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THE MUNICIPAL ACT.

(R. S. O. 1887, Cap. 184.)

(CONTINUED.)

CONTROVERTED ELECTIONS.

187. In case the right of a municipality to a reeve or deputy-reeve or reeves, or in case the validity of the election or appointment of mayor, warden, or reeve, or deputy-reeve, alderman, or councillor is contested, the same may be tried by a Judge of the High Court, or the senior or officiating Judge of the County Court of the county in which the election or appointment took place; and when the right of a municipality to a reeve or deputy-reeve or reeves is the matter contested, any municipal elector in the county may be the relator, and when the contest is respecting the validity of any such election as aforesaid, any candidate at the

election, or any elector who gave or tendered his vote thereat, or if respecting the validity of any such appointment, any member of the council or any elector of the ward, or, if there is no ward, of the municipality for which the appointment was made, may be the relator for the purpose. 46 V. c. 18, s. 185.

NOTE.—The Judge of the County Court may try contested elections in municipalities. Objections to a candidate should be made at nomination. The word “contested” is used in this and subsequent sections with different meanings; *1st, as to the validity of an election*, and *2nd, as to the contest at the election*.

188. If within six weeks after the election, or one month after acceptance of office by the person elected, the relator shews by affidavit to such Judge, reasonable ground for supposing that the election was not legal, or was not conducted according to law, or that the person declared elected thereat was not duly elected, and if the relator enters into a recognizance before the Judge or before a Commissioner for taking affidavits, in the sum of \$200 with two sureties (to be allowed as sufficient by the Judge upon affidavit of justification) in the sum of \$100 each, conditioned to prosecute the writ with effect, or to pay the party against whom the same is brought any costs which may be adjudged to him against the relator, the Judge shall direct a writ of summons in the nature of a *quo warranto* to be issued to try the matters contested. 46 V. c. 18, s. 186.

NOTE.—Proceedings must be taken within six weeks after election or one month (calendar) after acceptance of office.

189. The Judge of the High Court before whom the writ of summons is returnable, may order the evidence to be used on the hearing of the summons to be taken *viva voce* before the Judge of the County Court, in the presence of counsel for, or after notice to, all the parties interested, and such Judge shall return the evidence to the Registrar at Toronto of the Division from which the writ of summons was issued, and every party shall be entitled to a copy thereof. 46 V. c. 18, s. 187.

190. In case the relator alleges that he himself or some other person has been duly elected, the writ shall be to try

the validity, both of the election complained of and the alleged election of the relator or other person. 46 V. c. 18, s. 188.

191. In case the grounds of objection apply equally to two or more persons elected, the relator may proceed by one writ against such persons. 46 V. c. 18, s. 189.

192. Where more writs than one are brought to try the validity of an election, or the right to a reeve or deputy-reeve or reeves as aforesaid all such writs shall be made returnable before the Judge who is to try the first, and the Judge may give one judgment upon all, or a separate judgment upon each one or more of them, as he thinks fit. 46 V. c. 18, s. 190.

193. The writ shall be issued by the Clerk of the Process of the said High Court, or by the Local or Deputy Registrar or Deputy Clerk of the Crown in the county in which the election took place, and shall be returnable before a Judge in Chambers at Toronto, or before the Judge of the County Court at a place named in the writ, upon the eighth day after service, computed exclusively of the day of service, or upon any later day named in the writ. 46 V. c. 18, s. 191.

194. The writ shall be served personally, unless the party to be served keeps out of the way to avoid personal service, in which case the Judge upon being satisfied thereof, by affidavit or otherwise, may make an order for such substitutional service as he thinks fit. 46 V. c. 18, s. 192.

195. The Judge before whom the writ is made returnable or is returned, may, if he thinks proper, order the issue of a writ of summons at any stage of the proceedings to make the returning officer or any deputy-returning officer a party thereto. 46 V. c. 18, s. 193.

196. The Judge before whom the writ is returned may allow any person entitled to be a relator to intervene and defend, and may grant a reasonable time for the purpose; and an intervening party shall be liable or entitled to costs like any other party to the proceedings. 46 V. c. 18, s. 194.

197. The Judge shall, in a summary manner, upon statement and answer, without formal pleadings, hear and determine the validity of the election, or the right to a reeve or deputy-reeve or reeves, and may, by order, cause the assessment rolls, collectors' rolls, list of electors, and any other

records of the election to be brought before him, and may inquire into the facts on affidavit or affirmation, or by oral testimony, or by issues framed by him, and sent to be tried by jury by writ of trial directed to any Court named by the Judge, or by one or more of these means, as he deems expedient; subject, however, to the provisions of section 212. 46 V. c. 18, s. 195.

198. In case the election complained of is adjudged invalid, the Judge shall forthwith, by writ, cause the person found not to have been duly elected to be removed; and in case the Judge determines that any other person was duly elected, the Judge shall forthwith order a writ to issue causing such other person to be admitted; and in case the Judge determines that no other person was duly elected instead of the person removed, the Judge shall by the writ cause a new election to be held. 46 V. c. 18, s. 196.

199. In case the election of all the members of a council is adjudged invalid, the writ for their removal, and for the election of new members in their place, or for the admission of others adjudged legally elected, and an election to fill up the remaining seats in the council, shall be directed to the sheriff of the county in which the election took place; and the sheriff shall have all the powers for causing the election to be held which a municipal council has in order to supply vacancies therein. 46 V. c. 18, s. 197.

200. Any person whose election is complained of may, unless such election is complained of on the ground of corrupt practices on the part of such person, within one week after service on him of the writ, transmit, postpaid, through the post office, directed to "The Clerk in Chambers, at Osgoode Hall, Toronto," or to "The Judge of the County Court of the County of _____" (*as the case may be*), or may cause to be delivered to such clerk or Judge a disclaimer signed by him, to the effect following:

"I, *A. B.*, upon whom a writ of summons, in the nature of a *quo warranto*, has been served for the purpose of contesting my right to the office of Township Councillor (*or as the case may be*) for the Township of _____, in the County of _____ (*or as the case may be*), do hereby disclaim the said office, and all defence of any right I may have to the same.

"Dated

day of

(Signed)

"*A. B.*"

46 V. c. 18, s. 198.

201. The disclaimer, or the envelope containing the same, shall moreover be endorsed on the outside thereof with the word "*Disclaimer*," and be registered at the post office where mailed, 46 V. c. 18, s. 199.

202. Where there has been a contested election, the person elected may at any time after the election, and before his election is complained of, deliver to the clerk of the municipality a disclaimer signed by him as follows :

"I, A. B., do hereby disclaim all right to the office of Township Councillor, (*or as the case may be*) for the Township of _____ (*or as the case may be*), and all defence of any right I may have to the same."

46 V. c. 18, s. 200.

203. Such disclaimer shall relieve the party making it from all liability to costs, and where a disclaimer has been made in accordance with the preceding sections, it shall operate as a resignation, and the candidate having the next highest number of votes shall then become the councillor, or other officer, as the case may be. 46 V. c. 18, s. 201.

NOTE.—It is important that the disclaimer should be made without delay unless it is intended to make a defence under a writ of *quo warranto*. A disclaimer cannot be filed if the ground of complaint is "corrupt practices."

204. Every person disclaiming shall deliver a duplicate of his disclaimer to the clerk of the council, and the clerk shall forthwith communicate the same to the council. 46 V. c. 18, s. 202.

