The Municipal Miscellany.

VOL. I. ARNPRIOR, ONTARIO, MARCH, 1891. No. 3.

The Municipal Miscellany, devoted to the dissemination of useful information relating to Municipal and other local Institutions, published monthly, at $1 per annum; six copies for $5. Address all communications to G. E. NEILSON, publisher Municipal Miscellany, Arnprior, Ont.

Calendar, April, '91.

1. Last day for Free Library Board to report estimates to Council.
   Last day for Boards of Park Management to report estimates to Council.
   Last day for Petitions for Tavern and Shop Licenses to be filed with License Inspector.
   Last day for License Commissioners to fix day for considering applications for licenses.
   Last day for Removal of Snow-fences erected by order of Councils.
   Last day for Candidates for First-class Teachers' Certificates to file applications with Education Department.
   Last day for return by clerks of counties, cities and towns of populations to Department.
7. Last day for Treasurers of local municipalities to furnish County Treasurer with a statement of unpaid taxes and school rate.
8. Last day for Collectors to return to Treasurer the names of persons in arrears for water rates in municipalities passing by-laws in that behalf.
20. Last day for non-resident land owners to give notice to Clerk that he requires his name on the resident roll.
25. Last day for Clerk to make and deliver to Assessor a list of persons requiring their names to be entered on roll.
30. Last day for completion of roll by Assessor.
    Last day for non-residents to complain of assessment to proper municipal council.
    Last day for License Commissioners to pass resolutions limiting licenses, etc.

QUESTION DRAWER.

Is it necessary for assessors to give a notice or schedule of assessment to both owner and tenant when they are both bracketed on the roll? F.

Yes. Section 47 of the Assessment Act makes it necessary to have a schedule containing "the sum at which his real and personal property has been assessed" to "every party named" on the roll. The same is to be mailed to non-residents placed on the resident roll. This would not appear to make it necessary to send notices to any placed on the roll under the Manhood Franchise Act, as they are not assessed for any property. The Franchise Assessment Act of 1889, however, requires those entered on the roll as farmer's sons to be included in the notice given to the farmer himself.

Has the municipal council of a village any legal right to vote themselves say $20 each for their services as councillors or as a road and bridge committee? If they have not this right, and have done so, by what process of law could it be recovered from them? T. W. T.

The law provides that the head of a village council may be paid such anuual sum or other remuneration as the council may determine. It does not make provision for the payment of any other member of a village council acting as councillor, but permits any member to act as commissioner, superintendent or overseer of any road or other work carried on by the municipality and to be paid for such services. To answer the latter part of our correspondent's query is outside of our functions. Our aim is rather to assist in interpreting local laws in order that councillors and officials may be enabled to comply with their requirements, which we are satisfied all desire to do.

Is it necessary to appoint all municipal officers both by a resolution and by a by-law? In any case would a by-law be sufficient? Both treasurer and collector give bonds, and in their case would it be necessary for them also to make declaration of office? When a member of the council board is appointed commissioner or to any other office in townships, would it be necessary for him to make declarations for each and all such offices? G. A. A.

Municipal bodies being creatu es of the legislature, have only power to do what the statutes give them anthority to do, but there are things that may be in the public interest to do which the statutes do not mention or forbid, and no doubt inferentially they are to be considered as being legally permissable. Section 282 of the Municipal Act says: "The power of the council shall be exercised by by-law when not otherwise authorized or provided for." The appointment of certain officers, such as clerk, treasurer, assessors, collectors and auditors, are authorized, and in fact obligatory by statute, and such officers could legally be appointed by a mere resolution, but if the council desire to define their duties in any measure additional to the duties prescribed by statute, or make provision for their salaries, then a by-law would be proper. At the same time we believe that a resolution specifying the amount of salary to be paid would be binding on the council The statute would not compel the appointment of an officer and require certain services without upholding that officer's claim to remuneration, and as the statute does not distinctly require these appointments to be made by by-law, it seems clear that it is open to the council to make these appointments by resolution and provide for their salaries in the same way. While such is the case, there is nothing in the Municipal Act to prevent the appointment being made by by-law, and the general rule should be to do so. It would not be necessary to have both a resolution and a by-law. A by-law may be said to be only a formal resolution, with the addition of the corporation seal and signatures of the head of the council and clerk. It is necessary for both treasurer and collector to make declaration of office, but as it is not necessary to re-appoint these officers annually the declaration once made would be sufficient for the whole term of their appointment. If a member of council is appointed a road commissioner it would be necessary for him to take the same declaration as had been taken as member of council, except that he would substitute for councillor the office of commissioner.

I notice your reply to N, a non-resident owner, on page 7 of the January number of your interesting paper, and consider your answer full and conclusive. But to carry the matter a little farther:—Suppose N neglected to pay the taxes on the 100 acres of land, and that said land continued to be occupied, and further that a judgment against N was no good if you could not collect anything from him, by what means are the taxes to be assessed and collected? T. G. F.

