and the assessment commissioner shall have all the powers of the clerk under section 16 of The Local Improvement Act.

(3) Where the clerk or assessment commissioner has so certified his certificate shall be conclusive that the application was sufficiently signed. 3-4 Geo. V. c. 43, s. 259.

PART X.

VOTING ON BY-LAWS.

260. In this Part,

(a) "By-law" shall include a resolution and a question upon which the opinion of the electors is to be obtained.
(b) "Electors" shall mean the persons entitled to vote on the by-law.

(c) "Judge" shall mean Judge or Junior Judge of the County or District Court of the county or district in which the municipality, the council of which submits the by-law, is situate.

(d) "Proposed by-law" shall mean a by-law submitted for the assent of the electors. 3-4 Geo. V. c. 43, s. 260.

261. This Part shall be subject to the provisions of The Liquor License Act. 3-4 Geo. V. c. 43, s. 261.

262. All the provisions of this Act prohibiting the doing of any act or making it an offence against this Act, and prescribing penalties therefor, applicable to the election of members of municipal councils shall apply mutatis mutandis to the voting upon a by-law, whether the submission of it to the electors is optional with or compulsory upon the council. 3-4 Geo. V. c. 43, s. 262.

263.—(1) Where a by-law requires the assent, or is submitted to obtain the opinion, of the electors, except where otherwise provided, the council shall, by a separate by-law, appoint the day for taking the votes of the electors, the places where the votes are to be taken, and a deputy returning officer to take the votes at every such place.

(2) The date appointed shall not be less than three, or more than five, weeks after the first publication of the notice hereinafter mentioned.

(3) A proposed by-law may be submitted on the day of the annual election, and, where it is to be so submitted, the by-law for taking the vote shall provide that the voting shall take place at the same time and at the same places as the annual election, and it shall not be necessary to appoint separate deputy returning officers to take the vote.

(4) The by-law for taking the vote shall also appoint a time when, and a place where, the clerk will sum up the number of votes given for and against the proposed by-law, or in the affirmative and the negative on the question and a time and a place for the appointment of persons to attend at the polling places, and at the final summing up of the votes by the clerk, on behalf of the persons interested in, and promoting or opposing the by-law or voting in the affirmative or the negative on the question.

(5) A copy of the proposed by-law, or a statement of the question submitted, as the case may be, shall be published of by-law, once a week for three successive weeks, together with a notice signed by the clerk stating that the copy is a true
copy of a proposed by-law, or a correct statement of the question submitted, as the case may be, and in the case of a by-law that, if the assent of the electors is obtained to it, it will be taken into consideration by the council after the expiration of one month from the date of the first publication, which date shall also be stated, and in the case of a money by-law stating that a tenant who desires to vote must deliver to the clerk not later than the tenth day before the day appointed for taking the vote the declaration provided for by subsection 3 of section 265.

(6) The notice shall also state the day and places appointed for taking the votes, except where the votes are to be taken at the same time as the annual election, and, in that case, shall state that the votes will be taken at the annual election, and shall also state the time and place for the appointment of persons to attend at the polling places and at the final summing up of the votes by the clerk.

(7) Instead of publishing a copy of the proposed by-law the council may publish a synopsis of it, containing a concise statement of its purpose, the amount of the debt or liability to be created or the money to be raised by it, how the same is to be payable, and the amount to be raised annually for the payment of the debt, and the interest, or the instalments, if the debt is to be paid by instalments. See R. S. Man., c. 116, s. 376 (b).

(8) Where more money by-laws than one are submitted at the same time they may be all placed upon one ballot paper. 3-4 Geo. V. c. 43, s. 263.

264.—(1) The head of the council, or a member of it appointed for that purpose by resolution, shall attend at the time and place appointed, and, if requested so to do, shall appoint, by writing signed by him, two persons to attend at the final summing up of the votes by the clerk, and one person to attend at each polling place on behalf of the persons interested in, and desirous of promoting, the proposed by-law, or voting in the affirmative on the question, and a like number on behalf of the persons interested in and desirous of opposing the proposed by-law, or voting in the negative on the question.

(2) Before any person is so appointed he shall make and subscribe a declaration, Form 19.

(3) A person so appointed, before being admitted to the polling place, or to the summing up of the votes, shall, if so requested, produce and show his appointment to the deputy returning officer.

(4) In the absence of a person so appointed, or if no person has been appointed, any elector, upon making and subscribing, before the returning officer or deputy returning
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officer, a declaration, Form 20, may be present at a polling place, or at the final summing up of the votes, as the case may be. 3-4 Geo. V. c. 43, s. 264.

265.—(1) The persons qualified to vote on a money by-law shall be those entitled to vote at an election with the following exceptions:

(a) Tenants, other than those mentioned in subsection 3.
(b) Farmers' sons.
(c) Income voters.

(2) The nominee of a corporation assessed upon the last revised assessment roll of the municipality which, if it had been a male person, would have been entitled to have been entered on the voters' list from which the list of voters mentioned in section 266 is to be prepared or in the case provided for by section 94 would, had it been a male person, have been entitled to be entered on such list of voters, shall also be qualified to vote.

(3) A tenant, whose lease extends for the time for which the debt or liability is to be created, or in which the money to be raised by the proposed by-law is payable, or for at least twenty-one years, and who has by the lease covenanted to pay all municipal taxes in respect of the property other than local improvement rates, if he makes and files with the clerk not later than the tenth day before the day appointed for taking the vote a declaration, under The Canada Evidence Act, so stating, shall be entitled to have his name entered on the list of voters prepared by the clerk, under section 266.

(4) Where a corporation entitled to appoint a nominee to vote on its behalf desires to vote on a money by-law it shall not later than the tenth day before the day appointed for taking the vote file with the clerk of the municipality an appointment in writing of a person to vote as its nominee and on its behalf, and the name of every such nominee shall be included in the list. 3-4 Geo. V. c. 43, s. 265.

266.—(1) Where the proposed by-law is a money by-law or one on which all the municipal electors are not entitled to vote the clerk, after the passing of the by-law for taking the vote, and not later than the tenth day before the day appointed for taking the vote, shall prepare a list of the persons entitled to vote on the proposed by-law and, subject to section 267 and to section 24 of The Ontario Voters' Lists Act, the list so prepared shall be final and conclusive as to the right of every person named therein to vote, except in the case of a local option by-law where he is not at the time of the taking of the vote thereon, and has not been for the three months before that time a bona fide resident of the municipality, and that no person not named therein is entitled to vote.

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(2) The clerk shall prepare such list from the last revised voters' list, and in the case provided for by section 94 from the last revised assessment roll, omitting from his list the names of all persons whose names are entered on such voters' list or assessment roll, but are not entitled as appears by such list or roll to vote on the by-law, and in the case of money by-laws including in the list the nominees of corporations who are entitled to vote on the by-law.

(3) When the voting is to take place at the same time as the annual municipal elections, it shall be sufficient in the case of persons whose names are entered on the voters' list as tenants, if there is written on the voters' list used for the purpose of the election opposite to the name of such of them as are entitled to vote on the by-law the words "entitled to vote on the by-law," and it shall be deemed that the names of all others of such persons are omitted from the list within the meaning of subsection 2.

(4) The list prepared by the clerk shall be certified by him to be a true and correct list of all persons entitled to vote on the proposed by-law, and shall be forthwith posted up in his office. 3-4 Geo. V. c. 43, s. 266.

267.—(1) At any time not later than five days before the day appointed for taking the vote, a Judge, upon the application of any person whose name is entered on the list of voters prepared by the clerk, or of any person entitled to be entered on that list, may strike from the list the name of any person who is dead or whose name has been wrongly entered on it, and may add to the list the name of any person whose name has been wrongly omitted from the list, or who, if a tenant, though he had not made the declaration prescribed by subsection 3 of section 265, establishes that he has the qualification prescribed by that subsection.

(2) For the purpose of proving a death, the certificate of the Registrar-General, or of the Division Registrar, shall be sufficient evidence, but if the identity of the person who is dead with the person whose name is sought to be struck off is disputed, or open to reasonable doubt, proof of the identity shall be required.

(3) The proceedings shall be the same, as nearly as may be, as prescribed by subsection 2 of section 23 of The Ontario Voters' Lists Act. 3-4 Geo. V. c. 43, s. 267.

268. Where all the municipal electors are entitled to vote on the proposed by-law the same lists shall be used in taking the vote as would be the proper voters' list to be used at a municipal election, and such lists shall be as final and conclusive as to the right to vote as when used at a municipal election. 3-4 Geo. V. c. 43, s. 268.
269. In a municipality divided into wards, a voter shall be entitled to vote on a money by-law in each ward in which he has the prescribed qualification, but shall not be entitled to vote more than once on any other by-law or on any question submitted to the electors unless it is otherwise expressly provided by the Act, by-law or other authority under which the vote is taken. 3-4 Geo. V. c. 43, s. 269.

270. The clerk, if otherwise qualified, shall be entitled to vote, but not to give a casting vote. 3-4 Geo. V. c. 43, s. 270.

271. The ballot papers shall be according to Form 20 when the voting is on a by-law, and according to Form 21 when it is on a question. 3-4 Geo. V. c. 43, s. 271.

272. The printed directions to voters shall be according to Form 22. 3-4 Geo. V. c. 43, s. 272.

273.—(1) Where all the municipal electors are entitled to vote the voter’s oath shall be the same mutatis mutandis as at a municipal election where the members of the council are elected by general vote.

(2) In the case of a money by-law a voter shall not be entitled to select the form of oath he will take, but the oath to be taken by him shall be that applicable to his qualification of oath, as a freeholder or tenant, as it appears in the list of voters. 3-4 Geo. V. c. 43, s. 273.

274. Except as otherwise in this Part provided, Part III. of section 278, a by-law shall be deemed to have been assented to by the electors if a majority of the votes cast is in favour of the by-law. 3-4 Geo. V. c. 43, s. 276.

275. After the clerk has summed up the number of votes cast he shall declare the result of the voting and shall forthwith certify to the council the number of votes cast for and against the by-law. 3-4 Geo. V. c. 43, s. 275.

276. Subject to section 278, a by-law shall be deemed to have been assented to by the electors if a majority of the votes cast is in favour of the by-law. 3-4 Geo. V. c. 43, s. 276.

277. Where the by-law is proposed to be passed by a county council the proceedings shall be similar to those in the case of a by-law proposed to be passed by the council of a local municipality except that the list of voters for each local municipality shall be prepared by the clerk of it and not by the clerk of the council, and that the declaration and appointment provided for by subsections 3 and 4 of section 265 shall be filed with the clerk of the local municipality. 3-4 Geo. V. c. 43, s. 277.
278.—(1) In the case of a by-law for granting a bonus in aid of a railway, or to a waterworks or water company, or for taking stock in, or for lending money to, or for guaranteeing the payment of money borrowed by a railway company, the assent of one-third of all the persons entitled to vote, as well as of a majority of all those voting shall be necessary.

(2) Subject to subsection 3, in the case of a by-law for granting a bonus in aid of a manufacturing industry, the affirmative vote of three-fourths of all the members of the council and the assent of two-thirds of the electors who vote on the by-law shall be necessary.

(3) In the case of a by-law for granting a bonus for the promotion of iron works, rolling mills, works for refining or smelting ore or for the establishment of grain elevators, or in aid of a beet sugar factory the assent of one-third of all the persons entitled to vote, as well as of a majority of those voting shall be necessary.

(4) In the cases provided for by subsections 1 and 3 the clerk shall add to the prescribed certificate of the result of the voting a statement of the total number of persons entitled to vote upon the by-law. 3-4 Geo. V. c. 43, s. 278.

279.—(1) Within two weeks after the clerk has declared the result of the voting, any person who was entitled to vote upon the by-law or the council, after giving notice of the application to such persons as the Judge directs, may apply to a Judge of the County or District Court of the county or district in which the municipality is situate for a scrutiny of the votes, and if it is shown by affidavit that there are reasonable grounds for the application, and, if the application is by a person entitled to vote on the by-law, he enters into a recognizance before the Judge, and to be allowed by him, in the sum of $100, with two sureties in the sum of $50 each, conditioned to prosecute the application with effect, and to pay to any person to whom costs may be awarded the costs awarded to him, the Judge may order a scrutiny of the votes to be had, and shall appoint a time and place, within the municipality, for proceeding with it.

(2) At least one week’s notice of the time and place appointed shall be given by the applicant to such persons as the Judge directs, and to the clerk.

(3) At the time and place appointed the clerk shall attend before the Judge with the ballot papers, and the Judge after hearing such evidence as he may deem necessary, and the parties, or such of them as attend, or their counsel, shall,
in a summary manner, determine whether the by-law has been assented to as required by this Act, and shall forthwith certify the result to the council.

(4) Where it is proved that any person interested in, and promoting or opposing the by-law, was guilty of bribery or of a corrupt practice in respect of a voter who voted on the by-law, or if any person who is disqualified under subsection 1 of section 61 from voting at an election or is disqualified under clause (a) of section 396 is proved to have voted there shall be struck off the number of votes given for the by-law, if the person guilty or so disqualified was promoting the by-law, or given against the by-law if the person guilty or so disqualified was opposing the by-law, one vote for every ballot cast by such voter.

(5) The Judge shall have the like power and authority as of to all matters arising upon the scrutiny as would be possessed by him upon a trial of the validity of the election of a member of a council, but shall not have power to set aside the voting on the ground of general bribery or corrupt practices; and the costs shall be in the discretion of the Judge, who may direct by whom, to whom and in what manner they shall be paid.

(6) The decision of the Judge shall be final and not subject to appeal. 3-4 Geo. V. c. 43, s. 279.

Passing By-laws by Council.

280.—(1) Where a proposed by-law which the council has been legally required by petition or otherwise to submit for the assent of the electors has received such assent, it shall be the duty of the council to pass the by-law within six weeks after the voting took place.

(2) In other cases it shall not be incumbent on the council to pass the by-law, but if the council determines to pass it, it shall be passed within six weeks after the voting took place and not afterwards.

(3) The by-law in either case shall not be passed until the expiration of two weeks after the result of the voting has been declared, or if within that period an order for a scrutiny has been made, until the result of the scrutiny has been certified by the Judge.

(4) The time which intervenes between the making of an application for a scrutiny and the final disposition of it shall not be reckoned as part of the six weeks. 3-4 Geo. V. c. 43, s. 280.

Promulgation of By-laws.

281.—(1) The promulgation of a by-law shall consist in the publication of a true copy of it, with a notice, Form 23, appended thereto, at least once a week for three successive weeks.
(2) If an application to quash the by-law, or part of it, is not made within three months after the first publication, the by-law, or so much of it as is not the subject of or is not quashed upon any such application, shall be valid and binding, according to its terms, so far as the same ordains, prescribes or directs anything within the proper competence of the council. 3-4 Geo. V. c. 43, s. 281.

PART XI.

QUASHING BY-LAWS.

282. In this Part "by-law" shall include an order or resolution. 3-4 Geo. V. c. 43, s. 282.

283.—(1) The Supreme Court, upon application of a resident of the municipality or of a person interested in a by-law of its council, may quash the by-law, in whole or in part, for illegality.

(2) Notice of the application shall be served at least seven days before the return day of the motion.

(3) Before the application is made, the applicant or, if the applicant is a corporation, some person on its behalf, shall enter into a recognizance before a Judge of the County or District Court of the county or district in which the municipality is situate, himself in the sum of $50, and two sureties each in the sum of $50, conditioned to prosecute the application with effect, and to pay any costs which may be awarded against the applicant.

(4) The Judge may allow the recognizance upon the sureties making proper affidavits of justification, and after it is allowed the recognizance with the affidavits shall be filed in the Central Office of the Supreme Court.

(5) In lieu of the recognizance the applicant may pay into Court $100, and the certificate of the payment into Court shall be filed in the Central Office.

(6) After the determination of the proceedings the Judge may order that the money paid into Court be applied in payment of costs, or be paid out to the applicant. 3-4 Geo. V. c. 43, s. 283.

284. A by-law, in respect of the passing of which a violation of any of the provisions of sections 187 to 189 has taken place, may be quashed. 3-4 Geo. V. c. 43, s. 284.

285.—(1) Where it is alleged that a by-law injuriously affects another municipality or any ratepayer of it, and that the by-law is illegal, in whole or in part, the corporation of such other municipality or any ratepayer of it may apply to quash the by-law.
(2) Where the application is made by a municipal corporation security for costs shall not be required.

(3) Where the application is based upon an allegation of a violation of any of the provisions of sections 187 to 189, either alone or in conjunction with any other ground of objection, the Supreme Court may direct an inquiry as to the alleged violation to be had before a special examiner or a Judge of the County or District Court of the county or district in which the municipality is situate, and the witnesses upon the inquiry shall be examined upon oath.

(4) After the completion of the inquiry the special examiner or the Judge shall return the evidence taken before him to the proper officer of the Supreme Court, and the same may be read in evidence upon the motion to quash.

(5) Where an order directing an inquiry, under subsection 3, has been made, and a copy of it has been left with the clerk of the municipality, nothing shall be done under the by-law unless the Supreme Court otherwise orders until the application is disposed of.

(6) In other cases the Court may direct that nothing shall be done under the by-law until the application is disposed of.

286. An application to quash, in whole or in part, a by-law which has not been promulgated or registered under the provisions of section 296 shall not be entertained unless the application is made within one year after the passing of the by-law, unless it required the assent of the electors and had not been submitted for, or had not received their assent; but in that case an application may be made at any time.

PART XII.

MONEY BY-LAWS.

287.—(1) In this Part "Debt" shall include liability "Debt" and the borrowing of money.

(2) "Rateable property" when used in this Act or in any by-law heretofore or hereafter passed which directs the levying of a rate on the rateable property in the municipality or any part of it shall include income and business assessment as defined by The Assessment Act. 3-4 Geo. V. c. 43, s. 287.

288.—(1) A money by-law shall recite:

(a) The amount of the debt intended to be created, and in brief and general terms, the object for which it is to be created;
(b) The amount of the whole rateable property of the municipalit}' according to the last revised assessment roll, or, in the case of a county, the last revised and equalized assessment rolls of the local municipalities of which the county is composed;

(c) The amount of the debenture debt of the corporation, and how much, if any, of the principal or interest is in arrear.

(2) The whole debt and the debentures to be issued therefore shall be made payable within the respective periods hereinafter mentioned at furthest from the time when the debentures are issued.

(a) If the debt is a bonus in aid of a railway or for the promotion of iron works, rolling mills or works for refining or smelting ores, or is for railways, harbour works or improvements, sewers, gas or waterworks, the purchase or improvement of parks or the erection of high, continuation or public school houses, and the acquiring of land therefor, or for electric light, heat or power works or water privileges or land used in connection therewith, or for acquiring land for a drillshed or armoury, in thirty years.

(b) If the debt is for the establishment of a system of public scavenging or for the collection and disposal of ashes, refuse and garbage, in ten years.

(c) If the debt is for the purchase of road-making machinery and appliances, in five years.

(d) If the debt is for any other purpose the whole debt, and the debentures to be issued therefor, shall be made payable in twenty years.

(3) Where the principal of the debt is made payable at a fixed date with interest payable annually or semi-annually the by-law shall provide for the raising in each year during the currency of the debentures, or of any set of them, of—

(a) A specific sum sufficient to pay the interest on the debentures, or on any set of them, when and as it becomes due; and

(b) A specific sum which, with the estimated interest, at a rate not exceeding 4 per cent. per annum, capitalized yearly, will be sufficient to pay the principal of the debentures, or of any set of them, when and as it becomes due.

(4) Instead of the principal being made payable at a fixed date, with interest, payable annually or semi-annually, the by-law may provide that the principal and the interest shall be combined, and be made payable in, as nearly as possible,
equal annual instalments during the period for which the debentures are to run, or that, without combining the principal and interest, the instalments of principal shall be of such amounts that, with the interest in respect of the debt, payable annually or semi-annually, the aggregate amount payable for principal and interest in each year shall be, as nearly as possible, the same.

(5) In the cases provided for by subsection 4, the by-law shall provide for raising in each year in which an instalment becomes due a specific sum sufficient to pay it when and as it becomes due.

(6) In the case of a by-law heretofore or hereafter passed, the council may by by-law, without the assent of the electors, authorize a change in the mode of issue of the debentures and may provide that the debentures be issued with coupons, instead of in amounts of combined principal and interest or vice versa; and where any debentures issued under the by-law have been sold, pledged or hypothecated the council, upon again acquiring them, or at the request of any holder of them, may cancel them, and issue one or more debentures in substitution for them, and make such new debenture or debentures payable by the same or a different mode on the instalment plan, but no change shall be made in the amount payable in each year.

(7) All the debentures shall be issued at one time and within two years after the passing of the by-law, unless on account of the proposed expenditure for which the by-law provides being estimated or intended to extend over a number of years, and of its being undesirable to have large portions of the money in hand unused and uninvested, in the opinion of the council it would be of advantage to so issue them, and in that case the by-law may provide that the debentures may be issued in sets of such amounts, and at such times, as the circumstances require, but so that the first of the sets shall be issued within two years, and all of them within five years, after the passing of the by-law.

(8) All the debentures shall bear the same date, except where they are issued in sets, and in that case every debenture of the same set shall bear the same date.

(9) The Municipal Board, on the application of the council or of any person entitled to any of the debentures, or of the proceeds of the sale thereof, may extend the time for issuing the debentures beyond the two years, or the time for the issue of any set beyond the time authorized by the by-law.

(10) The extension may be made, although the application is not made until after the expiration of the two years or of the time provided for the issue of the set.

(11) Unless the by-law names a later day when it is to take effect, it shall take effect on the day of its passing. 3-4 Geo. V. c. 43, s. 288.
Sec. 289 (1). 289.—(1) Except where otherwise provided by this or any other Act, a corporation shall not incur any debt the payment of which is not provided for in the estimates for the current year, unless a by-law of the council authorizing it has been passed with the assent of the electors.

(2) Subsection 1 shall not apply to a by-law passed

(a) Under section 290; or

(b) Under The Local Improvement Act; or

(c) By the council of a city or county where the city forms part of the county for judicial purposes, for raising money for erecting, rebuilding, enlarging or furnishing the court house and offices to be used in connection therewith and the gaol, and for acquiring such land as may be necessary or convenient for those purposes; or

(d) By the council of a city or a separated town for raising such sum as is required to pay its share of the debt of the county as agreed upon or determined by arbitration; or

(e) By the council of a city with the approval of the Municipal Board for raising such sum as may be required to pay its share of the cost of constructing or reconstructing a bridge over any stream which constitutes a dividing line between the city and any other municipality or of reconstructing any existing bridge within the municipality; but the aggregate amount to be raised for all of such purposes in any one year shall not be more than $10,000 where the city has a population of not more than 20,000; or $15,000 where the city has a population of more than 20,000 and not more than 100,000; or $20,000 where the city has a population of more than 100,000; or

(f) By the council of any municipality, with the approval of the Municipal Board, for raising such sum as is required to pay the share ordered to be paid by the corporation of the cost of any work constructed under the order of the Board of Railway Commissioners of Canada or of the Municipal Board or of any work or improvement which, in the opinion of the Municipal Board, has been rendered necessary or expedient owing to the construction of any work ordered by either of the boards; or

(g) By the council of an urban municipality for raising such sum as may be required for the purchase of a site in the municipality for an armoury or drillshed for any militia or volunteer corps having its headquarters in the municipality, if the by-law
is passed by a vote of two-thirds of all the members of the council; or

(h) By the council of a county for guaranteeing debentures of a local municipality; or

(i) By the council of a town or village for purchasing fire engines, appliances, apparatus and appurtenances as provided by paragraph 1 of section 407; or

(j) For borrowing money for any of the purposes mentioned in section 43 or 44 of The Public Schools Act, or section 38 of The High Schools Act, or subsection 2 of section 3 of The Continuation Schools Act; or

(k) For borrowing a sum not exceeding $5,000 for the purpose of making a grant to the University of Toronto; or

(l) Under paragraph 11 of section 483; or

(m) For borrowing any sum or incurring any debt which under the provisions of The Public Health Act may be borrowed or incurred without the assent of the electors.

(3) A municipal corporation may enter into any contract for the supply of a public utility as defined by The Public Utilities Act, to the corporation or to the inhabitants thereof, for any period not exceeding 10 years in the first instance and for renewing such contract from time to time for further periods not exceeding 10 years at any one time if a by-law setting forth the terms and conditions of such contract has been first submitted to and has received the assent of the municipal electors in the manner provided by this Act.

Sec. 290.—(1) A county council may in any year borrow any sum or sums not exceeding in the whole $20,000 over and above what is required for its ordinary expenditure and over and above any sum which the council is by this Act or any other Act expressly authorized to borrow without the assent of the electors.

(2) Subject to subsection 3 the by-law shall be passed at a meeting specially called for the purpose of considering it, and held not less than six weeks after the first publication of a notice of the day appointed for the meeting which shall be published once a week for four successive weeks, and shall state the amount to be borrowed, and the purpose for which it is to be borrowed.

(3) The by-law may be passed at any regular or special meeting to which the consideration of it may be adjourned.
291. Where, owing to an advance in the rate of interest between the passing of a money by-law heretofore or hereafter passed, and the sale or other disposal of the debentures, they or any of them cannot be sold or disposed of, except at a discount involving a substantial reduction in the amount required to be provided, the council may, with the approval of the Municipal Board, and without submitting the same for the assent of the electors, pass a by-law to amend the first-mentioned by-law by providing for an increased rate of interest, and for a corresponding increase in the amount to be raised annually. 3-4 Geo. V. c. 43, s. 291.

292.—(1) 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 amounts to be raised annually.

(2) The repealing by-law shall recite the facts on which it is founded, shall be appointed to take effect on the 31st day of December in the year of its passing, shall not affect any rates due or penalties incurred before that day and shall not take effect until approved by the Municipal Board. 3-4 Geo. V. c. 43, s. 292.

293. Subject to the next preceding section, after a debt has been contracted under a by-law, the council shall not, until the debt and interest have been paid, repeal the by-law or any by-law appropriating for the payment of the debt or the interest, the surplus income from any work or any interest therein, or money from any other source; and shall not alter any such by-law, so as to diminish the amount to be raised annually, and shall not apply to any other purpose any money of the corporation which has been directed to be applied to such payment. 3-4 Geo. V. c. 43, s. 293.

294. Any officer of a corporation whose duty it is to carry into effect any of the provisions of a money by-law who neglects or refuses to do so, under colour of a by-law illegally attempting to repeal or amend it, so as to diminish the amount to be raised annually under it, shall incur a penalty not exceeding $100. 3-4 Geo. V. c. 43, s. 294.

295.—(1) The council of a municipality which has heretofore passed or shall hereafter pass a money by-law, or a by-law imposing a special assessment or a special rate under this or any other Act, or the holder of any debenture issued under any such by-law or any person entitled to receive any of such debentures or of the proceeds of the sale thereof, may apply to the Municipal Board for a certificate approving the by-law.

(2) A certificate shall not be granted while any action or proceeding in which the validity of the by-law is called in question, or by which it is sought to quash it, is pending, or until thirty days after the final passing of the by-law, unless
notice of the application shall be given in such manner and to such persons, if any, as the Board may direct.

(3) The Board may grant the certificate notwithstanding any irregularity in the proceedings prior to the final passing of the by-law or in the by-law itself, or where the by-law has been amended by the council to conform with the provisions of the Act under the authority of which it was passed, and, except in the case provided for by section 291, the burden on the ratepayers is not increased by the amending by-law, if in the opinion of the Board the provisions of the Act under the authority of which the by-law was assumed to be passed have been substantially complied with.

(4) Every by-law approved by the Board and the debentures issued or which may thereafter be issued in substantial conformity with its provisions, shall be valid and binding upon the corporation and upon the property liable for the rate imposed by or under the authority of the by-law, and the validity of the by-law and of every such debenture shall not thereafter be open to question in any court.

(5) Where a by-law has been approved the Board may also approve the debentures issued or which may thereafter be issued under the authority of the by-law, and every debenture so approved shall be valid and binding upon the corporation and upon the property liable for the rate imposed by or under the authority of the by-law and the validity of any debenture so approved shall not be open to question in any court.

(6) The certificate may be in the following form:

"In pursuance of The Municipal Act, the Ontario Railway and Municipal Board hereby certifies that the within by-law (or debenture) is valid and binding, and that its validity is not open to be questioned in any court on any ground whatever.

Dated
(Seal.)

Chairman."

3-4 Geo. V. c. 43, s. 295.

REGISTRATION OF MONEY BY-LAWS.

296.—(1) Within four weeks after the passing of a money by-law the clerk shall register a duplicate original or a copy of it certified under his hand and the seal of the corporation, in the case of a county, in the registry division in which the county town is situate, and, in the case of a local municipality, in the registry division in which it is situate, or if the municipality comprises parts of two or more registry divisions in either of them.

(2) A clerk who neglects to perform within the prescribed period the duty imposed upon him by subsection 1 shall incur a penalty of $200, recoverable by action, and, in default of payment, shall be liable to imprisonment for such period, not exceeding twelve months, as the Court may direct.
Publication of notice.

(3) Notice, Form 24, of the registration of every such by-law, except a by-law which has received the assent of the electors, or a by-law mentioned in subsection 4 shall immediately after its registration be published at least once a week for three successive weeks.

(4) It shall not be obligatory to register a by-law for the issue of debentures passed under The Municipal Drainage Act or under The Local Improvement Act.

(5) Every by-law registered in accordance with the provisions of subsection 1, or before the sale or other disposition of the debentures issued under it, and the debentures shall be valid and binding, according to the terms thereof, and the by-law shall not be quashed, unless within one month after the registration in the case of by-laws to which subsection 4 applies, and in the case of other by-laws, within three months after the registration or where publication of the notice provided for by subsection 3 is required within three months after the first publication of the notice, an application or action to quash the by-law is made to or brought in a Court of competent jurisdiction, and a certificate under the hand of the proper officer of the Court and its seal, stating that such application has been made or action brought is registered in such registry office within such period of three months.

(6) If the application or action is dismissed, in whole or in part, a certificate of the dismissal may be registered and at the expiration of three months from the date of the registration of the by-law the by-law, or so much of it as is not quashed, shall be valid and binding according to its terms.

(7) Nothing in this section shall make valid a by-law, which requires, but has not received, the assent of the electors, or a by-law where it appears on the face of it that any of the provisions of subsections 2, 3, 4 and 6 of section 288 have not been substantially complied with.

(8) Failure to register a by-law as prescribed by this section shall not invalidate it. 3-4 Geo. V. c. 43, s. 296.

PART XIII.

YEARLY RATES AND ESTIMATES.

297.—(1) Subject to subsection 13 of section 397, the council of every municipality shall in each year assess and levy on the whole rateable property within the municipality a sum sufficient to pay all debts of the corporation, whether of principal or interest, falling due within the year, but shall not assess and levy in any year more than two cents in the dollar on the assessed value of such property according to the last revised assessment roll, exclusive of school and local improvement rates.
(2) If the aggregate amount of the rates necessary for payment of the current annual expenditure of the corporation and the principal and interest of such debts exceeds the rate mentioned in subsection 1, the council shall assess and levy such further sum as may be necessary to discharge such debts, but shall not contract any further debt until the annual rates are reduced to that rate. 3-4 Geo. V. c. 43, s. 297.

298.—(1) The council of every municipality shall, in each year, prepare estimates of all sums required for the purposes of the municipality during such year, making due allowance for the cost of collection, and for the abatement of taxes and for taxes which may not be collected.

(2) One by-law or several by-laws for assessing and levying the rates may be passed as the council may deem expedient. 3-4 Geo. V. c. 43, s. 298.

299.—(1) Where the amount collected falls short of the sum required the council may direct that the deficiency be made up from any unappropriated fund, or, if there is no such fund, the deficiency may be deducted proportionately from the sums estimated, or from any one or more of them.

(2) Where the amount collected exceeds the estimates, the surplus shall form part of the general funds, and shall be at the disposal of the council unless otherwise specially appropriated. 3-4 Geo. V. c. 43, s. 299.

300. The rates imposed for any year shall be deemed to have been imposed and to be due on and from the 1st day of January of such year unless otherwise expressly provided by the by-law by which they are imposed. 3-4 Geo. V. c. 43, s. 300.

PART XIV.

RESPECTING FINANCES.

ACCOUNTS AND INVESTMENTS.

301. Every council shall keep a separate account of every debt and shall also keep two additional accounts in respect thereof, one for the interest and the other for the sinking fund or the instalments of principal, and both to be distinguished from all other accounts by a prefix designating the purpose for which the debt was contracted; and the accounts shall be kept so as to exhibit at all times the state of every debt, and the amount of money raised, obtained and appropriated for payment of it. 3-4 Geo. V. c. 43, s. 301.
302.—(1) If, in any year, after paying the interest and appropriating the necessary sum to the sinking fund, or in payment of the instalments, there is a surplus properly applicable to such debt, it shall so remain until required in due course for the payment of interest or for the sinking fund, or in payment of the principal.