205. No costs shall be awarded against a person duly disclaiming, unless the Judge is satisfied that such party consented to his nomination as a candidate, or accepted the office, in which case the costs shall be in the discretion of the Judge. 46 V. c. 18, s. 203.

206. In all cases not otherwise provided for, costs shall be in the discretion of the Judge. 46 V. c. 18, s. 204.

207. The decision of the Judge shall be final, and he shall, immediately after his judgment, return the writ and judgment, with all things had before him touching the same, into the Division from which the writ issued, there to remain of record as a judgment of the High Court; and

he shall, as occasion requires, enforce the judgment by a writ in the nature of a writ of peremptory *mandamus*, and by writs of execution for the costs awarded. 46 V. c. 18, s. 205.

208. The Judges of the High Court, or a majority of them may, by rules, settle the forms of the writs of summons, *certiorari mandamus* and execution under this Act, and may regulate the practice respecting the suing out, service and execution of such writs, and the punishment for disobeying the same, or any other writ, or order of the Court or Judge, and respecting the practice generally, in hearing and determining the validity of such elections or appointments, and respecting the costs thereon; and may from time to time rescind, alter, or add to such rules; but all existing rules shall remain in force until rescinded or altered as aforesaid. 46 V. c. 18, s. 206.

(1) A Judge of the County Court shall have the same jurisdiction as a Judge of the High Court to try the right of a municipality in the county of such County Court Judge to a reeve or deputy-reeve or reeves, or the validity of the election or appointment of mayor, warden, reeve, deputy-reeve, alderman, or councillor in the said county; and the practice with respect to such trial, and to the proceedings incident thereto, shall be the same, as nearly as may be, as in the High Court for the time being.

(2) The judgment of a County Court Judge under this section shall be appealable to a Judge of the High Court, and the proceedings incident thereto shall be the same, as nearly as may be, as in the case of an appeal in other cases from the judgment of a Local Master or the Master in Chambers. The judgment of a Judge of the High Court on such an appeal shall be final.

(3) Any judgments which have heretofore been pronounced by a Judge of a County Court under the supposed authority of the 187th and subsequent sections of *The Municipal Act*, and have not been the subject of any proceeding in the High Court to set aside or question the same, are hereby confirmed.

PREVENTION OF CORRUPT PRACTICES.

209. The following persons shall be deemed guilty of bribery, and shall be punished accordingly ;

(1) Every person who, directly or indirectly, by himself, or by any other person in his behalf, gives, lends or agrees to give or lend, or offers or promises money or valuable consideration, or gives or procures, or agrees to give or procure, or offers or promises, any office, place or employment, to or for any voter, or to or for any person on behalf of any voter, or to or for any person in order to induce any voter to vote or refrain from voting at a municipal election, or upon a by-law for raising money or creating a debt upon a municipality or part of a municipality for any purpose whatever, or who corruptly does any such act as aforesaid, on account of such voter having voted or refrained from voting at such election, or upon such by-law ;

(2) Every person who, directly or indirectly, by himself or by any other person in his behalf, makes any gift, loan, offer, promise or agreement as aforesaid, to or for any person, in order to induce such person to procure, or endeavor to procure, the return of any person to serve in any municipal council, or to procure the passing of any by-law as aforesaid, or the vote of any voter at a municipal election, or for such by-law ;

(3) Every person who, by reason of any such gift, loan, offer, promises, procurement or agreement, procures or engages, promises or endeavours to procure the return of any person in a municipal election, or to procure the passing of any by-law as aforesaid, or the vote of any voter at a municipal election, or for such by-law ;

(4) Every person who advances or pays, or causes to be paid, money to or to the use of any other person with the intent that such money, or any part thereof, shall be expended in bribery at a municipal election, or at any voting upon a by-law as aforesaid, or who knowingly pays, or causes to be paid, any money to any person in discharge or repayment of any money wholly or in part expended in bribery at such election, or at the voting upon such by-law ;

(5) Every voter who, before or during a municipal election, or the voting on such by-law, directly or indirectly, by himself or any other person in his behalf, receives, agrees or contracts for any money, gift, loan, or valuable

consideration, office, place or employment, for himself or any other person, for voting or agreeing to vote, or refraining or agreeing to refrain from voting at such election, or upon such by-law;

(6) Every person who, after such election, or the voting upon such by-law, directly or indirectly, by himself or any other person on his behalf, receives any money or valuable consideration on account of any person having voted or refrained from voting, or having induced any other person to vote or refrain from voting at such election, or upon such by-law;

(7) Every person who hires horses, teams, carriages, or other vehicles for the purpose of conveying electors to or from the polls, and every person who receives pay for the use of any horse, teams, carriages, or other vehicles, for the purpose of conveying electors to or from any polls as aforesaid. 46 V. c. 18, s. 207.

210.—(1) Every person who, directly or indirectly, by himself or by any other person on his behalf, makes use of or threatens to make use of any force, violence or restraint, or inflicts or threatens the infliction by himself, or by or through any other person of any injury, damage, harm or loss, or in any manner practices intimidation upon or against any person, in order to induce or compel such person to vote or refrain from voting at any municipal election, or on account of such person having voted or refrained from voting thereat, or who by abduction, duress, or any fraudulent device or contrivance, impedes, prevents or otherwise interferes with the free exercise of the franchise of a voter, or thereby compels, induces or prevails upon a voter either to give or to refrain from giving his vote at any municipal election, shall be deemed to have committed the offence of undue influence, and shall incur a penalty of \$100, and shall be disqualified from voting at any municipal election or upon a by-law for the next succeeding two years.

(2) Every person who at any municipal election applies for a ballot paper in the name of some other person, whether the name be that of a person living or dead, or of a fictitious person, or who having already voted at any such election improperly applies at the same election for a ballot paper in his own name, or who advises or abets, counsels or procures any other person so to do, shall be deemed to have committed the offence of personation, and shall incur a penalty of \$200, and in default of the payment

of the penalty and costs, the offender shall be imprisoned in the common gaol for a period of sixty days, unless the penalty and costs be sooner paid.

211. The actual personal expenses of a candidate, his expenses for actual professional services performed, and *bona fide* payments for the fair cost of printing and advertising, shall be held to be the expenses lawfully incurred, and the payment thereof shall not be a contravention of this act. 46 V. c. 18, s. 209.

212. Where, in an application in the nature of a *quo warranto*, a question is raised as to whether the candidate or any voter has been guilty of any violation of section 209 or 210 of this Act affidavit evidence shall not be used to prove the offence, but it shall be proved by *viva voce* evidence taken before the Judge of any County Court, upon a reference to him by the Judge of the High Court for that purpose, or upon an appointment granted by him in cases pending in such County Court. 46 V. c. 18, s. 210.

213. Any candidate elected at a municipal election, who is found guilty by the Judge, upon a trial upon a writ of *quo warranto*, of any act of bribery, or of using undue influence as aforesaid, shall forfeit his seat, and shall be ineligible as a candidate at any municipal election for two years thereafter. 46 V. c. 18, s. 211.

214. Any person who is adjudged guilty of any offence within the meaning of section 209 of this Act, shall incur a penalty of \$20, and shall be disqualified from voting at any municipal election or upon a by-law for the next succeeding two years. 46 V. c. 18, s. 212; 54 V. c. 42, s. 9.