If we understand our correspondent aright, he means

when a non-resident had, as in the case of N, given a notice to have his name inserted on the resident roll, but neglected to pay the taxes, how would the taxes be recovered. We answer that the collector would make his return of "no goods" and the land in default would be returned to the county treasurer in the usual way to be sold for taxes. The same course would be taken in case the owner and tenant had been assessed together, even although the owner had not given notice—which he would not be required to do when the property was occupied by a tenant—and if the tenant left or there were no goods to meet the taxes. But on the other hand, if a non-resident without giving notice was placed on the resident roll for an *unoccupied* property, and did not pay the taxes, there is no provision for collecting them by sale of the land or otherwise. In the two first cited cases the law requires the non-resident owner's name to be placed on the resident roll, and in complying with the law you have legal recourse against the land, but in the latter case, by putting a non-resident on the roll illegally, you place yourself out of court, and cannot take advantage of the law as to the after proceedings to enforce payment.

Where in a village the owner and tenant are bracketed together on the assessment roll for property valued at $200, have both a right to vote at municipal elections? If not, which of them would be thus entitled? R. D.

Both would be entitled to be placed on the voters' list for municipal elections. In townships the property qualification is $100, and a farmer's son could not vote unless the property was assessed sufficiently to give each a vote, *i. e.* $200, and so on for each additional son living at home and over 21 years of age.

A owns a farm that is patented. The farm is assessed, including timber on same. During the winter A takes out ties on said lot and hauls them to the shore. Is it right for the assessor to assess the ties? A. R.

Railway ties are personal property liable to assessment, but the net personal property of any person under $100 in value is exempt; it might therefore depend on the value.

In electing members to the Legislative Assembly, is it proper for the returning officer to appoint any person other than the township clerk to act as deputy returning officer in an organized township, the clerk having had a letter from the R. O., asking if he, the clerk, would be able to act, and the latter having replied in the affirmative? A. R.

Section 59 of the Act respecting elections of members of Parliament gives power to the returning officer to appoint some suitable person to be deputy returning officer. It is not compulsory to appoint municipal clerks, but it is usual to do so, as the nature of their office specially qualify clerks for the position, and there is less liability of mistakes.

In reference to your remarks on columns 1, 2 and 4 of the assessment roll, our practice has been to bracket owner and tenant together only once. Suppose an owner of several parcels occupied by separate tenants, he would be bracketed with the tenant on the parcel upon which he resides only, and in every other case his name would be entered in column 4. We only bracket the two where the owner is resident on the premises; (see note (e) sec. 3 and note (w) sec. 17, Assessment Act, *Harrison's Manual*,) the consecutive number on the roll thus shows the actual number of persons entered, and no name is repeated twice in column 2. Names in column 6 who are N. R.—and all are N. R. except repeated names—are included in part 2 of the voters' list, the same as if in column 2. If this is not the proper use of the column, I agree with you and say "I fail to see its use," but in this light I think it is a very useful column. In column 3 nine-tenths of the names are entered as "yeoman;" this seems to be a generic term which covers everything but mechanics. Now, a yeoman is properly a farmer who works his own land. An owner of land who rents it to others is not a yeoman, nor is a tenant, nor a farmer's son. These should be entered respectively as gentleman, yeoman, farmer, etc. S.

We have taken some pains to look into the matter referred to by our correspondent "S," and the more we have done so the better satisfied are we that our views as given in the January number of the MISCELLANY are right, and that the owner of property should in all cases be bracketed in column 2 with each separate tenant. Section 17 of the Assessment Act requires land not occupied by the owner but by his tenant to be assessed against both, and section 20 says that both names shall be placed within brackets. This is to show that both are assessed for that particular property, and thus in law such property has, as it were, two owners for the time being, both responsible for the taxes—the tenant first and failing him, then the owner. Column 2 of the assessor's roll is headed "name and P. O. address of the taxable party," and as both owner and tenant are taxable parties both must appear in this column and must be bracketed. To bracket signifies to connect or include—therefore if, as "S." says, the owner is assessed for his portion or residence and then the tenant for the portion occupied by the latter, both being bracketed would indicate that the tenant was included and responsible for both his own and the landlord's share, whereas the very reverse is the case. The landlord is not only responsible for his own assessment, but is also jointly responsible for the tenant's taxes. The assessments should therefore be separated in each case, and the owner should be named and bracketed with each tenant in column 2 separately, no matter how often his name may have to be repeated. As to column 6, it appears to have withstood the changes of time, for since the law now requires owners and tenants to be jointly assessed in column 2 the necessity for column 6 is not apparent.

With reference to the use of the word "yeoman," we suppose it might be more correct to use some other term in the cases mentioned. The meanings of some words change in course of time by popular use, and the best authorities on definitions cannot prevent it. We confess to a partiality for the old-time meanings and spellings, yet one can hardly rub up against the present every-day life without imbibing some of the world's ways. The word "yeoman," as generally understood, would not only include a "farmer who works his own land," but also tenants, farmers' sons or others who make their living by farming. In our early days, having heard politicians so often appeal to the "honest yeomanry," that word somehow became impressed on our mind as synonymous with a "farmer having a right to vote."

If the nomination meeting of a township was opened at any time after the hour mentioned for it to begin, viz., noon, should the hour that is allowed for the receiving of nominations count from the time it was opened, or from

noon, and in that case would the electors only have the balance of the hour counting from noon, or could the returning officer keep it open one hour in any case?

If the R. O. was at his post at the hour of noon, and the electors did not come until after one hour from that or later, would it be right for the R. O. to hold it at any hour after the hour (noon)?