(2) No money collected for the purpose of a sinking fund shall be applied towards paying any part of the current or other expenditure of the corporation.

(3) If the council applies any of such money in paying current or other expenditure, the members who vote for such application shall be personally liable for the amount so applied, which may be recovered in any Court of competent jurisdiction.

(4) If the council, upon the request in writing of a ratepayer, refuses or neglects for one month to bring an action therefor, the action may be brought by any ratepayer on behalf of himself and all other ratepayers.

(5) The members who vote for such application shall be disqualified from holding any municipal office for two years.

(6) The treasurer of a municipality in which any sum is required by law to be raised for a sinking fund, shall prepare and lay before the council in every year, previous to the striking of the annual rate, a statement showing what amount will be required for that purpose.

(7) For every contravention of subsection 6 the treasurer shall incur a penalty not exceeding $25.

(8) If the council neglects in any year to levy the amount required to be raised for a sinking fund, each member of the council shall be disqualified from holding any municipal office for two years, unless he shows that he made reasonable efforts to procure the levying of such amount. 3-4 Geo. V. c. 43, s. 302.

303. Subject to the provisions of sections 304 and 305, the council shall invest the sinking fund in such securities as a trustee may invest in under The Trustee Act, or with the approval of the Municipal Board in any debentures of the corporation. 3-4 Geo. V. c. 43, s. 303.

304. The Municipal Board, on the application of a council, may direct that any part of the sinking fund, instead of being invested as hereinbefore provided, shall, from time to time, be applied to the redemption of any of the debentures, to the payment of which such sinking fund is applicable, to be selected as provided by the order of the Board at such value as may be agreed on by the council and the holders of the debentures. 3-4 Geo. V. c. 43, s. 304.
305.—(1) A council may provide by a money by-law that the annual amount to be levied on account of the sinking fund shall be paid by the treasurer of the municipality to the Treasurer of Ontario, and if the by-law does not provide for such payment the council may pass a by-law providing therefor.

(2) Where a council avails itself of the right conferred by the next preceding subsection, the Treasurer of Ontario may receive from the treasurer of the municipality the annual amounts so levied on account of the sinking fund and allow and credit the municipality with interest thereon at the rate of four per cent. per annum, compounded yearly until the time when the debentures to which the sinking fund is applicable become payable and the sinking fund is required for their redemption.

(3) All money received by the Treasurer of Ontario under the provisions of this section shall form part of the Consolidated Revenue Fund, and a statement of the amount at the credit of each municipality shall be set forth annually in the Public Accounts of Ontario.

(4) The Treasurer of Ontario may invest the amount at the credit of a municipality or any part thereof in the debentures of such municipality, to redeem which such sinking funds were paid to the Treasurer.

(5) The amount payable in any year into the sinking fund which under the provisions of the by-law is to be paid to the Treasurer of Ontario shall be deemed a debt due to him, and in default of payment thereof he may sue therefor in his own name as for a debt due to the Crown in any Court of competent jurisdiction. 3-4 Geo. V. c. 43, s. 305.

306. Every corporation the council of which shall hereafter pass a money by-law shall within thirty days after the final passing of the by-law transmit a certified copy of it to the Treasurer of Ontario. 3-4 Geo. V. c. 43, s. 306.

307. Where by any by-law heretofore or hereafter passed provision is made for raising a sinking fund to meet the debentures to be issued under the authority of the by-law the council in each year in which a sinking fund is required to be raised shall transmit to the Treasurer of Ontario a return showing whether the sinking fund for the year has been raised and how it has been applied or dealt with, and the state of the investment of any part of the sinking fund theretofore collected, which return shall be verified by the affidavit or statutory declaration of the head and the treasurer of the municipality. 3-4 Geo. V. c. 43, s. 307.

308. A corporation the council of which does not comply with the provisions of the next two preceding sections shall incur a penalty not exceeding $100. 3-4 Geo. V. c. 43, s. 308.
Sec. 309.—(1) Where a corporation has surplus money derived from "The Ontario Municipalities Fund," or from any other source, the council may set it apart for educational purposes and may invest it as well as any other money held by the corporation for or appropriated by it to such purposes in the securities mentioned in section 303, or may lend the same to any board of public school trustees in the municipality for such term and at such rate of interest as may be agreed upon, or may apply any part of such money in aid of poor school sections in the municipality. 3-4 Geo. V. c. 43, s. 309.

310. The council of a township may apportion, among the public school sections in the township, the principal or interest of any investments for public school purposes, according to the salaries paid to the teachers, or the average attendance of pupils in the respective school sections during the next preceding year, or according to the assessed value of the property in the section, or by an equal division among the sections. 3-4 Geo. V. c. 43, s. 310.

311. A member of a council shall not take part in, or be a party to, the investment of any such money, otherwise than as authorized by this Act; and, if he does so, he shall be personally liable for any loss sustained by the corporation in respect of the investment. 3-4 Geo. V. c. 43, s. 311.

312.—(1) Every corporation shall, on or before the 31st day of January in each year, transmit to the Secretary of the Bureau of Industries in such form as may be prescribed by the Lieutenant-Governor in Council a statement as to the debts of the corporation, as they stood on the preceding 31st day of December, specifying, in regard to each debt of which any part remained unpaid on that day,

(a) The original amount of the debt;
(b) The date when it was contracted;
(c) The time fixed for its payment;
(d) The interest payable;
(e) The amount to be raised annually for the payment of the debt and interest, or the instalments of them;
(f) The amount actually raised in the year ended on the 31st day of December;
(g) The part, if any, of the debt redeemed or paid during that year;
(h) The amount of interest, if any, unpaid on that day; and
(i) The amount of principal still unpaid.
(2) For every contravention of subsection 1 the corporation shall incur a penalty not exceeding $40. 3-4 Geo. V. c. 43, s. 312.

COMMISSION OF INQUIRY INTO FINANCES.

313.—(1) The Lieutenant-Governor in Council, on the application of one-third of the members of a council or of thirty municipal electors, may issue a commission to inquire into the financial affairs of the corporation and any matter connected therewith and the commissioner shall have all the powers which may be conferred on commissioners appointed under The Public Inquiries Act.

(2) The expenses of and incidental to the execution of the commission shall be determined and certified by the Treasurer of Ontario, and shall thereupon become a debt due by the corporation to the commissioner, payable within three months after demand therefor. 3-4 Geo. V. c. 43, s. 313.

DEBENTURES.

314.—(1) A debenture or other like instrument shall be sealed with the seal of the corporation, and signed by the head of the council, or by some other person authorized by by-law to sign it, and by the treasurer.

(2) A debenture may have coupons for the interest attached to it which shall be signed by the treasurer, and his signature to them may be written, stamped, lithographed or engraved.

(3) A debenture may be made payable to bearer or to a named person or bearer and the full amount of it shall be recoverable notwithstanding its negotiation by the corporation at a discount. 3-4 Geo. V. c. 43, s. 314.

315. Where the interest for one year or more on the debentures issued under a by-law heretofore or hereafter passed and the principal of any debenture which has matured has been paid by the corporation the by-law and the debentures issued under it shall be valid and binding upon the corporation. 3-4 Geo. V. c. 43, s. 315.

316.—(1) Where a debenture contains or has endorsed upon it a provision to the following effect:—

"This debenture, or any interest therein, shall not, after a certificate of ownership has been indorsed thereon by the treasurer of this corporation, be transferable, except by entry by the treasurer or his deputy in the Debenture Registry Book of the Corporation at the of the treasurer, on the application of the owner of the debenture or of any interest in it, shall endorse upon the debenture a certificate of ownership and shall enter in a book, to
be called the Debenture Registry Book, a copy of the certificate and of every certificate which is subsequently given and shall also enter in such book a memorandum of every transfer of such debenture.

(2) A certificate of ownership shall not be endorsed on a debenture, except by the written authority of the person last entered as the owner of it, or of his executors or administrators, or of his or their attorney, which authority shall be retained and filed by the treasurer.

(3) After a certificate of ownership has been endorsed the debenture shall be transferable only by entry by the treasurer or his deputy in the Debenture Registry Book, as and when a transfer of the debenture is authorized by the then owner of it or his executors or administrators or his or their attorney. 3-4 Geo. V. c. 43, s. 316.

317.—(1) A council, pending the sale of a debenture, or in lieu of selling it, may by by-law or resolution authorize the head and treasurer to raise money by way of loan on such debenture and to hypothecate it for the loan.

(2) The proceeds of every such loan shall be applied to the purposes for which the debenture was issued, but the lender shall not be bound to see to the application of the proceeds and, if the debenture is subsequently sold, the proceeds of the sale shall be applied first in repayment of the loan. 3-4 Geo. V. c. 43, s. 317.

318.—(1) Subject to subsection 2, a corporation shall not make or give any bond, bill, note, debenture or other undertaking for the payment of a less amount than $100; and any such bond, bill, note or debenture shall be void.

(2) A debenture heretofore or hereafter issued under the authority of any by-law, providing for payment of principal and interest together yearly so computed and apportioned that the sum of both principal and interest is an equal annual sum of not less than $100, whether the debenture is issued with or without coupons, shall be deemed to be a debenture of not less than $100 within the meaning of this section, and all debentures heretofore or hereafter so issued under such a by-law and otherwise legal shall be valid. 3-4 Geo. V. c. 43, s. 318.

TEMPORARY LOANS.

319.—(1) A council may either before or after the passing of the by-law for imposing the rates for the current year authorize the head and treasurer to borrow on such security, if any, as the by-law may authorize, such sums as the council may deem necessary to meet the current ordinary expenditure of the corporation, and the sums required to be raised in the current year for High and Public School purposes until the taxes are collected.
(2) The amount so borrowed and outstanding shall not at any time exceed in the case of a county the amount required to be provided for by the county rate for the current year, and in the case of a local municipality the following percentages of its ordinary expenditure for the next preceding year, together with the amount required to be raised for High and Public School purposes for the current year;

(a) In the case of a town, village or township, any part of which is situate within 2 miles of a city having a population of not less than 100,000—80 per cent.;

(b) In the case of a city and of any other town, village or township—90 per cent.

(3) If the council authorizes the borrowing of any larger sum, every member who votes therefor shall be disqualified from holding any municipal office for two years.

(4) The lender shall not be bound to establish the necessity of borrowing the sum lent. 3-4 Geo. V. c. 43, s. 319.

320. When a corporation has heretofore guaranteed or hereafter guarantees the payment of the principal or interest of any bonds or debentures and default is made in payment of the principal or interest by the person primarily liable therefor, the council of such corporation may agree with any bank or person for temporary advances to meet the amount in default in any one year pending the collection of such amount by a rate on all the rateable property in the municipality, or where the guarantee is by or on behalf of a section or portion of a township by a rate on all the rateable property in such section or portion. 3-4 Geo. V. e. 43, s. 320.

PART XV.

ACQUISITION OF LAND AND COMPENSATION.

LAND TAKEN OR INJURIOUSLY AFFECTED.

321. In this Part:

(a) "Expropriation" shall mean taking without the consent of the owner, and "Expropriate" and "Expropriating" shall have a corresponding meaning.

(b) "Land" shall include a right or interest in, and "Land" an easement over, land;

(c) "Owner" shall include mortgagee, lessee, tenant, "Owner" occupant, and a person entitled to a limited estate or interest in land, a trustee in whom land is vested, a committee of the estate of a lunatic, an executor, an administrator, and a guardian;
2420 Chap. 192. MUNICIPAL INSTITUTIONS. Sec. 321 (d).

"The Judge." (d) "The Judge" shall mean, in the case of an arbitration as to the compensation for land expropriated, or for injuriously affecting land, a Judge of the County or District Court of the county or district in which the land or any part of it is situate, and in the case of any other arbitration, if the corporation of one municipality only is a party to it, a Judge of the County or District Court of the county or district in which the municipality, if it is a local municipality, is situate, or, if it is a county, of that county, and if the corporations of two or more municipalities are parties to the arbitration, a Judge of the Supreme Court. 3-4 Geo. V. c. 43, s. 321.

322.—(1) The council of every corporation may pass by-laws for acquiring or expropriating any land required for the purposes of the corporation, and for erecting buildings thereon, and may sell or otherwise dispose of the same when no longer so required.

(2) Where in the exercise of its powers of acquiring or expropriating land it appears to the council that it can acquire a larger quantity of land from any particular owner at a more reasonable price and on terms more advantageous than those upon which it could obtain the part immediately required for its purposes, the council may acquire or expropriate such larger quantity and may afterwards sell and dispose of so much of it as is not so required.

(3) A by-law for entering on or expropriating land shall contain a description of the land, and, if it is proposed to expropriate an easement or other right in the nature of an easement, a statement of the nature and extent of the easement to be expropriated. 3-4 Geo. V. c. 43, s. 322.

323. The determination of a council as to the time when, the manner in which, the price for which or the person to whom any property of the corporation, which the council may lawfully sell, shall be sold, shall not be open to question, review or control by any Court, if the purchaser is a person who may lawfully buy, and the council acted in good faith. 3-4 Geo. V. c. 43, s. 323.

324.—(1) At any time after the passing of a by-law for entering on or expropriating land the corporation, by leave of the Judge and upon payment into the Supreme Court of a sum sufficient, in the opinion of the Judge, to satisfy the compensation, may enter upon the land, and, if any resistance or forcible opposition is made to its so doing, the Judge may issue his warrant to the Sheriff of the County or District in which the land lies to put the corporation in possession, and to put down such resistance or opposition which the Sheriff, taking with him sufficient assistance, shall accordingly do.
(2) Leave of the Judge and payment into Court shall not be necessary where the land is being expropriated for or in connection with the opening, widening, altering or diverting a highway unless upon application by the owner a Judge of the Supreme Court otherwise directs. 3-4 Geo. V. c. 43, s. 324.

325.—(1) Where land is expropriated for the purposes of a corporation, or is injuriously affected by the exercise of any of the powers of a corporation or of the council thereof under the authority of this Act or under the authority of any general or special Act, unless it is otherwise expressly provided by such general or special Act, the corporation shall make due compensation to the owner for the land expropriated, or where it is injuriously affected by the exercise of such powers for the damages necessarily resulting therefrom, beyond any advantage which the owner may derive from any work, for the purposes of, or in connection with which the land is injuriously affected.

(2) The amount of the compensation, if not mutually agreed upon, shall be determined by arbitration.

(3) Where fencing or additional fencing will become necessary, owing to land having been expropriated, the cost of it shall be included in the compensation.

(4) Where part only of the land of an owner is expropriated, there shall be included in the compensation a sum sufficient to compensate him for any damages directly resulting from severance. 3-4 Geo. V. c. 43, s. 325.

326.—(1) Except where the person entitled to the compensation is an infant, a lunatic, or of unsound mind, a claim for compensation for damages resulting from his land being injuriously affected shall be made in writing, with particulars of the claim, within one year after the injury was sustained, or after it became known to such person, and, if not so made, the right to compensation shall be forever barred.

(2) In the case of an infant, a lunatic, or a person of unsound mind, the claim shall be so made within the same period, or within one year after he ceased to be under the disability, whichever shall be the longer, or in case of his death while under the disability within one year after his death, and, if not so made, the right to compensation shall be forever barred.

(3) This section shall not apply where the expropriating by-law provides for acquiring an easement or right in the nature of an easement, and the damages arise from the exercise of such easement or right. 3-4 Geo. V. c. 43, s. 326.
327.—(1) If the owner of the land is unknown, or cannot be found, or if there is no person competent to contract with the corporation for the sale to it of the land, and to convey it to the corporation, the Judge may, on the application of the corporation, appoint a person to act for the owner, and all acts done, contracts made, and conveyances executed by such person, shall be as valid and effectual as if the same were done, made or executed by the owner, and he were of full age and competent to do the act, make the contract or execute the conveyance.

(2) In the cases provided for by subsection 1, the amount of the compensation agreed upon or awarded shall be paid into the Supreme Court, with the privity of the Accountant of the Supreme Court, subject to further order. 3-4 Geo. V. c. 43, s. 327.

328. The compensation shall stand in the place of the land, and shall be subject to the limitations and charges, if any, to which the land was subject; and any claim to or incumbrance upon the land, or any part of it, as against the corporation, shall be converted into a claim upon the compensation. 3-4 Geo. V. c. 43, s. 328.

329.—(1) Where it is made to appear to a Judge of the Supreme Court that for any reason it is proper that the compensation should be paid into Court, the Judge may give leave to the corporation to pay it into Court, with interest at the rate of six per cent. per annum for six months.

(2) Notice of the payment into Court, and calling upon all persons entitled to the land, or any part of it, to file their claims to the compensation, or any part of it, shall be published in such newspaper and for such time as the Judge may direct.

(3) All claims to or upon the compensation shall be determined by a Judge of the Supreme Court or in such manner as he may direct.

(4) The costs of the proceedings, including allowances to witnesses, shall be paid by the corporation or by such person as the Judge may direct.

(5) If an order for distribution is obtained in less than three months from the payment into Court the Judge may direct a proportionate part of the interest to be returned to the corporation.

(6) The payment into Court shall discharge the corporation from all liability in respect of the compensation. 3-4 Geo. V. c. 43, s. 329.

330. After payment into Court of the compensation, a Judge of the Supreme Court may, upon the application of the corporation, make an order, vesting in the corporation
the land in respect of which the compensation was payable, and the order shall have the same effect as a vesting order made under the provisions of The Judicature Act. 3-4 Geo. c. 56. V. c. 43, s. 330.

331.—(1) Where the council of a city or town is desirous of entering upon any work or undertaking, for which land is required to be expropriated, or in the execution of which, land may be injuriously affected, the council may file in the office of the clerk, plans and specifications of the work or undertaking, which shall show the names of the owners of the land to be affected, the land to be expropriated, and the nature and extent of any easement, or right in the nature of an easement, to be acquired, or certified copies of such plans and specifications.

(2) The clerk shall cause to be served upon every owner of land to be expropriated, or which may be injuriously affected, a notice of the council’s intention to proceed with the work or undertaking, and to expropriate the land necessary therefor, and that such plans and specifications may be inspected at his office, and that any claim for compensation on account of the land being injuriously affected must be filed in his office, with a statement of the amount claimed, within sixty days, or, if the person served resides out of Ontario, within ninety days, from the service of the notice.

(3) If a claim is not so filed within the period mentioned in subsection 2, it shall be forever barred, unless, upon application to a Judge of the Supreme Court, made not later than one year from the service of the notice, and after seven days’ notice to the corporation, the Judge allows the claim to be made.

(4) Either party may appeal from the decision of the Judge to a Divisional Court.

(5) Nothing in this section shall have the effect of barring a claim if the plans and specifications filed do not disclose or sufficiently disclose that the injury in respect of which the claim is made will be caused by the work or undertaking.

(6) This section shall not apply to the claim of an infant, a lunatic or a person of unsound mind, or where the expropriating by-law provides for acquiring an easement or right in the nature of an easement and the land is injuriously affected by the exercise of such easement or right. 3-4 Geo. V. c. 43, s. 331.

PART XVI.

ARBITRATIONS.

332. The provisions of this Part shall be subject to The Municipal Arbitrations Act. 3-4 Geo. V. c. 43, s. 332.
333. Except where otherwise provided, *The Arbitration Act* shall apply to an arbitration under this Act. 3-4 Geo. V. c. 43, s. 333.

334. In case of an arbitration as to compensation where more persons than one are interested, but have distinct interests in the land, whether or not they are all interested in the same parcel, or some or one in one part of it, and some or one in another part, the council may by the expropriating by-law or by any subsequent by-law provide that the claims of all such persons shall be determined by one and the same arbitration. 3-4 Geo. V. c. 43, s. 334.

335.—(1) Subject to section 339 and to subsection 7 of this section where an arbitration is directed or authorized by this Act, either party may appoint his arbitrator, and give notice thereof in writing to the other party, calling upon him to appoint his arbitrator.

(2) Where the arbitration is as to compensation and the notice is given by the corporation there shall be served with it a copy of the expropriating by-law, certified under the hand of the clerk and the seal of the corporation to be a true copy.

(3) The appointment of an arbitrator shall be in writing, and, in the case of a municipal corporation, shall be by by-law of the council, or by the head, or a member of the council, if authorized by by-law to make the appointment.

(4) The party notified, except in the case provided for by subsection 5, shall within seven days after service of the notice on him appoint his arbitrator and give notice to the other party of the appointment.

(5) In the case provided for by section 334 the persons interested shall within 21 days after service of the notice on them agree upon and appoint their arbitrator and give notice to the other party to the arbitration of the appointment.

(6) The arbitrators shall, within seven days from the appointment of the last appointed of them, appoint by writing a third arbitrator.

(7) Where more than two municipal corporations are interested, each shall appoint an arbitrator, and, 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 the last of such arbitrators was appointed, the Municipal Board may, on the application of any one of the corporations interested, appoint the other arbitrator. 3-4 Geo. V. c. 43, s. 335.

336.—(1) Except in the case provided for by subsection 7 of section 335, if an arbitrator is not appointed by the party notified within seven days, or in the case provided for
by section 334 within twenty-one days after notice to appoint
an arbitrator, or, if the two arbitrators appointed do not,
within seven days from the appointment of the last appointed
one of them, appoint a third arbitrator, the Judge, on the
application of either party, and on notice to the other, shall
appoint as arbitrator, or third arbitrator, a fit person to act
for the party who has failed to appoint, or as such third
arbitrator.

(2) Where the arbitration is as to compensation the
arbitrator appointed by the Judge shall not be a resident of
the municipality in which the land is situate. 3-4 Geo. V.
c. 43, s. 336.

337. The appointment of an arbitrator by a municipal
appointment of an arbitrator by a municipal
arbitration corporation shall not be deemed to be an admission of any
liability on its part, and all defences and objections that
would be open in an action shall be open to either party.
3-4 Geo. V. c. 43, s. 337.

338. No member, officer or person in the employment of
Persons disqualified
a corporation which, and no person who, is concerned or in-
corporation that person who, is concerned or interests in an arbitration, shall be appointed or act as an
arbitrator, but no person shall be disqualified by reason
merely that he is a ratepayer of a municipality concerned or
interested in the arbitration. 3-4 Geo. V. c. 43, s. 338.

339. Where the arbitration is as to compensation and the
Arbitrator under $1,000.
amount claimed does not exceed $1,000, the same shall be
determined by the Judge or by such person as he, on applica-
tion to him by either the corporation or the claimant upon at
least seven days' notice to the other, may appoint. 3-4 Geo. V.
c. 43, s. 339.

PROCEDURE.

340.—(1) Every arbitrator, before proceeding with the Oath of
reference, shall take and subscribe the following oath:

"I (A. B.) swear (or affirm) that I will well and truly try the
matters referred to me by the parties, and a true and impartial
award make in the premises, according to the evidence and my skill
and knowledge."

(2) The omission of an arbitrator to take the oath shall
Effect of
not affect the validity of the award unless before the refer-
omission to
ence is begun objection is made to its being proceeded with
take oath.
on that account. 3-4 Geo. V. c. 43, s. 340.

341.—(1) The arbitrators shall, within twenty days after Time of
the appointment of the last appointed arbitrator, meet at
meeting, such place as they may agree upon and proceed with the
etc. reference, but may adjourn from time to time.

(2) A copy of the award shall be filed with the clerk of
Filling copy of every municipality interested. 3-4 Geo. V. c. 43, s. 341.
Particulars of claim to be delivered.

342.—(1) In the case of a claim for compensation for damages for injuriously affecting land, the claimant, before the taking of evidence is begun, shall deliver to the corporation, and file with the arbitrators, particulars of his claim.

(2) The arbitrators shall have the same power to amend the claim or the particulars as a Court would have in an action. 3-4 Geo. V. c. 43, s. 342.

Amendment of claim.

343. Where the arbitration is as to compensation, the arbitrators, in their discretion, may refuse to hear further evidence of a cumulative character upon any matter or question. 3-4 Geo. V. c. 43, s. 343.

Limit of cumulative evidence.

344.—(1) The arbitrators may award a fixed sum for costs or may award costs on the scale of the Supreme Court, or of the County Court, in which case they shall be taxed by the proper officer of the Court in the county or district in which the first meeting of the arbitrators was held, without any further order, and the amount shall be payable within one week after it is finally determined.

(2) The taxation, except where the costs are taxed by one of the taxing officers of the Supreme Court, shall be subject to revision by one of them, upon one week's notice, and such revision shall be subject to appeal as in the case of an appeal from a taxation of costs in an action. 3-4 Geo. V. c. 43, s. 344.

Costs.

345.—(1) An appeal shall lie from every award in like manner as an appeal lies under The Arbitration Act where the submission provides for an appeal from the award.

(2) Subsection 1 shall not apply where the submission is in writing, and it is not agreed by the terms of it that there may be an appeal from the award.

(3) On an appeal from an award the Supreme Court may call for and receive additional evidence to be taken in such manner as the Court directs, and may set aside the award or remit the matters referred or any of them, from time to time, for reconsideration and determination by the arbitrators, or may refer such matters or any of them to any other person, and may fix the time within which the further or new award shall be made, or may increase or diminish the amount awarded, or otherwise modify the award, as may be deemed just, and a Divisional Court shall have the like power and authority. 3-4 Geo. V. c. 43, s. 345.

Taxation of costs.

346.—(1) Each of the arbitrators shall file with the clerk of the municipality a certificate showing the number of hours actually occupied by him in the reference, the number of hours occupied at each sitting, and the date of and the fees charged by him for each sitting.
(2) Any party to the reference may pay to the Clerk of the County or District Court of the county or district in which the first meeting of the arbitrators was held the fees demanded by the arbitrators, together with $10 as security for the costs of the taxation of such fees, and the clerk shall give a receipt in duplicate for the same, and shall enter the payment in a book to be kept by him for the purpose, and he shall be entitled to receive to his own use from such party, when the sum paid does not exceed $50, a fee of fifty cents, and when the sum paid exceeds $50 a fee of $1, and upon production and delivery of one of the duplicates the arbitrators shall deliver the award to the person producing the duplicate. 3-4 Geo. V. e. 43, s. 346.

347. Where the arbitration is as to compensation, if the expropriating by-law did not authorize or profess to authorize any entry on or use to be made of the land before the award, except for the purpose of survey, or if the by-law gave or professed to give such authority, but the arbitrators by their award find that it was not acted upon, the award shall not be binding on the corporation, unless it is adopted by by-law, within three months after the making of the award; and if it is not so adopted, the expropriating by-law shall be deemed to be repealed, and the corporation shall pay the costs between solicitor and client of the reference and award, and shall also pay to the owner the damages, if any, sustained by him in consequence of the passing of the by-law, and such damages if not mutually agreed upon shall be determined by arbitration. 3-4 Geo. V. e. 43, s. 347.

PART XVII.

ACTIONS BY AND AGAINST MUNICIPAL CORPORATIONS.

348. Where a duty, obligation, or liability is or has been heretofore imposed by statute upon any person in favour of a municipal corporation, or the inhabitants, or some of the inhabitants of a municipality, or where a contract or agreement is or has heretofore been entered into, which imposes such a duty, obligation, or liability, the corporation shall have the right by action to enforce it, and to obtain as complete and as full relief and remedy as could be obtained in an action by the Attorney-General, as plaintiff, or as plaintiff on the relation of any person interested, or in an action by such inhabitants or one or more of them, on his or their own behalf, or on behalf of himself or themselves and of such inhabitants. 3-4 Geo. V. e. 43, s. 348.

349. An action shall not be brought for anything done under a by-law, order or resolution of a council which is invalid, in whole or in part, until one month after the by-law.
law, order or resolution, or so much of it as is invalid, has been quashed or repealed, and every such action shall be brought against the corporation alone, and not against any person acting under the by-law, order or resolution. 3-4 Geo. V. c. 43, s. 349.

PART XVIII.

RESPECTING THE ADMINISTRATION OF JUSTICE.

JUSTICES OF THE PEACE.

350. The head of every council, the reeve of every town, and every deputy reeve, after he has made the declarations of office and qualification, shall, ex officio, be a Justice of the Peace for the whole county, and every controller and alderman in a city, after he has made such declarations, shall be, ex officio, a Justice of the Peace for the city. 3-4 Geo. V. c. 43, s. 350.

351. A Justice of the Peace shall not be disqualified from acting in the case of a prosecution for a breach of a by-law of a council,

(a) By reason of his being a member of the council; or

(b) Because the penalty or part of it goes to the corporation of a municipality of which he is a ratepayer. 3-4 Geo. V. c. 43, s. 351.

POLICE OFFICE IN CITIES AND TOWNS.

352. The council of every city and town shall establish and maintain therein a Police Office. 3-4 Geo. V. c. 43, s. 352.

353.—(1) The Police Magistrate, or, if he is absent or ill, or if there is a vacancy in the office, the Deputy Police Magistrate, shall attend at the Police Office daily for such period as may be necessary for the disposal of the business to be done.

(2) In a town for which there is not a Police Magistrate the Mayor shall attend at the Police Office daily, or at such time and for such period as may be necessary for the disposal of the business that may be brought before him as a Justice of the Peace.

(3) In a city or town for which there is a Police Magistrate, if he is absent or ill, and there is no Deputy Police Magistrate, or if the Deputy Police Magistrate is also absent or ill, the Mayor shall attend in the place of the Police Magistrate, but shall have only the powers of a Justice of the Peace.
(4) A Justice of the Peace having jurisdiction in a city or town may, at the request of the Mayor, act in his stead.

(5) The council shall provide all necessary and proper accommodation, fuel, light, stationery and furniture for the Police Office, and for the officers connected with it.

(6) The clerk of the council of the city or town, or such other person as the council appoints for that purpose, shall be the clerk of the Police Office, and shall perform the same duties and receive the same fees and emoluments as a clerk of a Justice of the Peace.

(7) Where the clerk of the council is paid by a salary, the fees and emoluments shall be paid over by him and belong to the corporation.

(8) Where there is a Police Magistrate, the clerk of the Police Office shall be under his control. 3-4 Geo. V. c. 43, s. 353.

BOARDS OF COMMISSIONERS OF POLICE AND POLICE FORCE IN CITIES AND TOWNS.

354.—(1) Notwithstanding the provisions of any special Constitution Act, there shall be for every city, and there may be constituted by the council thereof for every town having a Police Magistrate, a Board of Commissioners of Police.

(2) The Board shall consist of the Mayor, a Judge of the County or District Court of the county or district in which the city or town is situate, and the Police Magistrate.

(3) If there are two or more Judges for the county or district, the Lieutenant-Governor in Council shall designate the Judge who is to be a member of the Board.

(4) If the Police Magistrate is absent from Ontario, the Absence of Deputy Police Magistrate shall act in his stead during his police magistrate.

(5) If the office of Judge or that of Police Magistrate is vacant, the council shall fill the vacancy on the Board by appointing a resident of the municipality to act during the vacancy.

(6) In case of the illness or absence from Ontario of the Mayor, or of the office being vacant, the person appointed as presiding officer of the council shall act instead of the Mayor.

(7) The council of a city may provide for the payment of a reasonable remuneration for his services as a member of the Board to the Judge, or to any person appointed to fill the vacancy while the office of Judge or Police Magistrate is vacant.
(8) The by-law of the council of a town may at any time be repealed, and, if repealed, the Board shall, on the first day of January next after the passing of the repealing by-law, be dissolved.

(9) Subsection 8 shall also apply to a Board constituted before the 24th day of March, 1874, and existing on that day. 3-4 Geo. V. c. 43, s. 354.

355.—(1) The Board shall have the same power to summon and examine witnesses on oath as to any matter connected with the execution of its duties, to enforce their attendance, and to compel them to give evidence as is vested in any Court of law in civil cases.

(2) It shall be the duty of every person served with a notice to attend before the Board, signed by a member of it, to attend pursuant to the notice, and the notice shall have the same effect as a subpoena. 3-4 Geo. V. c. 43, s. 355.

356.—(1) The Board shall, in each year, at its first meeting held after the Mayor has made the declarations of office and qualification, elect a chairman.

(2) A majority of the members of the Board shall constitute a quorum.

(3) The meetings of the Board shall be open to the public, unless otherwise directed by the Board. 3-4 Geo. V. c. 43, s. 356.

357.—(1) A by-law of the Board shall be sufficiently authenticated if signed by its chairman or acting chairman, and a by-law purporting to be so signed shall be received in evidence in all courts without proof of the signature.

(2) A copy of a by-law purporting to be certified by a member of the Board to be a true copy shall be received in evidence in all Courts without proof of the signature. 3-4 Geo. V. c. 43, s. 357.

HIGH BAILIFF AND POLICE FORCE.

358. The council of every city shall appoint a high bailiff but may provide that the offices of high bailiff and chief constable shall be held by the same person. 3-4 Geo. V. c. 43, s. 358.