215. The penalties imposed by the preceding section shall be recoverable, with full costs of suit, by any person who sues for the same in the Division Court having jurisdiction where the offence was committed; and any person against whom judgment is rendered, shall be ineligible, either as a candidate or a municipal voter, until the amount which he has been condemned to pay is fully paid and satisfied. 46 V. c. 18, s. 213.

216. It shall be the duty of the Judge who finds any candidate guilty of a contravention of section 209 or 210 of this Act, or who condemns any person to pay a sum in the Division Court for any offence within the meaning of this Act, to report the same forthwith to the clerk of the municipality wherein the offence has been committed. 46 V. c. 18, s. 214.

217. The clerk of every municipality shall duly enter in a book, to be kept for that purpose, the names of all persons within his municipality who have been adjudged guilty of any offence within the meaning of section 209 or 210 of this Act, and of which he has been notified by the Judge who tried the case. 46 V. c. 18, s. 215.

218. Any witness shall be bound to attend before the Judge of the County Court upon being served with the order of the County Court Judge directing his attendance and upon payment of the necessary fees for his attendance, in the same manner as if he had been directed by a writ of subpoena so to attend, and he may be punished for contempt, and shall be liable to all the penalties for such non-attendance in the same manner as if he had been served with a subpoena. 48 V. c. 18, s. 216.

219. No person shall be excused from answering any question put to him in any action or other proceeding in any Court or before any Judge, touching or concerning any election or by-law, or the conduct of any person thereat, or in relation thereto, on the ground of any privilege, or on the ground that the answer to the question will tend to criminate such person; but no answer given by any person claiming to be excused on the ground of privilege, or on the ground that such answer will subject him to any penalty under this Act, shall be used in any proceeding under this Act, against such person, if the Judge gives to the witness a certificate that he claimed the right to be excused on either of the grounds aforesaid, and made full and true answer, to the satisfaction of the Judge. 46 V. c. 18, s. 217.

220. All proceedings other than an application in the nature of *quo warranto* against any person for any violation of section 209 or 210 of this Act, shall be commenced within four weeks after the municipal election at which the offence is said to have been committed, or within four weeks after the day of voting upon a by-law as aforesaid. 46 V. c. 18, s. 218.

221. No pecuniary penalty or forfeiture imposed by this Act or any other Act of the Legislature of Ontario, shall be recoverable for any act of bribery or corrupt practice at an election, in case it appears that the person charged and another person or other persons were together guilty of the act charged, either as giver and receiver, or as accomplices or otherwise, and that the person charged has previously

bona fide prosecuted such other person or persons or any of them for the said act; but this provision shall not apply in case the Judge before whom the person claiming the benefit thereof is charged, certifies that it clearly appears to him that the person so charged took the first step towards the commission of the offence charged, and that such person was in fact the principal offender. 46 V. c. 18, s. 219.

222. The clerk of every municipality shall, prior to any election, or voting on any by-law furnish every deputy-returning officer with at least two copies of the sections of this Act, numbered from 209 to 222 inclusive, and it shall be the duty of the deputy-returning officer to post the same in conspicuous places at the polling place of the polling subdivision for which he is deputy-returning officer. 46 V. c. 18, s. 220.

NOTE.—An amalgamation and consolidation of Part III. of this Act with the Ontario Election Act, in such manner and form that the one Act would apply to the election of members of the Legislature and members of municipal councils, would prevent much confusion as to the proper duties of officials in relation thereto.

MEETINGS OF MUNICIPAL COUNCILS.

223. The members of every municipal council (except county councils) shall hold their first meeting at eleven o'clock in the forenoon, on the third Monday of the same January in which they are elected, or on some day thereafter; and the members of every county council shall hold their first meeting at two o'clock in the afternoon, or some hour thereafter, on the fourth Tuesday of the same month, or on some day thereafter. 46 V. c. 18, s. 221.

NOTE.—The first meetings may be held on some day after the time herein specified.

224. No business shall be proceeded with at the first meeting of the council, until the declarations of office and qualification have been administered to all the members who present themselves to take the same. 46 V. c. 18, s. 222.

NOTE.—See sections 270 and 271; 46 V. c. 18, s. 272; 49 V. c. 37, s. 4; 51 V. c. 28, s. 15 (271).

225. The members elect of every county council, being at least a majority of the whole number of the council when full, shall at their first meeting after the yearly elections, and after making the declarations of office and qualification when required to be taken, organize themselves as a council by electing one of themselves to be warden. 46 V. c. 18, s. 223.

226. At every such election the clerk of the council shall preside, and if there is no clerk, the members present shall select one of themselves to preside, and the person selected may vote as a member. 46 V. c. 18, s. 224.

227. In case of an equality of votes on the election of the head of any county council, or provisional county council, then of those present, the reeve, or in his absence the deputy-reeve of the municipality which for the preceding year had the greatest equalized assessment shall have a second and casting vote, and in the event of no one municipality having the greatest equalized assessment, in consequence of two or more municipalities being equalized equally, then the reeve, or, in his absence, the deputy-reeve, of the municipality having the greatest number of municipal voters entered on its last revised voters' list shall have such second or casting vote.

(2) In counting the names of voters referred to in this section the name of the same person shall not be counted more than once, whether the name of such person appears upon the voters' lists only once or more than once.

228. The members of every county council shall hold their first meeting at the county hall if there is one, or otherwise at the county court house. 46 V. c. 18, s. 226.

229. The subsequent meetings of the county council, and all the meetings of every other council shall be held at such place, either within or without the municipality, as the council from time to time, by resolution on adjourning, to be entered on the minutes, or by by-law, appoints. 46 V. c. 18, s. 227.

230. The council of any county or township in which any city, town, or incorporated village lies, may hold its sittings, keep its public offices, and transact all the business of the council and of its officers and servants within such city, town or incorporated village, and may purchase and hold such real property therein as may be convenient for such purposes. 46 V. c. 18, s. 228.

231. The council of every township and county may pass by-laws for paying the members of the council for their attendance in council, or any member while attending on committee of the council, at a rate not exceeding \$3 *per diem*, and five cents per mile necessarily travelled (to and from), for such attendance. 46 V. c. 18, s. 229.

NOTE.—If responsibility of office, loss of time and contingent expenses are to be considered as a basis for remuneration, then the provisions of this section should be extended to aldermen in cities, and reeves, deputy-reeves and councillors in towns and incorporated villages. Section 232 could then be embodied with this section.

232. The head of the council of any county, city, town or incorporated village may be paid such annual sum or other remuneration as the council of the municipality may determine. 46 V. c. 18, s. 230.

CONDUCT OF BUSINESS.

233. Every council shall hold its ordinary meetings openly, and no person shall be excluded except for improper conduct, but the head or other chairman of the council may expel and exclude from any meeting any person who has been guilty of improper conduct at such meeting. 46 V. c. 18, s. 231.

234. A majority of the whole number of members required by law to constitute the council shall be necessary to form a quorum. 46 V. c. 18, s. 232.

235. When a council consists of only five members, the concurrent vote of at least three shall be necessary to carry any resolution or other measure. 46 V. c. 18, s. 233.

236.—(1) The head of every council shall preside at the meetings of council, and may at any time summon a special meeting thereof, and it shall be his duty to summon a special meeting whenever requested in writing by a majority of the members of the council. 46 V. c. 18, s. 234.

(2) In the absence or death of the mayor or head of the council, a special meeting may be summoned at any time by

the clerk upon a special requisition to him, signed by a majority of the members of the council. 47 V. c. 32, s. 6.