In case the electors did not nominate a council, or only part thereof, during the hour allowed, what course should the R. O. take? E.

Section 175 of the Municipal Act provides that no election shall be held invalid by reason of any irregularity if it appears to the court or judge that the election was conducted in accordance with the principles laid down in the Act, and that such non-compliance, mistake or irregularity did not affect the result of the election. In section 99 it is provided that in case the R. O. does not attend to hold the nomination within an hour after the time appointed, the electors present may choose from among themselves a returning officer who shall forthwith proceed to hold the nomination. In such a case it seems clear that the person so appointed would require to keep open the nomination for one hour, say from one to two o'clock, and viewing it in that light it would be proper for the R. O. to make up the time lost by his non-arrival at the hour of twelve. If he opened the nomination meeting at say half-past twelve, it would be right to keep it open until half-past one o'clock. A question might, however, easily arise as to the validity of nominations made by electors who might arrive at the meeting after one o'clock, provided that a sufficient number of candidates were nominated by those who had attended before the expiration of the hour. The hour of noon being the time appointed for the attendance of electors, could their non-attendance within the time debar them from the exercise of their rights, even although the R. O. had not commenced the proceedings in time, and had to keep the meeting open longer? We confess that there are more doubts in this respect, to our mind, than in the matter of keeping the proceedings open after one o'clock in order that those who had attended in the proper time should have ample opportunity to make their nominations. These possibilities have not been provided for by statute, and each case would have to be decided on its merits, the principle of the law to give the electors full opportunity to select candidates being kept in view.

Our opinion in regard to the second question is that it would be competent but not compulsory for the R. O. to remain at the place of meeting after the hour of one o'clock, and if the electors attended while he was present that he could accept the nominations and that an election so held would be valid, because section 186 which provides for cases where from any cause the electors had not nominated or elected the members of council or the requisite number of them, uses the words "on the day appointed," does not limit it to the exact hour or time appointed. It is a very doubtful point, of course, and much would depend on the claims of contending parties whether or not such irregularity had materially affected the result, or if the rights of the electorate had been prejudiced thereby.

Section 186 of the Municipal Act provides that in the event of the electors neglecting or declining to nominate a new council, or nominate less than half the number required, it falls to the former council to appoint a new council or a sufficient number to complete the number required. If, however, the electors have nominated half or more than half, but not the whole number, those that have just been elected shall form themselves into a council and proceed to appoint the remaining number required to fill the vacancies. The electors by their indifference in the matter have forfeited their right to the franchise. Not so in case a vacancy occurs through resignations or otherwise after the electors had done their duty by nominating a sufficient number, for in that case it is necessary to hold a new election.

The late municipal election for the village of Wiarton, county of Bruce, shows a phase of the municipal election procedure evidently not thought of by the Legislature, viz., the possibility of candidates nominated exercising their right to resign the position to which they were nominated after said nomination within the time allowed, etc., so that there was not not enough candidates left to compose a full council, and in consequence another nomination was held, at which two councillors were nominated to fill the vacancy (one), and a new election is necessary to choose a fourth councillor, and is to be held. E.

Section 181 of the Municipal Act provides for such an emergency caused by resignations, and makes a new election necessary.

There is one answer in your last question drawer touching the raising of money for a town hall, which is not generally accepted.—Sec. 497, sub sec. 1, of the Municipal Act gives councils power for obtaining such real and personal property as may be required, for erecting, improving and maintaining a hall and any other buildings required by the corporation. Sub sec. 9 also gives them power to grant aid to agricultural societies, and in neither of those subsections is there any proviso for a vote, whereas in sub sections 8, 10 and 11 the assent is explained to be necessary. Sec. 344, sub sec. 2, gives county councils power to raise money for a similar purpose without a vote, from which I infer that money for a hall can be raised without the assent also. O. D.

We have examined the matter more fully and see nothing to change the opinion given in last issue of MISCELLANY. The question of last month had reference entirely to the manner of raising money for the purpose of purchasing a site and building a town hall. If the electors agree to borrow the money necessary, the council have power by section 479 to purchase land and erect the buildings. Corporations as trustees for the public have control of all roads, streets and public squares by statute. They do not require a formal deed conveyance. In the case of property acquired for the purpose of a town hall, they are given power to become parties to a deed of conveyance. That section does not empower them to borrow money for the purpose, whereas section 344 expressly states that every by-law for raising on the credit of the municipality any money not required for its ordinary expenditure and not payable within the same municipal year, shall, before the final passing thereof receive the assent of the electors. It is well known that purchasers of municipal debentures take great pains to ascertain before negotiating that the law in this respect has been fully complied with. If the council had surplus money on hand, or even if they placed the amount in the estimates to be levied in the same year, and the total rate exclusive of school taxes did not exceed two

cents in the dollar of rateable property, it is possible that the money thus provided could be expended for building a town hall without a vote of the people, although it is not free of doubt. A town hall is a necessity and in the public interest, and so long as it was shown that the whole transaction was proper on the part of the council, it is not likely the courts would interefere, as a reasonable amount of latitude is generally allowable and would be upheld, even although it might be contended that such expenditure did not come under the definition of "ordinary expenditure."