359. The police force in cities and in 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 may deem necessary, but, in cities, not less than the Board reports to be absolutely required. 3-4 Geo. V. c. 43, s. 359.
360. The members of the police force shall be appointed by and hold office during the pleasure of the Board, and shall take and subscribe an oath similar to that set out in section 20 of The Constables Act. 3-4 Geo. V. c. 43, s. 360.

361. The Board may make regulations for the government of the police force, for preventing neglect or abuse, and for rendering it efficient in the discharge of its duties. 3-4 Geo. V. c. 43, s. 361.

362. The members of the police force shall be subject to the government of the Board and shall obey its lawful directions. 3-4 Geo. V. c. 43, s. 362.

363.-(1) The council shall appropriate for and pay such remuneration to the members of the police force as the Board may determine, and shall provide and pay for all such offices, watch-houses, watch-boxes, arms, accoutrements, clothing and other things as the Board may deem requisite and require for the accommodation, use and maintenance of the force.

(2) The council may pay any sum required for the protection, defence or indemnification of any member of the police force, where an action or prosecution is brought against him, and costs are necessarily incurred or damages are recovered, if the Board certifies that the case is a proper one for such payment or indemnity. 3-4 Geo. V. c. 43, s. 363.

364. The council of every town not having a Board shall, and the council of every village may, appoint one chief constable and one or more constables. 3-4 Geo. V. c. 43, s. 364.

365. The council of a county and of a township may appoint one or more constables. 3-4 Geo. V. c. 43, s. 365.

366.—(1) The members of a police force, the high bailiffs and the constables appointed under the authority of this Part shall have the same powers and privileges, be subject to the same liability, perform the same duties, be subject to suspension in the same manner, and may act within the same limits, as a constable appointed by the Court of General Sessions of the Peace.

(2) The provisions of subsection 1, as to suspension, shall not apply to a member of the police force of a city or town which has a Board of Commissioners of Police. 3-4 Geo. V. c. 43, s. 366.

367. The members of a police force, a high bailiff, a chief constable and the constables appointed under this Part shall be charged with the duty of preserving the peace, preventing robberies, and other crimes and offences, including offences against the by-laws of the municipality, and of apprehending offenders, and laying information before the proper tribunal, 37 s.—II
and prosecuting and aiding in the prosecution of offenders. 3-4 Geo. V. c. 43, s. 367.

[As to appointment of High Constable by county, see The Constables Act, Rev. Stat. c. 94, s. 8.]

368.—(1) The council by which a high bailiff, chief constable or a constable is appointed under the authority of this Part may provide for the payment to him of such salary or remuneration as the council may determine.

(2) The council may agree with a salaried constable appointed either by the council or by the Board of Commissioners of Police that he shall keep for his own use the fees of his office or may require them to be paid to the treasurer for the use of the corporation. 3-4 Geo. V. c. 43, s. 368.

369. Where any person complains to the chief constable or a constable of a city or town that a breach of the peace has been committed, and that officer has reason to believe that it has been committed, though not in his presence, and that there is good reason to apprehend that the arrest of the person charged with committing it is necessary to prevent his escape or a renewal of the breach of the peace, or immediate violence to person or property, if the person complaining gives satisfactory security to the officer that he will, without delay, appear and prosecute the charge the officer may, without warrant, arrest or cause to be arrested the person charged in order to his being brought as soon as conveniently may be before the police magistrate or a justice of the peace to be dealt with according to law. 3-4 Geo. V. c. 43, s. 369.

370.—(1) If there is no Board of Commissioners of Police for a town, the Mayor or the Police Magistrate may suspend from office, for any period in his discretion, the chief constable or any constable of the town and may appoint some other person to the office during such period; and, if he considers the suspended officer deserving of dismissal, he shall, immediately after suspending him, so report to the council, and the council may dismiss such officer or may direct him to be restored to his office after the period of suspension has expired.

(2) During suspension the officer shall not act except with the written permission of the Mayor or Police Magistrate who suspended him or be entitled to any salary or remuneration. 3-4 Geo. V. c. 43, s. 370.

COURT HOUSES, GAOLS, ETC.

Establishment.

371. Until otherwise provided by law the existing county and district towns shall continue to be the county and district towns of the counties and districts in which they are respectively situate. 3-4 Geo. V. c. 43, s. 371.
Sec. 371 (1). MUNICIPAL INSTITUTIONS. Chap. 192. 2433

372.—(1) The corporation of every county shall provide and maintain a County Court House and a County Gaol.

(2) The Court House and the Gaol shall be sufficient for the purposes of every city and separated town which forms part of the county for judicial purposes as well as for the purposes of the county.

(3) The Gaol shall be provided and maintained in conformity with the provisions of The Gaols Act, and to the satisfaction of the Lieutenant-Governor in Council.

(4) Subsection 2 shall not apply to the Court House if the city has a Court House of its own, or to the Gaol if the city has a gaol of its own. 3-4 Geo. V. c. 43, s. 372.

373.—(1) The council of a county or of a city may pass by-laws for erecting, enlarging or improving a court house or gaol, and shall keep the same in repair and provide the food, fuel and other supplies required therefor.

(2) The corporation of a county may acquire land within a city or separated town which is the county town for the purpose of erecting and may erect thereon a court house, a gaol and buildings for use as a county hall and for offices for the county officials. 3-4 Geo. V. c. 43, s. 373.

374. The court house and gaol of the county in which a city or separated town is situated shall, except where the city has provided one for itself, be the court house or gaol, as the case may be, of the city or town, and the sheriff and gaoler shall receive and safely keep, until duly discharged, all persons committed to the gaol by any competent authority of the city or town. 3-4 Geo. V. c. 43, s. 374.

Care of Court Houses and Gaols.

375.—(1) The sheriff shall have the care of the county gaol, gaol offices and yard, and gaoler’s apartments, and the appointment of the gaoler and officers of the gaol, whose salaries shall be fixed by the county council, subject to the revision or requirement of the Inspector of Prisons and Public Charities.

(2) The appointment or dismissal of a gaoler shall be subject to the approval of the Lieutenant-Governor in Council. 3-4 Geo. V. c. 43, s. 375.

376. A gaoler or an officer of the gaol shall not demand or receive any fee, perquisite or other payment from any prisoner. 3-4 Geo. V. c. 43, s. 376.

377.—(1) The county council shall have the care of the court house and of all offices, rooms and grounds connected therewith, whether the court house is a separate building or is connected with the gaol, and the appointment of the care-
takers thereof, and shall, from time to time, provide all necessary and proper accommodation, fuel, light, stationery and furniture for the Provincial 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 proper offices, together with fuel, light, stationery and furniture, and, when certified by the Attorney-General to be necessary, with typewriting machines, for all officers connected with such Provincial Courts, other than the Crown Attorney of the City of Toronto. (As to Division Courts, see Rev. Stat. c. 63.)

(2) The council of the Corporation of the City of Toronto shall provide proper offices, with fuel, light, stationery and furniture for the Crown Attorney of the City.

378. The care of the gaol or court house of a city shall be regulated by by-law of its council. 3-4 Geo. V. c. 43, s. 378.

Costs and Expenses of Court Houses and Gaols.

379.—(1) A city or a separated town shall, as part of the county for judicial purposes, so long as the county court house or gaol is also that of the city or separated town, bear and pay its just share or proportion of all charges and expenses from time to time incurred for the purposes mentioned in section 23 of The Registry Act, and in erecting, enlarging, improving, repairing or maintaining such court house or gaol, and of their proper lighting, cleaning and heating; of drafting, selecting, enrolling and paying jurors; in providing the accommodation and other matters mentioned in subsection 1 of section 377, and of all other charges relating to the administration of justice, except such as the county is entitled to be repaid by the Province, and except charges connected with coroners' inquests and constables' fees and disbursements.

(2) The use of the court house for the sittings of a Division Court of a Division which comprises the whole or a part of a city or separated town may be taken into account in determining the amount to be paid by the city or town for the maintenance of the court house.

(3) If the council of the city or separated town and the council of the county are unable to agree as to the amount to be paid by the city or town, the same shall be determined by arbitration.
(4) The council of a county and of a city or separated town situate in the county may agree:

(a) To acquire land within the county town for the purpose of erecting thereon buildings for the joint use of the county and city or town for municipal and judicial purposes;

(b) For the erection, maintenance, use, management and control of such buildings;

(c) For fixing the amount which each corporation shall pay or contribute for such purposes;

(d) For the subsequent disposition of such land and buildings, and of any insurance or other money that may be received in respect thereof;

and may pass all such by-laws as may from time to time be necessary for acquiring the land and carrying out the agreement. 3-4 Geo. V. c. 43, s. 379.

As to payment of expenses of shorthand writer and interpreter, see The County Judges Act, Rev. Stat. c. 58, ss. 18 (5), 19.

As to payment by city or separated town of proportion of certain expenses under The Registry Act, see that Act, Rev. Stat. c. 124, s. 8.

380. Where the court house, gaol or registry office was erected before the city or town ceased to be part of the county for municipal purposes the arbitrators may take into account in determining the amount to be paid by the city or town the value of the respective interests of the county and of the city or town in such building and the extent of the use of it by them respectively. 3-4 Geo. V. c. 43, s. 380.

381. The corporation of a county, city or separated town shall have, respectively, insurable interests in the county court house and gaol, and the furniture thereof, in the proportions in which they are, for the time being, liable to contribute under section 379. 3-4 Geo. V. c. 43, s. 381.

382. Where a city is required to contribute to the cost of erecting, enlarging or improving a county court house or gaol, such city shall not be bound to pay for any part of the expenditure, unless it has been concurred in by its council, or, if the council does not concur, the propriety and the amount of the expenditure has been determined by arbitration. 3-4 Geo. V. c. 43, s. 382.

383. The site of the court house or gaol shall be determined by arbitration unless the councils of the county and city agree as to the site. 3-4 Geo. V. c. 43, s. 383.
Chap. 192. MUNICIPAL INSTITUTIONS. Sec. 384 (1).

384.—(1) A city which uses the county court house or gaol and a separated town shall pay to the county such compensation therefor, and for the care and maintenance of prisoners, as may be mutually agreed upon or determined by arbitration.

(2) In determining the compensation to be paid for the care and maintenance of prisoners, 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 and gaol buildings and of repairs and insurance, so far as they have been borne by one or other of the municipalities, and the cost of maintaining and supporting the prisoners, as well as the salaries of all officers and servants connected therewith. 3-4 Geo. V. c. 43, s. 384.

385. After five years from the time when the amount of the compensation was agreed upon or determined by arbitration, either under section 379 or after a direction by the Lieutenant-Governor in Council under the authority of this section, the Lieutenant-Governor in Council, upon the application of either corporation, may direct that the existing arrangement shall cease after a day to be named and that the compensation to be paid from that day shall be settled by agreement or be determined by arbitration. 3-4 Geo. V. c. 43, s. 385.

386.—(1) The council of every local municipality may establish, maintain and regulate lock-up houses for the detention and imprisonment of persons sentenced to imprisonment therein for not more than ten days, and of persons detained for examination on a charge of having committed any offence, or for transfer to any common gaol for trial, or in the execution of any sentence; and such persons may be lawfully received and so detained in the lock-up.

(2) Two or more local municipalities may unite in establishing, maintaining and regulating a lock-up house, and such lock-up house shall be deemed to be the lock-up house of each of them.

(3) Every lock-up house shall be placed in the charge of a constable appointed for that purpose.

(4) The council may provide for and pay the salary or other remuneration of the constable in charge of a lock-up. 3-4 Geo. V. c. 43, s. 386.

387.—(1) If a county town has not a lock-up house, approved by the Inspector of Prisons and Public Charities, the county gaol may be used for the purposes of a lock-up house, and if so used the corporation of the county town shall pay yearly to the county treasurer for the use of the county a reasonable sum for the use of the gaol as a lock-up house, and for the expenses incurred by such use; and, in case of
disagreement, the amount to be paid to the county shall be determined by arbitration.

(2) This section shall not apply to cities or separated towns. 3-4 Geo. V. c. 43, s. 387.

388. The cost of conveying a prisoner to, and of keeping him in a lock-up house, shall be defrayed in the same manner as the expense of conveying a prisoner to and keeping him in a common jail of the county. 3-4 Geo. V. c. 43, s. 388.

Section 409 of 29-30 V. c. 51 (See 36 V. c. 48, s. 367, R. S. O. 1877, c. 174, s. 449, 46 V. c. 18, s. 476 and R. S. C. 1896, Sched. B.), which is not repealed, is as follows:

409. Any Justice of the Peace of the county may direct by warrant in writing under his hand and seal the confinement in a lock-up house within his county, for a period not exceeding two days, of any person charged on oath with a criminal offence, whom it may be necessary to detain until examined, and either dismissed or fully committed for trial to the common gaol, and until such person may be conveyed to such gaol; also the confinement in such lock-up house, not exceeding twenty-four hours, of any person found in a public street or highway in a state of intoxication or any person convicted of desecrating the Sabbath; and generally may commit to a lock-up house instead of the common jail or other house of correction, any person convicted on view of the justice, or summarily convicted before any justice or justices of the peace of any offence cognizable by him or them, and liable to imprisonment therefor under any statute or municipal by-law. 29-30 V. c. 51, s. 409.

INEBRIATE ASYLUMS.

389.—(1) The council of a city having a population of not less than 50,000 may:

(a) Establish, erect and maintain within the city an institution for the reclamation and cure of habitual drunkards;

(b) Provide that the Mayor, Police Magistrate, or any Justice of the Peace having jurisdiction in the municipality, may send or commit to such institution an habitual drunkard, with or without hard labour.

(2) Sections 62 to 70 of The Private Sanitarium Act shall apply to such institution. 3-4 Geo. V. c. 43, s. 389.

COMMITTAL TO INDUSTRIAL FARM.

390. Where a person is convicted of being found drunk or disorderly in a public place contrary to a municipal by-law, within three months after a prior conviction for a like offence, he may be committed by the Police Magistrate or Justice of the Peace, before whom he is convicted, to an Industrial Farm of the locality in which the order for committal is made for an indeterminate period not exceeding two years. 3-4 Geo. V. c. 43, s. 390.
PART XIX.

POLLING SUBDIVISIONS AND POLLING PLACES.

391. By-laws may be passed by the councils of local municipalities for dividing the wards of the city or town, or the village or township into two or more convenient polling subdivisions, and for establishing polling places therein.

(a) Except in cities, every polling subdivision shall have well-defined boundaries, such as streets, side-lines, concession lines or the like, and shall be formed in the most convenient manner, and so that the number of electors in each polling subdivision shall be as nearly as possible equal.

(b) Such polling subdivisions shall be made or varied whenever the number of the electors in any polling subdivision in a city having a population of not less than 100,000 exceeds 200, and in any other municipality 300, in such a manner that the number in any polling subdivision shall not exceed 300.

(c) Where a municipality embraces parts of two or more electoral districts, a polling subdivision shall include territory in one electoral district only.

(d) Subject to clause (f), any alteration of polling subdivisions, or creation of new polling subdivisions, shall be made before the publication of the voters' lists.

(e) Whenever the clerk finds that the number of electors in a polling subdivision exceeds 200 in a city having a population of not less than 100,000, or 300 in any other municipality, he shall notify the council of the fact.

(f) Where such alterations have not been made before the publication of the voters' lists, they shall be made forthwith thereafter, but shall not take effect until the next voters' lists are being prepared.

(g) Whenever the council is of opinion that the convenience of the electors will be thereby promoted the council may make a redivision into polling subdivisions, and such redivision shall be made in conformity with this section.

(h) The number of electors shall be determined by the last revised assessment roll of the municipality.

(i) The polling subdivisions shall be numbered consecutively, and a copy of the by-law, by which they are established, certified under the seal of the cor-
poration and the hand of the clerk to be a true copy, shall, forthwith after the passing thereof, be filed by the clerk in the office of the Clerk of the Peace of the county or district in which the municipality is situate.

(j) Any 5 electors may at any time within two months after such filing appeal in respect of any polling subdivision to the Judge of the county or district Court of the county or district who shall have power to amend the by-law so as to make it conform with the provisions of this section, and the procedure on the appeal shall be the same as on a motion to quash a by-law, except that no recognizance or deposit shall be required.

(k) An election shall not be irregular or void for the reason that a polling subdivision which contains more than the prescribed number of electors has not been divided, if in the case of a city having a population of not less than 100,000 it does not contain more than 300, or in the case of any other municipality more than 400 electors.

(l) Where a polling subdivision in a city having a population of not less than 100,000 contains more than 300 electors, or a polling subdivision in any other local municipality contains more than 400 electors, or where a local municipality is not subdivided into polling subdivisions the council shall for the purpose of an election about to be held or a vote about to be taken subdivide it into as many subdivisions as may be necessary to provide in the case of such a city one for every 200 electors, and in the case of any other local municipality one for every 300 electors. 3-4 Geo. V. c. 43, s. 391.

392. By-laws may be passed by the councils of urban municipalities for uniting for the purpose of any municipal election, including the election of school trustees, or the voting on a by-law or on a question submitted to the electors, any two adjoining polling subdivisions with one polling place therefor. 3-4 Geo. V. c. 43, s. 392.

393. By-laws may be passed by the councils of cities having a population of not less than 100,000, for providing that a public school house or a public building belonging to or controlled by the corporation in, or conveniently near to a polling subdivision, shall be used as the polling place of such subdivision.

(a) Where a school house is so used the council shall forthwith pay to the Board of Education a sum therefor.
sufficient to cover any damage done to it and any expense for cleaning or otherwise caused by such use.

(b) No school house shall be so used without the consent of the Board of Education.

(c) The board of commissioners of police or the chief constable shall cause a constable to attend at each polling place in a school house or public building in which an election is being held there to perform the duties required by this Act of a constable appointed by the returning officer. 3-4 Geo. V. c. 43, s. 393.

394. Where a polling place has been appointed for holding an election, or for taking a vote in a local municipality, and it is afterwards found that the building cannot be obtained, or is unsuitable for the purpose, the clerk may select in lieu of it the nearest suitable building which is available, and he shall post up and keep posted up a notice on the building named in the by-law, and in two other conspicuous places near by, directing the voters to the place so selected. 3-4 Geo. V. c. 43, s. 394.

PART XX.

POWERS OF MUNICIPAL COUNCILS.

Interpretation.

395. "Bonus" where it occurs in sections 278, 288, 396 and 397 shall include:—

(a) A grant of money as a gift or a loan, either conditionally or unconditionally.

(b) The guaranteeing of the repayment of money loaned to or the payment of a debt contracted by the person to whom the bonus is granted and the interest thereon.

(c) The gift or the leasing at a nominal rent of land owned by the corporation or the purchase of land as a site for buildings or works or as a means of access or for any other purpose connected with the manufacturing business to be aided.

(d) The stopping up, opening, widening, paving or improving of a highway or public place or the undertaking of any work or improvement which involves the expenditure of money by the corporation for the use or benefit of the manufacturing business to be aided.
(e) The supplying of water, light or power by the corporation either free of charge or at a less rate than that charged to other persons.

(f) The total or partial exemption from municipal taxation or the fixing of the assessment of any property.

(g) Generally the doing, undertaking or suffering on the part of the corporation of any act, matter or thing which involves or may involve the expenditure of money by it. 3-4 Geo. V. c. 43, s. 395.

**Bonuses in Aid of Manufactures.**

396. By-laws may be passed by the councils of all municipalities for granting a bonus for the promotion of manufactures in the municipality, or for the promotion of iron works, rolling mills, works for refining or smelting ore, or the establishment of grain elevators, or aiding a beet sugar factory, within the municipality or an adjacent municipality, to such person, in respect of such branch of industry and on such terms and conditions as to security and otherwise as may be deemed proper.

(a) No person to whom or who is interested in or holds shares in a company and no nominee of a corporation to which a bonus is to be granted shall be entitled to vote on the by-law.

(b) No by-law shall be passed granting a bonus in respect of a branch of industry of a similar nature to one established in the municipality unless the person by whom it is carried on consents in writing to the granting of the bonus.

(c) No by-law shall be passed granting a bonus in respect of a business established elsewhere in Ontario, or which has been removed to the municipality from another municipality in Ontario, whether the business is to be carried on by the same person or by a person deriving title or claiming through or under him or otherwise or by such person in partnership with another person or by a joint stock company or otherwise.

(d) No such by-law shall be passed where the granting of the bonus would for its payment and the payment of bonuses already granted require an annual levy for the payment of principal and interest exceeding 10 per cent. of the total amount required to be raised by taxation for the year next preceding the passing of the by-law, but if the bonus is by way of loan or guarantee, any amount to be repaid during the then current year.
shall be deducted from the amount of the bonus for the purpose of ascertaining whether the limit of 10 per cent. will be exceeded.

(e) Where the bonus is exemption from taxation or a fixed assessment the same shall not be for a longer period than ten years, but may be renewed from time to time for further periods not exceeding ten years at any one time, and the by-law shall not apply to or affect taxation for school purposes.

(f) Where the bonus is by way of loan, the by-law may provide that all money received on account of the loan shall be deposited to a special account in a chartered bank, and that such money, or a sufficient part of it, shall be applied in payment of the amount falling due in such year for principal and interest on account of debentures issued to pay the bonus. 3-4 Geo. V. c. 43, s. 396.

Bonuses in Aid of Railways.

397.—(1) In this section

(a) "Railway" shall include a railway operated by steam, electrical or other motive power and a street railway;

(b) "Railway company" shall include a person authorized by a special Act to construct a railway, and shall also include a railway company incorporated by or under the authority of the Parliament of Canada or of the late Province of Canada or of this Legislature.

(2) By-laws may be passed by the councils of all municipalities for granting a bonus to a railway company for the purpose of securing the construction of a railway in the construction of which the inhabitants of the municipality are interested or through any part of or near to which the railway will pass or the works of the company be situate.

(3) Upon presentation to the council of a petition expressing the desire to aid the railway company and stating in what way and to what amount signed by a majority of the members of the council, or in the case of a county by at least fifty resident freeholders qualified to vote on the by-law, of each of the local municipalities in the county, or in the case of a local municipality by at least 50 resident freeholders thereof qualified to vote on the by-law, the council shall, within six weeks after the receipt of the petition by the clerk, take the requisite proceedings for submitting, in the manner provided by this Act, a by-law for granting the bonus for the assent of the electors qualified to vote thereon.
(4) Where the aid is proposed to be given by a county, if a petition signed by 50 resident freeholders of the county against submitting the by-law on the ground that certain of the local municipalities or parts of them would be injuriously affected thereby or on any other ground ought not to be included therein, and if a sum sufficient to defray the expense of the reference is deposited by the petitioners with the treasurer of the county, the council shall forthwith refer the petition to the Municipal Board.

(5) The Board may direct that the prayer of the petition be not granted, or that any of the local municipalities or any part of them or any of them shall be excluded from the operation of the by-law, and that the by-law be amended accordingly.

(6) Where the Board directs that the by-law be amended by excluding the whole or any part of a local municipality from the operation of it, the by-law shall be amended by imposing the rate to provide for the payment of the bonus or part of the principal and interest of the debentures issued therefor on the rateable property within that part of the county not so excluded and that only, and the assent to the by-law of those persons qualified to vote on it in that part of the county not so excluded shall be sufficient, and they shall be the only persons entitled to vote on the by-law.

(7) The by-law as confirmed by the Board or amended by its direction shall, at the option of the railway company, be submitted by the council for the assent of the electors qualified to vote thereon.

(8) If the prayer of the petition is not granted by the Board, the expense of the reference shall be borne by the petitioners, and if the Board directs the by-law to be amended by excluding any part of the county from the operation of the by-law shall be borne by the railway company or by the corporation of the county or in such proportions between them as the Board may direct.

(9) The council may require that before submitting the by-law for the assent of the electors the railway company shall deposit with the treasurer of the municipality a sum sufficient to defray the expense of its submission.

(10) If the by-law receives the assent of the electors the council shall, within four weeks from the day on which the vote was taken, pass the by-law.

(11) Unless otherwise provided by the by-law, the debentures, the issue of which is provided for by it, shall be issued and disposed of or delivered to the trustees appointed to receive them as hereinafter provided.
(12) Where the period within which the construction of the railway or other work is to be commenced or to be completed is provided for in the by-law, the council may by by-law or resolution from time to time extend such period, but no extension shall be for longer than one year at a time.

(13) A bonus may be granted or shares may be subscribed for under the authority of this section notwithstanding that the yearly municipal taxation may be thereby increased beyond the limit provided for by section 297, if it does not require the levying of an annual rate for all purposes, exclusive of school rates, greater than three cents in the dollar.

(14) By-laws may be passed by the councils of townships for granting a bonus for any of the purposes mentioned in subsection 2 by a section of the township, and in that case the rates imposed by the by-law to provide for the payment of the bonus or the principal and interest of the debentures issued therefor shall be imposed upon the rateable property within such section and that only.

(15) In the case of a by-law to which the next preceding subsection applies, the petition shall be by a majority of the members of the council or at least fifty freeholders of the section qualified to vote on the by-law, and shall define the section by metes and bounds or by lots and concessions, and the assent to the by-law of those persons qualified to vote on it in the section shall be sufficient, and they shall be the only persons entitled to vote on the by-law.

(16) In all other respects the provisions of subsections 1 to 13 shall apply.

(17) By-laws may, with the assent of the electors qualified to vote on a money by-law, be passed by the councils of all municipalities for subscribing for any number of shares in the capital stock of a railway company.

(18) Clauses (a), (e) and (f) of section 396 shall apply to a by-law passed under the authority of this section.

(19) Where a by-law is passed under the authority of this section for granting a bonus to a railway company, the debentures therefor shall, within six months after the passing of the by-law, be delivered to three trustees, all of whom shall be residents of Ontario, who shall be named, one by the Municipal Board, one by the railway company, and one by the head of the municipality, or if bonuses have been granted by the councils of more municipalities than one by the majority of the heads of the municipalities by which the bonuses have been granted.

(20) If the head of the municipality or the heads of the municipalities, as the case may be, do not within one month after notice in writing of the appointment of the railway company’s trustee name their trustee, the company may
name him, and if the Board does not name a trustee within one month after notice in writing to the Board of the appointment of the other two trustees, the company may name the third trustee.

(21) The Board may remove a trustee and may appoint a new trustee in his stead, and if a trustee dies or resigns his trusteeship or goes to reside out of Ontario, or otherwise becomes incapable of acting, his trusteeship shall become vacant and the Board may appoint a trustee in his stead.

(22) The trustees shall receive and hold the debentures in trust:—

(a) Under the direction of the railway company, but subject to the conditions of the by-law as to the time or manner of so doing, to convert the same into money or otherwise dispose of them;

(b) To deposit the debentures or the amount realized from the sale of them in a chartered bank having an office in Ontario, in the name of "The Railway Municipal Trust Account" (designating the name of the railway).

(c) To deliver the debentures or pay the proceeds of the sale of them to the company from time to time as it becomes entitled thereto under the conditions of the by-law on the certificate of the chief engineer of the railway company, Form 25.

(23) The certificate shall be attached to the cheque or order drawn by the trustees for such delivery or payment.

(24) If the chief engineer wrongfully grants any such certificate he shall incur a penalty of $500, recoverable by any person who may sue therefor.

(25) The act of any two of the trustees shall be as valid and binding as if they had all joined therein.

(26) The trustees shall be entitled to their reasonable fees and charges from the trust fund. 3-4 Geo. V. c. 43, s. 397.

398. By-laws may be passed by the councils of all municipalities.

Amateur Athletic and Aquatic Sports.

1. For aiding amateur athletic or aquatic sports.

Bands of Music.

2. For aiding the establishment or maintenance of bands of music by any corps of active militia within the country or any other bands of music.
Bathing Houses.

3. For establishing and maintaining or for granting money to aid in the construction of public bathing houses.

Census.

4. For taking a census of the inhabitants.

Charitable Institutions, etc.

5. For granting aid to any charitable institution or out-of-door relief to the resident poor.

Crimes—Discovery of.

6. For offering and paying rewards for the discovery, apprehension and conviction of persons who have or are believed or suspected to have committed flagrant crimes or to have contravened clause (g) of section 138, or to have been guilty of personation as defined by The Dominion Election Act or by The Ontario Election Act within the municipality.

Drainage.

7. For constructing, maintaining, improving, repairing, widening, altering, diverting and stopping up drains, sewers or water-courses; providing an outlet for a sewer or establishing works or basins for the interception or purification of sewage; making all necessary connections therewith, and acquiring land in or adjacent to the municipality for any of such purposes.

Driving or Riding on Roads and Bridges.

8. For regulating the driving of horses or cattle and the riding of horses on highways and bridges.

9. For prohibiting racing, immoderate or dangerous driving or riding on highways or bridges.

See section 404, par. 3, as to setting apart streets in cities of 100,000 population for fast driving.

Electors—Submitting Questions to.

10. For submitting to the vote of the electors of any municipal question not specifically authorized by law to be submitted.
Exhibitions.

11. For acquiring land within or without the municipality as a place for holding agricultural, horticultural or industrial exhibitions and for erecting and maintaining buildings thereon for that purpose and for the management of the same.

12. For leasing for any period not exceeding three years from the making of the lease, any part of the land acquired under paragraph 11, which is not immediately required for the purposes for which it was acquired.

Fat Stock and Other Shows and Exhibitions.

13. For granting or lending money or granting land in aid of any association for the holding of a fat stock or live stock show or exhibition or any exhibition for the promotion or improvement of farming in any of its branches or departments.

Ferry Boats and Ferries.

14. For making an annual grant towards the maintenance and operation of ferry boats or other appliances used at any ferry over a stream or other water separating a part of the municipality from another part of it, or separating it from another municipality in Ontario.

Fire Engines and Appliances.

15. For purchasing or renting for a term of years or otherwise, fire engines, fire apparatus and fire appliances and their appurtenances.

Flooding—Prevention of.

16. For the purpose of preventing damage to any highway or bridge or to any property within the municipality by floods arising from the overflowing or damming back of a river, stream or creek flowing through or in the neighbourhood of the municipality, for acquiring land in the municipality or in any adjoining or neighbouring municipality, and for constructing such works as may be deemed necessary for that purpose, and for deepening, widening, straightening or otherwise improving such river, stream or creek in the land so acquired, or removing from it islands, rocks or other natural obstructions to the free flow of the water.

Free Libraries.

17. For granting money or land in aid of any public library established under any Act in the municipality or in an adjacent municipality.
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Foxes and other Wild Animals—Destruction of.

18. For giving bounties not exceeding $5 per head for the destruction of foxes and other wild animals which kill or destroy poultry.

Harbours, Wharfs, Beacons, etc.

19. For granting aid for the construction of harbours, wharfs, docks, slips and beacons on any river, lake or navigable water passing in, through or forming any part of the boundary of the county, on such terms and conditions as to security and otherwise as may be deemed expedient.

20. For making, improving and maintaining public wharfs, docks and slips, and for preserving shores, bays, harbours, rivers or waters and the banks thereof.

21. For regulating harbours.

22. For prohibiting the injuring, fouling, filling up or incumbering of a public wharf, dock, slip, drain, sewer, water or suction pipe, shore, bay, harbour, river or water.

23. For erecting and maintaining beacons.

24. For erecting and renting wharfs, piers and docks in harbours, and floating elevators, derricks, cranes and other machinery for loading, discharging or repairing vessels.

25. For regulating vessels, crafts and rafts arriving in a 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.

26. For requiring the owner or occupant of the land in connection with which the same exist to remove door-steps, porches, railings or other erections or obstructions projecting into or over any public wharf, dock, slip, shore, bay, harbour, river or water.

Hospitals, etc.

27. For granting aid to any incorporated society or any association of individuals for the erection, establishment or equipment of public hospitals for the treatment of persons suffering from disease or from injuries.

Indigent Persons—Aid of.

28. For aiding in maintaining any indigent inhabitant of or person found in, the municipality, at a house of refuge, hospital or institution for the insane, deaf and dumb or blind, or other public institution of a like character.
Where money is advanced by way of charity or relief to or expended for the benefit of a person who, although in destitute circumstances, is the owner of or interested in land the retention of which is necessary for a dwelling for him, the corporation may take a conveyance of or security on such land for the amount advanced or expended, and on the death of such person, or the surrender of the land by him to the corporation, the corporation may sell or dispose of the land and apply the proceeds in payment of the amount so advanced or expended, with interest thereon at the rate of six per cent. per annum, and the costs of the sale and the residue of such proceeds, if any, shall be paid to the executors, administrators or assigns of such person on demand.

Municipal Officers.

29. For appointing such pound-keepers, road commissioners, pathmasters, fence-viewers, overseers of highways, road surveyors, inspectors of sheep worried or killed by dogs, and other officers in addition to those specially mentioned in this Act and such servants as may be deemed necessary for the purposes of the corporation, or for carrying into effect the provisions of any Act of this Legislature or by-law of the council.

