

42. Every person who is required to lodge with the registrar a plan or map of any survey or sub-division of land in any city or town shall at the same time deposit with said registrar a duplicate of such plan or map, and the registrar shall endorse thereon a certificate, showing the number of such plan or map and the date when the duplicate original thereof was filed with him, and the same shall be delivered by the registrar to the treasurer or assessment commissioner of the municipality, upon request, and without any fee being chargeable in respect thereof. The provisions of section 88 of The Registry Act shall not apply to any plan or map, a duplicate of which has been deposited as required by this section; but, in case of neglect or refusal to comply with the provisions hereof, the penalty mentioned in the said section shall become payable.

43. This Act shall be read with and shall form part of The Municipal Act, and shall come into force on the first day of July, 1891; except as to section 36, which shall come into force upon the passing hereof.

REPORT OF COMMISSION ON MUNICIPAL INSTITUTIONS.

(EXTRACTS CONTINUED.)

After the passing of the Act of 1774, grants of land under the feudal tenure of the French were issued to the settlers in all parts of Canada. Section 43 of the Constitutional Act provided that "all lands which shall be hereafter granted within the Province of Upper Canada shall be granted in free and common soccage," and that in every case in which lands were thereafter granted in Lower Canada and where the grantee so desired those lands also should be granted in free and common soccage, but subject to such alterations with respect to the nature and consequence of such tenure as may be established by any law passed by the Provincial Legislature. It also provided that persons holding land in Upper Canada by virtue of any certificate of occupation derived under the authority of the Governor and Council of the Province of Quebec may surrender the same and obtain a grant in free and common soccage.

This was really the introduction of representative institutions in Canada.

On July 24th, 1788, Lord Dorchester (Sir Guy Carleton), then Governor-General by authority of an ordinance made in the 27th year of the reign of George III., and of another ordinance made in 1788, had issued a proclamation dividing what was afterwards Upper Canada into four districts named Lunenburg, Mecklenburg, Nassau and Hesse.

On July 16th, 1792, Lieut.-Governor Simcoe, under and by authority of the Constitutional Act, issued a proclamation dividing Upper Canada into 19 counties, viz: Glengarry, Stormont, Dundas, Grenville, Leeds, Frontenac, Ontario, Addington, Lennox, Prince Edward, Hastings, Northumberland, Durham, York (to consist of two ridings), Lincoln (divided into four ridings), Norfolk, Suffolk, Essex and Kent. For the purposes of representation Glengarry was divided into two ridings, each of which was to elect a representative. Stormont, Dundas and Grenville were to elect one representative each; Leeds and Frontenac together were to elect one member. Ontario and Addington together were to elect one member. The county of Prince Edward and the district of Adolphustown (in Lennox), were together to elect one representative. The remainder of Lennox and the counties of Hastings and Northumberland together were to elect one member. Durham, York and the first riding of Lincoln together were to have one representative. The second and third riding of Lincoln were each to elect one

representative. The fourth riding of Lincoln and the county of Norfolk were to elect one representative. The county of Suffolk and the county of Essex together were to elect one member, and the county of Kent was to elect two representatives. The minimum number of sixteen representatives were thus distributed apparently according to population as nearly as may be.

The first Parliament of Upper Canada was summoned to meet at Newark (afterwards Niagara), which Governor Simcoe had selected as the seat of Government.

It would be difficult to overestimate the importance of its work as a legislature. Its very first act was to repeal that part of the Imperial Act 14 George III., which related to civil rights. Its Act, 32 George., cap 1, declared that the authority of such laws of Canada and every part thereof as formed a rule of decision in all matters of controversy relative to property and civil rights "shall be annulled, made void, and abolished throughout this Province, and that the said laws, nor any part thereof, as such, shall be of any force or authority within the said Province, nor binding upon any of the inhabitants thereof." It further declared and enacted that "from and after the passing of this Act in all matters of controversy relative to property and civil rights resort shall be had to the laws of England as the rule for the decision of the same." The Act provided that the ordinances of Quebec should not be held to be repealed or varied otherwise than as they are necessarily varied by the provisions herein mentioned; that all matters relative to testimony and legal proof in the several courts of law and equity be regulated by the rules of evidence established in England, and that nothing in this Act contained shall vary or interfere, or be held to vary or interfere, with any of the subsisting provisions respecting ecclesiastical rights or dues within this Province, or with the forms of proceeding in civil actions, or the jurisdiction of the courts already established, or to introduce any of the laws of England respecting the maintenance of the poor or respecting bankrupts.

Its second Act (32 Geo. III., cap. 2), established trial by jury. It provided that "from and after the first day of December, in this present year of our Lord one thousand seven hundred and ninety-two, all and every issue, and issues of fact which shall be joined in any action, real, personal or mixed, and brought in any of His Majesty's courts of justice within the Province aforesaid shall be tried and determined by the unanimous verdict of twelve jurors duly sworn for the trial of such issue or issues, which jurors shall be summoned and taken conformably to the law and custom of England."

Chapter 3 was an Act to establish the Winchester measure and a standard for other weights and measures throughout the Province; Chapter 4 an Act to abolish summary proceedings of the Court of Common Pleas in actions under ten pounds sterling, the reason assigned for this being that "the introduction of trial by jury had materially altered the constitution of that court." Powers were conferred on the Courts of Quarter Sessions of which we had previously heard nothing. Chapter 5 empowered "the magistrates in each and every district of the Province in Quarter Sessions assembled to make such orders and regulations for the prevention of accidental fires within the same as to them shall seem meet and necessary; and to appoint firemen or other officers for the prevention of accidental fires, or for the purpose of extinguishing the same when such may happen; and to make such orders and regulations as to them may seem fit or necessary in any town or towns, or other place or places within each district within this Province where there may be forty storehouses and dwelling houses within the space of half a mile square."

To be Continued.