NOTE.—Reasonable notice should be given. The council in its by-law establishing rules and regulations for the government of its members, etc., should fix the number of days notice to be given. See sec. 283.

237. In case there is no by-law of a council fixing the place of meeting, any special meeting of the council shall be held at the place where the then last meeting of the council was held, and a special meeting may be opened or closed as in the opinion of the council, expressed by resolution in writing, the public interest requires. 46 V. c. 18, s. 235.

NOTE.—Distinguish between this section and section 233. The intention is that all general meetings should be held openly, except in case of improper conduct; but when special meetings are held the council may in its discretion hold the meeting open or closed, as may be considered advisable.

238. In case of the death or absence of the head of a town council, the reeve, and in case of the absence or death of both of them, the deputy-reeve, and in case of the death or absence of the head of a village or township council, the deputy-reeve shall preside at the meetings of the council, and may at any time summon a special meeting thereof; but if there be more than one deputy-reeve, the council shall determine which of them shall preside at their meeting. 46 V. c. 18, s. 236.

239. In the absence of the head of the council, and in the case of a town, village or township, in the absence also of the reeve, if there be one and also of the deputy-reeve or deputy-reeves, if there be one or more, by leave of the council or from illness, the council may, from among the members thereof, appoint a presiding officer, who, during such absence, shall have all the powers of the head of the council. 46 V. c. 18, s. 237.

240. If the person who ought to preside at any meeting does not attend within fifteen minutes after the hour appointed, the members present may appoint a chairman from amongst themselves, and such chairman shall have the

same authority in presiding at the meeting as the absent person would have had if present. 46 V. c. 18, s. 238.

241. The head of the council, or the presiding officer or chairman of any meeting of any council, may vote with the other members on all questions, and any question on which there is an equality of votes shall be deemed to be negatived. 46 V. c. 18, s. 239.

242. Every council may adjourn its meetings from time to time. 46 V. c. 18, s. 240.

NOTE.—The adjournment may be for any date earlier than that fixed for giving notice for a special meeting.

243. The head of every county and provisional corporation shall be the warden thereof, and of every city and town the mayor thereof, and of every township and incorporated village the reeve thereof. 46 V. c. 18, s. 241.

244. The head of the council shall be chief executive officer of the corporation; and it shall be his duty to be vigilant and active at all times in causing the law for the government of the municipality to be duly executed and put in force; to inspect the conduct of all subordinate officers in the government thereof, and, as far as may be in his power, to cause all negligence, carelessness and positive violation of duty, to be duly prosecuted and punished, and to communicate from time to time to the council all such information, and recommend such measures within the powers of the council as may tend to the improvement of the finances, health, security, cleanliness, comfort and ornament of the municipality. 46 V. c. 18, s. 242.

NOTE.—It is important that the head of the council should be conversant with municipal law, as well as the duties of the several officers of the corporation.

THE CLERK.

245. Every council shall appoint a clerk; and the clerk shall truly record in a book, without note or comment, all resolutions, decisions and other proceeding of the council, and, if required by any member present, shall record the name and vote of every member voting on any matter submitted, and shall keep the books, records and accounts of

the council, and shall preserve and file all accounts acted upon by the council, and also the originals or certified copies of all by-laws, and of all minutes of the proceedings of the council, all of which he shall so keep in his office, or in the place appointed by by-law of the council. 46 V. c. 18, s. 243.

246. The council may by resolution provide that, in case the clerk is absent, or incapable through illness of performing his duties of clerk, some other person to be named in the resolution, or to be appointed under the hand and seal of such clerk, shall act in his stead, and the person so appointed shall, while he so acts, have all the powers of the clerk. 46 V. c. 18, s. 244.

247. Any person may inspect any of the particulars aforesaid, as well as the assessment rolls, voters' lists, poll books, and other documents in the possession of or under the control of the clerk, at all reasonable times, and the clerk shall, within a reasonable time, furnish copies thereof to any applicant at the rate of ten cents per hundred words, or at such lower rates as the council appoints, and shall, on payment of the proper fee therefor, furnish within a reasonable time, to any elector of the municipality, or to any other person interested in any by-law, order or resolution, or to his solicitor, a copy of such by-law, order or resolution, certified under his hand, and under the corporate seal. 46 V. c. 18, s. 245.

248.—(1) The clerk of every municipality shall in each year, within one week after the final revision of the assessment roll, under a penalty of \$20 in case of default, make a return to the Secretary of the Bureau of Industries, Toronto, on schedules or forms furnished by the said secretary, and approved by the Lieutenant-Governor in Council, of such statistics or information as the assessment roll or other records of his office afford, and as such schedules or forms call for.

(2) The Secretary of the Bureau of Industries shall, as soon as may be, after the opening of every session of the Legislature, report to the Minister of Agriculture for the purpose of being laid before the Legislative Assembly, a tabulated statement of all the returns hereby required to be made.

(3) The Treasurer of the Province shall retain in his hands any moneys payable to any municipality, if it is certified to him by the Secretary of the Bureau of Indus-

tries, that the clerk of such municipality has not made the returns hereby required. 50 V. c. 29, ss. 13-15.

NOTE.—The following is a list, by sections, of the more important duties of clerks, etc., under the several Provincial Acts :

MUNICIPAL ACT, R. S. O. 1887, c. 184.

Local improvements upon lands subsequently annexed to another municipality, 56 ; new incorporations, 60-62 ; certificates, 65, 66 ; disqualification, 77 ; elections, 97 (2), *et seq.*, 108-110 ; (county clerk, 113) (2) ; nomination, 114-117, 120-136, 141 ; elections, 155-170, 176 ; (county clerk, 180), 181, 184, 185, 202, 203, 216, 217, 222, (county clerk, 226) ; special meetings, 236 (283), 245-248 ; defaulters, 251 ; auditors, 258 (259, Toronto, 52 V.), 263 (51 V.), 265 ; declarations, 271, 273, 274, 275 ; salaries and tenure of office, 278-280 ; by-laws, 288-290, 293-296, 300-307, 316, 318-325, 332, 337, (county clerk, 345), 348 ; registration, 351, 354-356 ; arbitrations, 392, 396, 398, 401 ; executions, 420 ; police office, 433 ; investigations by county judge, 477. fines, 479 (17) ; polling sub-divisions, 489 (1) ; pedlars' licenses, etc., 495 (3), 496 (30) ; gas and water, 505 ; Municipal Waterworks Act, R. S. O., 1887, c. 192, 39, 48 ; public roads, 546, 547, 567 (2) ; drainage, 569 (10), *et seq.*, 571, 580, 588 (2), 589 (2) ; county clerk, 598 (3), 602 (2) ; (county clerk) (3), (county clerk, 605, 606) ; local improvements (53 V. c. 50), 612-623 ; police villages, 652, 653, 658, 660 ; 54 V. c. 42, s. 41 ; Algoma, etc., R. S. O. 1887, c. 185, ss. 17, 21, 22, 25, 26, 45.

ASSESSMENT ACT, R. S. O. 1887, c. 193.

