

first bill introduced into the Assembly of Upper Canada, in the first session of the first parliament, September 19th, 1792, was a bill, "to authorize town meetings for the purpose of appointing divers parish officers." But, after passing its second reading, it was ordered that the further consideration of the bill be postponed for three months. On the same day another bill was introduced to authorize "the justices of the peace to appoint annually divers public officers." This, again, was followed by a bill to authorize "the election of divers public officers." None of these, however, managed to get through the House.

In these proposals we observe the conflict of the two rival American systems typified by New England and Virginia, the one seeking to vest in the people the election of their local officers and the regulation of their local affairs, the other seeking to confine these rights to the justices of the peace in Quarter Sessions, who again derived their positions from the Governor-in-Council.

Simcoe, in his report on the session to the Home Government says that the lower House "seemed to have a stronger attachment to the elective principle in all town affairs than might be thought advisable."² The following session the bill with reference to town meeting was once more introduced and passed, but with such modifications as made it quite harmless as a measure of local self-government. Writing to Colonial Secretary Dundas, in September, 1793,³ Simcoe says that he managed to put off the bill of last session on town meetings as something that should not be encouraged. But as regards the opposite measure proposed, he says that "to give the nomination altogether to the magistrates was found to be a distasteful measure." Many well affected settlers were convinced that fence viewers, pound keepers and other petty officers to regulate matters of local police would be more willingly obeyed if elected by the householders, and especially that the collector of the taxes should be a person chosen by themselves. "It was therefore thought advisable not to withhold such a gratification to which they had been accustomed, it being in itself not unreasonable, and only to take place one day in the year." When we turn to this act⁴ we find that it merely permits the ratepayers to elect certain executive town officers, whose duties were either prescribed by the act, or left to be regulated by the justices in Quarter Sessions. Beyond the permission to fix the height of fences, the town meeting had not legally any

¹ See Journals and Proceedings of the House of Assembly of the Province of Upper Canada, 1792, Canadian Archives, Q. 270-1, pp. 87 *et seq.*

² Canadian Archives, Q. 279-1, p. 83.

³ Canadian Archives, Q. 279-2, pp. 335 *et seq.*

⁴ 33rd Geo. III., cap. 2.