A certain person named "A" convenes his neighbors together (form B) for the purpose of arranging if possible, the construction of a drain. All parties interested did not appear and would not have agreed if they had—the person "A" who called the meeting, for fear of offending some of his neighbors, refused to sign the requisition—the next neighbor below him, one of the interested parties, called on the engineer, who came and made his award. Question 1, had the person who called (by requisition) for engineer a right to so call, he not being the one who called the first meeting. (2) Had the engineer in his award a right to include A "the person calling first meeting but refusing to sign requisition for engineer," I mean to include him so as to give him a certain amount to do, otherwise than for benefit. Of course the engineer may include 50 rods above or on sides of drain. I mean shall engineer consider A as one included in requisition, and have the same consideration as though he had signed the requisition—and in case of appeal who would the defendant be—the person signing the requisition, the engineer, or the municipal council, and who, if the award is set aside, is responsible for the costs? E. P.

(1) Yes. Any of those interested could make the requisition—unless the drain passed through more than five properties, when a majority of them would have to sign the requisition to the council. (2) The engineer would include "A" in his award if the latter's property was within fifty rods of the drain and the engineer considered him benefitted. The engineer would necessarily take into consideration the several degrees of benefit and award accordingly. Any of the parties included in the award would have the right of appeal from its terms. The Drainage Act does not specially say who would be the defendant, but as it is an appeal against the award of the engineer, the latter would likely be the defendant, and as he is an officer of the corporation, the judge, in awarding costs, would it is presumed, include the municipality in the event of the award not being sustained. We have not yet looked up decided cases on this point, so cannot at the moment state positively how this would be.

Can you explain why county officials, clerks and treasurers, receive so much greater salary than township officials. It takes me fully six months annually, at the rate of eight hours a day, to do the township work, for which I receive $130, while a county clerk could do all his work in about two months and receives $1,200 salary. I do not say that county officials are too highly paid, but I do think that township clerks are underpaid. Any neglect of certain duties might involve serious penalties on clerks which would by far exceed the salary received. C. P.

We can well understand and sympathize with our correspondent in his feeling that his services are underpaid. It is the same in a majority of rural municipalities. The people have no idea of the time and labor required of the clerk in carrying out the provisions of the various statutes. Clerks should form an association and use their influence to get the government to appoint a commission to examine into this matter in order that it may be remedied either by a tariff of fees or by providing a reasonable minimum salary in proportion to the population of a municipality, or such other manner as might be thought just.

Can councils pass by-laws prohibiting children being on the public streets after certain hours at night unless accompanied by parents? J. M.

There is no power given to municipal councils to restrain children from using the streets at any hour. There is a statute for the Protection and Reformation of neglected children under fourteen years of age, whose parents neglect and expose them to a bad or disolute life. In such cases a judge or stipendiary magistrate may commit them to any Industrial School or Refuge for boys and girls.

The Division Courts Act, section 145, R. S. O., was amended in 1889 by adding the words "but unless otherwise ordered, no execution shall issue on any such judgment within fifteen days after the entering of such judgment." This refers to a judgment rendered at hearing by the judge. Where a judge gives judgment for plaintiff for debt and costs, and orders said judgment to be paid, say in three days, or at any period under fifteen days, is it competent for the clerk to issue execution thereon before the expiration of fifteen days from the date of judgment? E. N.

The order made by the judge for payment of debt and costs at a specified time, is sufficient authority for the clerk to issue execution at the expiration of the time mentioned, if so required by the plaintiff, without any further or special order from the judge.

Can a township council enter upon a private person's land and draw away gravel, without his consent first being had and his price paid for same? R. W.

The Council may pass a by-law authorizing pathmasters to search for and take timber, gravel or stone within the municipality for making necessary repairs on roads or highways, and if the parties cannot agree upon the price to be paid for entering upon and taking such materials, the matter in dispute is to be settled by arbitrators. The by-law may also give power to search for and take gravel on property in an adjoining municipality, but in the latter case the gravel cannot be taken from the property until the price or damage has been agreed upon by the parties or by arbitrators duly appointed.

Our village of 3,000 inhabitants has never established a market for the sale of farmers' produce. About half a dozen market gardeners have for years made it their business to wait on the inhabitants with garden stuff, and thus monopolize the whole trade, so that outside farmers having vegetables or the like to sell, complain that they are unable to do so, as the gardeners have forestalled them by supplying the people. Some think that not only would purchasers be able to buy cheaper from farmers on a public market, but that it would bring more farmers to the place and thus help business in other departments. It is said that nearly every town and village in Western Ontario has regular market days, which are found to be beneficial to farmers and to the householders in the place. Could you give us any directions as to the best plan of establishing a market, or one or two market days in the week, so that farmers would be induced to attend? G. E.

We understand that such market days as our correspondent speaks of have been found to work satisfactorily in

every place where established, and we would esteem it a favor if some of our readers in those places would give some hints on the subject that would be useful, or perhaps send us copies of their market by-laws with such additional information as might enable us to be of service to our correspondent.

A CIRCULAR has lately been issued to the assessors from the Registrar General's office, calling special attention to sub-section 2 of section 14 of the Assessment Act which requires them to make enquiry of each resident taxable party whether there has been a birth or death in the family within the previous twelve months, and to note the facts in the proper columns, and also as to whether the same has been duly registered. The municipal clerks are instructed to examine the roll, and to notify the parties who may not have complied with the law respecting registration, and to prosecute such as refuse. If the statistical information called for is to be of any service it should be full in every respect.

