

REPORT OF COMMISSION ON MUNICIPAL INSTITUTIONS.

(EXTRACTS CONTINUED.)

The powers of the town meetings thus limited were not enlarged for many years. Several Acts indeed were passed in amendment of the original Act, but none of these enlarged the powers of the town meeting. One Act required the collectors of rates to give bonds, and empowered the sessions whenever a collector died or left the parish to fill the vacancy. Another authorized the holding of special elections of nine officers in the part of the county of Haldimand not yet divided into townships. Another provided that collectors of taxes should pay all they had collected to the treasurer of the district every quarter or oftener if required by the sessions. For some reason not stated the town of Prescott was excepted from the operation of this Act. Another amendment changed the day of the annual town meeting to the first Monday in January. Another authorized each township to elect three additional overseers. An Act prescribed a form in which the assessors should make up the list of the inhabitants, and the manner in which the assessors should be notified of their election, and enter upon their duties. The Clerk of the Peace was required to make out a general return of the population of the district from the assessors' returns, and the remuneration of the assessors was increased by three pounds for every hundred pounds on the assessment roll. Another Act, passed in the same year, provided that "the Justices of the Peace, in, and for the several districts of the Province, shall have power . . . to appoint a surveyor of streets, in and for each town within their respective districts, and to remove any such officer so appointed at their will and pleasure. So far as related to such towns the power of township meetings to elect overseers was taken away. Another amendment authorized the townships to elect as many as thirty overseers, and three pound-keepers at their annual meetings.

From this it will be seen that the inhabitant householders of the townships were for many years permitted to do little more than elect a few officials, who, even in the discharge of their merely local duties, were for the greater part under control of the Quarter Sessions.

The control of the construction and repair of highways was in Upper Canada in those days, as in Great Britain almost to the present day, one of the chief functions of the Quarter Sessions. The Act of 1810 provided that the justices of the peace in General Quarter Sessions assembled may appoint one or more surveyor or surveyors of highways in each and every county and riding within their respective districts, to lay out and regulate the highways and roads . . . in manner hereinafter mentioned. And upon application made to any such surveyor by twelve freeholders of any such county or riding, stating that any public highway or road in the neighborhood of the said freeholders now in use is inconvenient, and may be altered, so as better to accommodate His Majesty's subjects and others travelling thereon, or that it is necessary to open a new highway or road, it shall and may be lawful for such surveyor, and he is hereby required to examine the same and report thereon to the justices at their next ensuing Quarter Sessions . . . giving at the same time public notice thereof . . . (and) it shall and may be lawful for the said justices if there be

no opposition to confirm the said report, and to direct such alteration to be made or such new highway or road to be opened. In case of opposition the justices were authorized and required to empanel a jury of twelve, who, after hearing evidence, should upon their oath either confirm or annul the said report, or so alter and modify the same as the exigency of the case may appear to require; their verdict was final, and the justices were required to "direct such highway or road to be altered or opened accordingly." The Sessions were authorized to direct the surveyors of roads to employ a surveyor of lands whenever they thought his services necessary, and by an order on the district treasury to pay him ten shillings for every day he was so employed. The surveyor of highways was paid seven shillings and sixpence a day for every day he was employed in carrying into effect the provisions of this Act. The Act described what the width of the roads, bridges and causeways should be (the bridges were to be not less than 15 feet in width); authorized the surveyor to cut down trees when necessary, to take such land as may be required, to sell the land where a road or part of a road was disused, or give it in exchange to the owner of the land taken; and prescribed where fences should be built. When claims for compensation were made, the Justices in Session were to direct that a jury of twelve disinterested persons should be empaneled, and these were to determine what sum the claimant may be entitled to in addition to the value of the land restored to him, and this sum the justices were authorized and required to direct the treasurer of the district to pay forthwith. Provision was made for enforcing the performance of statute labor, which was then mainly relied upon for the making and repairing of roads, but when "the surveyors were of opinion that any further sum was wanting to undertake any particular work of manifest general advantage on the highways" the Justices on application of the surveyor, and after ample notice and consideration, may order and direct such work to be performed, and direct the treasurer of the district to pay the amount of the same, provided it did not exceed fifty pounds.

The overseers elected at the township meetings were almost entirely under control of the Justices in Session, who were authorized to divide the townships, parishes or ridings into divisions, and allot them to the overseers, who were required to superintend, repair and keep in order the highways, roads, streets and bridges in their several divisions, and the Justices "may from time to time order any overseer to work on any highway or road within his division as they shall think necessary, and the said overseer shall within ten days after having received such order summon such persons within his division as are obliged to perform statute duty or labor, and order them to work upon such part of the road or highway as they shall be directed to amend or repair, and shall direct all persons performing such labor, to destroy as much as may be in their power all weeds that are hurtful to husbanding." Penalties were imposed upon those who disobeyed such orders. The overseers were also required to make out a list of all persons who were owners of carts, wagons, ploughs, sleds or teams within their divisions, and of all who under this Act were liable to work upon the highways, and to deliver copies of these lists to the justices. They were required to collect money compositions for statute labor and all fines and forfeitures incurred under this Act, to expend the same on the work, and to give account to the Justices. The overseer who did not apply the commutation money to the proper use, or did not account for it was liable to imprisonment. They were also required to set stakes and place beacons along the roads in winter wherever these might be necessary.

To be Continued.