Non-residents, 3 ; assessors and collectors not to be clerks, 12 ; steam boilers. column 34, (51 V. c. 29, s. 4), counting ratepayers, 20 (3) ; company separate school supporters, 21 (3) ; railroad companies, 29 ; assessment roll, 50 ; court of revision, 57, 59, 60, 64-

66, 68, 69, 72, 74-76, (county clerk 79), 80, (county and township clerk, 85); statute labor, 93, 100, 101; collection of rates, 119-121, 131, 135, 139-141, 143, 147, 149, 152, 154-156, 205, 225, 227, 230.

ACT RESPECTING JURORS AND JURIES.

Selection of jurors on 10th October annually. Sections 17-28.

PUBLIC SCHOOLS ACT, 1891.

School maps, 13; new school sections, 29; secretary-treasurer bond, 33; exemption from school rates, 40 (7), (10); alteration of boundaries, 81; (county clerk, 82), 82 (5); union section (county clerk, 88); equalization, 95, 96; public school board, cities and towns, etc., 101 (5); election, 103; assessments, 111, (county clerk 114); separate school supporters, error in county rate, 113; debentures, 115; legislative and county grant, 122; population (county clerk 129); penalties, 186.

THE SEPARATE SCHOOLS ACT, R. S. O., 1887, c. 227.

Returns, 13; assessors' roll, 15; exemption, 28 (13); union sections, 29; voters' lists, 31 (13) (14); assessments, 40, 41; withdrawal, 47; collectors' roll, 49; county rate, 50; company taxes, 52, 53 (3); copy of roll, 54; county rate, 57; 53 V. c. 71, s. 1, 9.

LINE FENCES ACT, R. S. O. 1887, c. 219.

Deposit of award, s. 8.

DITCHES AND WATERCOURSES ACT, R. S. O. 1887, c. 220.

Consent and certificate to be filed, 4 (3) (6); agreement, 5; requisition, 6, 8; award, 10; notice, 11; certificate of engineer, 16, 22; continuing drain into adjoining municipality, 26; 53 V. c. 59, ss. 5, 6.

REGISTRATION OF BIRTHS, ETC., R. S. O. 1887, c. 40.

Division registrars, 3; (in Algoma, etc., 4); forms, 5, 6; notice, etc., 8-10, 13-16; errors, 20; penalty, 21; prosecutions, 28; fees, 30.

THE REGISTRY ACT, R. S. O. 1887, c. 114.

By-laws, 75 ; plans, 87.

ONTARIO DRAINAGE ACT, R. S. O. 1887, c. 36.

Assessment and court of revision, 14-20 ; award, 29 ;
entry of rent charge, 44 ; certificate of discharge,
54 ; Drainage Trials Act. 54 V. c. 51. Report to
be filed, 15, 16.

LIQUOR LICENSES R. S. O. 1887, c. 194.

By-law limiting licenses, 20, 32 ; penalties, 68.

SNOW FENCES, R. S. O. 1887, c. 198.

Costs and charges, 2.

WEEDS AND DISEASES OF FRUIT TREES, R. S. O. 1887, c. 202.

Expenses, etc., 7, 11, 12.

DOGS AND SHEEP, R. S. O., c. 214.

Tax, 7, 8 ; returns, 22 ; pounds, R. S. O. 1887, c. 215 ;
notice, 8, 9.

PUBLIC HEALTH ACT, R. S. O. 1887, c. 205.

Acquiring land, 24, 30 ; local boards, 39, 42, 44, 45,
52 ; infectious diseases, 94 ; by-law, schedule A, 17 ;
rules 1, 2, 3, 4.

THE VOTERS' LISTS ACT, 1889.

Lists, 3, 4, 5, 6, 7, 9 ; revision, 10, 13, 16, 17, 22, 23,
25, 28, 29 ; persons added on roll to pay taxes, 32,
33, 34, 35, 36 ; inspection of documents, 41 ; copies
of lists, 42.

THE ONTARIO ELECTION ACT, R. S. O. 1887, c. 9.

Sub-divisions, 8, 12 ; deputy-returning officers, 61 ;
certificates, 70 ; voters' lists, (Algoma, etc.,) 77, 78 ;
ballot boxes, 116, 198 ; penalties. 181, 186 ; 54 V. c.
5, s. 4.

THE TREASURER.

249. Every municipal council shall appoint a treasurer who may be paid either by salary or by a percentage, and every treasurer, before entering upon the duties of his office, shall give such security as the council directs for the faithful performance of his duties, and especially for duly accounting for and paying over all moneys which may come into his hands; and it shall be the duty of every council, in each and every year, to inquire into the sufficiency of the security given by such treasurer, and report thereon. 46 V. c. 18, s. 252.

250.—(1) Every treasurer shall receive, and safely keep, all moneys belonging to the corporation, and shall pay out the same to such persons and in such manner as the laws of the Province, and the lawful by-laws or resolutions of the council of the municipal corporation, whose officer he is, direct; but no member of the council shall receive any money from such treasurer for any work performed, or to be performed; and the treasurer shall not be liable to an action for any moneys paid by him in accordance with any by-law or resolution passed by the council of the municipality of which he is the treasurer, unless where another disposition is expressly made of such moneys by statute.

(2) In case of the death of a county treasurer the warden for the time being may, by warrant under his hand and seal, appoint a treasurer *pro tempore* for such special purpose or purposes as the warden may deem necessary, who shall hold office until the next meeting of the council, and all acts performed by him, authorized by said warrant, shall be as valid and binding as if performed by a treasurer regularly appointed: provided always that the warden shall, in and by such warrant of appointment, direct what security shall be given by such treasurer *pro tempore* for the faithful performance of his duties, and especially for duly accounting for, and paying over, all moneys which may come into his hands, and he shall, before entering upon his duties, give such security, but he shall not interfere with the books, vouchers, or accounts of the deceased treasurer until a proper audit shall be made. 46 V. c. 18, s. 253.

251. Every treasurer shall also prepare and submit to the council, half-yearly, a correct statement of the moneys at the credit of the corporation whose officer he is; and in cities, towns, incorporated villages and townships which

have passed by-laws requiring this to be done, the treasurer shall, on or before the 20th day of December in each year, prepare and transmit to the clerk of the municipality a list of all persons who have not paid their municipal taxes on or before the 14th day of said month of December. 46 V. c. 18, s. 254. *See secs. 82, 489 (2).*

252.—(1) The treasurer of every municipality shall, on or before the first day of May in each year, under a penalty of \$20 in case of default, furnish to the secretary of the Bureau of Industries, Toronto, on schedules or forms furnished by said secretary and approved by the Lieutenant-Governor in Council, such information or statistics regarding the finances or accounts of the municipality, as such schedules or forms call for.

(2) The secretary of the Bureau of Industries, shall, as soon as may be, after the opening of every session of the Legislature, report to the Minister of Agriculture for the purpose of being laid before the Legislature Assembly, a tabulated statement of all the returns hereby required to be made.

(3) The Treasurer of the Province shall retain in his hands any moneys payable to any municipality, if it is certified to him by the secretary of the Bureau of Industries, that the treasurer of such municipality has not made the returns hereby required. 50 V. c. 29, ss. 12, 14, 15.

253. In case any treasurer is dismissed from office, or absconds, it shall be lawful for his successor to draw any moneys belonging to the municipality. 46 V. c. 18, s. 255.

NOTE.—The treasurer should keep proper books of account although not specially required so to do by the foregoing sections. See section 372. Under section 250 the treasurer incurs responsibility which should properly be placed on the solicitor for the municipality.

DUTIES OF TREASURER, BY SECTIONS.

