

Development of Municipal Institutions in Ontario.

The origin of municipal institutions in this country is due to the people who first came from England to America. They were dissatisfied with the way church affairs were carried on in the old country, and were desirous of establishing a reform, whereby members of the congregation should have more voice than formerly in the church government. It was owing to their inability to secure a reform of this nature that they crossed the ocean, settled in groups, and built their houses near together, so that they could all go to the same church. Thus, a parish, which, for municipal purposes, is called a township, was formed, and consisted of as many farms as were within convenient distance from the meeting house, and around the meeting house a village gradually sprung up, with the customary tavern, store and town hall.

A township, taken as a whole, and in relation to the government of the country, may be looked upon as an individual who obeys the government, not because he is inferior to or that he is less capable than his neighbor for governing matters, but because he acknowledges the utility of an association with his fellowmen, and because he knows that no such association can exist without a regulating force. As the townships increased in number, they became a part of larger districts called counties, without which a system of united self-government would be far from complete.

In 1635, the first county was established in Massachusetts as a judicial district, with its court house, goal and sheriff. The early English settlers were used to a county as a district for the administration of justice, and they brought with coroners, sheriffs and quarter sessions. In Virginia a different county system was introduced. There was an unsurmountable distinction between the owners of plantations, and the men and women who had been indentured "white service." An aristocratic type of society was largely developed in Virginia, as readily as the democratic type was developed in New England. In Virginia, the system was that of the English parish with its church warden and clerk, and the vestry composed of twelve chosen men elected by the people of the parish. The difference between the New England township and the Virginia parish in respect of self-government was quite plain; in New England the township was the unit of the representation of the Colonial legislature, in Virginia, not the parish, but the county was the unit of representation. The conditions which made the New England town meeting were absent, the only alternative was a kind of representative government, and for this the county was a small enough area. There were usually, in each county, eight justices of the peace, and their court was a counterpart of the quarter sessions. In addition

to the administration of justice, these courts superintended the construction and repairs of highways and bridges, and for this purpose divided the county into precincts, appointing annually for each precinct, a highway surveyor.

To trace the development of these municipal institutions in Ontario, I do not propose to refer to the municipal laws that may have been in operation in Quebec, but will commence in 1760, when Canada came into the hands of the British. During the first three years, the government was purely military, when, by proclamation of George III., in 1763, the ancient French customs and civil laws were restored, but in all cases of a criminal nature the laws of England were to be in force.

This continued until 1774, when the Quebec Act was passed, which provided for the appointment by His Majesty George III. of a council for the affairs of the province, consisting of not more than twenty-three, nor less than seventeen, which council, with the government, had the power to make ordinances for the peace, well-fare and good government of the province. Every ordinance passed had to be transmitted to His Majesty for approval. In 1788, under the authority of the two acts passed by the governor and council, Guy Lord Dorchester, captain-general and governor, divided Quebec into districts.

In July, 1792, Governor Simcoe, by proclamation, issued from the government house at Kingstown, divided the province into nineteen counties. In this division of the province into counties, but very little attention seems to have been paid to the boundaries of the four districts into which the province was already divided.

The first session of the first Provincial Parliament was convened at Niagara on the 17th day of September, 1792. The session lasted twenty-eight days. Eight acts were passed: The first, "To introduce English law as the rule for decision for all matters of controversy relative to law and civil rights;" the second, "To establish trials by jury;" the third, "To establish the use of the Winchester measure and a standard for other weights and measures;" the fourth, "To abolish all summary proceedings in courts of common pleas in actions under ten pounds sterling;" the fifth, "An act to prevent accidents by fire;" sixth, "For the more easy and speedy recovery of small debts;" seventh, "To regulate the toll to be taken in mills;" and the eighth, "For building a jail and court house in every district within the province and for altering the names of the districts." The second session of the parliament was held at Niagara, commencing on the 31st day of May, and ending on the 9th day of July, 1793. The second act of this session was to provide for the nomination appointment of parish and town officers within the province, and the system of

county government then introduced was that which was already established in the State of Virginia. Chapter 4 of the act of this session was to regulate the laying out and mending and keeping in repair the roads and highways in the province.

Chapter 6 was to fix the times and places of holding the courts of general quarter sessions of the peace within the several districts of the province.

In 1801, in addition to the appointment of constables, poundkeepers, and other officers, the magistrates were empowered to erect jails, court houses, etc., and the control, alteration, construction and repairs of highways was one of the general duties. The principal duty of the quarter sessions courts was the changing of road allowances as laid out in the early surveys, so that roads could be constructed with less expense than if on the original allowance.

Up to the year 1834, the justices in session managed all local matters pretty much as they pleased, and in that year an act was passed which provided that the inhabitant householders, at their annual township meetings, should appoint not less than three nor more than eighteen persons to be fence viewers. The meetings were also authorized to determine what should be considered a lawful fence, and the act provided at great length what the powers, duties and remuneration of fence-viewers should be, and how their decisions should be enforced. By this act also provision was made for opening ditches and watercourses and for apportioning said ditch or watercourse among the several persons interested, as the fence-viewers might decide.

In 1835, an important change was made. Several acts previously passed, respecting town meetings, were repealed, and it was provided that the township clerk should assemble the inhabitants of the township, being householders and freeholders, at a place agreed upon at the previous yearly meeting. This meeting was empowered to choose the following township officers: The clerk, three commissioners, one assessor, one collector, and any number of persons they thought proper to serve as overseers of highways, roads and bridges, and as poundkeepers. The collectors gave bonds to the district treasurer to whom they paid the proceeds of the rates levied, and the township clerks gave bonds to the commissioners. The most important change was the election of commissioners, to whom were now transferred many of the powers respecting the construction and repairs of bridges and roads previously held and exercised by the justices in quarter session. The board of commissioners was required to meet three times at the place to which the last township meeting was held, and were authorized to hold as many other meetings as they thought best at any place they chose. They were to receive from

To be Continued.