30. For fixing their remuneration and prescribing their duties, and the security to be given for the performance of them.

Ontario Municipal Union.

31. For the corporation becoming a member of any union of Ontario municipalities for furthering the interests of municipalities and paying the fees for such membership and making contributions for the expenses of the union, and paying the expenses of delegates to any meeting of it or upon its business.

Public Parks and Drives.

32. For acquiring land for and establishing and laying out public parks, squares, avenues, boulevards and drives in the municipality or in any adjoining local municipality, and where there is no Board of Park Management for exercising all or any of the powers which are by The Public Parks Act conferred on Boards of Park Management.

(a) A corporation which expropriates land in another municipality, under the powers conferred by this paragraph, shall put the land in an efficient state to be used, and open the same to the general pub-
lic, for the purpose for which it was acquired, within a reasonable time after such expropriation and shall maintain and keep the same in an efficient state of repair and shall provide police protection therefor.

33. For accepting and taking charge of land, within or without the municipality, dedicated as a public park for the use of the inhabitants of the municipality.

**Rifle Associations—Militia.**

34. For aiding any regularly organized rifle association or any association or corporation having for its object or one of its objects the promotion of military art, science or literature.

35. For adding to the sum paid, during the period of annual or other authorized drill or when on active service, to any enlisted member of any corps of Active Militia organized within the municipality.

36. For providing military outfit or equipment for the members of such corps.

**Sidewalks, etc.—Vehicles on.**

37. For prohibiting carriages, waggons, bicycles, sleighs and other vehicles and conveyances of every description, and whatever the motive power, or any particular kind or class of such vehicles or conveyances being upon, or being used, drawn, hauled or propelled along or upon any sidewalk, pathway or footpath used by or set apart for the use of pedestrians, and forming part of any highway or bridge, boulevard or other means of public communication, or being in or upon any highway, boulevard, park, park-plot, garden or other place set apart for ornament or embellishment or for public recreation.

**Victorian Order of Nurses.**

38. For granting aid to the Victorian Order of Nurses.

**Water for Fire Purposes.**

39. For contracting 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 renting hydrants for any number of years not, in the first instance, exceeding ten; and for renewing the contract from time to time for periods not exceeding ten years, as the council may deem proper; or for purchasing or erecting hydrants necessary for any of such purposes.
Watering Streets.

40. For contracting with a street railway company for watering any of the highways for any number of years, not exceeding five, and for renewing such contract from time to time for a period not exceeding five years. 3-4 Geo. V. c. 43, s. 398.

399. By-laws may be passed by the councils of local municipalities.

Bathing in Public Waters.

1. For prohibiting or regulating the bathing or washing of the person in any public water in or near the municipality.

Charivaries.

2. For prohibiting charivaries and other like disturbances of the peace.

Closet Accommodation for Workmen.

3. For requiring the owners, contractors or master workmen engaged in the erection or construction of buildings or public works to provide, for the use of the workmen employed in such erection or construction, closet accommodation, to be approved of by the medical health officer, in connection with them.

Cows and other Animals—Keeping of.

4. For regulating the keeping of cows, goats, swine and other animals.

5. For prohibiting the keeping of cows, goats, swine or other animals, except horses or mules, within the municipality or within defined areas of it.

Contagious Diseases.

6. For providing blank forms for recording and reporting cases of contagious or infectious disease; for placarding houses wherein such cases exist, and for taking such measures as may be deemed necessary for preventing the spread of such diseases.

Cruelty to Animals, Etc.

7. For preventing cruelty to animals and the destruction of birds.

Disorderly Houses.

8. For suppressing disorderly houses and houses of ill-fame.
Disqualification of Electors not paying Taxes.

9. For disqualifying from voting an elector who has not on or before the 14th day of December next preceding the election paid all municipal taxes due by him.

Drainage of Cellars, Privy Vaults, Etc.

10. For regulating the construction of cellars, sinks, cesspools, water closets, earth closets, privies and privy vaults; for requiring and regulating the manner of the draining, cleaning and clearing and disposing of the contents of them.

11. For requiring the use within the municipality or a defined area of it of dry earth closets.

12. For providing that the cleaning and disposing of the contents of cesspools, water closets, earth closets, privies and privy vaults shall be done exclusively by the corporation.

(a) For such purpose the corporation, its officers and servants shall have all the powers of the local board of health and its officers and servants, and such expense shall be recoverable in the manner provided by section 500.

13. For requiring and regulating the filling up, draining, cleaning, clearing of any grounds, yards and vacant lots and the altering, relaying or repairing of private drains.

14. For making any other regulations for sewerage or drainage that may be deemed necessary for sanitary purposes.

Egress from Buildings.

15. For regulating, subject to the provisions of The Egress from Public Buildings Act and The Ontario Factories Act:

(a) The size and number of doors, aisles, halls and stairs in and other means of egress from hospitals, schools, colleges, churches, theatres, halls, or other buildings used as places of worship, or of public resort, or amusement, or for public meetings, and street gates leading to them;

(b) The construction and width of stairways in such buildings, and in factories, warehouses, hotels, boarding and lodging houses;

(c) The materials of which and the manner in which stairs and stair-railings shall be constructed, and the strength of walls, beams and joists and their supports in all such buildings; and

(d) For requiring the production of the plans of the buildings mentioned in this paragraph now erected or which it is proposed to erect, and for prohibit-
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16. For prohibiting and preventing the obstruction by persons or things of the halls, aisles, passage-ways, alleys or approaches in or leading to any such building during the occupation of it by a public assemblage.

(a) While any building mentioned in clause (a) of paragraph 15 in a city or town is occupied by a public assemblage, the chief constable or any constable of the city or town may enter it to see that the by-law is not being violated, and may require the removal of any obstruction or of any person standing, sitting, or otherwise occupying any hall, aisle, passage-way, alley or approach, except for passing to and fro.

Electricity—Transmission of.

17. Subject to The Municipal Franchises Act for authorizing any person supplying electricity for light, heat and power, to lay down pipes or conduits for enclosing wires for the transmission of electricity under the highways or public squares, or to carry wires for the transmission of electricity or to erect telegraph, and telephone poles and wires across or along any highway or public square, on such terms and conditions as the council may deem expedient.

(a) A by-law shall not be passed under this paragraph in violation of any agreement of the corporation.

Explosives—Keeping, Manufacturing and Storing of.

18. For regulating the keeping, storing and transporting of

(a) Dynamite, dualin, nitro-glycerine or gunpowder;
(b) Petroleum, gasoline or naptha; and
(c) Other dangerous or combustible, inflammable or explosive substances;

19. For regulating and providing for the support by fees of magazines belonging to private persons for the storage of the substances mentioned in clause (a) of paragraph 18, and for requiring them to be stored in such magazines.

20. For erecting and maintaining within or without the limits of the municipality magazines for the storage of the substances mentioned in clause (a) of paragraph 18, and for acquiring the land necessary for that purpose, and for requiring such substances to be stored in such magazines.
21. For limiting the quantity of the substances mentioned in clause (a) of paragraph 18, which may be kept in any place other than such a magazine, and for regulating the manner in which the same are to be kept or stored.

22. For prohibiting or regulating the establishment within the municipality of factories or other places for the manufacture or storage of any of the substances mentioned in clause (a) of paragraph 18.

23. For requiring the submission of plans of the premises including the buildings upon or in which it is proposed that such manufacture or storage shall take place, and the approval of them by the council before the manufacture or storing is commenced.

24. For requiring such buildings to be surrounded by walls or fences and for regulating the height and description of such walls or fences and their distance from such buildings, and also the distance from any other building at which such manufacture or storage may be carried on.

25. For regulating the carrying on of the business of manufacturing or storing such substances, whether the business has been heretofore or shall be hereafter established, and prescribing the precautions to be taken for the prevention of fires and accidents from the combustion or explosion of such substances.

26. For granting licenses for the carrying on of the business of manufacturing such substances or for storing them in quantities of more than twenty-five pounds, and prescribing the time, not exceeding five years, during which the licenses shall remain in force.

(a) The license fee shall not exceed $25 a month for every month in which such business shall be carried on.

27. For prohibiting or regulating the keeping or storing of gasoline or benzine, and prescribing the materials of which the vessels containing it shall be composed, and the classes of buildings in which it may be stored or kept for sale, and for making regulations for the prevention of fires and accidents from the combustion or explosion of such substances.

Fences.

28. For prescribing the height and description of lawful fences.

29. For prescribing the height and description of and the manner of maintaining, keeping up and laying down fences along highways or parts thereof; and for making compensation for the increased expenses, if any, to persons required so to maintain, keep up or lay down any such fence.
30. For determining how the cost of division fences shall be apportioned; and for providing that any amount so apportioned shall be recoverable under The Ontario Summary Con-
viotions Act;

(a) Until a by-law is passed, The Line Fences Act Rev. Stat. c. 259. shall apply.

31. For requiring proper and sufficient protection against injury to persons or animals by fences constructed wholly or partly of barbed wire or any other barbed material to be pro-
vided by the owner of the land; and in towns and cities for prohibiting the erection along the highways of fences made wholly or partly of barbed wire or any other barbed material.

32. For requiring the owners of land to erect and maintain a water gate where a fence crosses an open drain or watercourse.

Fire—Prevention of Accidents by.

33. For securing against accident by fire the inmates and employees and others in factories, hotels, boarding-houses, lodging-houses, warehouses, theatres, music halls, opera houses and other buildings used as places of public resort or amusement.

Fire Escapes.

34. Subject to the provisions of any other Act requiring fire escapes, for compelling the owners and occupants of buildings more than two storeys in height, except private dwellings, to provide proper fire escapes therefor in such places of such pattern and mode of construction as may be deemed proper; and for prohibiting the occupation of any such building unless or until such fire escapes are provided.

Fires in Open Air.

35. For prescribing the times during which fires may be set in the open air and the precautions to be observed by persons setting out fires.

Firearms and Fireworks.

36. For prohibiting or regulating the discharge of guns or other firearms; and the firing and setting off of fireballs, squibs, crackers or fireworks.

Food.

37. For regulating the delivery and exposure for sale upon a highway or in a market or public place of meat, poultry, game, flesh, fish or fruit, or the carcass of any animal.
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38. For appointing inspectors, and for providing for the inspection of meat, poultry, fish and natural products offered for sale for human food, whether on the streets or in public places, or in shops.

39. For authorizing the seizing and destroying of tainted and unwholesome articles of food.

Gambling Houses, etc.

40. For suppressing gambling houses, and for seizing and destroying faro-bank, rouge et noir, or roulette tables, and other devices for gambling found in them.

Gas Works, Tanneries, Distilleries, etc.

41. For prohibiting or regulating the erection or continuance of gas works, tanneries, or distilleries or other manufactures or trades which in the opinion of the council may prove to be or may cause nuisances.

Graves—Protection of.

42. For prohibiting the violation of cemeteries, graves, tombs, tombstones or vaults where the dead are interred.

Hoists, Scaffolds, etc.

43. For regulating and inspecting the construction and erection of hoists, scaffoldings and other apparatus and appliances used in erecting, repairing, altering or improving buildings, chimneys or other structures; and for making regulations for the protection and safety of workmen and others employed thereon; and for appointing inspectors of scaffolding.

(As to appointment of inspectors under The Buildings Trades Protection Act and as to additional scaffold regulations, see Rev. Stat. c. 228, ss. 3 and 7.)

Manufactures and Trades.

44. For regulating manufactures and trades which in the opinion of the council may prove to be or may cause nuisances.

Noises.

45. For prohibiting or regulating the ringing of bells, the blowing of horns, shouting and unusual noises or noises calculated to disturb the inhabitants.
46. For prohibiting and abating public nuisances.

47. For prohibiting the hauling of dead horses, offal, night soil or any other offensive matter or thing along any highway during the hours of daylight.

Placards, etc.—Indecent.

48. For prohibiting the posting or exhibition of placards, play bills, posters, writings or pictures or the writing of words, or the making of pictures or drawings, which are indecent or may tend to corrupt or demoralize, on any wall or fence or elsewhere on a highway or in a public place.

Plays—Immoral or Indecent.

49. For prohibiting the production or giving of an immoral or indecent play or performance in any theatre, hall or other public place of amusement or entertainment, and for authorizing the chief constable, the deputy chief constable or any inspector of police, or any officer or person specially detailed for that purpose, to enter any theatre, hall or other place of public amusement or entertainment, and if at his request such play or performance is not forthwith stopped, to apprehend the performers without warrant, and to take them as soon as practicable before a Police Magistrate or a Justice of the Peace.

Poles and Wires.

50. Subject to The Municipal Franchises Act for regulating the erection and maintenance of electric light, power, telegraph and telephone poles and wires and poles and wires for the transmission of electricity upon the highways or elsewhere within the municipality.

51. Subject to The Power Commission Act for constructing or laying down pipes or conduits for enclosing wires for the transmission of electricity under, or for erecting towers or poles for the support of wires for such purpose across or along any highway or public place, and for entering into agreements with electric light or power, telegraph or telephone companies for the use by them of such pipes, conduits or poles, for such consideration and on such terms and conditions as may be agreed upon.

Pounds, etc.

52. 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.
53. For prohibiting or regulating the running at large or trespassing of animals, other than dogs, and for providing for impounding them and for causing them to be sold, if they are not claimed within a reasonable time, or if the damages, fines and expenses are not paid according to law.

54. For appraising the damages to be paid by the owners of animals impounded for trespassing contrary to law or the by-laws of the municipality.

55. 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 distrainor.

Sewers—Extension of.

56. Where a local municipality is so situate that it is necessary, in order to procure an outlet for a sewer or to connect it with a sewage farm, to extend it into or through an adjacent municipality, for so extending it, or for extending and connecting it with any existing sewer of such adjacent municipality, upon such terms and conditions as may be agreed upon, or in case of failure to agree, as may be determined by arbitration.

(a) Where the council of the adjacent municipality objects to allow such extension or connection, the arbitrators shall determine not only the terms and conditions upon which the extension or connection is to be made, but also the location of the sewage farm, filtering plant or artificial means of sewage disposal which is contemplated, and whether the extension or connection should be allowed to be made.

(b) Nothing in this paragraph shall authorize the making of an open drain or sewer, or affect the provisions of The Ditches and Watercourses Act, or limit any of the powers conferred on townships by that Act.

Signs, Etc.

57. For prohibiting or regulating the erection of signs or other advertising devices and the posting of notices on buildings or vacant lots.

58. For prohibiting the pulling down or defacing of signs or other advertising devices and notices lawfully affixed.

Slaughter Houses.

59. For establishing and maintaining public slaughter houses.
60. For prohibiting or regulating and inspecting the erection or continuance of slaughter houses, and for prohibiting the slaughter of animals intended for food, except in slaughter houses designated in the by-law.

(a) In towns, villages and townships this clause shall not apply to the slaughter of animals for the use of the person killing them or of his family.

_Case of Snow and Ice—Removal of._

61. For requiring the occupants of buildings adjoining a highway in the municipality or in any defined area of it to clear away and remove the snow and ice from the roofs of such buildings and from the sidewalks adjoining their premises, and for regulating the times when and the manner in which the same shall be done.

62. For clearing away and removing snow and ice from the roofs of unoccupied buildings adjoining a highway and from the sidewalks adjoining the premises and adjoining vacant land in the municipality or in any defined area of it at the expense of the owner, and for collecting or recovering the expenses incurred in so doing in the manner provided by section 500.

_Sparring Exhibitions, etc._

63. For prohibiting sparring exhibitions and boxing matches, where an admission fee is charged, without the written permission of the chief constable in a city or town, or of the reeve in townships and villages.

_Steam Transmission._

64. For authorizing any person supplying steam for heat or power to lay down pipes or conduits for transmitting steam under the highways or public squares, on such terms and conditions as the council may deem expedient.

(a) A by-law shall not be passed under the authority of this paragraph in violation of any agreement of the corporation.

_Vagrants, etc._

65. For restraining and punishing vagrants, mendicants, and persons found drunk and disorderly in any highway or public place.

_Vice—Preventing._

66. For preventing vice, drunkenness, profane swearing, indecent, obscene, blasphemous or grossly insulting language, drunkenness, etc., and other immorality and indecency, and the indecent public exposure of the person.
Watercourses and Drains—Obstruction of.

67. For prohibiting the obstruction of any drain or water-course, and for permitting and regulating the size and mode of construction of culverts and bridges which cross any drain or water-course situate on a public highway.

Water Closets, Privy Vaults, etc.—Filling up.

68. For requiring owners, lessees and occupants of land in the municipality or any defined area of it to close or fill up water closets, privies, privy vaults, wells or cess-pools, the continuance of which may, in the opinion of the council or the medical health office, be dangerous to health.

Weeds.

69. For prohibiting the growth of Canada thistles and other weeds detrimental to husbandry and for compelling the destruction thereof; for appointing an inspector to enforce the by-law, and for prescribing his duties and fixing his remuneration.

Wells and Water.

70. For establishing, protecting, regulating and cleaning public and private wells, reservoirs and other public and private conveniences for the supply of water; for prohibiting the fouling of them, or the wasting of the water, and 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.

71. For the closing or filling up of public or private wells.

72. For compelling the use within the municipality or any defined area therein, for drinking and domestic purposes, of water supplied from the water-works of the municipality or of a water-works company; and for prohibiting the use within the municipality or such area of spring or well water for such purposes. 3-4 Geo. V. c. 43, s. 399.

400. By-laws may be passed by the councils of urban municipalities.

Bathing and Boat-Houses—Inspection of.

1. For inspecting public bathing-houses and boat-houses or premises wholly or partly used for boat-house purposes; and for prohibiting their use for illegal or immoral purposes.
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Begging.

2. For prohibiting common begging or persons from importuning, in the highways or public places, others for help or for aid in money, and deformed, malformed or diseased persons from exposing themselves, or being exposed there, to excite sympathy or for the purpose of obtaining help or assistance.

Borrowing Money for Certain Purposes Without Assent of Electors.

3. Where the corporation of an urban municipality has heretofore constructed, purchased or acquired, or hereafter constructs, purchases or acquires gas, electric light, power or water works or works for the development of a water power for generating, or works for producing, transmitting or distributing electrical power or energy, or sewerage works or works for the interception, purification or disposal of sewage, at the expense of the corporation at large, for borrowing such further sums as may be necessary to extend or improve such works.

(a) The by-law shall not require the assent of the electors if it is passed by a vote of three-fourths of all the members of the council and is approved by the Municipal Board.

(b) Such approval may be given if it is shown to the satisfaction of the Board that the extension is necessary, and that a sufficient additional revenue will be derived therefrom to meet the annual payments in respect of such debt and the interest thereon, or in the case of the extension or improvement of sewerage works or works for the interception, purification or disposal of sewage, that such extension or improvement is approved of by the Provincial Board of Health.

(c) This paragraph shall not apply to works required by the Provincial Board of Health to be established, improved, extended, enlarged, altered or renewed or replaced.

Buildings—Strength of Walls, Beams, etc.

4. For regulating the size and strength of brick, stone, cement and concrete walls, and of the beams, joists, rafters, roofs and their supports of all buildings to be erected, altered or repaired, and for requiring the production of the plans of all buildings, and for charging fees for the inspection and approval of such plans, and fixing the amount of the fees.
Cab Stands and Booths.

5. For authorizing and assigning stands on the highways and in public places for vehicles kept for hire; and for authorizing the erection and maintenance of covered stands or booths on the highways and in public places, for the protection or shelter of the drivers of such vehicles.

(a) No such covered stand or booth shall be placed upon the sidewalk without the consent of the owner and occupant of the adjoining land.

Cellars—Plans of.

6. For requiring owners and occupants to furnish the council with the levels, with reference to a line fixed by by-law, of their cellars heretofore or hereafter dug or constructed, and for taking such other means as may be deemed necessary for ascertaining such levels.

7. For requiring to be deposited with an officer named in the by-law, before the erection of a building is commenced, a ground or block plan of the building, with the levels of the cellars and basements, with reference to a line fixed by by-law.

Children Riding behind Vehicles.

8. For prohibiting children from riding on the platforms of cars, or riding behind or getting on waggons, sleighs or other vehicles while in motion, and for preventing accidents arising from such causes.

Coasting and Tobogganing.

9. For prohibiting or regulating coasting or tobogganing on the highways.

Drainage Purposes—Acquiring Land in Another Municipality for.

10. For acquiring, with the consent of the council thereof, land in any other municipality required for preventing such urban municipality or any part of it from being flooded by surface or other water flowing from such other municipality or for an outlet for such water; and for constructing, maintaining and improving drains, sewers and watercourses in the land so acquired.

Drill Sheds and Armouries.

11. For acquiring land in the municipality for a drill shed or armoury for any militia or volunteer corps having its headquarters in the municipality.
12. Subject to The Ontario Factories Act and any other Act relating to cranes, elevators and hoists, for regulating the construction of and for inspecting cranes, hoists and elevators, and for regulating the manner in which elevators and hoists which are to be operated automatically or otherwise in buildings shall be constructed and operated, and for licensing elevators and hoists used by the public or by employees.

Fire Engines, etc.—Right of Way on Highways.

13. For providing that the reels, engines and vehicles of the fire department shall have the right of way on the streets and highways while proceeding to a fire or answering a fire alarm call.

Firemen, etc.

14. For appointing fire wardens, fire engineers and firemen, and for promoting, establishing and regulating fire hook-and-ladder, and property saving companies.

Firemen, etc.—Medals, Rewards and Gratuities to.

15. For providing medals or rewards for persons who distinguish themselves at fires; and for granting gratuities to the members of the fire brigade who have become incapacitated for service on account of injuries or ill-health caused by accident or exposure at fires, or from old age or inability to perform their duties, and for granting pecuniary aid or other assistance to the widows and children of persons killed by accident while in the discharge of their duties at fires, or who die from injuries received or from illness contracted while in the service of the corporation as firemen.

Fires—Prevention of.

16. For regulating the construction, alteration or repairs of buildings.

17. For prohibiting the erection of wooden buildings or wooden additions, and of wooden fences, or the removal of any such building or fence from one place to another in defined areas of the municipality.

18. For prohibiting the erection or placing within defined areas of buildings or additions to them with main walls other than of brick, cement, concrete, iron or stone, and roofing of other than incombustible material.

19. For regulating the repairing or alteration of roofs or the external walls of existing buildings within such areas, so that the buildings may be as nearly as practicable fireproof.
20. For authorizing the pulling down or removal, at the expense of the owner, of any building or erection constructed, altered, repaired or placed in contravention of the by-law.

21. For authorizing the pulling down or repairing or renewing, at the expense of the owner, of any building, fence, scaffolding or erection, which, by reason of its ruinous or dilapidated state, faulty construction or otherwise is in an unsafe condition as regards danger from fire or risk of accident.

22. For prohibiting or regulating the use of fire or lights in factories, stables, cabinet makers' shops, carpenters' shops, paint shops, dye and cleaning works, and places where their use may cause or promote fire.

23. For prohibiting or regulating the carrying on of manufactures or trades which may be deemed dangerous in causing or spreading fire.

24. For regulating and inspecting wires and other apparatus placed or used for the transmission of electricity for any purpose in or along any highway or on or in any building, and for requiring any such wire or other apparatus which is deemed unsafe or dangerous to be removed or repaired at the expense of the person to whom it belongs or who is using it.

25. For regulating the construction of chimneys, flues, fireplaces, stoves, ovens, boilers or other apparatus or things which may be dangerous in causing or promoting fire, and for removing at the expense of the owner any of them constructed in contravention of the by-law.

26. For regulating the construction as to dimensions and otherwise, and for enforcing the proper cleaning of chimneys.

27. For regulating the mode of removal and safe keeping of ashes.

28. For regulating and enforcing the erection of party walls.

29. For requiring the owners and occupants of buildings to have scuttles in the roof, with approaches, or stairs or ladders leading to the roof.

30. For requiring buildings and yards to be put in a safe condition to guard against fire or other dangerous risk or accident.

31. For requiring each inhabitant to provide as many fire buckets, in such manner and at such time as may be prescribed, and for regulating the inspection of them and their use at fires.

32. For authorizing appointed officers to enter at all reasonable times upon any property in order to ascertain whe-
ther the provisions of the by-law are obeyed, and to enforce or carry into effect the same.

33. For suppressing fires, and for pulling down or demolishing buildings or other erections when deemed necessary to prevent the spread of fire.

34. For regulating the conduct and enforcing the assistance of persons present, and for the preservation of property at fires.

35. For making such other regulations for preventing fires and the spread of fires as the council may deem necessary.

Harbours, Wharfs, Waters, etc.—Removal of Obstructions from.

36. For requiring and regulating the removal from any public wharf, dock, slip, drain, sewer, shore, bay, harbour, river or water, of all sunken, grounded or wrecked vessels, barges, crafts, 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.

Milk and Bread Tickets, etc.

37. For regulating the use of tickets, checks or coupons by vendors of or dealers in milk, bread or other articles of food.

Naming and Surveying Streets.

38. To provide for surveying, settling and marking the boundary lines of highways and giving names to them or changing their names, and for affixing the names at the corners thereof on public or private property:

(a) A by-law for changing the name of a highway shall not have any force or effect unless passed by a vote of at least three-fourths of all the members of the council, or until a copy of it certified under the hand of the clerk and the seal of the corporation has been registered in the registry office of the proper registry division.

(b) A by-law for changing the name of a highway in a city or town shall state the reason for the change, and shall not be finally passed until it has been approved by a judge of the County or District Court of the county or district in which the municipality is situate.
(c) The judge, on the application of the council, shall appoint a day, hour and place for considering the by-law, and for hearing those advocating and opposing the change.

(d) A copy of the by-law and of the appointment shall be served on the registrar of the registry division in which the municipality is situate at least two weeks before the time appointed, and a notice of the application in such form as the judge may approve shall be published once in the *Ontario Gazette* at least two weeks before the time so appointed, and at least once a week for four successive weeks in such other newspaper or newspapers as the Judge may direct.

(e) If the judge approves of the change he shall so certify, and his certificate shall be registered with the by-law, and the change shall take effect from the date of the registration.

**Numbering Houses and Lots.**

39. For numbering the buildings and lots along the highways and for affixing numbers to the buildings, and for charging the owner or occupant with the expense incident to the numbering of his building or lot.

(a) Such expense may be collected in the same manner as taxes, and if paid by the occupant, subject to any agreement between him and the owner, may be deducted from the rent payable to the owner.

**Numbers and Record of Streets.**

40. For keeping (and every such council shall keep) a record of the highways and of the numbers of the buildings and lots, and for entering therein (and every such council is hereby required to enter therein) a division of the streets with boundaries and distances for public inspection.

**Pits and Quarries.**

41. For prohibiting the making of pits and quarries in the municipality or regulating the location of them.

(a) The making or locating of a pit or quarry in contravention of the by-law in addition to any other remedy may be restrained by action at the instance of the corporation.

**Runners.**

42. For prohibiting persons from importuning on a highway or in a public place others to travel in or employ any
vessel or vehicle, or to go to any tavern or boarding house, or for regulating persons so employed.

Sewer Rents.

43. For charging all persons who own or occupy land drained, or which by by-law of the council is required to be drained, into a common sewer a reasonable rent for the use of it; for regulating the time and manner in which the rent is to be paid; for providing for the payment of a commutation of such rent or charging a gross sum in lieu of rent and for the payment of such commutation or gross sum either in cash or by instalments with interest.

(a) This paragraph shall not apply to a sewer constructed as a local improvement.

Sidewalks—Horses and Cattle upon.

44. For prohibiting the leading, riding or driving of horses or cattle upon sidewalks or in other places not proper therefor.

Smoke Prevention.

45. For requiring the owner, lessee, tenant, agent, manager or occupant of any premises in, or of a steam boiler in connection with which a fire is burning and every person who operates, uses or causes or permits to be used any furnace or fire, to prevent the emission to the atmosphere from such fire of opaque or dense smoke for a period of more than six minutes in any one hour, or at any other point than the opening to the atmosphere of the flue, stack or chimney.

(a) This paragraph shall not apply to a furnace or fire used in connection with the reduction, refining, or smelting of ores or minerals or the manufacture of cement, or to dwelling houses, except apartment houses;

(b) No person shall incur a penalty for an infraction of the by-law committed before he has had 90 days' written notice from the corporation of the existence of it.

Spitting on Sidewalks, etc.

46. For prohibiting spitting on sidewalks and pavements and in the passages and stairways of and entrances to public buildings, and in buildings, halls, rooms and places to which the public resort, in street cars and public conveyances, and in such other public places as may be designated in the by-law.
47. For regulating the location, erection and use of stables, garages, barns, outhouses and manure pits.

Trading Stamps, Coupons, etc.

48. For prohibiting the giving, selling or distributing of or the dealing with trading stamps, coupons or other similar devices by any person engaged in trade or business or the receiving of them.

(a) The by-law shall not apply to a merchant or manufacturer who places in or upon packages of goods, or delivers to purchasers of goods sold or manufactured by him at the time of the purchase, tickets or coupons, which state upon their face the place of delivery thereof, and the cash or merchantable value of them, and are redeemable at any time, but only by the merchant or manufacturer giving them and at the place where such goods were sold or purchased.

Traffic on Highways, etc., Driving of Cattle, etc.

49. For regulating traffic in the highways 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 use of traction engines and the driving of cattle, sheep, pigs and other animals in certain highways and public places named in the by-law and for prohibiting traffic in any but one direction in highways which in the opinion of the council are too narrow for the passing of one vehicle by another.

Watchmen.

50. For employing and paying one or more watchmen to patrol at night, or between certain hours of the night, any highway or part of a highway to be defined by the by-law and to guard and protect property; and for levying and collecting in the same manner and at the same time as taxes are levied and collected, by special rate, according to its assessed value, upon the land abutting on such highway or part of a highway within the limits defined by the by-law, except vacant lots, the expenses of or incidental to the employment of such night-watchmen.

(a) The by-law shall not be passed except upon petition of two-thirds of the assessed owners and tenants of the land liable to be charged with the expenses, representing at least two-thirds of the assessed value of such land.
A petition shall not be acted on unless the signatures to it, and that the contents of it were made known to each person before signature, are proved by affidavit.

As between the landlord and tenant, in the absence of any express agreement to the contrary, the tenant shall be liable for the expenses for the period of his occupation.

When land is occupied by a tenant the owner shall not be entitled to petition.

Vacant Lots—Enclosure of.

51. For requiring vacant lots to be properly enclosed. Vacant lots, 34 Geo. V. c. 43, s. 400.

Markets, etc.

401. Subject to the next succeeding section by-laws may be passed by the councils of urban municipalities.

1. For establishing, maintaining and regulating markets.

2. For prohibiting or regulating the sale by retail in the highways or on vacant lots adjacent to them of any meat, vegetables, grain, hay, fruit, beverages, smallwares and other articles, and for regulating traffic in and preventing the blocking up of the highways by vehicles or otherwise.

3. For regulating the place and manner of selling and weighing grain, meat, vegetables, fish, hay, straw and other fodder, wood, lumber, shingles, farm produce, smallwares and all other articles exposed for sale, and prescribing the fees to be paid therefor.

4. For prohibiting criers and vendors of smallwares from practising their calling in the market place, or on the highways, or on vacant lots adjacent to the market place or to a highway.

5. For prohibiting the forestalling, regrating or monopoly of grain, wood, meat, fish, fruit, roots, vegetables, poultry, dairy products, eggs and all articles for family use, which are usually sold in the market, and for prohibiting or regulating the purchase of such things by hucksters, grocers, butchers, runners or wholesalers, or by persons who directly or indirectly purchase or acquire them for re-sale.

(a) Farmers and other producers may nevertheless sell such things at stores and shops at any time.

6. For regulating the measuring or weighing of lime, shingles, laths, cordwood, coal and other fuel.
Penalties for light weight, etc.

7. For imposing penalties for light weight or short count or measurement in anything marketed.

Seizing articles of light weight, etc.

8. For seizing and forfeiting any articles, except bread, of light weight or short measure.

Regulating vehicles used in market vending.

9. For regulating vehicles, vessels and other things in which anything is exposed for sale or marketed and for imposing a reasonable duty thereon, and establishing the mode in which it shall be paid.

Sale of meat distrained.

10. For selling, after six hours' notice, butchers' meat distrained for rent of a market stall. 3-4 Geo. V. c. 43, s. 401.

No market fees to be imposed on certain products.

402.—(1) No market fee shall be imposed, levied or collected, in respect of wheat, barley, rye, corn, oats or any other grain, hay or other seed, wool, lumber, lath, shingles, cordwood or other firewood, dressed hogs, cheese, hay, straw or other fodder, brought to market, or upon the market place, for sale or other disposal.

When fees may be charged on butter, etc. brought to market.