* * *

WE have long held the opinion that the present system of making returns to the County Treasurer of lands in default and non-resident lands, and the after proceedings thereon are cumbersome and expensive, and might well engage the attention of municipal officials and legislators in the line of improvement. Local corporations have power to assess property, strike a rate of taxation, and sell chattels for taxes. Thus far may they go and no farther. We never could see any force in depriving them of the power to wind up their business in the matter of real estate. Every owner of land must know in what municipality it is situated, and he could as readily obtain information about arrearages from the local treasurer as from the county treasurer. As a matter of fact, local clerks and treasurers are constantly receiving letters from non-residents asking information as to the taxes due, and are unable to do more than refer their correspondents to the county official for the information sought for. Non-residents and other owners of land in arrears could have the same safeguards as regards redemption of their property as at present. Property sold in its own neighborhood would have more local competition, and the local purchaser would be more likely to improve it and thus add to the resources of the municipality by increased taxes, road work, etc. The present system of requiring only the amount of taxes in default on sale of property is also objectionable, inasmuch as it leads to "rings" being formed by speculators who attend county sales, and thus sub-division of the property is not often the rule, the owner thus losing the chance of having even a portion of his property left him. If the property was sold together to the highest bidder, the overplus could be retained to the credit of the owner for a certain length of time, and if not then called for it would be forfeited to the benefit of the municipality or of the Province. There may be good grounds that we are not aware of for the continuance of the present system, and in stating our views, it is for the purpose of eliciting further information on the subject.

BY an amendment to the Division Courts Act in 1889, the county council have to pay the cost of all books required by Division Court clerks and bailiffs, provided the emoluments earned by any of these officers amount to less than $500 per annum. It was felt to be an injustice that these officers should have to provide certain books at their own expense, and the moment any entries were made in them that such books became the property of the Government. Now that the principle of payment by the public has been conceded, the wonder is that it should be limited to a portion only of the Division Court officials.

* * *

WHILE in the older settled townships considerable attention has been paid to improving the centre of the road for travel of vehicles, little or no attention has ever been paid to making good foot-paths on the sides. It is well known that a great deal of travelling is done by persons on foot, and during wet weather walking in the middle of the road is anything but pleasant, nor is walking in the grass on the sides any improvement owing to the unevenness of the ground. Very little work with a plough, scraper and roller would make a foot-path, say three or four feet wide, comparatively level on one side of the road, and in a short time it would become beaten down and so hard that water would not lie on it, and thus a good foot-path be obtained for either wet or dry seasons. It would be a boon much appreciated by the public. The law gives power to municipalities to set apart so much of the highway as may be deemed necessary for foot-paths, and for imposing penalties on persons travelling thereon on horseback or in vehicles.

* * *

THE meaning usually attached to the word "resident" by the courts, is the place of abode as a home, or where one's family resides. Sub-section 6 of section 2 of the Public School Act, however, says that the word "resident" in that Act "shall include such persons who, though not actually resident in a school section or division, pay a school rate at least equal to the average school rate paid by the actual residents of such section or division." Section 13 of the same Act says "the persons qualified to be elected trustees shall be such persons as are actual resident ratepayers within the school section." Mr. F. had resided in a village where he owns property and carried on business, and was a public school trustee. He recently removed to the suburbs of an adjoining municipality, but was re-elected trustee of the village school in January last. He still owned property and carried on business in the village and paid a school rate equal to the average school rate, and it was thought that by the construction placed on the word "resident" in sub-section 6 of section 2 given above, he was eligible to act as trustee, but on application to the Minister of Education for a decision on the point, the reply was that Mr. F. could not hold the office. To say the least the different sections of the School Act quoted above are somewhat confusing, and it is not to be wondered at that some persons still think the decision of the Education Department is not in accordance with the interpretation placed upon the word "resident" by the Act itself.

COUNTY EQUALIZATION OF ASSESSMENT ROLLS.

In our last issue reference was made to the above subject—explaining the methods at present adopted and their weak points. It is uncertain that much improvement can be made by the adoption of the suggestions we now offer, but if the discussion of the subject has the effect of turning the attention of qualified persons to the consideration and adoption of some plan which may give better satisfaction to all parties than the present system, our intentions will have been carried out. We showed that owing to the very material differences in valuations of local assessors, it was absolutely necessary for the county council to attempt to bring the various assessment rolls to a uniform valuation. The short time at the disposal of the council, and the fact that but few members have personal knowledge of the various properties contained in the rolls, makes it next to impossible for them to do more than form conclusions of a haphazard nature, and frequently in consequence individual municipalities have much reason to complain. To appoint county valuators to assess the whole property of the county after the manner of the local assessors is quite out of the question, not only because of the length of time required, but the very considerable expense entailed. Our proposition is a medium course, and although it would cost something, yet if by its adoption the county council could dispense with one of its tri-annual sittings, the extra expense would be more than made up in that way.

