

REPORT OF COMMISSION ON MUNICIPAL INSTITUTIONS.

(EXTRACTS CONTINUED.)

Again Chapter 6, an Act for the more easy and speedy recovery of small debts, provided that any two or more justices of the peace acting within the limits of their jurisdiction may assemble, sit, and hold a court to be called the Court of Requests on the first and third Saturdays of every month "at some place fixed within their respective divisions, which division shall be ascertained and limited by the justices assembled in their general quarter-sessions, or the greater part of them, and the place for holding the said court shall be fixed by the justices acting in and for the said division, or the greater part of them; and the said justices are hereby declared constituted, and appointed to be commissioners to hear and determine all such matters of debt as are hereinafter mentioned, and shall have power and authority by virtue of this Act to give judgment and decree, and award execution thereupon, with such costs as shall be hereinafter specified against the goods and chattels of all and every, the person or persons against whom they shall give any judgment or decree."

Chapter 7 provided that no miller should demand, take, or receive more than one twelfth-part for grinding and bolting any grain brought to him to be ground. The penalty for any violation of this act was ten pounds currency.

Chapter 8 changed the names of the four districts. It provided that the district called Lunenburg in Lord Dorchester's proclamation should be known as the Eastern District; Mecklenburg as the Midland; Nassau as the Home; and Hesse as the Western District; and it provided for the erection of a goal and court house in each district. The magistrates in Quarter Sessions were authorized to procure plans, to select such plan as they thought best; and through two or more of their body to contract with any parties willing to put up the buildings according to the approved plans on such site as the majority of the justices may select. The lowest tender was to be accepted if the security offered were sufficient, and the building must be completed within 18 months from the execution of the contract. The sheriff was to appoint the gaoler. The justices in Sessions were to make rules for the management of the gaols, which when approved by one of the judges of the Supreme Court, would be binding on gaoler and prisoners. It was thought necessary to enact that the gaoler should not be licensed to sell liquor within the gaol, and to impose a penalty of twenty pounds for every offence on any gaoler who should sell, lend, use, or give away, or knowingly permit, or suffer any spirituous liquors to be sold, used, lent, or given away in such gaol, or to be brought into the gaol, unless prescribed by a regular physician. The justices were authorized to appoint a salary to be paid the gaoler in place of all fees, perquisites and impositions.

These were all the Acts passed in the first session of the Upper Canadian Legislature which continued from September 17th to October 15th. No provision for raising a revenue for any purpose was made in that session.

The work of construction and organization was continued in the next session.

The township system of surveys which had long been in use in the revolted colonies was introduced in Upper Canada when the settlement of that part of the country was earnestly begun. Amusing stories are told of the

manner in which the lands were distributed to the U. E. Loyalists, and the disbanded soldiers, and of the manner in which names were afterwards found for some of the townships. Township organization of some sort would seem to be an almost necessary consequence of such a division of land, but the loyalists and the military men who had served in the Revolutionary war, and who took an active part in the organization of the Province, appear to have regarded township municipalities with aversion, probably because they had served as such effectual instruments of organization when the other colonies revolted. Still, it seems to have been thought necessary to make some show of township government to satisfy a people who had long been accustomed to discuss and determine their local affairs at town meetings.

The first Act of the second session was "for the better regulation of the militia." The second was an Act "to provide for the nomination and appointment of parish and town officers." This Act provided that "any two of His Majesty's Justices of the Peace acting within the division in which any parish, township, reputed township, or place may be, may issue their warrant, giving eight days' previous notice to the constable of such parish, township, reputed township, or place, authorizing him on a day to be fixed by the said justices in the present year, and on the first Monday in the month of March in every ensuing year, to assemble the inhabitant householders, paying or liable to pay to any public assessment or rate of such parish, township, reputed township, or place, in the parish church or chapel, or in some convenient place within the said parish . . . for the purpose of choosing and nominating the parish or town officers hereinafter mentioned, to serve in their respective offices for the year next ensuing, at which meeting the said constable shall preside." The office of constable appears to have still retained some of its ancient dignity in the estimation of the colonists. The inhabitant householders so assembled were authorized to choose a clerk of the parish or township whose duty it should be "to make a true and complete list of every male and female inhabitant within the limits of the parish or township, and return the same to the justices acting as aforesaid," and "to enter and record all such matters as shall relate to the said parish, town, or township, and shall appertain to his office." They were also authorized to choose two persons to serve as assessors, one person to serve as collector of taxes, and not less than two or more than six persons, as specified in the warrant issued by the justices, to serve as overseers of highways. The duty of these officers was "to oversee and perform such things as shall be directed by any Act to be passed touching or concerning the highways and roads," and to serve as fence viewers. They were also to choose a pound-keeper, and two persons to serve as town wardens, but "as soon as any church was built for performance of divine service according to the use of the Church of England with a parson or minister duly appointed thereto," the householders should choose one of these wardens and the parson or minister nominate the other.

In the year following additional power was given to the inhabitant householders in their annual town meetings lawfully assembled. They were authorized "to ascertain and determine in what manner and at what periods horned cattle, horses, sheep, and swine, or any of them should be allowed to run at large within their respective divisions, or resolve that the same, or any part thereof shall be restrained from so doing, and the pound-keeper was authorized and required to impound any animals found roaming at large "contrary to the regulations of the town meeting" and to exact compensation and fees from the owners.

To be Continued.