(2) No market fee shall be imposed, levied or collected in respect of butter, eggs, poultry, honey, celery, small fruits or other articles in hand baskets, brought to market, or upon the market place, for sale or other disposal, unless a convenient and fit place affording shelter in summer, and shelter and reasonable protection from the cold in winter, in which to expose them for sale is provided by the corporation.

Fees not to be charged on articles delivered in pursuance of prior contract.

(3) Where the vendor of an article brought within the municipality in pursuance of a prior contract for the sale of it proceeds directly to the place of delivery, without hawking it upon the highways or elsewhere in the municipality, no market fee shall be imposed, levied, or collected in respect of it.

Nor on articles brought into municipality after 10 a.m.

(4) No market fee shall be imposed, levied or collected in respect of any article brought into the municipality after ten o'clock in the forenoon unless it is offered or exposed for sale upon the market place.

When articles need not be weighed or measured.

(5) No by-law shall require hay, straw or other fodder to be weighed, or wood to be measured, where neither the vendor nor the purchaser desires to have it weighed or measured.

Time after which attendance on market not required.

(6) A person who has exposed or offered for sale an article in the market place and has paid the prescribed fee, if any, in respect of it may, 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, sell such article elsewhere than in the market place.

Scale of market fees.

(7) No market fees may be imposed, levied or collected higher than those contained in the following scale:
On a motor vehicle or a vehicle drawn by more than one horse or other animal in which articles are brought to the market place...10 cents.
If the vehicle is drawn by one horse or other animal ... 5 cents.
Upon a vehicle propelled or drawn by hand or a basket or vessel in which articles are brought to the market place ... 2 cents.
Upon the person bringing articles to the market place by hand and not in a vehicle, basket or vessel ... 2 cents.

Upon live stock brought to the market place for sale:
A horse, mare or gelding ... 10 cents.
A head of horned cattle ... 5 cents.
A sheep, calf or swine ... 2 cents.

(8) No fees may be imposed, levied or collected for weighing or measuring greater than those contained in the following scale:

For weighing a load of hay ... 15 cents.
For weighing slaughtered meat, or grain or other articles exposed for sale, if weighing less than one hundred pounds ... 2 cents.
If weighing more than one hundred and less than one thousand pounds ... 5 cents.
If weighing more than one thousand pounds ... 10 cents.
For weighing live animals, other than sheep or swine, per head ... 3 cents.
For weighing 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.

(9) Subsection 1 shall not apply to a municipality in which there is in force a by-law providing that vendors of articles in respect of which under the provisions of paragraph 3 of section 401 a market fee may be imposed may, without paying market fees, offer for sale and sell or otherwise dispose of such articles at any place within the municipality, excepting only at the market place.

(10) Subject to subsection 2, the council of a municipality to which subsection 9 applies may by by-law provide for imposing, levying and collecting market fees from such vendors who voluntarily use the market place for selling such articles or from any person who or whose vehicle remains upon that part of a highway which is within 100 yards of the market place, for the purpose of selling any of such articles other than grain, seeds, dressed hogs or wool upon such highway, but driving through or across such part of a highway shall not authorize the imposition of any market fee; nor shall any market fee be imposed in respect of an article...
sold to a person carrying on business and having a bona fide store, shop or other similar place of business on such part of a highway.

(11) Where a highway is used as a market place or market, or part of a market place or market, no market fees shall be imposed, levied or collected upon articles brought to that part of the highway which is so used, but this subsection shall not apply to so much of a highway as adjoins or abuts upon a market square established as a market place.

(12) Subsections 9 to 11 shall not apply to any municipality where no market fees were charged or imposed on the 10th day of March, 1882, but subsections 1 to 8 and 13 and 14 of this section shall apply to such municipality in the event of market fees being thereafter charged or imposed therein.

(13) Nothing in the preceding subsections 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;

(a) Market fees within the meaning of this subsection shall not include fees for weighing or measuring;

(b) 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 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.

(14) Whenever subsections 1 to 8 or subsections 9 to 11 of this section are in force in any municipality, so much of any Act or law as may be contrary to and as conflicts with the same shall not be in force in or apply to such municipality.

(15) A corporation may sell or lease its market fees with the right to collect them. 3-4 Geo. V. c. 43, s. 402.

403. By-laws may be passed by the councils of counties, cities and towns.

Educational Institutions—Aid to.

1. For making grants in aid of the University of Toronto or of Upper Canada College, or of any other University or College in Ontario, or of any historical, literary or scientific society.
(a) Such grants may be made from time to time, and may be either by one payment, or by an annual payment for a limited number of years, and upon such terms and conditions as may be agreed upon and may include supplying Upper Canada College with water from the waterworks of the city of Toronto without charge.

**Endowing Fellowships.**

2. For endowing fellowships, scholarships or exhibitions, and other similar prizes, in the University of Toronto, or in Upper Canada College, or in any other university or college in Ontario, for competition among the pupils of the collegiate institutes and high schools in the municipality.

3. For granting aid to art schools approved by the Department of Education.

4. For granting aid for the erection, establishment or equipment of an industrial school, to any philanthropic society, within the meaning of The Industrial Schools Act upon the board of which the council is represented.

**Supporting Pupils at High Schools, Universities and Colleges.**

5. For making permanent provision for defraying the expenses of the attendance at the University of Toronto or at Upper Canada College, or at any other university or college in Ontario, of such of the pupils of any collegiate institute or high school of the municipality as are unable to incur the expense, but are desirous of, and in the opinion of the head master thereof possess competent attainments for, competing for any scholarship, exhibition or other similar prize offered by such University or College.

6. For making similar provision for the attendance at any collegiate institute or high school, for the like purpose, of pupils of public schools of the municipality. 3-4 Geo. V. c. 43, s. 403.

**404. By-laws may be passed by the councils of towns, villages and townships.**

**Education.**

1. For making grants in aid of or to build, preserve, enlarge or improve any collegiate institute or high school in another municipality. 3-4 Geo. V. c. 43, s. 404.
405. By-laws may be passed by the councils of counties and cities.

**Horse Thieves.**

1. For paying on the conviction of the offender and on the order of the judge or police magistrate before whom the conviction is had a reward of not less than $20 to any person who pursues and apprehends, or causes to be apprehended, any person horse stealing within the municipality.

**(a)** The amount payable as the reward shall be in the discretion of the judge or police magistrate, but shall not exceed the amount fixed by the by-law. 3-4 Geo. V. c. 43, s. 405.

406. By-laws may be passed by the councils of cities and towns.

**Bicycles, etc.**

1. For regulating the use on the highways of bicycles and other vehicles not drawn by horses, but not including motor vehicles.

**Dogs—Licensing of.**

2. For licensing and requiring the registration of dogs and for imposing a license fee on the owners, possessors or harbourers of them, with the right to impose a larger fee in the cases of bitches or for each additional dog or bitch where more than one is owned, possessed or harboured by any one person or in any one household;

**(a)** Where the license fee is equal to or exceeds the amount of the tax imposed by The Dog Tax and Sheep Protection Act sections 3 to 8 of that Act shall not apply while the by-law remains in force, and it shall not be necessary to enter any particulars as dog taxes on the collector's roll.

**Drunk and Disorderly Person.**

3. For providing that the chief constable or any member of the police force in charge of a police station to which a person is brought charged with being drunk without being disorderly may release him without bringing him before a justice of the police or police magistrate.

**Fuel Yards.**

4. With the approval of the Lieutenant-Governor in Council, and within the limitations and restrictions, and under the conditions prescribed by the Order-in-Council for borrowing such sums as may be necessary for temporarily maintaining fuel yards and purchasing supplies of such fuel, and selling and disposing of them to residents of the munici-
cality in anticipation of or during a period of such an actual or anticipated scarcity or failure of supply as may appear to create an emergency.

(a) The by-law shall not require the assent of the electors but shall require a vote of two-thirds of all the members of the council.

Garbage Collection.

5. For establishing and maintaining a system for the collection, removal and disposal at the expense of the corporation of ashes, garbage and other refuse, and with the approval of the Provincial Board of Health for erecting and maintaining such buildings, machinery and plant as may be deemed necessary for that purpose, or for contracting with some person for the collection, removal and disposal by him of the ashes, garbage and other refuse upon such terms and conditions and subject to such regulations as may be deemed expedient.

(a) Where the amount required for the erection of such buildings, machinery and plant and for acquiring the requisite land exceeds $5,000, the by-law shall not be finally passed without the assent of the electors entitled to vote on money by-laws.

6. For the collection, removal and disposal by the corporation of ashes, garbage and other refuse throughout the whole municipality or in defined areas of it at the expense of the owners and occupants of the land therein, and for imposing upon such land according to its assessed value a special rate to defray the expense of such collection, removal and disposal.

(a) No land shall be exempt from the special rate, anything in any general or special Act or in any by-law to the contrary notwithstanding.

(b) The special rate may be collected or recovered in the manner provided by section 500.

Laundrymen.

7. For licensing, regulating and governing laundrymen and laundry companies and for inspecting and regulating laundries;

(a) The by-law shall not apply to or include women carrying on a laundry business in private dwelling houses, and employing female labour only, or to such dwelling houses.

(b) The by-law may provide that a license shall not be granted if it is deemed that the location of the laundry is an undesirable one.
8. For constructing and maintaining lavatories, urinals, water closets and like conveniences, where deemed requisite, upon the highways or elsewhere, and for supplying them with water, and for defraying the expense thereof and of keeping them in repair and good order.

_Lifeboat Associations._

9. For granting aid to any organization owning, manning and working lifeboats or other apparatus for life saving purposes.

_Residential Streets and Building Line._

10. For declaring any highway or part of a highway to be a residential street, and for prescribing the distance from the line of the street in front of it at which no building on a residential street may be erected or placed.

(a) It shall not be necessary that the distance shall be the same on all parts of the same street.

(b) The by-law shall not be passed except by a vote of two-thirds of all the members of the council.

_Sewerage System—Management of by Commissioners._

11. Where the sewerage system includes the disposal or purification of sewage upon a sewage farm by filtration or other artificial means, for placing the management of it under a commission established under _The Public Utilities Act._

(a) The by-law shall not be passed without the assent of the municipal electors.

_Superannuation and Benefit Funds._

12. For granting aid for the establishment and maintenance of superannuation and benefit funds for the members of the police force and of the fire brigade, and of other officers and employees of the corporation, and of their wives and families.

_Surveyors and Engineers._

13. For appointing an Ontario land surveyor as surveyor for the corporation and for appointing one or more engineers.

(a) An engineer so appointed and his assistants shall, in the performance of their duties, possess all the
powers, rights and privileges of a surveyor under The Surveys Act. 3-4 Geo. V. c. 43, s. 406.

407. By-laws may be passed by the councils of towns and villages.

Fire Engines, etc.

1. For purchasing fire engines, apparatus or appliances and appurtenances for fire protection at a cost not exceeding $5,000, and for the issue of debentures therefor, payable in equal annual instalments of principal and interest during a period not exceeding ten years.

(a) It shall not be necessary to obtain the assent of the electors to the by-law if it is passed by a two-thirds vote of all the members of the council.

Vehicles Used for Hire, etc.—Livery and Boarding Stables.

2. For licensing, regulating and governing teamsters, carters and dray men, drivers of cabs and other vehicles for hire, and regulating the charges for the conveyance of goods etc. or for other services by them.

3. For licensing, regulating and governing the keepers of livery stables, and of horses and cabs, carriages, omnibuses and other vehicles used or kept for hire; for regulating the fares to be charged for the conveyance of goods or passengers, and for enforcing payment thereof;

4. For defining districts within which a livery or boarding stable shall not be established. 3-4 Geo. V. c. 43, s. 407.

408. By-laws may be passed by the councils of counties.

Booms—Protection and Regulation of.

1. For protecting and regulating booms on any stream or river for the safe keeping of timber, saw-logs and staves.

Fences.

2. For the exercise in respect of fences along highways under the jurisdiction of the council, of the powers conferred upon the councils of local municipalities by paragraph 29 of section 399 and by The Snow Fences Act.

Guaranteeing Debentures.

3. For guaranteeing debentures of any local municipality in the county.
4. Subject to The Municipal Franchises Act for permitting and regulating the erection and maintenance of electric light, power, telegraph and telephone poles, towers and wires, and the laying of pipes or conduits for the conveyance of water, gas or sewage under, the highways, under the jurisdiction of the council.

5. For expending for the purposes mentioned in section 428 and for diffusing information respecting the advantages of the county as an agricultural centre a sum not exceeding in any year $3,000.

Traffic—Regulation of; Licensing Livery Stables, etc.

6. If there are gravel or macadamized highways under the jurisdiction of the council, and under its immediate control, which are being kept up and repaired by municipal taxation, and upon which no toll is collected;

(a) for licensing, regulating and governing the keepers of livery stables, and of horses, cabs, carriages, omnibuses and other vehicles used or kept for hire, and teamsters;

(b) for regulating the fares to be charged for the conveyance of goods or passengers;

(c) for regulating the traffic on such highways and the width of the tires on the wheels of vehicles used for the conveyance of articles of burden, goods, wares, or merchandise on such highways; and

(d) for regulating the use of lock shoes on vehicles used on such highways. 3-4 Geo. V. c. 43, s. 408.

409. By-laws may be passed by the councils of cities.

Commissioner of Industries.

1. For the establishment and maintenance of a department of industries and for appointing a commissioner of industries to bring to the notice of manufacturers and others the advantages of the city as a location for industrial enterprises, summer resorts, residential, educational and other purposes.

Location of Stables, etc.

2. For regulating and controlling the location, erection and use of buildings as livery, boarding or sales stables, and stables in which horses are kept for hire or kept for use with
vehicles in conveying passengers, or for express purposes, and stables for horses for delivery purposes, laundries, butcher shops, stores, factories, blacksmith shops, forges, dog kennels, hospitals or infirmaries for horses, dogs or other animals and for prohibiting the erection or use of buildings for all or any or either of such purposes within any defined area or areas or on land abutting on any defined highway or part of a highway;

(a) The by-law shall not be passed except by a vote of two-thirds of all the members of the council;

(b) This paragraph shall not apply to a building which was on the 26th day of April, 1904, erected or used for any of such purposes, so long as it is used as it was used on that day.

Sidelong on Vehicles.

3. For requiring all vehicles using the public streets after dusk and before dawn to carry lighted side lights plainly visible from in front of and from behind such vehicles.

Tussock Moths.

4. For requiring persons to destroy all tussock moths and the cocoons thereof on trees or elsewhere upon the premises owned or occupied by them. 3-4 Geo. V. c. 43, s. 409.

410. By-laws may be passed by the councils of cities having a population of not less than 100,000.

Apartment Houses, Tenement Houses and Garages.

1. For prohibiting or for regulating and controlling the location or erection within any defined area or areas or on land abutting on defined highways or parts of highways of apartment or tenement houses and of garages to be used for hire or gain.

(a) For the purposes of this paragraph an apartment or tenement house shall mean a building proposed to be erected or altered for the purpose of providing three or more separate suites or sets of rooms for separate occupation by one or more persons.

Building Restrictions—Deviation from.

2. For authorizing the city architect, or other officer, appointed for that purpose to permit in special cases, which in his judgment warrant it, such deviation from the by-laws regulating the erection of buildings as he may deem proper.
3. For setting apart one or more highways on which horses may be ridden or driven more rapidly than is permitted upon other highways, and for regulating the use for such purpose of any such highway.

(a) If a majority of the property owners on any such street petition against such by-law it shall be repealed.

University of Toronto.

4. For granting aid to the University of Toronto.

Unslaughtered Cattle.

5. For authorizing the seizing, in order to prevent their use as food, of unslaughtered cattle, sheep, calves and hogs which have died within the municipality, and for disposing of the carcasses so as not to endanger the public health, and so as to secure to the owner such value as remains over and above the expenses incurred in disposing of them. 3-4 Geo. V. c. 43, s. 410.

411. By-laws may be passed by the councils of townships.

Fires—Prevention Of.

1. Within defined areas, where the number of the inhabitants or the proximity of buildings in any part of the township renders it expedient to do so, for exercising the powers conferred on the councils of urban municipalities by paragraphs 16 to 35 of section 400.

Portable Steam Engines.

2. For prescribing the distance from a highway within which unenclosed portable steam engines may not be used for running a saw-mill or a shingle mill.

Sleighing—Keeping Open Highways During Season of.

3. For providing for keeping open the highways during the season of sleighing in each year; and for the application of so much of the commutation of the statute labour fund as may be necessary for that purpose.

4. For requiring the overseers of highways or the pathmasters to make and keep open the highways during the season of sleighing.

(a) Such overseers and pathmasters may require the persons liable to perform statute labour to assist in keeping open such highways, and shall give to
any person so employed a certificate of his having performed statute labour and of the number of days' work done, for which he shall be allowed on his next season's statute labour.

**Streams, Creeks and Water-courses—Prohibiting Obstruction of.**

5. For prohibiting the obstruction of streams, creeks and water-courses by trees, brushwood, timber or other materials, and for requiring the clearing away and removing of the obstructions by the person causing the same.

**Weighing Machines.**

6. For erecting and maintaining weighing machines within the municipality or within an adjacent village, and charging fees for the use thereof, not being contrary to the limitations prescribed by subsection 8 of section 402.

**Wet Lands.**

7. For purchasing any wet land in the township, the price of which, in case of Crown lands, shall be fixed by the Lieutenant-Governor in Council, and for draining such land.

**Naming Streets and Numbering Houses.**

8. In the case of townships bordering on cities having a population of not less than 50,000 for naming and surveying streets and for numbering houses and lots under and in conformity with paragraphs 38 and 39 of section 400. 3-4 Geo. V. c. 43, s. 411.

**By-laws may be passed by the councils of counties, separated towns and towns in unorganized territory and of cities having a population of less than 100,000 and by the Board of Commissioners of Police of cities having a population of not less than 100,000.**

**Auctioneers.**

1. 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 prohibiting the granting of a license to an applicant who is not of good character, or whose premises are not suitable for the business of auctioneer or are upon a residential or other highway in which it is deemed not desirable that the business should be carried on; for ascertaining by such means as the by-law may provide whether an applicant is not of good character or his premises are not suitable for the business; for determining the time the license shall be in force;
(a) No such by-law shall apply to a sheriff or bailiff offering for sale goods or chattels seized under an execution or distrained for rent.

Bill Posters.

2. For licensing, regulating, and governing bill posters, advertising sign painters, bulletin board painters, sign posters and bill distributors, and for prohibiting the posting up or distributing of posters, pictures or hand bills which are indecent or tend to corrupt morals. 3-4 Geo. V. c. 43, s. 412.

413. By-laws may be passed by the councils of counties, separated towns and towns in unorganized territory and by Boards of Commissioners of Police of cities.

Junk and Second-hand Shops, etc.

1. For licensing, regulating and governing junk shops, and second-hand shops and dealers in second-hand goods, and for revoking and cancelling the license of any person convicted of a second offence against the by-law or of an offence against sections 399 to 401 of The Criminal Code.

(a) “Dealers in second-hand goods” shall include persons who go from house to house or along highways for the purpose of collecting, purchasing or obtaining second-hand goods.

(b) “Second-hand goods” shall include bottles, bicycles, waste paper, rags, bones, old iron or other scrap or junk.

(c) The fee to be paid for the license shall not exceed $20 for one year. 3-4 Geo. V. c. 43, s. 413.

414. By-laws may be passed by the councils of counties, separated towns and towns in unorganized territory.

Public Fairs.

1. For authorizing, on petition of at least fifty electors, the holding at one or more of the most public and convenient places in the municipality public fairs restricted to the sale, barter and exchange of cattle, horses, sheep, pigs and articles of agricultural production or requirement.

(a) The by-law shall prescribe rules and regulations for the government of the fairs, and appoint a person to see that they are carried out, and shall also fix the fees to be paid to him by persons attending the fair, and public notice of the passing of the by-law shall be forthwith given by the council.
2. For appointing one or more surgeons of the gaol and other institutions under the control of the corporation, 3-4 Geo. V. c. 43, s. 414.

415. By-laws may be passed by the councils of counties, cities, separated towns and towns in unorganized territory.

Tanneries.

1. For defining areas within which tanneries, rag, bone, or junk shops, or industries of a noxious or unhealthy character, may not be carried on.

(a) This paragraph shall not apply to a tannery erected before the 7th day of April, 1890. 3-4 Geo. V. c. 43, s. 415.

416. By-laws may be passed by the councils of counties and towns, and of cities having a population of less than 100,000 and by the Board of Commissioners of Police of cities having a population of not less than 100,000.

Hawkers and Peddlars.

1. For licensing, regulating and governing hawkers, peddlers and petty chapmen, and other persons carrying on petty trades, or who go from place to place or to other men's houses on foot, or with any animal, vehicle, boat, vessel or other craft, bearing or drawing goods, wares, or merchandise for sale, or otherwise carrying goods, wares or merchandise for sale.

(a) No such license shall be required for hawking, peddling or selling goods, wares or merchandise to a retail dealer, or for hawking, peddling or selling goods, wares or merchandise, the growth, produce or manufacture of Ontario, not being liquors within the meaning of The Liquor License Act, if the same are hawked or peddled by the manufacturer or producer of them, or by his \textit{bona fide} servants or employees having written authority to do so.

(b) Such servant or employee shall exhibit his authority when required so to do by any municipal or peace officer.

(c) In a prosecution for a breach of the by-law the onus of proving that he does not for either of the reasons mentioned in clause (a) require to be licensed shall be upon the person charged.
(d) Nothing in this paragraph shall affect the powers to pass by-laws under sections 401 and 402, paragraph 1 of section 419, and paragraphs 6 and 7 of section 420.

(e) "Hawkers," in this paragraph shall include agents for persons not resident within the county who sell or offer for sale tea, coffee, spices, baking powder, dry goods, watches, plated ware, silver ware, furniture, carpets, upholstery, millinery or jewellery, spectacles or eyeglasses, or who carry and expose samples or patterns of any such article, which is to be afterwards delivered within the county to a person not being a wholesale or retail dealer in such article.

(f) Where the council of a town not separated from a county has passed a by-law under this paragraph a by-law of the county shall not be in force in the town while the by-law of the town remains in force.

(g) The fee to be paid for the license under by-laws passed under this paragraph may be lower in the case of persons who have resided, continuously within the municipality for which the license is sought for at least one year prior to the application therefor than in the case of persons who have not so continuously resided, but in cities having a population of not less than 100,000 the fee shall not be more than $50 for a motor vehicle or a two-horse waggon, $30 for a one-horse waggon, $15 for a push-cart, $10 for one carrying a pack, and $1 for one carrying a basket.

(h) The licensee shall at all times whilst carrying on his business have his license with him and shall upon demand exhibit it to any municipal or peace officer, and if he fails to do so shall, unless the same is accounted for satisfactorily, incur a penalty of not less than $1 or more than $5.

(i) If a peace officer demands the production of a license by any person to whom the by-law applies and the demand is not complied with it shall be the duty of the peace officer, and he shall have power, to arrest such person without a warrant and to take him before the nearest justice of the peace, there to be dealt with according to law.

2. For providing the treasurer or clerk of the county or the clerk of any municipality within the county with licenses under by-laws passed under paragraph 1 of section 412 and paragraph 1 of this section, to be issued under such regulations as may be prescribed to persons applying for them.
3. For prohibiting the sale of fruit, candy, peanuts, ice cream or ice cream cones from a basket, or a wagon, cart or other vehicle upon any highway or part of it, or in any public street, etc., or upon any park or other public place.

(a) The by-law shall not apply to a farmer, market gardener or other person selling or delivering goods at any place of business or residence upon such highway or part thereof. 3-4 Geo. V. c. 43, s. 416.

417. By-laws may be passed by the councils of counties, towns, villages and townships and of cities having a population of less than 100,000, and by the Boards of Commissioners of Police of cities having a population of not less than 100,000.

**Intelligence Offices.**

1. For licensing and governing suitable persons to keep intelligence offices; for registering the names and residences of servants, workmen, clerks and other persons seeking employment; for procuring employment for them and giving information to them and to persons in want of them, and for fixing the fees to be charged by the keepers of such offices, and the duration of the license.

2. For regulating such intelligence offices.

3. For revoking any such license.

(a) The license fee shall not exceed $10 for one year.

**Vichtualling Houses, etc.**

4. For limiting the number of and licensing and regulating victualling houses, ordinaries, and houses where fruit, fish, oysters, clams or victuals are sold to be eaten therein, and places not being a tavern or shop licensed under the **Liquor License Act** for the lodging, reception, refreshment or entertainment of the public.

5. For revoking the license.

(a) The sum to be paid for the license shall not exceed $20. 3-4 Geo. V. c. 43, s. 417.

418. By-laws may be passed by the councils of towns and cities having a population of less than 100,000, and by Boards of Commissioners of Police of cities having a population of not less than 100,000.

**Electrical Workers.**

1. For examining, licensing and regulating electrical workers. 3-4 Geo. V. c. 43, s. 418.
419. By-laws may be passed by the councils of towns and villages and of cities having a population of less than 100,000 and by the Boards of Commissioners of Police of cities having a population of not less than 100,000.

Sale of Meat.

1. For granting annually, or oftener, licenses for the sale of fresh meat in quantities less than by the quarter carcass, and fixing and regulating the places where such sale shall be allowed, and for prohibiting the sale of fresh meat in less quantity than the quarter carcass, unless by a licensed person and in a place authorized by the council;

(a) The power conferred by paragraph 1 shall not be affected or restricted by anything in section 402.

(b) Nothing in paragraph 1 shall affect the powers conferred by paragraphs 3 and 4 of section 401.

(c) The fee to be paid for the license shall not exceed $50 in a city and $25 in a town or village.

Tobacconists.

2. For licensing, regulating and governing keepers of stores and shops other than taverns and shops licensed under The Liquor License Act where tobacco, cigars or cigarettes are sold by retail, and for revoking any license granted. 3-4 Geo. V. c. 43, s. 419.

Bagatelle and Billiard Tables.

1. For licensing, regulating and governing persons who for hire or gain, and proprietary clubs which directly or indirectly keep, or have in their possession, or on their premises any billiard, pool or bagatelle table, or keep or have any such table, whether used or not, in a house or place of public entertainment or resort; for limiting the number of licenses to be granted and the number of such tables which shall be licensed and for revoking any license granted.

(a) "Proprietary club" shall mean a club the members of which or some of them are not shareholders of the club, or in some similar manner interested in its property.
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Dogs.

2. For prohibiting or regulating the running at large of dogs; for seizing and impounding and for killing, whether before or after impounding, dogs running at large contrary to the by-law; and for selling dogs so impounded at such time and in such manner as may be provided by the by-law.

(a) For the purposes of this paragraph a dog shall be deemed to be running at large when found in a highway or other public place and not under the control of any person.

Exhibitions, Places of Amusement, etc.

3. For regulating and licensing exhibitions held for hire, or gain, theatres, music halls, bowling alleys, moving picture shows and other places of amusement, and for prohibiting the location of them, or a particular class of them, on land abutting on any highway or part of a highway to be named in the by-law and for revoking any license granted.

Plumbers.

4. For licensing, regulating and governing plumbers.

Shows.

5. For prohibiting or regulating and licensing exhibitions of wax work, menageries, circus-riding and other like shows usually exhibited by showmen, and for regulating and licensing roller skating rinks and other places of like amusement, and merry-go-rounds, switchback railways, carousals and other like contrivances; and for imposing penalties not exceeding the amount of the license fee on offenders against the by-law; and for levying the same by distress and sale of the goods and chattels of the showman or proprietor, or belonging to or used in such exhibition or show whether owned or not owned by such showman or proprietor.

(a) A license shall not be granted for any such exhibition or show to be held on the days of the exhibition of any district or township agricultural society, within 300 yards from the grounds of the society or for any such exhibition or show in or in connection with which gambling is carried on or goods, wares or merchandise are sold or trafficked in.

(b) The fee to be paid for the license shall not exceed $500.

Transient Traders.

6. For licensing, regulating and governing transient traders and other persons whose names have not been entered on the assessment roll in respect of income or business assess.
ment for the then current year; and who offer goods, wares or merchandise for sale by auction, conducted by themselves or by a licensed auctioneer or otherwise, or who offer them for sale in any other manner.

7. For requiring transient traders and other persons whose names are not entered on the assessment roll or are entered on it for the first time, in respect of income or business assessment, and who so offer goods, wares or merchandise for sale, to pay a license fee before commencing to trade.

(a) A by-law passed under paragraphs 6 or 7 shall not apply to the sale of the stock of an insolvent which is being sold or disposed of within the county or district in which he carried on business therewith at the time of the issue of an attachment or of the execution of an assignment.

(b) "Transient traders" shall include any person commencing business who has not resided continuously in the municipality for at least three months next preceding the time of his commencing such business there.

(c) The fee to be paid for a license under paragraph 8 shall not exceed in a city or town $250, in a village in unorganized territory $200, and in other local municipalities $100.

(d) The sum paid for a license shall be credited to the person paying it on account of taxes thereafter payable by him. 3-4 Geo. V. c. 43, s. 420.

421. By-laws may be passed by the councils of towns and villages and Boards of Commissioners of Police in cities.

Bands and Musical Instruments.

1. For regulating or prohibiting the playing of bands and of musical instruments in any highway, park, or public place except by a military band attached to any regular corps of the Militia of Canada when on duty under the command of its regular officer.

Junk Stores—Purchasing or Receiving Pledges from Minors.

2. For prohibiting keepers of second-hand shops or junk stores or shops directly or indirectly purchasing from, exchanging with, or receiving in pledge from any minor appearing to be under the age of 18 years, without written authority from a parent or guardian of such minor, any metals, goods or articles. 3-4 Geo. V. c. 43, s. 421.
422. By-laws may be passed by Boards of Commissioners of Police of cities.

**Cab Drivers—Licensing of.**

1. For licensing drivers of cabs.

**Children in Certain Occupations.**

2. For regulating and controlling children engaged as express or despatch messengers, vendors of newspapers and small wares and bootblacks.

**Fares for Conveyance of Goods and Passengers.**

3. For establishing the rates of fare to be taken by the owners or drivers of vehicles for the conveyance of goods or passengers, either wholly within the city or from any point within the city to any other point not more than three miles beyond its limits, and providing for enforcing payment of such fares.

**Livery Stables, etc.—Hours of Labour.**

4. For regulating the hours of labour of persons employed in livery or boarding stables as drivers of motor vehicles, cabs, carriages or sleighs kept for hire, or by the owners of horses, carts, trucks, omnibuses and other vehicles kept for hire.

**Livery Stables, etc.—Licensing of.**

5. For licensing and regulating the owners of livery stables and of horses, cabs, carriages, carts, trucks, sleighs, omnibuses and other vehicles regularly used for hire within the city, whether such owners reside within or without the city.

**Parades and Traffic on Highways.**

6. For regulating parades or processions on highways, and from time to time, and as occasion may require, prescribing the routes of travel to be observed by all vehicles, horses and persons upon the highways, and preventing the obstruction of the highways during public processions or public demonstrations, and for giving directions to the police constables for keeping order, and preventing any collision or obstruction of traffic at the intersections or other frequented portions of the highways on all occasions when the highways are thronged or liable to obstruction.

(a) This paragraph shall not affect the right, if any, of a street railway company to regulate the routes of its cars and no regulation or direction which may affect a street railway company shall be
made or given until the company has been afforded an opportunity of being heard. 3-4 Geo. V. c. 43, s. 422.

Destitute Insane Persons—Support of.

423. The council of every county shall make provision for the whole or partial support within the county of such insane destitute persons as cannot be admitted to a provincial Asylum, and shall determine the sums to be paid for such support, and the persons to whom the same shall be paid. 3-4 Geo. V. c. 43, s. 423.

Members of the Council—Payment of.

424. By-laws may be passed by the councils of counties and townships for paying the members of the council for their attendance at meetings of the council or of its committees at a rate not exceeding $5 a day, and five cents for each mile necessarily travelled in going to and from such meetings. 3-4 Geo. V. c. 43, s. 424.

425. By-laws may be passed by the councils of cities having a population of not less than 100,000 for paying an annual allowance, not exceeding $300 to aldermen, and an additional allowance not exceeding $100 to each chairman of a standing committee and to the chairman of the court of revision and the Local Board of Health.

(a) The by-law shall provide for the deduction from such allowance of a reasonable sum to be fixed by the council for each day's absence from meetings. 3-4 Geo. V. c. 43, s. 425.

Members of Certain Councils may be Appointed Commissioners.

426. A member of the council of a county, village or township may be appointed commissioner, superintendent or overseer of any highway or of any work undertaken wholly or in part at the expense of the corporation and may be paid the like remuneration for his services as if he were not a member of the council. 3-4 Geo. V. c. 43, s. 426.

Expenses of Reception of Distinguished Guests and Traveling Expenses.