Our proposal is that the county council appoint a thoroughly competent assessment commissioner, who would visit each municipality immediately after the assessment rolls have been handed to the clerks. The commissioner could there examine the roll, verify the valuations by a personal inspection of a sufficient number of the properties in the municipality, and obtain information as to the actual values of same from recent sales and otherwise. He should have the power to examine the assessor, and other witnesses on oath if desired, the same as the judge at the court of revision, and in this way he could readily estimate and average the percentage of undervaluation, if any, made by the local assessor. This inspection need not necessarily occupy more than two or three days in each municipality. Having thus gone over the county, he could make a detailed report to the warden, and that report to be printed and forwarded to each reeve, would inform them of what to expect at next meeting of council, so that if dissatisfied they could adduce proof of their contention. The county council, after having all the facts before it, could give an intelligent judgment in approving, amending or rejecting the commissioner's report. The county assessment thus settled might, to save expense, continue in force for two years or more. We have not gone into minor details, merely contenting ourselves with this outline of our views. That there may be difficulties in the adoption of such a scheme we have no doubt, but hope those interested will not cast it aside without giving it further consideration, and suggesting such modifications as their experience may warrant. By this method, it might also be possible to dispense with the necessity of furnishing copies of the assessment roll for the county council, which are merely glanced over in most cases by the revision committee. If this could be done it would materially lighten the labors of the overworked and underpaid clerks.

A FINE not exceeding $200, or imprisonment for a term not exceeding six months, is the penalty attached to the wilful cooking of the assessment roll to create illegal votes or to deprive legal voters of their rights. Not only is the assessor liable, but also any other person who wilfully and knowingly procures or causes the wrong doing. No person must be put on the roll as an owner, tenant or occupant who is not such, for the purpose of giving him a vote, nor is any property to be assessed beyond its actual value in order to create votes. On the other hand, no person is to be omitted nor his property undervalued in order to deprive such person of his right to vote. Now that property qualification is not an essential to entitle a man to vote, except for municipal purposes, there is not so much tendency to tamper with the assessed values of properties in order to create votes or disfranchise voters as formerly was said to be the case in some localities.

* * *

WE observe by various newspapers that some dissatisfaction has arisen in certain quarters in reference to the expense attending the meetings of the county councils. Several of the Farmers' Institutes have been discussing the matter, and so far as we have read nothing very definite in the way of improvement has been the outcome. Some are in favor of lessening the number of representatives by grouping two ar three municipalities together to elect a representative, while others think a board of commissioners composed of five members could transact the whole business. One or two farmers have expressed themselves as opposed to the payment of $3 per day to the members of county councils, alleging that $2 pays a farmer for his time. The discussions as reported also took in the question of Grand Jurors, the feeling generally being against the continuence of that branch of courts of justice. The whole question is worthy of serious consideration, and discussion will do good, but it would be well for Institutes not to be in too great haste in committing themselves to decided opinions. The present system has been the growth of many years, and is based on the principle of self-government in local affairs to the utmost possible extent. It is possible, we think, to retain the present system, which has been found on the whole to work satisfactorily, and at the same time to keep the expenses within reasonable bounds. We think two sessions annually would suffice, providing some change was made in the method of regulating the county assessment. As for the grand jury—that body has outlived its time, and might be abolished with perfect safety to the liberty of the people. There are various ways in which economy might be effected without overturning the present method of electing county councillors or of a cheese-paring by reducing their remuneration. We venture to say that a majority of those who attend the county council value their time at home much more than the pittance they may have left after paying their necessary expenses. If any of our readers wish to give their views on the subject in a concise form we will be happy to find room for their suggestions.

HONORABLE MENTION.

It gives us much pleasure to note the following worthy records of lengthened public service. No greater praise need be given than to state the fact that with all the changes in municipal laws and machinery, the frequent ups and downs of councils dependent upon the popular breeze, these officers having charge of the details, requiring intelligence, integrity, and impartiality, in a high degree for the discharge of their duties, should retain the confidence of their fellow citizens for such a lengthened period. It speaks volumes for these officers, and their respective municipalities are also to be congratulated in their good fortune.

I noticed the record you give of Mr. Brooke, of Perth, and Mr. Taylor, of Fitzroy. I think I can beat their records, as I have entered on my thirty-fifth year as clerk of Bowmanville, and my thirty-ninth year as clerk of the township of Darlington. Wishing you success in your enterprise, I remain, dear sir, yours, etc.,

R. Windatt, Bowmanville.

As you are giving the names of some clerks of long standing you might include my name among them. I have been clerk of the township of Stephen for over thirty-three years. The year previous I was an auditor of the township, and previous to that was one of the county auditors of the united counties of Prescott and Russell.

C. Prouty, Hay.

I may here record the fact that I am the senior of both my eastern brothers, having continously held the office of clerk and treasurer of this municipality for thirty-six years.

J. Murray, Esquesing.

I have been township clerk of the township of West Hawkesbury continously since the month of February, 1858, that is thirty-three years, and was laboring under the belief that I was the oldest incumbent of the office in Ontario until the perusal of your paper, in which I find that there are others who claim a longer time. However, I do not expect to fulfil the duties of the office for another term of the same duration. John Shields, Vankleek Hill.

On the 21st day of January, 1850, I was appointed clerk of the township of Nottawasaga, and on the same day F. Hewson, Esq., was appointed treasurer of the said township, and we have both held our offices uninterruptedly from that day to this. Do you know of any other clerk or treasurer in Ontario who has held office for the same length of time? Angus Bell, Singhampton.

