

materials, shall, if not agreed upon by the parties concerned, be settled by arbitration, etc. Street, J., is of the opinion that in passing the by-law in this form the Council did not carry out what was intended by the Legislature by the section referred to; that what the Legislature did intend was that the Council should, as necessity arose for their doing so, exercise the right to take gravel from any particular parcel or parcels of land, having first declared the necessity to exist and chosen and described the land from which the parcel was to be taken by a by-law; that the by-law is upon its face illegal because it purports to confer upon the officers powers much wider and more extensive than the statute authorizes; and that there is nothing in sec. 338 of the Municipal Act to prevent the plaintiff from maintaining this action so far as it is based upon a claim to restrain further damage. The defendants also denied the plaintiff's title to the land on which they claimed the right to enter, and this involved the construction of the will of his father. Upon this the conclusion of the learned judge is that the property of which the testator intended to dispose was his own property situate in the second concession of West Wawanosh, upon which or upon part of which he was living, and that any further description inconsistent with this construction should be rejected. He therefore holds that the plaintiff is entitled under the will to a vested remainder in fee, and by virtue of that estate to restrain the defendants from injuring his inheritance by taking away gravel, and to the injunction asked. The defendants to pay the costs of action. No enquiry as to damages."

S. S., Hensall.

I see by your valuable paper mention is made of several township clerks regarding the length of time they have held office. Mr. Angus Bell's record of 41 years is the longest mentioned so far. I think I will surprise you when I tell you that the present clerk of the township of Nichol, James McQueen, Esq., received his appointment in the year of the McKenzie Rebellion, 54 years ago, and has continued to act ever since. We all hope he may continue to act until at least the end of the present century. I think this is a record-breaker. If you can beat this let us hear from you; we will then take a back seat. T. W. T., Fergus.

The above cannot but be of interest to our readers. It is a remarkable record, and one not at all likely to be eclipsed. We think it worthy of more than a passing notice, and some of our clerks in Mr. McQueen's vicinity should interest themselves in getting up a congratulatory testimonial that all of us might participate in. We heartily second the wish of our correspondent as to Mr. McQueen's continuance in his honorable work for many years to come.

In last issue of your valuable paper, mention is made of the number of years in which several of the township clerks and treasurers in Ontario have held office, and it may not be out of place for me to "rise and speak." On the 5th of January, 1835, I was appointed township clerk for Oro and held offices of clerk and treasurer (with the exception of 1837) till January, 1842, a term of six years. I was again appointed clerk and treasurer on the 19th of January, 1857, and have since held these offices continuously till the present time. I am now in the thirty-fifth year of my second term, and if my former record of six years be added Mr. Bell and I will be about equal. I would like to know how many are still "on deck" of our clerks and treasurers who were appointed in January, 1835. Many changes have been made in our municipal institutions since that time, as well as in officials. I was a member of our township council in 1852, '53, '55 and '56. I am much pleased with your paper; you have already given us some valuable information, a prelude of more to follow. Wishing you every success, Geo. Tudhope, Clerk and Treas. of Oro,

Please find enclosed one dollar, for one year's subscription to MUNICIPAL MISCELLANY. I have received three numbers, and am well pleased with them. Every municipal officer ought to become a subscriber. I suppose it will be in order for me to enter the list of long-service clerks and treasurers. I am only four years behind my old friend, Angus Bell, of Nottawasaga, having been appointed clerk and treasurer of Vespra, Co. Simcoe, in January, 1854, 37 years ago. I may state further that during that long period, either from sickness or any other cause, I have not once been absent from a meeting of the council.

GEO. SNEATH, Clerk and Treas. of Vespra.

## REPORT OF COMMISSION ON MUNICIPAL INSTITUTIONS.

(EXTRACTS CONTINUED.)

But until the refugee loyalists and disbanded soldiers were brought to Canada, and settled along the St. Lawrence above Montreal, and in some places on Lake Ontario, the population of what is now the Province of Ontario was so small that municipal institutions of any kind could scarcely have existed there. Bouchette says that "in 1775 the population had increased to 90,000, in which estimate the present Province of Upper Canada is included; but as very few settlements had as yet been made there, its inhabitants could form but a very trifling difference in the census." After the conquest the western part of Canada was abandoned to the Indians as a hunting ground, occupied at its western extremity on Lake Erie by a few of the ancient French colonists. The French indeed had built forts, and established trading stations at various points on the lakes at an early period, their missionaries, traders and *coureurs du bois* made their way to the valley of the Mississippi, and as far west as the Rocky Mountains. In 1672-3 Fort Frontenac was built at the mouth of the Catarqui, where Kingston now stands. In 1683 Fort Michilimackinac was built, and Father Marquette discovered the Mississippi. In 1681 Father Hennepin made his way to the Falls of St. Anthony, and in 1682 La Salle descended the Mississippi to the sea. In 1685 Denonville, after a successful campaign against the Senecas, rebuilt Fort Niagara. A trading post and Fort were established also near the site of Toronto. But although the soil was so much more fertile than that of the Lower St. Lawrence, and the climate so much more genial, no attempt to colonize appears to have been made anywhere, except in the neighborhood of Detroit. Trade relations were established with the Hurons and other Indian tribes then very numerous, and a great number of barges left Quebec and Montreal once a year for the trading posts, with a great number of canoes, in which were carried the merchandize to be exchanged for furs with the tribes of the remote interior. The French trade in peltry was large and profitable then; but long before the conquest the Hurons had been exterminated, and the numbers of the Indians of other tribes had been greatly reduced. The English who came to Canada immediately after the conquest settled in Quebec or Montreal, where they soon obtained control of the trade. It is stated that the exports from Great Britain to Canada in 1763 amounted to £8,624. Others sought and obtained employment from the Government, or settled on lands purchased at a small price from the seigniors. Grants of land were made also to the officers and privates of disbanded regiments. Afterwards the settlement of the district known as the Townships, with a British population, became the policy of the Government.

Major Rogers, who was sent from Montreal by Lord Amherst in 1760 to take possession of Detroit, found Fort Frontenac in ruins, and near Toronto the remains of the French Fort. At Niagara he obtained supplies from the garrison. He met several bands of Indians along the way, but he appears to have seen no settlement of white people.