427. The council of a city may pay for the reception and entertainment of distinguished guests, and travelling expenses incurred in respect of matters pertaining to the interests of the corporation, a sum not exceeding in any year in the case of,
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(a) a city having a population of not less than 100,000, $10,000;
(b) a city having a population of not less than 20,000, $2,500;
(c) other cities, $500. 3-4 Geo. V. c. 43, s. 427.

Publicity Purposes.

428. The council of every city may expend a sum not exceeding in any year $3,000 and the council of every town having a population of not less than 5,000 may expend a sum not exceeding in any year $500, in diffusing information respecting the advantages of the municipality as a manufacturing, business, educational or residential centre, or as a desirable place in which to spend the summer months, and the councils of other municipalities except counties may expend for the like purpose a sum not exceeding in any year $100. 3-4 Geo. V. c. 43, s. 428.

PART XXI.

HIGHWAYS AND BRIDGES.

Powers and Duties as to.

429.—(1) In this Part

(a) "County bridge" shall mean a bridge under the exclusive jurisdiction of the council of a county.

(2) Except as provided by section 445 this Part shall not apply to a Provincial road or bridge under the control of the Crown. 3-4 Geo. V. c. 43, s. 429.

430. Where by this Part power is conferred upon a council to pass by-laws for acquiring or for assuming a highway it shall include the power to pass by-laws for acquiring or for assuming part of a highway. 3-4 Geo. V. c. 43, s. 430.

431. Where power to pass by-laws in respect of a highway or bridge is by this Act conferred on a council, unless otherwise expressly provided, it shall be exercisable only by the council having jurisdiction over the highway or bridge, or if the highway or bridge is under the joint jurisdiction of two or more councils only by the joint action of such councils, and a by-law by all of them shall be necessary for the exercise of such power. 3-4 Geo. V. c. 43, s. 431.

432. Except in so far as they have been stopped up according to law all allowances for roads made by the Crown surveyors, all highways laid out or established under the authority of any statute, all roads on which public money has
been expended for opening them, or on which statute labour has been usually performed, all roads passing through Indian lands, all roads dedicated by the owner of the land to public use, and all alterations and deviations of and all bridges over any such allowance for road, highway or road, shall be common and public highways. 3-4 Geo. V. c. 43, s. 432.

433. Unless otherwise expressly provided, the soil and freehold of every highway shall be vested in the corporation or corporations of the municipality or municipalities, the council or councils of which for the time being have jurisdiction over it under the provisions of this Act. 3-4 Geo. V. c. 43, s. 433.

434. Except where jurisdiction over them is expressly conferred upon another council, the council of every municipality shall have jurisdiction over all highways and bridges within the municipality. 3-4 Geo. V. c. 43, s. 434.

435. The next preceding two sections shall not apply to roads or bridges owned by companies or individuals. 3-4 Geo. V. c. 43, s. 435.

436.—(1) The council of a county shall have jurisdiction over every

(a) highway, bridge and boundary line assumed by the council;

(b) bridge crossing a river, stream, pond or lake forming or crossing a boundary line between local municipalities other than a city or separated town in the county; and

(c) bridge crossing a river or stream over 100 feet in width within the limits of a village in the county where the bridge forms part of a main highway leading through the county.

(2) The council may provide that the jurisdiction conferred upon it by clause (b) of subsection 1 shall not extend to bridges over rivers, streams, ponds or lakes, less than 80 feet in width, or of such width less than 80 feet, as may be specified in the by-law. 3-4 Geo. V. c. 43, s. 436.

437. The councils of the corporations whose duty it is to erect and maintain bridges over rivers, streams, ponds or lakes forming or crossing a boundary line between counties shall have joint jurisdiction over such bridges. 3-4 Geo. V. c. 43, s. 437.

438. The councils of the corporations whose duty it is to erect and maintain bridges over rivers, streams, ponds or lakes forming or crossing a boundary line between a county and a city or separated town shall have joint jurisdiction over such bridges. 3-4 Geo. V. c. 43, s. 438.
Sec. 444 (2). MUNICIPAL INSTITUTIONS. Chap. 192. 2493

439. The councils of the local municipalities between which they run shall have joint jurisdiction over all boundary lines, whether or not they form also county boundary lines, which have not been assumed by the council of the county, and over the bridges on them except such bridges crossing rivers, streams, ponds or lakes forming or crossing such boundary lines as by the provisions of this Act are under the jurisdiction of another council or other councils. 3-4 Geo. V. c. 43, s. 439.

440. Where a boulevard, drive or highway or a public avenue or walk is owned or has been opened and laid out or is under the authority of this Act assumed, or a bridge is owned or has been constructed or is under the authority of this Act assumed by the corporation of a municipality other than that in which it is situate the council of that corporation shall have jurisdiction over it. 3-4 Geo. V. c. 43, s. 440.

441.—(1) The council of a village may pass by-laws for the assumption by the corporation of the village, with the consent of, and on such terms and conditions as may be agreed on with, the council of the county, of any bridge within the limits of the village and under the jurisdiction of the council of the county.

(2) When the by-law takes effect the bridge shall cease to be under the jurisdiction of the council of the county and shall come and thereafter remain under the jurisdiction of the council of the village, and shall be and remain toll free. 3-4 Geo. V. c. 43, s. 441.

442. The council having jurisdiction over a bridge shall have jurisdiction over the approaches to it for 100 feet next adjoining each end of the bridge. 3-4 Geo. V. c. 43, s. 442.

443. Where land annexed to a city or town under this Act abuts on a highway the highway shall be under the joint jurisdiction of the councils of the city or town and the adjacent municipality or municipalities. 3-4 Geo. V. c. 43, s. 443.

444.—(1) The corporations of adjoining municipalities may enter into an agreement for the maintenance and repair of any highway forming the boundary between such municipalities, including the bridges thereon which it is their duty to maintain and repair, whereby each of them may undertake, for a term of years not to exceed ten years, to maintain and keep in repair any portion of such highway for its whole width, and to indemnify and save harmless the other from any loss or damage arising from the want of repair of such portion.

(2) When the agreement is confirmed by by-law of the council of each of the municipalities, the by-law shall be reg-
istered in the registry office of the registry division in which the highway is situate.

(3) After the registration of the by-law, each corporation shall have jurisdiction over that portion of the road which it has undertaken to maintain and keep in repair, and shall be liable for the damages incurred by reason of neglect to maintain and keep the same in repair; and the other corporation shall be relieved from all liability in respect of its maintenance and repair. 3-4 Geo. V. c. 43, s. 444.

Proclamation bringing government road or bridge under jurisdiction of municipality.

445. Where the Lieutenant-Governor in Council by proclamation declares, which it shall be lawful for him to do, that any public road or bridge under the control of the Minister of Public Works shall not be under his control after a day named in the proclamation such road or bridge shall after that day cease to be under the control of the Minister and no tolls shall be collected thereon and the road or bridge shall be under the jurisdiction of the council of the local municipality in which it is situate, or if it is partly situate in two or more municipalities shall be under the jurisdiction of the councils of such municipalities, each having jurisdiction over the part which lies within its municipality, or if it lies between two or more municipalities shall be under the joint jurisdiction of their councils. 3-4 Geo. V. c. 43, s. 445.

446.—(1) The council of a county may by by-law assume as a county road any highway, or as a county bridge any bridge, within a town, not being a separated town or within a village or township.

(2) The by-law shall not take effect until assented to by the council of the town, village or township.

(3) The council of a county may also by by-law assume as a county road any county or township boundary line.

(4) The council of a county may also by by-law assume as a county road any highway in a town, not being a separated town, or in a village or township which connects with a county road.

(5) Where a highway is assumed under this section the bridges thereon shall also be assumed as county bridges.

(6) A by-law passed under the authority of this section may be at any time repealed by the council of the county.

(7) After the repeal of the by-law such highway or bridge shall cease to be under the jurisdiction of the council of the county and shall fall and be under the jurisdiction of the council or councils which had jurisdiction over it at the time of the passing of the by-law for assuming it. 3-4 Geo. V. c. 43, s. 446.
Sec. 449 (1). MUNICIPAL INSTITUTIONS. Chap. 192. 2495

447.—(1) The council of a city or town may pass by-laws for assuming for the purpose of a public avenue or walk any highway in an adjacent local municipality and for acquiring so much land on either side of such highway as may be required to increase its width to not more than 100 feet.

(2) The by-law shall not take effect unless or until it is assented to by by-law of the council of the adjacent municipality. 3-4 Geo. V. c. 43, s. 447.

448.—(1) The council of a county may by by-law abandon the whole or any part of a toll road owned by the corporation of the county or of any other road owned by it, whether the road is situate wholly within the county or partly within it and partly within an adjoining county.

(2) Forthwith after the passing of the by-law the clerk shall transmit by registered post to the clerk of every local municipality through or along or on the border of which the road runs a copy of the by-law certified under his hand and the seal of the corporation to be a true copy.

(3) The by-law shall not take effect unless or until it is approved by the Municipal Board, nor shall it take effect as to the part of the road lying within or along or on the border of a local municipality whose council does not by by-law assent to the by-law.

(4) From and after the taking effect of the by-law the council of a municipality within which any part of the road so abandoned lies shall have jurisdiction over that part of it which lies within the municipality, and where any part of a road so abandoned lies between or on the border of two or more local municipalities the councils of such municipalities shall have joint jurisdiction over that part of it.

(5) Nothing in this section shall extend or apply to a bridge which under the provisions of this Act is to be maintained wholly or partly by the corporation of the county. 3-4 Geo. V. c. 43, s. 448.

449.—(1) A bridge of a greater length than 300 feet in a town having an equalized assessment of less than $1,000,000 or in a township may, on the application of the council of such town or township, be declared to be a county bridge where

(a) it is used by the inhabitants of other municipalities;

(b) it is situate on an important highway affording means of communication to several municipalities; and

(c) on account of its length, and for the reasons mentioned in clauses (a) and (b), it is unjust that 41 s.—II
(2) An order declaring the bridge to be a county bridge may be made by a judge of the County Court of the county in which it is situate on the application of the council of the town or township.

(3) Notice of the application shall be served on the corporation of the county at least thirty days before the day on which it is to be made.

(4) Each corporation shall be entitled to be represented by counsel on the hearing of the application, and the evidence may, if the judge sees fit, and shall if either party so requests, be given under oath.

(5) If the judge is of opinion that for the reasons mentioned in subsection 1 the bridge should be declared to be a county bridge he shall by his order so declare, and in that case he shall determine whether the expense of maintaining and repairing the bridge shall be borne by the corporation of the county or partly by it and partly by the corporation of the town or township, and if he determines that it should be borne partly by each he shall fix the proportions in which the expense is to be so borne, and his declaration and determination shall be embodied in the order.

(6) If the order declares the bridge to be a county bridge it shall be registered in the registry office of the registry division in which the bridge is situate.

(7) An appeal shall lie from the order of the judge to a Divisional Court, and the proceedings upon and incidental to the appeal shall be the same as in the case of an appeal from a Judge of that court sitting in court.

(8) If the order is reversed or varied by the order of the Divisional Court, or if an order declaring the bridge to be a county bridge is made by the Divisional Court, the order of that Court shall be registered as provided by subsection 6.

(9) Where the order of the judge of the County Court declares the bridge to be a county bridge, except where it is reversed, and subject to any variation of it on appeal, from and after the registration of the order, or where the order has been reversed and an order declaring the bridge to be a county bridge has been made by the Divisional Court from and after the registration of the order of the Divisional Court, the bridge shall be a county bridge.

(10) Whenever any expenditure is made by the corporation of the county in maintaining or repairing the bridge a proportion of which the corporation of the town or township is by the order required to bear that proportion of the
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expenditure shall be payable by the last named corporation to the corporation of the county on demand.

(11) Where the application is dismissed, either by the order of the judge of the County Court or by the order of the Divisional Court, a new application shall not be made until five years have elapsed from the date of the order, and any new application thereafter made may be dealt with without regard to the former order, and the preceding subsections shall apply mutatis mutandis to the application.

(12) In the case provided for by this section the councils of the town or township and the council of the county may at any time enter into an agreement as to the proportions in which the cost of maintaining the bridge and keeping it in repair shall be borne by their respective corporations.

(13) The agreement shall provide that the bridge shall thereafter or after a day to be named be under the exclusive jurisdiction of the council of the county or remain under the jurisdiction of the council of the town or township.

(14) The terms of the agreement shall be embodied in an order of the judge of the County Court which may be made upon the application of either corporation, and the order so made shall supersede any former order made by him.

(15) If the agreement provides that the bridge is to come under the exclusive jurisdiction of the council of the county the order made under the next preceding subsection shall so declare.

(16) The order made under subsection 14 shall be registered as provided by subsection 6, and shall have the same effect as an order upon an application made under subsection 2, but the order shall not be subject to appeal. 3-4 Geo. V. c. 43, s. 449.

450. The council of a county which assumes, as a county road or bridge, any highway or bridge within a township, shall with as little delay as reasonably may be, and at the expense of the county cause the highway to be graded and drained and gravelled, macadamized or surfaced or paved with other permanent material, or the bridge to be built in a good and substantial manner and shall maintain and keep the same in repair. 3-4 Geo. V. c. 43, s. 450.

451. The council of the county shall cause to be built and maintained at the expense of the corporation of the county the bridges mentioned in clauses (b) and (c) of section 436. 3-4 Geo. V. c. 43, s. 451.

452. Where a river, stream, pond or lake forms or crosses a boundary line between two or more counties, it shall be the duty of the corporations of the counties, and where it forms or crosses a boundary line between a county and a city or a
separated town, it shall be the duty of the corporations of the county and the city or separated town to erect and maintain bridges over such river, stream, pond or lake. 3-4 Geo. V. c. 43, s. 452.

453.—(1) Boundary lines between local municipalities, including those which also form county boundary lines, shall be maintained by the corporations of such municipalities, and they shall also erect and maintain all necessary bridges on such boundary lines.

(2) Subsection 1 shall not apply to boundary lines assumed by the council of the county or to such bridges as are under the provisions of this Act to be erected or maintained by another corporation. 3-4 Geo. V. c. 43, s. 453.

454. Where the council of a county passes a by-law under subsection 2 of section 436 it shall be the duty of the councils of the local municipalities to erect and maintain all necessary bridges from the erection and maintenance of which the council of the county is relieved by the by-law. 3-4 Geo. V. c. 43, s. 454.

455. All boundary lines and all bridges over rivers, streams, ponds or lakes forming or crossing a boundary line between two or more local municipalities in a provisional judicial district shall be erected and maintained by the corporations of such municipalities and their councils shall have joint jurisdiction over them; and if the councils fail to agree as to the proportion of the expense to be borne by each corporation the same shall be determined by arbitration. 3-4 Geo. V. c. 43, s. 455.

Driftwood in Streams.

456.—(1) Where a river or a stream forms a boundary line between two or more municipalities in a county, the corporation of the county shall keep it free from all accumulations of driftwood or fallen timber.

(2) Where the river or stream forms a boundary line between two or more counties, the duty mentioned in subsection 1 shall be performed by the corporations of the counties, and where the river or stream forms the boundary line between a county and a city or separated town, shall be performed by the corporation of the county and the corporation of the city or separated town, and in case of failure to agree in either case, as to the share or proportion of the expense incurred in performing the duty to be borne by them respectively, the same shall be determined by arbitration. 3-4 Geo. V. c. 43, s. 456.
457.—(1) Where a stream or creek is cleared of all logs, brush or other obstructions to the boundary line between a township and an adjoining township into which the stream or creek flows, the council of the township in which the stream or creek has been so cleared may give notice in writing to the corporation of such adjoining township requesting its council to clear such stream or creek through the municipality. (2) It shall be the duty of such last mentioned corporation, within six months after the service of the notice, to enforce the removal of all obstructions in such stream or creek within the municipality to the satisfaction of any person whom the council of the county in which the municipality whose council gave the notice is situate, appoints to inspect the same. (3) If the corporation receiving the notice neglects to perform such duty, and by reason of its neglect any highway or bridge in either of the townships becomes out of repair, the corporation in default, and that corporation only, shall be responsible for the damages sustained by any person by reason of such want of repair. 3-4 Geo. V. c. 43, s. 457.

458. Where, on account of physical difficulties or obstructions existing on a boundary line between municipalities, and in order to obtain a better line of road, a road has been here-tofore or is hereafter laid out and opened which does not follow the course of such boundary line throughout, but in some place or places so deviates from it as to lie wholly within one of the municipalities, such road shall nevertheless be deemed to be, for the purposes of this Act, the boundary line between the municipalities; and a river, stream, pond or lake which crosses it where it so deviates shall be deemed to be a river, stream, pond or lake crossing a boundary line within the meaning of this Act. 3-4 Geo. V. c. 43, s. 458.

459. Every iron, steel, concrete or stone bridge constructed by the corporation of a county shall be built in accordance with specifications approved by the engineer of highways of the Department of Public Works. 3-4 Geo. V. c. 43, s. 459.

460.—(1) Every highway and every bridge shall be kept in repair by the corporation the council of which has jurisdiction over it, or upon which the duty of repairing it is imposed by this Act, and in case of default, the corporation shall be liable for all damages sustained by any person by reason of such default. (2) No action shall be brought against a corporation for the recovery of damages occasioned by such default, whether of actions, the want of repair was the result of nonfeasance or misfeasance, after the expiration of three months from the time when the damages were sustained.
(3) Except in case of gross negligence a corporation shall not be liable for a personal injury caused by snow or ice upon a sidewalk.

(4) No action shall be brought for the recovery of the damages mentioned in subsection 1 unless notice in writing of the claim and of the injury complained of has been served upon or sent by registered post to the head or the clerk of the corporation, in the case of a county or township within thirty days, and in the case of an urban municipality within seven days after the happening of the injury, nor unless where the claim is against two or more corporations jointly liable for the repair of the highway or bridge, the prescribed notice was given to each of them within the prescribed time.

(5) In case of the death of the person injured, failure to give the notice shall not be a bar to the action, and, except where the injury was caused by snow or ice upon a sidewalk, failure to give or insufficiency of the notice shall not be a bar to the action, if the court or judge before whom the action is tried is of the opinion that there is reasonable excuse for the want or insufficiency of the notice and that the corporation was not thereby prejudiced in its defence.

(6) This section shall not apply to a road, street or highway laid out or to a bridge built by a private person or by a body corporate until it is established by by-law of the council or otherwise assumed for public use by the corporation.

(7) Nothing in this section shall impose upon a corporation any obligation or liability in respect of any act or omission of any person acting in the exercise of any power or authority conferred upon him by law, and over which the corporation had no control, unless the corporation was a party to the act or omission, or the authority under which such person acted was a by-law, resolution or license of its council.

(8) A corporation shall not be liable for damages under this section unless the person claiming the damages has suffered by reason of the default of the corporation a particular loss or damage beyond what is suffered by him in common with all other persons affected by the want of repair.

(9) Where a bridge which it is the duty of a corporation to repair is destroyed or so damaged that it is necessary to rebuild it the Municipal Board may, upon the application of the corporation, relieve it from the obligation to rebuild the bridge, if the Board is satisfied that it is no longer required for the public convenience or that the re-building of it would entail a larger expenditure than would be reasonable, having regard to the use that would be made of the bridge if it were rebuilt.

(10) The relief may be granted on such terms and conditions as the Board may deem just, and such notice of the application shall be given as the Board may direct.
(11) The next preceding two subsections shall not affect the costs of any pending action. 3-4 Geo. V. c. 43, s. 460.

461. A corporation shall, in the absence of an agreement to the contrary, keep in repair all crossings, sewers, culverts and approaches, sidewalks and other works made or constructed by it or by any person with the permission of its council, upon any toll road in or passing through the municipality, and in case of default shall be liable as in the case provided for by section 460. 3-4 Geo. V. c. 43, s. 461.

462.—(1) Where two or more corporations are jointly liable for keeping in repair a highway or bridge, there shall be contribution between them as to the damages sustained by any person by reason of their default in so doing.

(2) Any action by any such person shall be brought against all such corporations, and any of them may require that the proportions in which such damages and the costs of the action are to be borne by them shall be determined in the action.

(3) In settling such proportions, either in the action or otherwise, regard shall be had to the extent to which each corporation was responsible, either primarily or otherwise, for the act or omission by reason of which the damages became payable or are recoverable and the damages and costs shall be apportioned between them accordingly. 3-4 Geo. V. c. 43, s. 462.

463.—(1) Where an action may be brought against a corporation by a person who has sustained damages by reason of its default in keeping in repair a highway or bridge, no action shall be brought by him in respect of it or to recover such damages or any part of them against any member of the council or officer or employee of the corporation personally, but the remedy therefor shall be against the corporation.

(2) A mere contractor with the corporation or an officer or employee who is such contractor, by reason of whose act or omission the damages were caused, shall not be deemed an employee within the meaning of subsection 1. 3-4 Geo. V. c. 43, s. 463.

464.—(1) Where an action is brought to recover damages sustained by reason of any obstruction, excavation or opening in or near a highway or bridge placed, made, left or maintained by any person other than the corporation or a servant or agent of the corporation, or by reason of any negligent or wrongful act or omission of any person other than the corporation or a servant or agent of the corporation, the corporation shall have a remedy over against such other person for, and may enforce payment of the damages and costs which are recovered against the corporation.
(2) The corporation shall be entitled to such remedy over in the same action, if the other person is a party to the action, and it is established in the action as against him that the damages were sustained by reason of an obstruction, excavation, or opening so placed, made, left or maintained by him.

(3) The corporation may in such action have the other person, if not already a defendant, added as a party defendant or third party for the purposes of the remedy over; and such person may defend the action as well against the plaintiff's claim as against the claim of the corporation.

(4) If such person is not a party defendant, or is not added as a party defendant or third party, or if the corporation has paid the damages before an action is brought to recover the same, or before a recovery thereof in an action against the corporation, the corporation shall have the remedy over by action against such person, but he shall be deemed to admit the validity of the judgment obtained against the corporation only where a notice has been served on him, pursuant to Rules of Court, or where he has admitted or is estopped from denying the validity of such judgment.

(5) Where such notice has been served, and there has been no such admission or estoppel, and such person has not been made a party defendant or third party to the action against the corporation, or where the damages have been paid without action or without recovery of judgment against the corporation, the liability of the corporation for such damages, and the fact that the damages were sustained under such circumstances as to entitle the corporation to the remedy over, must be established in the action against such person to entitle the corporation to recover in the action. 3-4 Geo. V. c. 43, s. 464.

465.—(1) Whenever there is a dispute between the councils of any two or more corporations as to the corporation on which the obligation to build and maintain or to build or maintain a bridge or to keep in repair a highway rests, the Supreme Court may upon the application of any or either of the corporations determine the matter in dispute on an originating motion; or the court, if of opinion that the matter in dispute cannot satisfactorily be determined on an originating motion, or that for any other reason it ought not to be so determined, may direct that an action may be brought or that an issue be tried for the purpose of determining the matter in dispute, and the Court may in either case compel by mandamus the performance of the obligation by the corporation upon which it is found to rest.

(2) Except in the cases provided for by section 468, where the dispute is as to the proportions in which the corporations should contribute to the cost of erecting and maintaining or of erecting or maintaining a bridge or of keeping
in repair a highway, the matter in dispute shall be determined by arbitration. 3-4 Geo. V. c. 43, s. 465.

466.—(1) Where an allowance for road was not reserved in the original survey on a township boundary or part of it, the councils of the townships may establish and lay out a highway on such boundary or part of it.

(2) The councils of any or either of the municipalities may pass a by-law for establishing and laying out such a highway and for acquiring the land requisite for the one-half of it which lies within the limits of its municipality.

(3) The clerk shall within four days after the passing of the by-law transmit by registered post to the clerk of each of the other townships a copy of the by-law certified under his hand and the seal of the corporation to be a true copy.

(4) If the other council or councils do not within six months after such notice pass a by-law or by-laws in similar terms, the council by which the by-law was passed may require the question of establishing and laying out the proposed highway to be determined by arbitration.

(5) The arbitrators shall determine whether or not the proposed highway shall be established and laid out, and if they determine that it shall be established and laid out they shall also determine in what proportions the cost of the site of it shall be borne by each of the corporations.

(6) If it is determined by the arbitrators that the proposed highway shall be established and laid out, the other councils shall forthwith after notice of the award pass the necessary by-laws for establishing and laying out the proposed highway and for acquiring the land requisite for the one-half of it which will lie within the limits of their respective municipalities, and for otherwise carrying out the provisions of the award, and shall proceed with all reasonable despatch to carry into effect the provisions of the by-law.

(7) If it is determined by the arbitrators that the proposed highway shall not be established and laid out, no further proceedings shall be taken under this section within two years from the date of the award or within such time not exceeding in all four years, as the arbitrators may by their award determine. 3-4 Geo. V. c. 43, s. 466.

467.—(1) Where a highway or bridge is under the joint jurisdiction of the councils of two or more municipalities and they are unable to agree as to any action which one or more of them desire to be taken in the exercise of such joint jurisdiction, any of them may require that the matter in dispute shall be determined by arbitration, and in that case shall prepare a draft by-law for carrying into effect what it is de-
sired shall be done, and serve a copy of it on the clerk of the other municipalities with a notice that it is its desire that such a by-law shall be passed.

(2) If it is determined by the arbitrators that what is proposed ought to be done, they shall by their award so direct, and in that case each council shall forthwith after notice of the award pass a by-law in accordance with the draft by-law and shall, without unnecessary delay, do all things which on its part are necessary for carrying into effect the objects of the by-law. 3 & Geo. V. c. 43, s. 467.

468.—(1) Where the councils of the townships having joint jurisdiction over a township boundary line fail to agree as to the character of the work to be done in opening, maintaining or repairing it, or as to the proportions in which the cost of the work is to be borne by the corporations of the townships respectively, any or either of such councils may apply to the council of the county to determine the matters in dispute.

(2) Where the township councils having the joint jurisdiction over it neglect or refuse to open up and make, maintaining and keep in repair any such boundary line, a majority of the ratepayers resident on land abutting on it may apply to the council of the county to enforce the opening up and the making, maintaining and keeping in repair of such boundary line.

(3) The application shall be by petition and the council of the county after notice to all the corporations interested and after hearing them and the petitioning ratepayers, if the petition is by ratepayers, or such of them as desire to be heard, shall determine in the case provided for by subsection 1, what work shall be done and the proportions in which the cost of it shall be borne by the corporations of the townships respectively, and in the case provided for by subsection 2, whether the boundary line shall be opened up and the proportions in which the corporations of the townships shall respectively bear the cost of opening up, making, maintaining and keeping in repair the boundary line, and in either case may direct that the statute labour or part of it shall be applied by each of the corporations for such purposes.

(4) The determination and direction of the council of the county shall be embodied in an order or resolution, and the council shall appoint one or more commissioners to execute and enforce any direction so made.

(5) If the councils of the townships intimate to the council of the county or to the commissioners their intention to proceed with the work directed to be done and to conform to the direction of the council of the county, the commissioners shall delay proceedings to carry out the work directed
to be done for a reasonable time to enable the township councils to do it, but if the work is not proceeded with with such despatch as the commissioners deem necessary they shall themselves complete the work.

(6) The cost of any work done by the commissioners shall be by them apportioned between the corporations of the townships in accordance with the order or resolution of the council of the county, and the commissioners shall certify to the treasurer of the county the amount payable by each of such corporations, and the treasurer shall retain the same out of any money in his hands belonging to the corporation, but if there is not in the hands of the treasurer any such money or not sufficient to pay the amount payable by the corporation, the amount payable or the amount of the deficiency, as the case may be, shall be added to the county rate payable by the corporation in default.

(7) This section shall not apply to a township boundary line which is also a county boundary line. 3-4 Geo. V. c. 43, s. 468.

469. Where the councils of the townships having joint jurisdiction over a county boundary line are unable to agree as to

(a) the necessity for a deviation of the road from the boundary line, or

(b) the location of the deviation, or

(c) the use of an existing highway in lieu of a deviation, or

(d) the proportions in which the cost of opening, making and maintaining the deviation or the existing highway to be used in lieu of a deviation is to be borne,

any of the councils may apply to the Municipal Board to determine the matter in dispute, and the Board or any member of it, after notice to the corporations interested and hearing such of them as desire to be heard, shall determine the matter in dispute and may make such order as may be deemed just, and such order shall be final and not subject to appeal. 3-4 Geo. V. c. 43, s. 469.

470.—(1) The Ontario Motor League may at its own expense and subject to such regulations as the council of the municipality may prescribe, erect and maintain guide posts at road intersections and mile posts on the highways to indicate distances and danger signals at hills which may be deemed to be dangerous or unsafe for travellers.

(2) Every such guide post, mile post and danger signal shall be so placed as not to obstruct the highway or to endan-
ger the safety of travellers, and nothing shall appear on or be affixed or attached to it but a notice indicating the purpose which the guide post, mile post or danger signal is designed to serve.

(3) Every person who contravenes any of the provisions of subsection 2 shall incur a penalty of $5 for every such contravention.

(4) No person shall cut or throw down or injure or deface any such guide post, mile post or danger signal, and for every contravention of this subsection the person offending shall incur a penalty not exceeding $50. 3-4 Geo. V. c. 43, s. 470.

Powers of C. W. A. as to erection of guide posts, etc.

471. The Canadian Wheelman's Association of the Dominion of Canada shall have the like power as is by the next preceding section conferred on the Ontario Motor League, and all the provisions of that section shall apply to guide posts, mile posts and danger signals erected or maintained by the Association; but where either the League or the Association has exercised the powers conferred upon it upon any part of a highway the other shall not have the right to exercise its powers thereon. 3-4 Geo. V. c. 43, s. 471.

472.—(1) The council of every municipality may pass by-laws,

(a) for establishing and laying out highways;

(b) for widening, altering or diverting any highway or part of a highway;

(c) for stopping up any highway or part of a highway and for leasing or selling the soil and freehold of a stopped up highway or part of a highway;

(d) for setting apart and laying out such parts as may be deemed expedient of any highway for the purpose of carriage ways, boulevards and sidewalks, and for beautifying the same, and making regulations for their protection;

(e) for permitting subways for cattle under and bridges for cattle over any highway.

(2) Nothing in subsection 1 shall authorize a council to interfere with any public road or bridge vested in the Crown in right of Ontario or in any public Department, Board or officer of Ontario.

(3) A by-law passed under the authority of clause (b) or clause (c) of subsection 1 in respect of an allowance for road reserved in the original survey along or leading to the bank of any river or stream or on the shore of any lake or other water shall not take effect until it has been approved by the Lieutenant-Governor in Council.
(4) The powers conferred by subsection 1 shall not be exercised without the consent of the Governor-General in Council in respect of,

(a) any street, lane or thoroughfare made or laid out by His Majesty's Ordnance or the Principal Secretary of State in whom the Ordnance estates became vested under the Act of the late Province of Canada passed in the 19th year of the reign of Her late Majesty Queen Victoria, Chapter 45, or under Chapter 24 of the Consolidated Statutes of Canada, or made or laid out by the Government of Canada;

(b) any land owned by the Crown in right of the Dominion of Canada;

(c) any bridge, wharf, dock, quay or other work vested in the Crown in right of the Dominion of Canada;

or so as to interfere with any land reserved for military purposes or with the integrity of the public defences, and the consent of the Governor-General in Council shall be recited in the by-law, but the by-law shall not be quashed or open to question because of the omission to recite it if the consent has been in fact given.

(5) The powers conferred by clause (c) of subsection 1 shall not be exercised by the council of a county in respect of a highway or part of a highway within the limits of a city, town or village in or adjoining the county.

(6) A by-law of the council of a township, passed under the authority conferred by clause (c) of subsection 1, in the case of a township in unorganized territory, shall not have any force unless and until approved by a judge of the District Court of the district in which the township is situated, and in other cases unless and until confirmed by a by-law of the council of the county in which the township is situate passed at an ordinary meeting of the council held not sooner than three months or later than one year after the passing of the by-law of the council of the township. 3-4 Geo. V. c. 43, s. 472.

473.—(1) A by-law shall not be passed for stopping up, altering or diverting any highway or part of a highway if the effect of the by-law will be to deprive any person of the means of ingress and egress to and from his land or place of residence over such highway or part of it unless in addition to making compensation to such person, as provided by this Act, another convenient road or way of access to his land or place of residence is provided.
By-law, when to take effect.

(2) The by-law shall not take effect until the sufficiency of such road or way of access has been agreed upon or unless and until, if not agreed upon, its sufficiency has been determined by arbitration as hereinafter mentioned.

Arbitration to determine sufficiency of road.

(3) If such person disputes the sufficiency of the road or way of access provided the sufficiency of it shall be determined by arbitration under this Act, and if the amount of compensation is also not agreed upon both matters shall be determined by one and the same arbitration.

By-law void if road insufficient.

(4) If the arbitrators determine that the road or way of access provided is insufficient they may by their award determine what road or way of access should be provided, and in that case, unless such last mentioned road or way of access is provided, the by-law shall be void and the corporation shall pay the costs of the arbitration and award. 3-4 Geo. V. c. 43, s. 473.