[41 years is truly a wonderful record. It is now in order for any who can beat it to rise and speak.—ED.]

WE are in receipt of the last annual report of the Division Court Clerk's Association of Ontario, in which valuable information is given on some questions relating to proceedure. On one or two of the points raised we hold different views from the answers there given, but want of room prevents discussion of them in this number.

* * *

THE present session of the Ontario Legislature will be equal to the occasion in producing a new crop of amendments to the Municipal and Assessment Acts. The government also propose to consolidate the High and Public School Acts. We hope to be able to give some information as to the nature of the proposed changes in next issue of the MISCELLANY.

GOOD WISHES.

The editor is neither very young nor very vain, but owing to the misgivings which he had in his own mind before undertaking the publication of the MISCELLANY as to its reception by his brother clerks, it has afforded him very much satisfaction to receive so many assurances of good will. Our thanks are due to those who have subscribed and thus assisted to make it a financial success, but as a number have in addition strengthened us with words of encouragement which we appreciate, we take the liberty of making extracts from as many as we can spare room for :—

Numbers 1 and 2 of the MUNICIPAL MISCELLANY have been received and contents noted. I am pleased with same. Enclosed find one dollar for one year's subscription. J. L. W., St. Jacob's.

I am in receipt of the MUNICIPAL MISCELLANY, and think it will be very useful to all municipal officers. Enclosed find two dollars, subscription for two copies for 1891. H. B., Amherstburg.

I enclose one dollar for the MUNICIPAL MISCELLANY for 1891. I like the numbers issued, and think it will be useful to clerks and all municipal officers and councillors. A calendar of the duties of councillors and officers for each month in advance would be a valuable addition to the contents. W. M., New Hamburg.

I have received your first and second numbers of the MISCELLANY, and now enclose one dollar as my subscription for the current year; with best wishes for its success. J. M., Esquesing, County Halton.

I am in receipt of copies of your paper devoted to municipal matters, etc., and am pleased with it. Send specimen copies to the following, etc. C. W. W. D., Spry.

I am much pleased with MUNICIPAL MISCELLANY. Send sample copies to the following councillors. Will do my best to get council to take several copies. D. C., Hanover.

I am in receipt of copy of MUNICIPAL MISCELLANY, and am well pleased with it. Send sample copies to the following members of council, etc., and I think I will be able to send you a club after next meeting of council. G. L., Whitefield.

Send six copies of your MUNICIPAL MISCELLANY to township clerk of Petewawa for one year. J. D., Petewawa.

Enclosed find one dollar for one year's subscription to your much-needed paper. Send me all the numbers, as I wish to preserve them for reference. A. O., Featherston, D. Parry Sound.

I am much pleased with your paper, and think every municipal officer should take it. Send sample copies of Jan. and Feb. to members of our council named below. L. S. B., St. Catharines.

Having submitted the sample copies of the MUNICIPAL MISCELLANY kindly sent me to the notice of the municipal council of the township of Nottawasaga, in the county of Simcoe, I am happy to say that said council have instructed me to order six copies of your paper, one to each councillor (addresses below,) and one to myself. Herewith I enclose subscription price, $5. A. B., clerk, Singhampton.

Please find enclosed one dollar, as I wish to have my name on your list as a subscriber to your work. I have been a municipal clerk for about 28 years. I have no doubt but what the MISCELLANY will be well worthy of the patronage of all municipal officers, and I wish you success in your enterprise, which I think should be gladly received by all who take an interest in the municipal institutions of Ontario. I. F. C., Oakwood.

Please find enclosed one dollar for one year's subscription to MUNICIPAL MISCELLANY. I have been looking through the last two numbers, and find that it is just what will fill a long felt want, more particularly to municipal clerks, and should be patronized by all municipal councils throughout Ontario. A. M., Otterville.

Yon will please accept my thanks for the information you have given me in answering my questions. You certainly have made it very plain. As soon as I received it I saw wherein I was in error etc. R. D.

I have received the January and February numbers of your paper, and am highly pleased with the contents. Such a paper was and is very much needed. I enclose one dollar, and wish you every success in your undertaking. J S., Vankleek Hill.

I received the MUNICIPAL MISCELLANY with thanks, and think it a very useful paper for councils, officials and others. I shall present a copy to the council at our next meeting and see how many subscribers I can get. C. P., Hay.

Below are the names and addresses of our council. All thought well of the MISCELLANY. C. P., Hay.

I have received two sample copies of your MUNICIPAL MISCELLANY, and am inclined to think well of it. The need of such a journal as a source of information and also as a medium of communication between the various clerks and other municipal officers, and at a price within the reach of all, has been felt. Wishing you success in your enterprise, I enclose subscription for one year which please send to my address. W. D. M., Harriston, Co. Wellington.

REPORT OF COMMISSION ON MUNICIPAL INSTITUTIONS.

(EXTRACTS CONTINUED.)