MUNICIPAL ACT, R. S. O. 1887, c. 184.

Officers of corporation, 4; to deliver up books, 48; new corporation, 56, 58, 60, 62; disqualification, 77; defaulters, 81, 119, 134; expenses, 176; appointment, etc., 246-254; not to be auditor, 258; abstract of receipts and expenditure, Toronto, 259; statement of accounts, 263; final audit, 266; declaration, 271; tenure of office, 279; security, 281; special tax, 286; verification of by-law, 290; by-laws creating debts, finances, etc, 340-384; debentures, 405-414; fines, 423; executions, 428; fees, 448; investigation by judge, 477; rewards, 494; licenses, 495 (3); united counties, 518; joint works, 561; orders of commissioners, 564; drainage, 569, 52 V. c. 17; Muskoka and Parry Sound, 54 V. c. 42, s. 42; Algoma, etc., R. S. O. 1887, c. 185, s. s. 17, 33; police trustees orders, 665.

MUNICIPAL WATERWORKS ACT, R. S. O. c. 192.

Sale of lands, 21; penalties, 34; certificate of commissioners, 38; rates, 45; deposit, 48.

ASSESSMENT OF PROPERTY, R. S. O. 1887, c. 193.

Not to be assessor or collector, 12; payment of taxes by instalments, 53; statute labour tax, 98, 101; non-resident tax, 121; contested claim, 130; return of roll, 132; unpaid taxes, etc., 135-190; arrears in cities and towns, etc., 204-222; responsibility of officers, 223-253.

LIQUOR LICENSES, R. S. O. 1887, c. 194.

License fund, 45; penalties, 68, 89.

Travelling on Highways, R. S. O. 1887, c. 195; fines, 14. Traction Engines, R. S. O. 1887, c. 200; fines, 19. Tree Planting Act, R. S. O. 1887, c. 201; refund of one-half bonus, 6. Observance of the Lord's Day, R. S. O. 1887, c. 203; fines, 10. Public

Health Act, R. S. O. 1887, c. 205; orders of local board, 49; penalties, 110. Dogs and Sheep, R. S. O. 1887, c. 214; tax, 5, 7, 8; insufficient distress, 17; when owner not known, 18. Pounds, R. S. O. 1887, c. 215; proceeds of sale. 18. Ditches and Water-courses, R. S. O. 1887, c. 220. penalties, 17.

PUBLIC SCHOOLS, 54 V. c. 55.

School rates, 90; county rate imposed on Separate School supporters, 113; payment of school moneys, 118; legislative and county grant, 122, 123; sub-treasurer, 124; sureties, 125, 126, 127 (expense of examination county treasurer, 145; inspector's salary, 158).

Separate Schools Act, R. S. O. 1887, c. 227; uncollectable taxes, 53, 57.

THE VOTERS' LISTS ACT, R. S. O. 1887, c. 8.

Payment of fees, 25; providing polling places in cities, 39.

Drainage works, R. S. O. 1887, c. 37; penalties, 46; rent-charge may be discharged, 53; certificate, 54, 55, 57; duty and liability, 8. Jurors and juries, R. S. O. 1887, c. 52; exemption, 7; county selectors county treasurer, 11, 12, 13; junior county to pay, 40; county selectors, 49-58; to pay jurors, 143, 144, 148-150; notice, 153; fees, 158, 162. The Registry Act, R. S. O. 1887, c. 114; books of office (county), 25, 26; deeds, 78; plans to be filed, 88; fees in county or city, 98; Land surveyors, R. S. O. 1887, c. 152; expenses, 40; plans to be deposited, 69.

ASSESSORS AND COLLECTORS.

254.—(1) The council of every city, town, township, and incorporated village, shall, as soon as may be convenient after the annual election, appoint as many assessors and collectors for the municipality as the assessment laws from time to time authorize or require, and shall fill up any vacancy that occurs in the said offices as soon as may be

convenient after the same occurs; but the council shall not appoint as assessor or collector a member of the council.

(2) The same person may, in a city, town or township, be appointed assessor or collector for more than one ward or polling subdivision.

(3) In municipalities which have passed by-laws requiring taxes to be paid on or before the 14th day of December, it shall be the duty of the collectors, on the 15th day of December in each year, upon oath, to return to the treasurer the names of all persons who have not paid their municipal taxes on or before the 14th day of the said month of December. 46 V. c. 18, s. 256.

255. In cities and towns, the council, instead of appointing assessors under the preceding section, may appoint an assessment commissioner, who, in conjunction with the mayor for the time being, shall, from time to time, appoint such assessors and valutors as may be necessary, and such commissioner, assessors, and valutors shall constitute a board of assessors, and shall possess all the powers and perform the duties of assessors appointed under the last preceding section; and the council shall also have power, by by-law, to determine the number of collectors to be appointed, and prescribe their duties, and any commissioner, assessor or collector to be appointed by any city need not be appointed annually, but shall hold office at the pleasure of the council; and all notices, in other municipalities required to be given to the clerk of the municipality in matters relative to assessment shall in such city be given to the assessment commissioner. 46 V. c. 18, s. 257, *part*; 52 V. c. 36, s. 9.

256. The collectors of the several townships in a junior county of a union of counties shall, *ex officio*, be collectors in such townships for the provisional council, and the collectors shall pay over to the provisional treasurer the money they collect under any by-law of the provisional council. 46 V. c. 18, s. 258.

257. The money so collected shall be deemed the money of the union, so far as necessary to make the collectors and their sureties responsible to the union therefor; and in case the corporation of the union receives the same, such corporation shall immediately pay the amount to the provisional treasurer, retaining the expenses of collection. 46 V. c. 18, s. 259.

NOTE.—Duties of assessors and collectors.

MUNICIPAL ACT, R. S. O. 1887, c. 184.

Defaulters, 131, 54 V. c. 42, s. 3; appointment (cities, commissioner), 254-257; valuator's powers, 269; declaration, 51 V. c. 28, s. 15 (271); penalty for refusing office, 277; salary, 278; executions, 428, 429; drainage works, 569, 599; assessment for local improvements, 626, 53 V. c. 55, s. s. 1, 3.

ASSESSMENT ACT, R. S. O. 1887, c. 193.

When income, although exempt from assessment, may be entered, 8; appointment, 12; district, 13; directions, 14-30; information to assessors, 42; statement from corporations, etc., 43-54; complaints, 64; commuted statute labor tax, 101; provincial taxes, 120, 240; collection of taxes, 122-154, 158; responsibility of officers, 223-231; county taxes, 241; security, 242; 52 V. c. 40. The Franchise Assessment Act, 1889. Algoma, etc., R. S. O. 1887, c. 185, s. s. 20, 21, 23, 32. Manhood Suffrage Act, 1888, 5, 6, 9, 10, 11, 12.

PUBLIC SCHOOLS ACT, 54 V. c. 55.

Lands situate in two or more sections, 12; trustees may appoint collector, 51; powers, 52; school rates, 90; equalization, 95; special rates, 109; liabilities, 128.

SEPARATE SCHOOL ACT, R. S. O. 1887, c. 227.