Possession of unopened road allowance.

474.—(1) A person in possession of and having enclosed with a lawful fence that part of an original allowance for road upon which his land abuts which has not been opened for public use by reason of another road being used in lieu of it or of another road parallel or near to it having been established by law in lieu of it shall as against every person except the corporation the council of which has jurisdiction over the allowance for road be deemed to be legally possessed of such part until a by-law has been passed by such council for opening it.

(2) No such by-law shall be passed until notice in writing of the intention to pass it has been given to the person in possession at least eight days before the meeting of the council at which the by-law is to be taken into consideration. 3-4 Geo. V. c. 43, s. 474.

Publication of by-law, etc.

475.—(1) Before passing a by-law for stopping up, altering, widening, diverting, selling or leasing a highway or for establishing or laying out a highway,

(a) notice of the proposed by-law shall be published at least once a week for four successive weeks, and in the case of a village or township shall be posted up for at least one month in six of the most public places in the immediate neighbourhood of the highway or proposed highway, and

(b) the council shall hear in person or by his counsel, solicitor or agent any person who claims that his land will be prejudicially affected by the by-law and who applies to be heard.

Notices.

(2) The clerk shall give the notices upon payment by the applicant, if any, for the by-law, of the reasonable expenses to be incurred in so doing. 3-4 Geo. V. c. 43, s. 475.
Sec. 478 (1). MUNICIPAL INSTITUTIONS. Chap. 192. 2509

476. Where the owners of and other persons interested in the land required to be taken for the highway consent in writing to the passing of the by-law for establishing and laying it out, or where such land has been acquired by the corporation, section 475 shall not apply to the by-law. 3-4 Geo. V. c. 43, s. 476.

477.—(1) Where an allowance for a sideline road between lots in a double front concession in a township was so run in the original survey that the line in the front half of the concession does not meet the line in the rear half, the council of the township may open and lay out a road to connect the ends of such lines where they do not so meet.

(2) The by-law shall provide that the road shall be opened and laid out in accordance with a survey to be made by an Ontario Land Surveyor named in the by-law.

(3) A judge of the County or District Court of the county or district in which the township is situate on the application of any person over whose land the connecting road will pass who objects to the surveyor appointed by the by-law may appoint another Ontario Land Surveyor in the place of the one so appointed.

(4) The application shall be made within one month after the service of the copy of the by-law on the applicant and at least five days' notice of the time when and the place where it will be heard by the judge shall be served upon every other person over whose land the connecting road will pass and upon the clerk of the municipality.

(5) The surveyor appointed by the by-law or, if another is appointed by the judge in his place, the surveyor so appointed shall determine the compensation to be paid to the persons whose lands are taken for the connecting road, and the amount so determined shall be paid to them by the corporation of the township.

(6) The determination of the surveyor as to the compensation shall be final. 3-4 Geo. V. c. 43, s. 477.

478.—(1) Where the council of a municipality desiring to open an original allowance for road has by mistake opened a road which was intended to be, but is not wholly or partly, upon such allowance the land occupied by the road as so opened shall be deemed to have been expropriated under a by-law of the corporation, and no person on whose land such road or any part of it was opened shall be entitled to bring or maintain an action for or in respect of what was done or to recover possession of his land, but he shall be entitled to compensation under and in accordance with the provisions of this Act as for land expropriated under the powers conferred by this Act.
When right to compensation barred.

(2) The right to compensation shall be forever barred if the compensation is not claimed within one year after the land was first taken possession of by the corporation. 3-4 Geo. V. c. 43, s. 478.

Width of highways.

479.—(1) No municipal council or owner of land shall lay out any highway less than 66 feet in width or, except in the case of a city or town, more than 100 feet in width.

(2) Subsection 1 shall not apply to a township in unorganized territory, and a highway less than 66 feet in width may be laid out by the council of any such township subject to and in accordance with the regulations of the Department of Lands, Forests and Mines.

(3) No highway shall be laid out in any municipality by any owner of land without the sanction of the council of the municipality or if its sanction is refused, without the approval of a judge of the County or District Court of the county or district in which the land lies, given after notice to the corporation. 3-4 Geo. V. c. 43, s. 479.

Exception.

Assent of Council or Judge required.

Dwelling houses on narrow streets.

480. The council of an urban municipality may pass by-laws for regulating the erection or occupation of dwelling houses on narrow streets, lanes or alleys or in crowded or un-sanitary districts. 3-4 Geo. V. c. 43, s. 480.

Power to regulate and prohibit erection of dwelling houses.

481.—(1) The council of a city having a population of not less than 50,000 may pass by-laws for

(a) prohibiting the erection or occupation of dwelling houses on highways, lanes or alleys of less width than that prescribed by the by-law;

(b) prescribing the minimum area of vacant land which shall be attached to and used with any dwelling house thereafter erected, as the court-yard or curtilage of it;

(c) regulating the manner in which buildings intended to be occupied as dwelling houses are to be constructed within the municipality or within any defined area of it;

(d) prohibiting the erection of dwelling houses or the alteration of other buildings for the purpose of adapting them for use as dwelling houses, if the same front on a highway less than 40 feet in width, unless the street has been established as a highway by by-law of the council or otherwise assumed for public use by the corporation.

Publication of by-law.

(2) A by-law for any of the purposes mentioned in subsection 1 before the final passing of it shall be published in full twice in each week for four consecutive weeks in two
newspapers published in the city with a notice appended thereto, stating the date on which the proposed by-law will be taken into consideration by the council. 3-4 Geo. V. c. 43, s. 481.

482. By-laws may be passed—

(1) By the council of every municipality for granting aid to the corporation of any immediately adjoining municipality towards opening, widening, maintaining or improving any highway within such municipality or constructing, maintaining or improving any bridge therein.

(2) By the council of every local municipality for granting aid to the corporation of the county in which the municipality is situated towards opening and making any new road on the boundary of the municipality or constructing any new bridge on such boundary.

(3) By the councils of cities and towns for granting aid to the corporation of a township in the county in which the city or town is territorially situated or in an adjoining county towards opening, widening, maintaining or improving any highway in such township which constitutes or is to constitute or forms or is to form part of a highway leading to such city or town, or towards constructing, maintaining or improving any bridge forming or which is to form part of such highway.

(4) By the councils of counties for granting aid towards making, improving or maintaining any county or township boundary line.

(5) By the councils of counties for granting aid to the corporation of any town, village or township towards,

(a) opening any new highway or constructing any new bridge in the municipality;

(b) opening, widening, maintaining or otherwise improving any highway leading from or passing through the municipality into a county road, or constructing, maintaining or improving any bridge forming, or which is to form, part of such highway.

(6) By the councils of townships,

(a) for granting aid to the corporation of a county adjoining that in which the township is situated towards opening, widening, maintaining or improving any highway lying between the township and another municipality in the adjoining county, or towards constructing, maintaining or improving any bridge on such highway;

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(b) for granting aid for the like purposes to the corporation of the county in which the township is situate in respect of any highway or bridge within the township assumed as a county road or bridge or agreed to be so assumed on condition that such aid shall be granted.

(7) By the council of a township in unorganized territory for opening, widening, maintaining or improving any highway or constructing, maintaining or improving any bridge in an adjoining municipality or in a municipality situate in such adjoining municipality or in an adjoining unorganized township or in adjoining unsurveyed territory or for granting aid to any adjoining municipality or to any municipality situate in such adjoining municipality for any of such purposes.

(8) The aid may be granted by way of loan or otherwise.

483. By-laws may be passed by the council of every municipality.

1. For setting apart portions of the highways at or near the sides of them for the purpose of boulevards, and for permitting the owners of land abutting on a highway to construct, make and maintain at their own expense boulevards on that part of the highway which may be set apart for that purpose, but not so as unreasonably to confine, impede or incommode public traffic.

2. For regulating the construction, maintenance and protection of such boulevards.

3. For permitting the owners of land to make, maintain and use areas under and openings to them in the highways and sidewalks, for prescribing the terms and conditions upon which the same shall be made, maintained and used, and for making such annual or other charge for the privilege conferred by the by-law as the council may deem reasonable.

(a) Such annual or other charge shall be payable and payment of it may be enforced in like manner as taxes are payable and payment of them may be enforced.

(b) The corporation shall be liable for any want of repair of the highway which may result from the construction, maintenance and use of any such area or opening, but shall be entitled to the remedy over provided for by section 464 against the person by whose act or omission the want of repair is caused.

4. For setting apart so much of any highway as the council may deem necessary for the purposes of a bicycle path or of a foot path.
(a) Any person who rides or drives a horse or other beast of burden or a motor vehicle, wagon, carriage or cart over or along any such path shall incur a penalty of not less than $1 or more than $20.

5. For raising money by toll on any highway, bridge or other work to defray the expense of making, maintaining or repairing it.

6. For granting to any person in consideration or part consideration of planking, graveling or macadamizing a highway, 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.

(a) The grantee of the tolls shall, during such period, maintain and keep in repair the highway or bridge.

7. Subject to the rights of a Crown timber licensee under The Crown Timber Act, for preserving or selling the timber or trees on any original allowance for road.

8. For making regulations as to pits, precipices and deep waters and other places dangerous to travellers.

9. For acquiring either alone or jointly with the corporation of another municipality such land in either municipality as may be deemed necessary for procuring therefrom stone or gravel for use in making, maintaining or repairing the highways under the jurisdiction of the council or councils.

10. For entering upon and searching for and taking from land within the municipality, or with the consent of the council of an adjacent municipality expressed by by-law or resolution from land in such municipality, such timber, gravel, stone or other material as may be necessary for constructing, maintaining and keeping in repair the highways and bridges.

(a) The compensation to be paid to the owners of and other persons interested in the land for the timber, gravel, stone or other material shall be agreed upon or determined by arbitration before the power to take it is exercised.

(b) The compensation may be a lump sum for the privilege of taking as much timber, stone, gravel or other material as may be required, or a sum determined by the quantity taken, or a price by the cubic yard or otherwise for what may be taken, as may be agreed on or be determined by the arbitrators.
(c) Where it is necessary in the exercise of any of the powers conferred by the by-law to pass through or over the land of another person, the corporation may do so as occasion may require, doing no unnecessary damage, but before doing so the compensation to be paid for the exercise of such power shall be agreed upon or determined by arbitration.

11. For purchasing conditionally or otherwise, or for renting for a term of years or otherwise, roadmaking machinery and appliances for the purposes of the corporation, and for borrowing money for the purpose of paying the purchase price for any period not exceeding five years and for issuing debentures for the money so borrowed, or for issuing to the vendor debentures payable within that period in payment of the purchase money.

(a) The debentures issued under this paragraph shall be on the instalment plan. 3-4 Geo. V. c. 43, s. 483.

484. The council of every municipality may pass by-laws for subscribing for any number of shares in the capital stock of or for lending money to or guaranteeing the payment of any money borrowed by a bridge company incorporated for the purpose of erecting and maintaining any bridge within, or partly within, the municipality or between it and another municipality. 3-4 Geo. V. c. 43, s. 484.

485. The council of every municipality through or adjoining which any toll road passes may enter into an agreement with the owner of the road to expend on it for a limited number of years such statute labour or sum of money as may be agreed upon and that at the end of the term of years agreed upon such road shall be toll free and shall become the property of the corporation of the municipality in which it is situated. 3-4 Geo. V. c. 43, s. 485.

486. The council of a local municipality may pass by-laws for entering into and performing any agreement with any other council in the same county for executing, at their joint expense and for their joint benefit, any work within the jurisdiction of the council. 3-4 Geo. V. c. 43, s. 486.

TREES, PLANTING, PROTECTION AND REMOVAL OF.

487. The council of every municipality may pass by-laws.

1. For causing any tree, planted or growing on any highway, square, lane or other public communication, to be removed if and when deemed necessary for any purpose of public improvement; but
(a) The owner of the adjacent land shall be entitled to ten days’ notice of the intention of the council to remove such tree, and to be recompensed for his trouble in planting and protecting it, but neither he nor the occupant of the land shall be entitled to any further or other compensation.

(b) Neither the owner of the adjacent land nor any pathmaster or other public officer, nor any other person, shall remove or cut down or injure any such tree without the express permission of the council.

2. For planting and preserving shade and ornamental trees upon any highway, and for granting to any person or association of persons money to be expended for such purposes.

3. For prohibiting the injuring or destroying of trees or ornamental shrubs on the highways, planted or preserved for shade or ornament.

4. For authorizing the park commissioner or any officer appointed for that purpose or a committee of the council to:

(a) plant or cause to be planted trees in the highways of the municipality;

(b) trim or cause to be trimmed all trees on private property the branches of which extend over a highway;

(c) cut down or remove or cause to be cut down or removed all decayed trees;

(d) remove or transplant or cause to be removed or transplanted any tree planted or growing in any highway, square, lane or other public communication after 48 hours’ notice in writing to the occupant of the land opposite to which the tree is planted or growing, but no live tree, unless within 30 feet of another tree, shall be removed without the consent of such occupant.

(1a) The notice mentioned in clause (d) may be given by leaving it with a grown-up person resident upon the land, or if the land is unoccupied by posting it in a conspicuous place on the land.

(1b) Neither the corporation nor any person acting under the authority of a by-law for the purposes mentioned in this paragraph shall incur any liability by reason of anything done under the authority of the by-law if reasonable care, skill and judgment are exercised in the doing of it, nor shall the corporation be liable to make compensation to the owner or occupant of the land further than as provided by this section.
488.—(1) The council of a county or a township may pass by-laws for requiring that on each or on either side of a highway or part of a highway which passes through a wood the trees, except such as are reserved by the owner for ornament or shelter, shall for a space not exceeding 25 feet from the limits of the highway or part of it be cut down and removed by the owner or occupant of the land within a time to be appointed by the by-law, and if he fails to do so authorizing such person as may be named in the by-law to cut down and remove them.

(2) Where the owner or occupant fails to cut down and remove such trees in accordance with the requirement of the by-law the person named in the by-law for that purpose may cut down and remove them, and the trees may be used for the construction, improvement or repair of any highway or bridge in the road division in which the land is situate or may be sold by him to defray the expenses incurred in carrying out the provisions of the by-law. 3-4 Geo. V. c. 43, s. 488.

489.—(1) The councils of united counties may pass by-laws for raising or borrowing money to be expended exclusively in any one of the counties forming the union.

(2) None of the members of the council but those representing local municipalities in the county in which the expenditure is to be made shall vote upon the by-law except in the case of an equality of votes, when the warden shall have the casting vote.

(3) The sums to be raised by taxation for the purpose of making any such expenditure and the sums required to be raised to pay the principal and interest of any money borrowed for that purpose shall be assessed and levied only upon the rateable property in the county in which the expenditure is to be made.

(4) Every debenture issued under the authority of the by-law shall be issued as the debenture of the corporation of the united counties, but it shall be stated in the body of it that the payment of the principal and interest is to be provided for by a special rate upon the rateable property in the county in which the expenditure is to be made and upon that property only. 3-4 Geo. V. c. 43, s. 489.

490. The council of a township may pass by-laws for granting a prize not exceeding $10 for the best kept roadside, farm front and farm house surroundings, in each public school section in the township, and for prescribing the conditions upon which such prizes may be competed for and awarded. 3-4 Geo. V. c. 43, s. 490.
491. The councils of all municipalities may pass by-laws.

1. For prohibiting or regulating the obstructing, encumbering, injuring or fouling of highways or bridges.

2. For requiring doorsteps, porches or other erections or things projecting into or over any highway to be removed by the owner or occupant of the land in connection with which they exist.

3. For prohibiting the building or maintaining of fences on any highway or the placing or depositing of firewood or any other thing calculated to obstruct, or to obstruct or interfere with public travel on it, on any highway or bridge, and for requiring the removal of them by the person by whom the same are or were so built, maintained, placed or deposited.

(a) Unless the by-law otherwise provides, a by-law passed under the authority of paragraph 3 shall not extend or apply to a worm fence which is not for more than half its width upon the highway, or to materials to be used for the construction or repair of a highway or bridge, if they do not interfere with the use of it for public travel.

4. For prohibiting the throwing, placing or depositing on any highway or bridge of dirt, filth, glass, handbills, paper or other rubbish or refuse, or the carcass of any animal. 3-4 Geo. V. c. 43, s. 491.

492.—(1) Where a highway for the site of which compensation was paid has heretofore or shall hereafter be established and laid out in place of the whole or any part of an original allowance for road, or where the whole or any part of a highway has heretofore been or shall hereafter be legally stopped up, if the council determines to sell such original allowance or such stopped up highway, the price at which it is to be sold shall be fixed by the council, and the owner of the land which abuts on it shall have the right to purchase the soil and freehold of it at that price.

(2) Where there are more owners than one, each shall have the right to purchase that part of it upon which his land abuts to the middle line of the stopped up highway.

(3) If the owner does not exercise his right to purchase within such period as may be fixed by the by-law or by a subsequent by-law, the council may sell the part which he has the right to purchase to any other person at the same or a greater price. 3-4 Geo. V. c. 43, s. 492.
493.—(1) Where a highway for the site of which compensation was not paid has been laid out and opened in the place of the whole or any part of an original allowance for road, the owner of the land appropriated for the highway or his successor in title if he owns the land which abuts on such allowance shall be entitled to the soil and freehold of it, and if it has not already been conveyed to him or his predecessor in title, to a conveyance of it.

(2) Where the land which so abuts is owned by more persons than one each shall be entitled to and to a conveyance of the soil and freehold of that part of the allowance upon which his land abuts to the middle line of the allowance.

(3) If the owner of the land appropriated for the highway or his successor in title does not own any land abutting on the allowance and the allowance is sold by the council, he shall be entitled to a part of the purchase money which bears the same proportion to the whole purchase money as the value of the part of the site of the new highway which belonged to him bears to the value of the whole site. 3-4 Geo. V. c. 43, s. 493.

494.—(1) A person in possession of the whole or any part of an original allowance for road in place of which he or any of his predecessors in title has laid out and opened a new road or street without receiving compensation for the site of it shall be entitled to the soil and freehold of such allowance or part of it, and if it has not already been conveyed to him or to his predecessor in title to a conveyance of it.

(2) Where there are more persons in such possession each shall be entitled to and to a conveyance of the soil and freehold of that part of the allowance upon which his land abuts to the middle line of the allowance.

(3) If the road has not been adopted by by-law of the council or otherwise assumed for public use by the corporation this section shall not apply until the new road or street is adopted by by-law of the council, and the council by by-law declares that the original allowance is in its opinion useless to the public.

(4) This section shall apply to roads and to streets hereafter laid out and opened to such as have been heretofore laid out and opened. 3-4 Geo. V. c. 43, s. 494.

495. Stone, gravel or other material shall not be put on any highway for the purpose of rebuilding or repairing it during the winter months so as to interfere with the use of sleighs unless another convenient highway is provided while the rebuilding or repairing is being done. 3-4 Geo. V. c. 43, s. 495.
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496.—(1) The Lieutenant-Governor in Council may stop up, alter, widen or divert any highway or part of a highway in a Provisional Judicial District not being within an organized municipality, and may sell or lease the soil and freehold of any such highway or part of a highway which he has stopped up or which in consequence of an alteration or diversion of it no longer forms part of the highway as altered or diverted.

(2) The council of a township in unorganized territory surveyed without road allowances but in which 5 per cent. of the area is reserved for highways, may pass by-laws for opening and making highways where necessary and the provisions of this Act as to compensation for lands taken or injuriously affected by the exercise of the powers conferred by this section shall not apply. 3-4 Geo. V. c. 43, s. 496.

(3) In cases of deviations from road allowances and of roads laid out where there are no road allowances as provided in subsection 2 the corporation shall cause a plan thereof, so far as the same affects ungranted lands of the Crown, to be made by an Ontario land surveyor and shall file the same in the Department of Lands, Forests and Mines. 61 V. c. 26, s. 3.

PART XXII.

PENALTIES AND ENFORCEMENT OF BY-LAWS.

497.—(1) By-laws may be passed by the councils of all municipalities and by Boards of Commissioners of Police for imposing penalties not exceeding $50, exclusive of costs, upon every person who contravenes any by-law of the council or of the board passed under the authority of this Act.

(2) Every such penalty shall be recoverable under The Recovery of Ontario Summary Convictions Act, all the provisions of which shall apply, except that the imprisonment may be for any term not exceeding six months for the breach of a by-law.

(a) of the council or the Board of Commissioners of Police of a city,

(b) of the council or board of any other municipality for the suppression of houses of ill-fame,

and in all other cases for any term not exceeding twenty-one days. 3-4 Geo. V. c. 43, s. 497.

498.—(1) Except where otherwise expressly provided, the penalties imposed by or under the authority of this Act or under the authority of a by-law of a municipal council or of a Board of Commissioners of Police passed under the authority of this Act, shall be recoverable and may be enforced under The Ontario Summary Convictions Act.
(2) Prosecutions for offences against sections 138, 142, 187 or 189 shall be heard and determined by a police magistrate or two justices of the peace, and in other respects the provisions of The Ontario Summary Convictions Act shall apply.

(3) Where the prosecution is brought by a peace officer or employee of the corporation or of the local board of health, the whole of the penalty shall belong to the corporation, and in other cases shall belong one-half to the corporation and the other one-half to the prosecutor. 3-4 Geo. V. c. 43, s. 498.

499.—(1) A conviction for a contravention of any such by-law shall not be quashed for want of proof of the by-law before the convicting Justice, but the Court or a Judge hearing the motion to quash may dispense with such proof or may permit the by-law to be proved by affidavit, or in such other manner as may be deemed proper.

(2) Nothing in this section shall relieve a prosecutor from the duty of proving the by-law or entitle the Justice to dispense with such proof. 3-4 Geo. V. c. 43, s. 499.

500. Where a council has authority to direct or require by by-law or otherwise that any matter or thing be done, the council may by the same or by another by-law direct that in default of its being done by the person directed or required to do it, such matter or thing shall be done at his expense, and the corporation may recover the expense incurred in doing it by action, or the same may be recovered in like manner as municipal taxes. 3-4 Geo. V. c. 43, s. 500.

501. Where a building is erected or used or land is used in contravention of a by-law passed under the authority of this Act, in addition to any other remedy provided by this Act, and to any penalty imposed by the by-law, such contravention may be restrained by action at the instance of the corporation. 3-4 Geo. V. c. 43, s. 501.

PART XXIII.

POLICE VILLAGES.

Formation of.

502.—(1) Under and subject to the provisions and conditions hereinafter mentioned, a locality may be erected into a police village by the council of the county in which it is situate, or if it comprises parts of two or more counties by the council of the county in which the larger or largest part of the locality is situate.
(2) Where a petition signed by a majority of the freeholders of the locality whose names are entered on the last revised assessment roll and by a sufficient number of the resident tenants of the locality whose names are entered on such roll to make up with such freeholders a majority of the whole number of freeholders and tenants whose names are so entered, praying for the erection of the locality into a police village, is presented to the council, the council, if the locality has a population of not less than 150, and an area of not more than 500 acres, may pass a by-law erecting the locality into a police village to take effect from a day to be named in the by-law declaring the name which the police village shall bear and its boundaries, fixing a time and place and naming the returning officer for holding the first election of trustees and fixing a time and place for the first meeting of trustees. 3-4 Geo. V. c. 43, s. 502.

503.—(1) When the population of a police village exceeds 500, the council of the county by which it was established may, on petition of two-thirds of the freeholders and tenants of the village, whose names are entered upon the last revised assessment roll, and of the majority of the resident freeholders and tenants of the territory proposed to be added, whose names are entered on the last revised assessment roll of the municipality, may by by-law increase the area of the village by adding to it any adjoining land, but not exceeding 20 acres for each additional 100 of its population over 500.

(2) Land in another county shall not be included in the increased area without the consent of the council of that county. 3-4 Geo. V. c. 43, s. 503.

504. Subsections 2, 3, 5, 6 and 9 of section 13 shall apply to the proceedings under the next two preceding sections, and the population of the locality shall be determined in case of dispute in such manner and by such means as the council shall determine. 3-4 Geo. V. c. 43, s. 504.

Trustees—Election of, etc.

505.—(1) There shall be three trustees for every police village.

(2) The trustees may contract and may sue and be sued, and may pass by-laws by and in the name of the trustees of the police village of (naming it) but they shall not be personally liable upon their contracts. 3-4 Geo. V. c. 43, s. 505.

506.—(1) Except where other provision is made in this Part and except as provided by subsections 2 to 6, the provisions of Parts 2, 3 and 4, which are applicable to coun-
cillors of townships, shall apply mutatis mutandis to trustees of police villages.

(2) The trustees shall appoint the returning officer and the place within the village for holding the nomination and for the polling for every election except the first.

(3) The clerk of every township, a part of which is comprised in the village, not later than the day before that on which the polling is to take place, shall deliver to the returning officer of the village a copy of so much of the voters’ list as relates to the village, attested by his declaration in writing as a true copy thereof.

(4) The return of the ballot box provided for by section 122 shall be made,

(a) where the village lies wholly within the township to the clerk of that township;

(b) where the village comprises parts of two or more townships in the same county to the clerk of that county;

(c) where the village comprises parts of two or more townships in different counties to the clerk of the county in which the larger or largest part of the village is situate.

(5) The clerk to whom the ballot box is returned shall perform the duties which under sections 126 and 127 are to be performed by the clerk of a municipality.

(6) No person shall be qualified to be elected a trustee unless he has the prescribed qualification in respect of land situate in the village and resides in or within two miles of the village.

(7) No person shall be qualified to vote at an election of trustees unless he has the prescribed qualification in the village.

(8) The first meeting of the trustees after the annual election shall be held at noon on the 3rd Monday in January, or on some day thereafter at noon. 3-4 Geo. V. c. 43, s. 506.

507. If a vacancy occurs in the office of trustee the remaining trustees or trustee shall, by writing, appoint a trustee to fill the vacancy. 3-4 Geo. V. c. 43, s. 507.

508.—(1) The trustees shall, by writing, appoint one of their number to be inspecting trustee.

(2) Forthwith after the making of an appointment under subsection 1 or under section 507, the writing by which the appointment is made shall be filed with the clerk to whom the ballot box is to be returned as provided by subsection 4 of section 506. 3-4 Geo. V. c. 43, s. 508.
509.—(1) The trustees may at any time before the first day of June in any year by a requisition in writing require the council of the township in which the village is situate to cause to be levied, along with the other rates upon the rateable property in the village, such sum as the trustees deem necessary to defray the expenditure of the trustees for the current year.

(2) Where the village comprises parts of two or more townships the requisition shall be made on the council of each township for its proportion of the whole amount to be levied as ascertained in the manner provided by section 510.

(3) The amount which the trustees may require to be so levied shall not in any year exceed a sum which a rate of one cent in the dollar on the rateable property in the village will provide, but this shall not apply to a rate imposed or to be levied under sections 516, 517, or 519.

510.—(1) Where a village comprises parts of two or more townships the proportion of the amount required to be levied in each township shall be determined by the assessors of the townships.

(2) Where a police village is hereafter erected, the assessors shall meet forthwith after the election for the purpose of determining and shall determine the proportion to be levied in each township.

(3) Thereafter and in the case of all other police villages the meeting shall be held in every second year.

(4) Except in the case of a newly erected police village the two years shall be reckoned from the respective times when the last determination was made by the assessors.

(5) If the assessors differ, notice of the fact shall be forthwith given to the inspecting trustee, who shall act with the assessors in determining the proportions, and the decision of a majority shall be final and conclusive.

(6) The determination of the assessor or of the assessors and the inspecting trustee shall be forthwith communicated to the clerk of each of the townships.

(7) The meeting of the assessors shall be called by the assessor of the township in which is situate the larger or largest part of the rateable property of the village.

(8) The proportions as determined under this section shall govern until the next determination is to be made as provided by subsection 3. 3-4 Geo. V. c. 43, s. 510.

511. The ratepayers of the village shall be entitled to such deduction from the township rate payable by them as may be agreed on between the trustees and the council of.
the township, or if the village comprises parts of two or more
townships, by the councils of the respective townships, or if
they are unable to agree as shall be determined by a judge
of the county court of the county in which the village, or
if it comprises more counties than one, the larger or largest
part of the village is situate. 3-4 Geo. V. c. 43, s. 511.

512.—(1) The trustees shall be entitled to have the statute
labour to be performed by the ratepayers of the village per-
formed in the village.

(2) If the trustees request the council of a township to
commute the statute labour payable by the ratepayers in
that part of the village which is situate in the township, the
council shall provide for such commutation at such rate not
exceeding $1 per day, as may be requested by the trustees.

(3) The amount of the commutation money shall be col-
clected by the collector of the township and be placed to the
credit of the trustees in the books of the treasurer of the
township. 3-4 Geo. V. c. 43, s. 512.

513. The trustees may,

(a) construct sidewalks and culverts and make, improve,
drain and repair the highways in the village;

(b) make contracts for the supply of light, heat or
power by any person to the trustees for the pur-
poses of the village or to the residents thereof;

and do all things necessary for any of such purposes.
3-4 Geo. V. c. 43, s. 513.

514.—(1) The treasurer of a township shall, if he has
money of the corporation in hand and not otherwise appro-
priated, from time to time pay any order of the inspecting
trustee or of any two of the trustees to the extent of

(a) the sum required by section 509 to be levied by
the council of the township and any sum which
the council is required by the provisions of this
Part to place to the credit of the trustees, al-
though the same have not been then collected;

(b) any money received for license fees under any by-
law of the trustees and for penalties for breaches
of any such by-law or of sections 524, 525 and
526; and

(c) any money placed to the credit of the trustees under
the authority of section 515.

(2) An order shall not be given under this section except
for work actually performed or in payment in pursuance of
an executed contract. 3-4 Geo. V. c. 43, s. 514.
515. The council of a township in which the whole or a part of a police village is situate may by by-law provide that the whole or any part of the money received by the corporation of the township for licenses issued under The Liquor License Act for premises situate in the village or for penalties imposed for offences against that Act committed in the village shall be placed to the credit of the trustees in the books of the treasurer of the township. 3-4 Geo. V. c. 43, s. 515.

516.—(1) Upon the application of the trustees the council of a township in which a police village is situate shall submit for the assent of the electors of the village, and if it receives such assent shall pass a by-law for borrowing money for

(a) the construction of sidewalks of cement, concrete, brick or other permanent material;

(b) the purchase of fire engines and other appliances for fire protection and the supply of water therefor;

(c) lighting the highways in the village; and

(d) supplying light, heat or power to the trustees for the purposes of the village or to the residents thereof;

and for the issue of debentures of the corporation of the township for the money borrowed, payable on the instalment plan, at such time within ten years and in such manner as the trustees may request.

(2) The special rate for the payment of the principal and interest shall be imposed upon the rateable property in the village.

(3) The money borrowed shall be retained in the hands of the treasurer of the township, and he shall pay out of it the orders of the inspecting trustee or of any two trustees in payment for work actually performed or of an executed contract with respect to the work or service for undertaking which the by-law was passed.

(4) When the by-law is passed, the trustees may undertake the work or service.

(5) The trustees shall have the control, care and management of the fire engine and appliances, and of the plant and appliances for the supply of light, heat or power.

(6) The trustees shall in each year before the striking of the rate by the council of the township furnish to the clerk a statement showing in detail the amount required to be levied upon the rateable property of the village for the current year for any such work or service which has been undertaken and for the care and maintenance of any fire engine and appliances purchased and for providing water therefor.
and for the maintenance and operation of the plant and appliances for the supply of light, heat or power. 3-4 Geo. V. c. 43, s. 516.

517.—(1) The trustees may, with the consent of the council of the township in which the village is situate expressed by by-law or resolution, purchase fire engines and appliances for fire protection at a cost not exceeding $3,000, and pay therefor in instalments within ten years.

(2) Upon the purchase being made the council of the township shall pass a by-law for raising the amount of the purchase money by the issue of debentures of the corporation of the township on the instalment plan, payable within ten years.

(3) The special rate imposed for the payment of the debentures shall be imposed upon the rateable property in the village.

(4) The assent of the electors to the by-law shall not be necessary.

(5) Subsections 5 and 6 of section 516 shall apply to a fire engine and appliances purchased under the authority of this section. 3-4 Geo. V. c. 43, s. 517.

518. The trustees may contract with the corporation of a township in which the whole or any part of the village is situate for the use by the corporation of a fire engine and appliances purchased under the authority of this Part upon such terms as to payment for the use of them and otherwise as may be agreed upon. 3-4 Geo. V. c. 43, s. 518.

Establishment of Parks, Gardens, etc.

519.—(1) Upon the petition of three-fourths of the electors qualified to vote upon money by-laws the council of a township in which a police village is situate may pass a by-law for acquiring land within or without the limits of the village for a highway or for a public park, garden or place for exhibitions, and for the erection thereon of such buildings and fences as the council may deem necessary for the purposes of such highway, park, garden or place for exhibitions and may dispose of such land when no longer required for such purposes.