The necessity of municipal government as a means of progress appears to have been felt by the new government. Upon the requisition of the procurator-general, the Sovereign Council in 1663 called a meeting of the citizens for the election of a mayor and two aldermen; whereupon the chief inhabitants of Quebec and its environs assembled and chose Jean Baptiste de Repentigny as their mayor, with Jean Madry and Claude Charron as aldermen. The council appears to have become alarmed, for, these persons acting, it is presumed, under pressure, resigned. Then the council declared that, considering the peculiar condition of the district and the fewness of its inhabitants, one head deacon to be elected by the people would suffice for the time. When one was chosen accordingly, his election was annulled by the ruling party in Council, under the pretext that it was not satisfactory to a majority of the constituents. The electors were convoked once more, but few attended this time .... The Governor then addressed a circular of invitation to safe parties who made choice of a new chief deacon, despite the demurring of the chief citizens, and protests of a minority in Council. The election took place in the presence of the Governor. To the person thus elected the Governor administered the oaths of office, despite the protests of some members of the Council. "From this time forward," says Garneau, "there was no further question of free municipal government in Canada, so long as French domination endured, although a nominal syndicate existed for a short time after that now under review. He adds that he has been all the more particular in giving these details "because the popular elections, which were then first projected, and forthwith caused to miscarry, were the only examples of the kind known to our annals. In that age the metropolitan executive was bent on stifling all aspirations of the people for freedom, either at home or in the colonies, but more especially dreading any liberal pretensions in the latter." In support of this the historian quotes the official project for the government of New France, drawn up by Messrs. de Tracy and Tabon in 1667. One other attempt was made, however, to introduce municipal government.

In the re-organization of the government of which we have been treating, the power of taxation was reserved absolutely to the King. A decree issued by Louis XV. in 1742, stated that "the governors and intendants have no allowance to levy imposts; that is a sovereign right which His Majesty communicates to none. It is not even lawful for the people to tax themselves, except by our permission."

The second attempt to establish municipal institutions was made by Frontenac in 1672. He seemed to think that representative institutions of even a higher character should be established. Under pretence of desiring to administer the oath of allegiance to the whole people, he, on October 23rd, 1672, soon after his first arrival, convoked the three estates of Canada at Quebec with as much pomp and splendor as circumstances would permit. For the order of the clergy he had abundant material. Three or four *gentils hommes*, of Quebec, and a number of his officers represented the nobles. He formed a third estate of merchants and citizens; and the members of the council and the magistracy he formed into another body. When they had assembled he delivered a speech carefully prepared, which seems not to have differed much in form or tone from speeches afterwards delivered from the throne by British Governors, except that he did not propose any measures for their consideration, or invite them even to advise as to what legislation may be desirable. Afterwards he applied himself to another work, that of giving a municipal government to Quebec after the model of some of the cities of France. In place of the syndic, an official supposed to represent the interests of the citizens, he ordered the public election of three aldermen, of whom the senior should act as mayor. One of the number was to go out of office every year, his place being filled by a new election; and the Governor as representing the King reserved the right of confirmation or rejection. He then, in concert with the chief inhabitants, proceeded to frame a body of regulations for the city, destined as he again and again declared to become the capital of a mighty empire; and he further ordained that the people should hold a meeting every six months to discuss questions involving the welfare of the colony. These proceedings were not approved of at Paris. Colbert, in reply to Frontenac's dispatches, wrote: "Your assembly of the inhabitants, to take the oath of fidelity, and your division of them into three estates may have had a good effect for the moment; but it is well for you to observe that you are always to follow in the government of Canada the forms in use here; and since our kings have long regarded it as good for their service not to convoke the states general of the kingdom, in order perhaps to abolish insensibly this ancient usage, you on your part should rarely, or to speak more correctly, never give a corporate form to the inhabitants of Canada. You should even as the colony strengthens suppress gradually the office of the syndic, who presents petitions in the name of the inhabitants; for it is well that each should speak for himself, and no one for all."

Under such a system the establishment and development of municipal institutions worthy of the name was evidently impossible, and the colonists, few in numbers, and engaged in warfare almost perpetual, at first with the fierce Iroquois, and afterwards with the English, had little time, and probably little inclination, to seek such a change in the system as would permit the growth of self-government. The tenure of land *en fief* and *en roture* might perhaps have been reconciled with the adoption of a municipal system, but it is surprising to learn that not only their own system was guaranteed to the French Canadians by the Act of 1774, but that in 1775 instructions were sent from England, directing that all grants of land within the Province of Quebec, then comprising Upper and Lower Canada, were to be made en fief and seigniory. And even the grants to the refugee loyalists and officers and privates of the colonial corps, promised in 1786, were ordered to be made on the same tenure. To what extent the section of the Quebec Act, which provided that the inhabitants of any town or district may be authorized to "assess, levy and apply for the purpose of making roads, or for any other purpose respecting the local convenience and economy of any town or district, such sums as may be necessary," was operative before 1791, it is difficult to ascertain; but Lord Durham, writing of the French Canadians in 1839 said: "The higher classes and the inhabitants of the towns have adopted some English customs and feelings, but the continued negligence of the British Government left the mass of the people without any of the institutions which would have elevated them in freedom and civilization. It has left them without the education, and without the institutions of local self-government, that would have assimilated their character and habits in the easiest and best way to that of the Empire of which they became a part. They remain an old and stationary society in a new and progressive world." What he here ascribed to negligence, Lord Durham elsewhere attributed to a settled although mistaken policy.

To be Continued.

Printed for the Publisher by JOHN A MACDONALD Arnprior.