Non-resident tax, 46; to distinguish between Public and Separate Schools, 48, 49, 52; the Voters Lists Act, 1889, —; revision of lists, 10, —; costs on revision, 29, 30; penalty, 40, 41; enquiries, 42; the Ontario Elections Act, R. S. O., 1887, c. 9; interpretation, 2; assessors not exempt from being returning officer, deputy-returning officer, election clerk or poll clerk, 21, 44, 60, 61, 80, 82; 53 V. c. 71, 2-4; survey, 148, 149; penalty, 181, 182, 186, 187; fees and expenses, 194, 195; interruption of polling, 203; oaths, 207; drainage works, R. S. O. 1887, c. 36, 7, 8, 10, 13, 14, 20, 22, 23; arbitration, 26, 31; charges,

34; irregularities, 37; collection of rent charge, 44; increased rent tax, 58; crown lands, 59; disputes as to boundaries, 60; roll to be deposited with County Judge, 63; where assessors do not agree, 66; jurors and juries, R. S. O. 1887, c. 52; exemptions from serving, 7; selection of jurors, 17-28; penalty, 171; Franchise Assessment Act, 1889, 2, 3, 4, 6; manhood suffrage, 51 V. c. 4, sec. 4-6, 9-12; 51 V. c. 30, s. 11.

AUDITORS AND AUDIT.

258. Subject to the provisions of the next two sections as to cities, every council shall at the first meeting thereof in every year after being duly organized, appoint two auditors, one of whom shall be such person as the head of the council nominates; but no one who, at such time, or during the preceding year, is or was a member, or is or was clerk or treasurer of the council, or who has, or during the preceding year had, directly or indirectly, alone or in conjunction with any other person, a share or interest in any contract or employment with or on behalf of the corporation, except as auditor, shall be appointed an auditor. And in the event of an auditor so appointed to audit the accounts of the county refusing, or being unable to act, then the head of the council shall nominate another person to act in his stead. 46 V. c. 18, s. 260; 50 V. c. 29, s. 10.

(2) The person so to be appointed by the head of the council shall not be a person in his employment. 53 V. c. 50, s. 6.

259.—(1) The council of the corporation of the city of Toronto shall appoint two auditors, who shall hold office during pleasure.

(2) The treasurer shall prepare in duplicate, not later than the first day of April in each year, an abstract of the receipts and expenditure of the city for the year ending on the 31st of December preceding, and of the assets and liabilities thereof at that date, and shall submit the same to the auditors for examination. The auditors shall audit this abstract with the treasurer's books, and shall make a report on all accounts audited by them, and a special report as to any expenditure made contrary to law; and on

or before the first day of May shall transmit one copy of the said abstract with their report thereon to the secretary of the Bureau of Industries, Toronto, and file the other in the office of the clerk of the council; and thereafter any individual or ratepayer of the municipality may inspect the same, at all reasonable hours, and may, by himself or his agent, at his own expense take a copy thereof or extracts therefrom. 52 V. c. 36, s. 10.

260.—(1) The council of any city which shall pass a by-law declaring that it is expedient to appoint its auditors in the month of December in each year, shall, while such by-law remains in force, and in the month of December in each year, instead of at its first meeting after being duly organized, appoint two auditors. 47 V. c. 32, s. 7 (1).

(2) Notwithstanding this section, or any such by-law, the provisions of section 258 of this Act, as to the appointment of auditors, shall apply to the audit of the accounts of the year in which such by-law takes effect. 47 V. c. 32, s. 7 (5).

261. The auditors appointed under the next preceding two sections shall, every month, commencing at the end of the first month in the year following the said month of December, and so on to the end of such year, examine and report upon all accounts affecting the corporation, or relating to any matter under its control, or within its jurisdiction. 46 V. c. 18, s. 269; 47 V. c. 32, s. 7 (4).

262. The council of a city, in the event of a vacancy in the office of auditor happening by death, resignation or otherwise, may, by by-law, fill such vacancy, and the person so appointed shall hold office for the remainder of the year for which the original appointment was made. 46 V. c. 18, s. 268 (2); 47 V. c. 32, s. 7 (2).

263.—(1) The auditors shall examine and report upon all accounts affecting the corporation, or relating to any matter under its control or within its jurisdiction for the year ending on the 31st day of December preceding their appointment. 46 V. c. 18, s. 261.

(2) The auditors shall prepare in duplicate an abstract of the receipts, expenditure, assets, and liabilities of the corporation, and also a detailed statement of the same in such form as the council directs. They shall make a report on all accounts audited by them, and a special report of any expenditure made contrary to law. The auditors shall

transmit one copy of the abstract, and detailed statement in such form as they have been submitted to the council, to the secretary of the Bureau of Industries, Toronto, and shall file the other, together with the detailed statement and reports in the office of the clerk of the council within one month after their appointment; and thereafter any inhabitant or ratepayer of the municipality may inspect the same at all reasonable hours, and may by himself or his agent at his own expense take a copy thereof or extracts therefrom. 50 V. c. 29, s. 11; 52 V. c. 36, s. 11.

(3) The council of every town, township and incorporated village shall hold a meeting on the fifteenth day of December in each year, or if such day happen to be a Sunday, then on the Monday following, and shall immediately thereafter publish a detailed statement of receipts and expenditure for the portion of the year ending on the day of such meeting, together with a statement of assets and liabilities and uncollected taxes. The said statement shall be signed by the mayor or reeve and by the treasurer, and shall be published forthwith in one or more newspapers of the municipality (if any) and in such other newspapers circulated in the municipality as the council may direct.

(a) Instead of publishing the said statement in any newspaper, the council may cause the same to be posted up, not later than the twenty-fourth day of December, in the offices of the clerk and of the treasurer, as well as at all the post offices in the municipality, and at not less than twelve other conspicuous places therein.

(4) The clerk shall procure not less than one hundred copies of the said statement and shall deliver or transmit by post to the electors who first request him to do so, one of such copies not later than the twenty-fourth day of December in each year and shall also see that copies of the said statement are produced at the nomination.

(The provisions of the preceding section shall not apply to the township municipalities situated in the electoral districts of East Algoma, West Algoma, North Renfrew, Muskoka, Parry Sound, or Haliburton). 51 V. c. 28, s. 13.

264. The council of any city may, by by-law, provide that the auditors shall audit all accounts before payment. 46 V. c. 18, s. 268 (3); 47 V. c. 32, s. 7 (2, 3).

265. The clerk shall publish the auditors' abstract and report (if any), and shall also publish the detailed statement in such form as the council directs, and in case of a minor municipality the clerk shall transmit to the clerk of the county council a copy of such abstract and statement, and the same shall be kept by the clerk of the county council as a record of his office. 46 V. c. 18. s. 263.

266. The council shall, upon the report of the auditors finally audit and allow the accounts of the treasurer and collectors, and all accounts chargeable against the corporation; and in case of charges not regulated by law, the council shall allow what is reasonable. 46 V. c. 18, s. 265.

267. Unless otherwise provided, every county council shall have the regulation and auditing of all moneys to be paid out of the funds in the hands of the county treasurer. 46 V. c. 18, s. 266.

268. In cities and towns, the council may also appoint an auditor, who shall, daily or otherwise as directed by the council, examine and report and audit the accounts of the corporation, in conformity with any regulation or by-law of the council; and in other municipalities the auditors shall also, monthly or quarterly, if directed by by-law, examine into and audit the accounts of the corporation. 46 V. c. 18, s. 267; 48 V. c. 39, s. 8.

NOTE.—If books of account are kept they should be produced by the treasurer, together with all vouchers relating to the receipts and expenditure of the corporation. The auditors should verify the several rates imposed and entered on the collector's roll.