(2) The trustees shall have the care, control and management of such highway, park, garden or place.

(3) The council of the township may provide that,

(a) the money required for the purpose mentioned in subsection 1 shall be levied upon the rateable property in the village, or,
Sec. 520 (5). MUNICIPAL INSTITUTIONS. Chap. 192. 2527

(b) such money be raised by the issue of debentures of the corporation of the township on the instalment plan payable within 10 years.

(4) The by-law shall impose the special rate for the payment of the debentures upon the rateable property in the village.

(5) The trustees shall annually before the striking of the rate for the year by the council of the township furnish to the council a statement showing in detail the amount required to be levied for the current year for managing and maintaining the highway, park, garden or place of exhibitions, and the same shall be levied upon the land in the village.

(6) The assent of the electors to a by-law passed under this section shall not be necessary. 3-4 Geo. V. c. 43, s. 519.

520.—(1) Where the village comprises parts of two or more townships a by-law for the purposes mentioned in sections 516, 517 and 519 may be passed by the trustees, with the assent of the electors of the village qualified to vote on money by-laws; and for the purposes of such by-laws the trustees shall have all the powers of the council of a village, except the power to issue the debentures for the payment of the principal and interest.

(2) The by-law shall fix the proportion of the debt, for payment of which the special rate is to be imposed, which is to be borne by the part of the village situate in each township, and such proportion shall be the same as that in which the annual sum to be levied as provided by section 509 is to be levied according to the then last determination of the assessors or of the assessors and the inspecting trustee under section 510.

(3) If the by-law receives the assent of the electors the trustees, after passing it, shall serve a certified copy of it upon the clerk of each of the townships.

(4) The council of each township shall forthwith there after pass a by-law for raising the amount which is to be borne by that part of the village situate in the township by the issue of debentures of the corporation of the township, payable as provided by the by-law of the trustees, and it shall not be necessary that such by-law shall receive the assent of the electors or impose any rate for the payment of the debentures.

(5) The special rates imposed by the by-law of the trustees shall be levied and collected by the councils of the townships within which the property upon which they are imposed is situate. 3-4 Geo. V. c. 43, s. 520.
521.—(1) The trustees may appoint a constable for the village who shall have the same powers and perform the same duties within the village as a constable appointed by the council of a village.

(2) The constable may be paid by salary or may keep for his own use the fees of his office as the trustees may determine.

(3) Where the constable is paid by salary the trustees may require that the fees of his office be paid to the treasurer of the township in which the village is situate or where the village comprises parts of two or more townships to the treasurer of any or either of them for the use of the village. 3-4 Geo. V. c. 43, s. 521.

Special Powers.

522.—(1) The trustees shall have the like power to pass by-laws as is conferred on the council of a village with respect to the matters under the following sub-headings:

(a) Driving or riding on roads and bridges;
(b) Free libraries;
(c) Sidewalks—Vehicles on;
(d) Pounds;
(e) Snow and Ice, removal of;
(f) Sidewalks—Horses and cattle upon;
(g) Spitting on sidewalks;
(h) Traffic on highways, etc., driving of cattle, etc.;
(i) Tobacconists;
(j) Bagatelle and billiard tables; and
(k) Exhibitions, places of amusement, etc.

(2) Where power is conferred to license, the license fee shall be fixed by the trustees, and subsections 1, 3, 4, and 5 of section 253 shall apply.

(3) While a by-law passed under the authority of subsection 1 is in force, no by-law of the council of the township applicable to the same subject matter shall apply to or be in force in the village. 3-4 Geo. V. c. 43, s. 522.

523.—(1) Every by-law of the trustees shall be signed by at least two of them.

(2) A certified copy of every such by-law shall within seven days after it is passed be transmitted to the clerk of
every township a part of which is comprised in the village.
3-4 Geo. V. c. 43, s. 523.

Prevention of Fire.

524.—(1) Every proprietor of a house more than one
storey 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 for which such omission
continues.

(2) Every householder shall provide himself with two
buckets fit for carrying water in case of accident by fire,
under a penalty of $1 for each bucket not so provided.

(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 ex-
ceeding $2 for non-compliance.

(4) No person shall pass a stove-pipe through a wooden
or lathed partition or floor, unless there is a space of four
inches between the pipe and the wood-work nearest thereto;
and the pipe of every stove shall be inserted into a chimney;
and there shall be at least ten inches in the clear between
any stove and any lathed partition or wood-work, under a
penalty of $2.

(5) No person shall enter a mill, barn, outhouse or stable
with a lighted candle or lamp, unless it is 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
or 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,
unless such fire is confined in a copper, iron or tin vessel,
under a penalty of $1 for the first offence, and of $2 for
every subsequent offence.

(8) No person shall light a fire in a street, lane or public
place under a penalty of $1.

(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.
(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.

(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 is secured, so as to prevent any danger from fire, to the satisfaction of the inspecling trustee.

(12) No person shall erect a furnace for making charcoal of wood, under a penalty of $5. 3-4 Geo. V. c. 43, s. 524.

Gunpowder.

525.—(1) 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.

(2) 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. 3-4 Geo. V. c. 43, s. 525.

Nuisances.

526. 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 for which he neglects or refuses to remove the same after being notified to do so by the inspecling trustee or by some other person authorized by him. 3-4 Geo. V. c. 43, s. 526.

527.—(1) It shall be the duty of the trustees to see that the provisions of the next preceding three sections are not contravened, and that offenders are prosecuted for breaches of them.

(2) Any trustee who willfully neglects or omits to prosecute an offender against any of the provisions of sections 524, 525 or 526, when requested so to do by a resident householder of the village who offers to adduce proof of the offence, and a trustee who willfully neglects or omits to fulfil any other duty imposed on him by this Part shall incur a penalty of $5. 3-4 Geo. V. c. 43, s. 527.

528. The penalties imposed by or under the authority of this Part shall be recoverable under The Ontario Summary Convictions Act, all of the provisions of which shall apply except that proceedings for the recovery of penalties for
contraventions of sections 524 to 527 shall be commenced within ten days after the commission of the offence, or if it is a continuing offence within ten days after it has ceased and not afterwards. 3-4 Geo. V. c. 43, s. 528.

Incorporation of Trustees.

529.-(1) Where a police village has a population of not less than 500, the trustees may be created a body corporate and when incorporated the corporation shall be styled "The Board of Trustees of the Police Village of [insert name]" (naming it).

(2) The provisions of this Part as to the erection of a Police Village shall apply mutatis mutandis to an application for the incorporation of the trustees of a police village with the exception that the petition for incorporation shall be signed by not less than 50 resident freeholders of the village whose names are entered on the last revised assessment rolls of the municipality or municipalities of parts of which the village is composed. 3-4 Geo. V. c. 43, s. 529.

530.-(1) At its first meeting in each year the Board shall appoint one of its members to be the Chairman, and shall also appoint a Secretary.

(2) The chairman shall, if present, preside at all meetings of the Board and in his absence the Board shall appoint one of its members to act as Chairman during such absence. 3-4 Geo. V. c. 43, s. 530.

531.-(1) The by-laws of the Board shall be signed by the Chairman or acting Chairman and shall be sealed with its seal.

(2) The provisions of this Act as to the proof of by-laws of a council shall apply to the by-laws of the Board. 3-4 Geo. V. c. 43, s. 531.

532. The expenses of repairing and maintaining all works, improvements and services undertaken by the Board under the authority of this Act shall be borne by the Board and such expenses shall be levied and collected by the councils of the townships on the requisition in writing of the Board in like manner as the money to be levied as provided by section 509. 3-4 Geo. V. c. 43, s. 532.

533.—(1) If the Board makes default in maintaining and keeping in repair any such work, and the corporation of a township becomes liable under section 460 for damages suffered by or occasioned to any person in consequence of such default, the corporation shall be entitled to the remedy over against the Board provided for by section 464.
Sec. 533 (2).

(2) The amount required to satisfy the liability of the Board shall be levied and collected by a special rate on the rateable property in the village, and it shall be the duty of the Board to make a requisition in writing to the council of the township to levy and collect the same.

(3) Where the village comprises parts of two or more townships the special rate shall be apportioned between the townships in the manner provided by section 510, and shall be levied and collected by the councils thereof in accordance with the requisition of the Board. 3-4 Geo. V. c. 43, s. 533.

534.—(1) The Board shall have the like powers as the council of a village for constructing, purchasing, improving, extending, maintaining, managing and conducting water, light, heat, power and gas works.

(2) A copy of every by-law passed under the authority of subsection 1 shall be filed with the clerk of every township in which any part of the village is situate.

(3) Where the village comprises parts of two or more townships the special rate shall be apportioned between the townships in the manner provided by section 510, and shall be levied and collected by the councils thereof in accordance with the requisition of the Board.

535.—(1) The powers expressly conferred on boards of trustees of police villages shall be in addition to the powers conferred by this Part on trustees of a police village, and except where other provision is made by this Part with respect to such boards all the provisions of this Part relating to trustees of police villages shall apply to such boards.

(2) Section 497, subsection 2 of section 498, and sections 499 and 500 shall apply mutatis mutandis to by-laws passed under the authority of this Part by a board of trustees of a police village. 3-4 Geo. V. c. 43, s. 535.

PART XXIV.

MISCELLANEOUS.

536. Where the Forms therefor are not prescribed by this Act the Municipal Board may approve of forms of by-laws, notices and other proceedings to be passed, given, or taken
under or in carrying out the provisions of this Act, and every by-law, notice or other proceeding which is in substantial conformity with the Form so approved shall not be open to objection on the ground that it is not in accordance with the provisions of this Act applicable thereto, but the use of such Forms shall not be obligatory. 3-4 Geo. V. c. 43 s. 536.

537. The Lieutenant-Governor in Council may by proclamation declare that section 566 of The Consolidated Municipal Act, 1903, shall cease to have effect on and from a day to be named in such proclamation and on and from that day the section shall be deemed to be repealed.

FORM 1.

DECLARATION OF INCORPORATION.

TOWNSHIPS IN UNORGANIZED TERRITORY.

I, Judge of the District Court of the Provisional Judicial District of hereby certify:

1. That the inhabitants of the township of in the said district (or of that part of the said district described as follows [describing it]), or of the townships of and in the said district (as the case may be), are incorporated as a township municipality (or as a union of townships municipality, as the case may be), by the name of the Corporation of the township of (or of the united townships of , as the case may be).

2. That was elected reeve and were elected councillors for the municipality.

3. The first meeting of the council shall be held on the day of at Dated at this day of , 19 . 3-4 Geo. V. c. 43, Form 1.
FORM 2.

DECLARATION OF QUALIFICATION BY CANDIDATE.

1, A. B., declare that

1. I am a British subject by birth (or naturalization), and not a citizen or subject of any foreign country.

2. I have to my own use and benefit in my own right (or my wife has, as the case may be) as owner (or tenant, as the case may be), such estate as qualifies me for the office of (naming the office) for which I am a candidate (a), (d).

3. Such estate is (state the nature of the estate as a legal estate of freehold or otherwise, as the case may be) in (designate the land by its local description or otherwise).

4. The land is assessed in my own name (or in the name of my wife, as the case may be) on the last revised assessment roll of this municipality at the sum of $ (b) which exceeds by at least $ the amount of all liens, charges and encumbrances thereon (c).

5. I am not liable for any arrears of taxes to the corporation of this municipality.

6. There are no arrears of taxes against the land in respect of which I qualify.

Declared before me at the day of 19

A. B.

(a) Where the candidate qualifies under subsection 2 of section 52, substitute for paragraphs 2 and 4 the following:

2. I had to my own use and benefit (or my wife had, as the case may be) as owner (or tenant, as the case may be), at the time of the return of the last assessment roll of this municipality such an estate in land rated on that assessment roll in my own name or in the name of my wife as the case may be, as would have qualified me for the office of (naming it).

4. I have (or my wife has, as the case may be) an estate in land (describing it) assessed on the last revised assessment roll of this municipality for $ which exceeds by at least $ the amount of all liens, charges and encumbrances thereon, and is sufficient to qualify me for such office if I (or my wife, as the case may be) had been assessed for it.

(b) Where the candidate qualifies on a leasehold estate omit the remainder of this paragraph.

(c) Where the candidate qualifies under clause (e) of subsection 1 of section 52, substitute for paragraph 4 the following:

4. The land is assessed in my own name (or in the name of my wife, as the case may be) on the last revised assessment roll of this municipality for at least $2,000, and I am in actual occupation of such land.

(d) In the case of a person elected as a member of a township council substitute for the words “for which I am a candidate” the words “to which I was elected,” and change paragraphs 2, 6 and 7 so as to refer to the time of the election.

3-4 Geo. V, c. 43, Form 2.
Form 3.  Municipal Institutions.  Chap. 192.  2535

**Ballot Papers for Cities and Towns.**

**Form for Mayor.**

| Election for the Municipal Council of the City of | ALLAN.  
| Ward No., Polling Sub-district. | Charles Allan, of King Street, in the City of Toronto, Merchant. |
| Ward No., Polling Sub-district, 19. |  |

| Election for the Municipal Council of the City of | BROWN.  
| Ward No., Polling Sub-district. |  |

**Form for Reeve and Deputy Reeve in Towns.**

| Election for the Members of the Municipal Council of the Town of | CLITHEROE.  
| Ward No., Polling Sub-district, 19. |  |

| Election for the Members of the Municipal Council of the Town of | HUGHES.  
| Ward No., Polling Sub-district, 19. | David Hughes, of the Town of Galt, Tinsmith. |
| Ward No., Polling Sub-district. |  |

| Election for the Members of the Municipal Council of the Town of | FARQUHARSON.  
| Ward No., Polling Sub-district. |  |

| Election for the Members of the Municipal Council of the Town of | MacPHERSON.  
| Ward No., Polling Sub-district. |  |

**Form for Aldermen or Councillors.**

| Election for the Members of the Municipal Council of the City of | ARGO.  
| Ward No., Polling Sub-district. |  |

| Election for the Members of the Municipal Council of the City of | BAKER.  
| Ward No., Polling Sub-district. |  |

| Election for the Members of the Municipal Council of the City of | DUNCAN.  
| Ward No., Polling Sub-district, 19. | Robert Duncan, of the City of Toronto, Printer. |
| Ward No., Polling Sub-district. |  |

**Note.**—[In the case of cities and towns where the Aldermen or Councillors are elected by general vote the form above given is to be adapted to suit the case.]

3-4 Geo. V. c. 43, Form 3.
### FORM 4.

**Ballot Paper for Villages.**

<table>
<thead>
<tr>
<th>FOR REEVE.</th>
<th>BROWN.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>John Brown, of the Village of Weston, Merchant.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>FOR COUNCILLORS.</th>
<th>ROBINSON.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>George Robinson, of the Village of Weston, Physician.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>FOR COUNCILLORS.</th>
<th>BULL.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>John Bull, of the Village of Weston, Butcher.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>FOR COUNCILLORS.</th>
<th>JONES.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Morgan Jones, of the Village of Weston, Grocer.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>FOR COUNCILLORS.</th>
<th>McALLISTER.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Allister McAllister, of the Village of Weston, Tailor.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>FOR COUNCILLORS.</th>
<th>O'CONNELL.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Patrick O'Connell, of the Village of Weston, Milkman.</td>
</tr>
</tbody>
</table>

3-4 Geo. V. c. 43, Form 4.
<table>
<thead>
<tr>
<th>Election of Members of the Municipal Council of the Township of York</th>
<th>ALLSOPP.</th>
<th>BURTON.</th>
<th>BANKS.</th>
<th>CALDWELL.</th>
<th>CONNOR.</th>
<th>DAVIDSON.</th>
<th>EDWARDS.</th>
<th>FERGUSON.</th>
<th>BRITTON.</th>
<th>LLOYD.</th>
<th>MACDONALD.</th>
<th>O'LEARY.</th>
</tr>
</thead>
</table>
Note.—Where the election is to fill a vacancy, the ballot papers are to contain only so much of the form as is required; and the counterfoils shall bear, instead of the words appearing on the form the words “Election of .................. to fill a vacancy in the office of .................. Ward No. ........... Polling subdivision No. ........... day of ........... 19...”

Where controllers, or commissioners, or members of the Board of Education are to be elected the ballot papers are to be similar in form.

FORM 6.

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 fold up the ballot paper so as to show 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 paper 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 as 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 his ballot paper by which he may afterwards be identified, or if the ballot paper has been torn, defaced, or otherwise dealt with by the voter so that he can thereby be identified, it 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 Officer, he will be subject to imprisonment for any term not exceeding 6 months, with or without hard labor.

In the following forms of ballot paper, given for illustration, the candidates are, for Mayor, Jacob Thompson and Robert Walker; for Reeve, George Jones and John Smith; for Deputy Reeve, Thomas Brown and William Davis; for Councillors, John Bull, Morgan Jones, Allister McAllister and Patrick O'Connell; and the elector has marked the first ballot paper in favour of Jacob Thompson for Mayor, the second ballot paper in favour of George Jones for Reeve, the third ballot paper in favour of William Davis for Deputy Reeve, and the fourth ballot paper in favour of John Bull and Patrick O'Connell for Councillors.

<table>
<thead>
<tr>
<th>THOMPSON.</th>
<th>Jacob Thompson, of the Town of Barrie, Merchant.</th>
</tr>
</thead>
<tbody>
<tr>
<td>WALKER.</td>
<td>Robert Walker, of the Town of Barrie, Physician.</td>
</tr>
<tr>
<td>Election for the Members of the Municipal Council of Barrie No. 19, 1919</td>
<td>FOR REEVE</td>
</tr>
<tr>
<td>---</td>
<td>---</td>
</tr>
<tr>
<td>JONES.</td>
<td>George Jones, of the Town of Barrie, Barrister.</td>
</tr>
<tr>
<td>SMITH.</td>
<td>John Smith, of the Town of Barrie, Banker.</td>
</tr>
<tr>
<td>BROWN.</td>
<td>Thomas Brown, of the Town of Barrie, Grocer.</td>
</tr>
<tr>
<td>DAVIS.</td>
<td>William Davis, of the Town of Barrie, Jeweller.</td>
</tr>
<tr>
<td>BULL.</td>
<td>John Bull, of the Town of Barrie, Butcher.</td>
</tr>
<tr>
<td>JONES.</td>
<td>Morgan Jones, of the Town of Barrie, Grocer.</td>
</tr>
<tr>
<td>McALLISTER.</td>
<td>Allister McAllister, of the Town of Barrie, Tailor.</td>
</tr>
<tr>
<td>O'CONNELL.</td>
<td>Patrick O'Connell, of the Town of Barrie, Milkman.</td>
</tr>
</tbody>
</table>

3-4 Geo. V. c. 43, Form 6.
FORM 7.

Form in which Poll Book to be Furnished to Deputy Returning Officers is to be Prepared.

<table>
<thead>
<tr>
<th>Column for mark indicating that the voter has voted.</th>
<th>NAMES OF THE VOTERS.</th>
<th>Description of Property in respect of which the voter is entitled to vote.</th>
<th>Freethinker, Tenant or Farmer &amp; Son, or Income Voter.</th>
<th>Residence of Voter.</th>
<th>Occupation.</th>
<th>Objections.</th>
<th>Sworn or affirmed.</th>
<th>Refused to swear or affirm.</th>
<th>Mayor and Reeve.</th>
<th>Deputy Reeve.</th>
<th>Councillors.</th>
<th>REMARKS.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Note.—In Cities, the column above headed "Mayor and Reeve" is to be headed "Mayor"; and the column above headed "Councillors" is to be headed "Aldermen." In Townships and Villages, the column above headed "Mayor and Reeve" is to be headed "Reeve." Where Controllers or Commissioners or Members of a Board of Education are to be elected, columns for these are to be added with appropriate headings.

3 & 4 Geo. V. c. 43, Form 7.
Form 8. MUNICIPAL INSTITUTIONS. Chap. 192. 2541

FORM 8.

CERTIFICATE AS TO ASSESSMENT ROLL AND VOTERS' LIST.

Election to the Municipal Council of the

of

I., A. B., Clerk of the Municipality of hereby certify that the assessment roll for this municipality upon which the voters' list to be used at this election is based was finally revised on the day of 19 , and that the last day for making complaint to the Judge with respect to the list was day of 19 .

Dated this day of 19 .

[Seal.]

A. B., Clerk.

3-4 Geo. V. c. 43, Form 8.

FORM 9.

OATH TO BE ADMINISTERED TO A VOTER.

You swear (a)

1. That you are the person named or intended to be named by the name of in the list (or supplementary list) of voters (b) now shown to you.

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

3. That you are not a citizen or subject of any foreign country.

4. (In the case of an unmarried woman or widow) That you are unmarried (or a widow, as the case may be).

5. That (c)

6. (In the case of a municipality not divided into wards) That you have not voted before at this election at this or any other polling place.

7. (Where the municipality is divided into wards and the election is not by general vote) That you have not voted before at this election at this or any other polling place in this ward, (or if the election is by general vote) that you reside in this polling subdivision (or are not entitled to vote in the polling subdivision in which you reside or are not resident within the municipality, as the case may be), and that you have not voted before or elsewhere at this election, and will not vote elsewhere at this election (d).

8. 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.

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

10. That you have not directly or indirectly paid or promised anything to any person to induce him to vote or to refrain from voting at this election.

(a) If the voter is a person who may by law affirm in civil cases, substitute for “swear,” “solemnly affirm.”

(b) In the case of a new municipality in which there has not been any assessment roll, instead of referring to the list of voters,
the oath is to state the land in respect of which the person claims to vote.

(c) In the case of a person claiming to vote in respect of a freehold estate, insert here, "At the date of this election you are in your own right, or your wife is, a freeholder within this polling subdivision (or, where the ward is not divided into polling subdivisions, "within this ward")."

In the case of a person claiming to vote in respect of a leasehold estate, insert here "That you were (or your wife was) actually and truly in good faith possessed to your (or her) own use and benefit as tenant of the land in respect of which your name is entered on such list. That you are (or your wife is) a tenant within this municipality, and that you have been a resident within it for one month next before this election;" (or, in the case of a new municipality for which there is no assessment roll, instead of the words "have been a resident within it for one month next before the election," insert "You are a resident of this municipality").

If the person claims to vote in respect of income, insert here That on the day of 19 (the day certified by the clerk as the date of the final revision of the assessment roll upon which the voters' list is based, or, at the option of the voter, the day certified by the clerk as the last day for making complaint to the Judge with respect to such list) you were, and thenceforth have been continuously, and still are, a resident of this municipality, and that at that date and for the twelve months previously you were in receipt of an income from your trade, office, calling or profession of not less than four hundred dollars.

In the case of a person claiming to vote as a farmer's son, insert here That on the day of 19 (the day certified by the clerk as the date of the final revision of the assessment roll upon which the voters' list is based, or, at the option of the voter, the day certified by the clerk as the last day for making complaint to the Judge with respect to such list) A. B. (naming him or her) was actually, truly and in good faith possessed to his (or her) own use and benefit as owner (or as tenant under a lease the term of which was not less than five years), as you verily believe, of the land in respect of which your name is entered on the voters' list; That you are a son (or a stepson) of the said A. B., and that you resided on the said land for twelve months next before the said day, and were not absent during that period except temporarily, and for not more than six months in all, and that you are still a resident of this municipality.

Where the voter or his wife is a leaseholder, and the voting is on a by-law under section 51 of The Local Improvement Act, add "That you have (or your wife has), by the lease under which you (or she) holds, contracted to pay all municipal taxes, including local improvement rates.

(d) If the by-law is for creating a debt substitute for paragraph 7. (In the case of the municipality divided into wards, if the by-law is one for creating a debt): 7. That you have not voted before on the by-law at this or any other polling place in this ward; (or in the case of any other by-law): 7. That you reside in this polling subdivision or are not entitled to vote in the polling subdivision in which you reside, or are not resident within the municipality (as the case may be), and that you have not voted before elsewhere, and will not vote elsewhere on the by-law.

(Where the voter or his wife is a leaseholder, and the voting is on a by-law for creating a debt, add the following paragraph:

11. That the lease under which you hold (or your wife holds) extends for the period for which the debt or liability to be created
FORM 12.

MUNICIPAL INSTITUTIONS.

Chap. 192.

by the by-law is to run, and you have (or your wife has) contracted by the lease to pay all municipal taxes in respect of the land other than special assessments for local improvements.

Where the voting is on a by-law substitute for the words "at this election" the words "on the by-law"; and where the voting is on a question, substitute for the words "at this election" the words "on the question."

3-4 Geo. V. c. 43, Form 9.

NOTE.—Where the voter is the nominee of a corporation the oath shall state the fact, and that the voter has not voted before on the by-law "at this or any other polling place," adding if the municipality is divided into wards "in this ward," and shall also contain paragraphs 1, 8, 9 and 10.

———

FORM 10.

DECLARATION OF INABILITY TO READ.

I, A. B., of , being numbered on the voters' list, for polling subdivision No. , in the City (or as the case may be) of , being a legally qualified elector for the City (or, as the case may be) of , declare that I am unable to read (or that I am from physical incapacity unable to mark a ballot paper, or that I object on religious grounds to mark a ballot paper, as the case may be).

Dated this day of , 19 . (A.B., His X Mark.)

3-4 Geo. V. c. 43, Form 10.

NOTE—If the person objects on religious grounds to mark a ballot paper, the declaration may be made orally and to the above effect.

———

FORM 11.

CERTIFICATE TO BE WRITTEN UPON OR ANNEXED TO THE DECLARATION OF INABILITY TO READ.

I, C.D., Deputy Returning Officer for polling subdivision No. for the City (or as the case may be) of , hereby certify that the above (or within) declaration, having been first read to the above (or within) named A. B., was signed by him in my presence with his mark.

Dated this day of , 19 .

C. D.

3-4 Geo. V. c. 43, Form 11.

———

FORM 12.

OATH OF POLL CLERK OR MESSENER WHERE THE DEPUTY RETURNING OFFICER IS UNABLE TO DELIVER THE BALLOT BOX TO THE RETURNING OFFICER.

I, Deputy Returning Officer for Polling Subdivision No. , of the of entrusted the ballot box for the said polling subdivision to be 44 s.—II
delivered to the Clerk; that the ballot box which I delivered to the Clerk this day is the ballot box I so received; that I have not opened it and that it has not been opened by any other person since I received it from the Deputy Returning Officer.

Sworn before me at this day of 19.

3-4 Geo. V. c. 43, Form 12.

FORM 13.

OATH OF DEPUTY RETURNING OFFICER AFTER CLOSING OF THE POLL.

I, A. B., Deputy Returning Officer for Polling Subdivision No., of the City (or, as the case may be) of in the County, swear that, to the best of my knowledge and belief, the poll book kept for the said polling place under my direction has been kept correctly, that the total number of votes polled according to the said poll book is , and that it contains a true and exact record of the votes given at the said polling place, as the said votes were taken thereat; that I have correctly counted the votes given for each candidate, in the manner by law provided, and performed all duties required of me by law, and that the statement, voters' list, poll book, packets containing ballot papers, and other documents required by law to be returned by me to the Clerk, have been faithfully and truly prepared and placed in the ballot box, and are contained in the ballot box, returned by me to the Clerk, which was locked and sealed by me, in accordance with the provisions of The Municipal Act, and remained so locked and sealed while in my possession.

Sworn before me at this day of 19.

A. B.

3-4 Geo. V. c. 43, Form 13.

FORM 14.

OATH OF SECRECY.

I, A. B., swear that I will not at this election disclose to any person the name of any person who has voted, and that I will not in any way unlawfully attempt to ascertain the candidate or candidates for whom any elector shall vote or has voted, and will not in any way aid in the unlawful discovery of the same; and that I will keep secret all knowledge which may come to me of the person for whom any elector has voted.

Sworn before me this day of 19.

A. B.

J. P., or as the case may be.

3-4 Geo. V. c. 43, Form 14.

Note.—When the voting is on a by-law or question the Form is to be adapted to that case.
FORM 15.

Certificate of Clerk as to Election of Reeves and Deputy Reeves.

I, A. B., of Clerk of the Corporation of the town (township or village, as the case may be) of in the County of hereby, under my hand and the seal of the said Corporation, certify that C. D., of Esquire (or as the case may be), was duly elected reeve, (or first deputy reeve, or second deputy reeve, or third deputy reeve, as the case may be), of the said town (township or village, as the case may be), and has made and subscribed the declaration of office and qualification as such reeve (or first deputy reeve, or second deputy reeve, or third deputy reeve, as the case may be).

A. B.

3-4 Geo. V. c. 43, Form 15.

FORM 16.

Declaration of Office.

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 (insert name of office; or in the case of a person who has been appointed to two or more offices which he may lawfully hold at the same time), that I will truly, faithfully and impartially, to the best of my knowledge and ability, execute the offices to which I have been elected (or appointed) in this municipality, and that I have not received, and I will not receive, any payment or reward, or promise thereof, for the exercise of any partiality or malversation or other undue execution of the said office (or offices), 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 (where declaration is made by the clerk, treasurer, collector, engineer, clerk of works or street overseer, add the words following) save and except that arising out of my office as clerk (or my office as assessor or collector, or as the case may be).

3-4 Geo. V. c. 43, Form 16.

FORM 17.

Declaration of Election Officers.

I, A. E., 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) in this municipality, and that I have not received, and will not receive, any payment or reward, or promise thereof, for the exercise of any partiality or malversation or other undue execution of the said office.

3-4 Geo. V. c. 43, Form 17.

FORM 18.

Declaration of Auditor.

I, A. B., having been appointed auditor for the municipal corporation, promise and declare that I will faithfully perform the duties of that 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 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.

A. B.

3-4 Geo. V. c. 43, Form 18.

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FORM 19.

I, the undersigned, A. B., declare that I am an elector in this municipality, 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 by the Council of this municipality (or of voting in the affirmative (or in the negative, as the case may be) on the question submitted.

Declared before me this day of 19.

A. B.

3-4 Geo. V. c. 43, Form 19.

---

FORM 20.

**Ballot Paper for Voting on a By-law.**

<table>
<thead>
<tr>
<th>19</th>
<th>FOR</th>
<th>AGAINST</th>
</tr>
</thead>
<tbody>
<tr>
<td>Voting on By-law to (here insert object of the by-law) submitted to the Council of the municipality</td>
<td>The By-law.</td>
<td>The By-law.</td>
</tr>
</tbody>
</table>

3-4 Geo. V. c. 43, Form 20.

---

FORM 21.

**Ballot Paper for Voting on Question.**

<table>
<thead>
<tr>
<th>19</th>
<th>YES</th>
<th>NO</th>
</tr>
</thead>
<tbody>
<tr>
<td>Voting on the following question (here state question)</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

3-4 Geo. V. c. 43, Form 21.
FORM 22.

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 \( \times \)) on the right hand side, in the upper space if he votes for the passing of the by-law, or in the affirmative on the question, and in the lower space if he votes against the passing of the by-law, or in the negative on the question.

The voter will then fold up the ballot paper so as to show 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 his ballot paper by which he may be afterwards identified, or if the ballot paper has been torn, defaced or otherwise dealt with by the voter so that he can thereby be identified, it 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:

<table>
<thead>
<tr>
<th>FOR ( \times )</th>
<th>AGAINST</th>
</tr>
</thead>
<tbody>
<tr>
<td>The By-law.</td>
<td>The By-law.</td>
</tr>
</tbody>
</table>

3.4 Geo. V. c. 43, Form 22

FORM 23.

NOTICE ON PROMULGATION OF BY-LAW.

The above is a true copy of a by-law passed by the municipal council of the of on the day of , 19

And all persons are hereby required to take notice that anyone desirous of applying to have such by-law, or any part thereof, quashed, must make his application for that purpose to the High
Court of Justice, within three months next after the first publication of this notice in the newspaper called the
he will be too late to be heard in that behalf.

3-4 Geo. V. c. 43, Form 23.

FORM 24.

NOTICE OF REGISTRATION OF BY-LAW.

Notice is hereby given that a by-law was passed by the
of on the day of 19 , 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 on the day of 19 . Any motion to quash or set aside the same or any part thereof must be made within three months after the first publication of this notice, and cannot be made thereafter.

Dated the day of 19 .

Clerk.

3-4 Geo. V. c. 43, Form 24.

FORM 25.

CHIEF ENGINEER'S CERTIFICATE.

To the Trustees of the Municipal Trust Account.

I, Chief Engineer of the Railway Company, do hereby certify that the company has fulfilled the terms and conditions necessary to be fulfilled under by-law number of the municipal council of the railway company of , passed the day of 19 , that is to say (set out terms and conditions fulfilled), to entitle the company to receive from the trustees the sum of

Dated the day of 19 .

Chief Engineer.

3-4 Geo. V. c. 43, Form 25.