AN ACT RESPECTING THE ASSESSMENT OF PROPERTY.

(R. S. O. 1887, with amendments, 1888, 1889, 1890, 1891.)

(CONTINUED.)

STATUTE LABOUR. IN UNINCORPORATED TOWNSHIPS.

102. Twenty resident landholders in any township which has not been incorporated (either alone or in union with some other township) shall have the right to have a public meeting called for the purpose of electing road commissioners. 46 V. c. 22, s. 1.

103. The persons desiring the meeting to be called shall sign a requisition authorizing some person named in the requisition, and who may either reside in the township or otherwise, to call a meeting of the resident landholders of the township for the purpose aforesaid. 46 V. c. 22, s. 2.

104. In case the person so named declines to call a meeting or neglects to do so, for ten days after the request is presented to him, any three of the persons who signed the requisition may call the meeting. 46 V. c. 22, s. 3.

105. The notice calling the meeting shall name a place, day and hour, where the meeting is to be held; it shall be posted at six places at the least in the township, and the day named shall be at least six days distant from the day of posting the notice. 46 V. c. 22, s. 4.

106. The election shall take place at the time named, and the number of the commissioners to be elected shall be either three or five, as may be stated in the requisition, unless the meeting shall, before proceeding to an election, decide that a number different from that stated in the requisition shall be elected, but such number shall not be less than three nor more than five. 46 V. c. 22, s. 5.

107. In case the meeting is called by the person named in the requisition, he shall be entitled to preside at the meeting as chairman, but if he is absent, or declines to act,

the landholders present may appoint another chairman; the chairman shall act as returning officer, and shall, in the event of a tie, have a casting vote, although he may have previously voted, or may not be a landholder of the township; the landholders present shall also appoint a secretary, who shall record the proceedings. 46 V. c. 22, s. 6.

108. The landholders present shall decide how the voting for commissioners shall be conducted, and if the vote is taken openly the commissioners shall be elected one at a time, but if it is decided to proceed by ballot, all the commissioners shall be elected together, each person having the right to vote for as many persons as there are commissioners to be elected. 46 V. c. 22, s. 7.

109. The chairman shall, at the request of any two landholders present, direct the secretary to record the names of all persons voting and (unless the vote is by ballot) how each votes. 46 V. c. 22, s. 8.

110. If an objection is made to the right of any person to vote at the meeting, such person shall name the property in respect of which he claims the right to vote, and the chairman shall administer to such person an oath, or affirmation if he be by law permitted to affirm, according to the following form, whereupon such person shall be permitted to vote:

You swear (*or, if the voter is entitled to affirm, solemnly affirm, as the case may be*), that you are of the age of twenty-one years, and that you are owner or locatee of lot _____ in the _____ concession of this township, and that you are entitled to vote at this election.

So help you God.

46 V. c. 22, s. 9, Form A.

111. The commissioners elected shall hold office until the 31st day of December next after their election, and shall take the declaration of office before a Justice of the Peace, similar to that of a councillor in a municipal corporation. 46 V. c. 22, s. 10; 51 V. c. 29, s. 7.

112. The commissioners shall meet within a fortnight after their election, and shall then, or as soon thereafter as may be, name the roads and parts of roads upon which statute labour is to be performed, and shall appoint the places and times at which the persons required to perform statute labour are to work. 46 V. c. 22, s. 11.

113. The times to be appointed for the performance of statute labour shall, unless the meeting of landholders to elect commissioners otherwise directs, be not earlier than the 20th day of June, nor later than the 20th day of July in any year, 47 V. c. 32, s. 24.

114. Each owner or locatee of land may be required each year to perform two days' labour for every one hundred acres he holds, and for the first ten acres which he has cleared after the first ten, he may be required to perform one day's additional labour, and for every twenty acres over and above the first ten, one additional day's labour.

(2) Any land-owner, owning less than 100 acres, may be required to perform statute labour as the commissioners may direct, but not exceeding the scale provided for in subsection 1 of this section where the land is in part cleared, and not exceeding two days where no part of the land is cleared. 46 V. c. 22, s. 12; 51 V. c. 29, s. 8, s. 2.

115. Each commissioner shall, during the time he is required to perform statute labour, act as overseer, and the commissioners shall arrange among themselves for overseeing the various bodies of men engaged in doing statute labour. A commissioner may be paid out of the commutation fund for not exceeding two days' labour at the rate of \$1.25 per day, if performed by him over and above the number of days' labour he may by law be required to perform in respect of his own property. The commissioners shall have the same powers as municipalities have in reference to statute labour, to appoint overseers and require returns to be made to them of the labour performed in their districts respectively. 46 V. c. 22, s. 13; 51 V. c. 29, s. 9.

116. Any person instead of performing the statute labour required of him may commute therefor by payment at the rate of \$1 per day, and the commissioners shall expend all commutation moneys upon the roads on which the labour which is commuted for should have been performed. 46 V. c. 22, s. 14.

117. The majority of the commissioners may call a meeting, to be held at any time during the month of January, for the election of their successors, but in the case of their failure so to do, a meeting may be called in the manner hereinbefore provided for a first election. 46 V. c. 22, s. 15.

118. Any person liable to perform statute labour under the next preceding 16 sections, who, after six days' notice requiring him to do the same, wilfully neglects or refuses to perform, at the time and place named by the commissioners, the number of days' labour for which he is liable, shall incur a penalty of \$5, and in addition \$1 for each day in respect of which he makes default, the same to be paid to the commissioners and to be expended in improving the said roads, and upon such person's conviction thereof before a Justice of the Peace having jurisdiction in the township, such Justice shall order the penalty together with costs of prosecution and distress, to be levied by distress of the offender's goods and chattels.

118a. The commissioners, when duly elected, shall serve during the term they are elected for or forfeit the sum of \$5, which may be sued for, together with costs, in any Court having jurisdiction, by any three electors making the complaint. 46 V. c. 22, s. 16; 51 V. c. 29, s. 10.

COLLECTION OF RATES.

119. The clerk of every local municipality shall make a collector's roll or rolls as may be necessary, containing columns for all information required by this Act, to be entered by the collector therein; and in such roll or rolls he shall set down the name in full of every person assessed, and the assessed value of his real and personal property and taxable income, as ascertained after the final revision of the assessments, and he shall calculate, and, opposite the said assessed value as therein described of each respective person, he shall set down in one column to be headed "County Rates," the amount for which the person is chargeable for any sums ordered to be levied by the council of the county for county purposes, and in another column to be headed "Township Rate," "Village Rate," "Town Rate," or "City Rate," as the case may be, the amount with which the person is chargeable in respect of sums ordered to be levied by the council of the local municipality for the purposes thereof, or for the commutation of statute labour, and in other columns any special rate for collecting the interest upon debentures issued, or any local rate or school rate or other special rate, the proceeds of which are required by law, or by the by-law imposing it, to be kept distinct and accounted for separately; and every such last mentioned rate shall be

calculated separately, and the column therefor headed '*Special Rate*,' '*Local Rate*,' '*Public School Rate*,' '*Separate School Rate*,' or '*Special Rate for School Debts*,' as the case may be. R. S. O. 1877, c. 180, s. 88.

120. All moneys assessed, levied and collected under any Act by which the same are made payable to the Treasurer of this Province, or other public officer for the public uses of the Province, or for any special purpose or use mentioned in the Act, shall be assessed, levied and collected in the same manner as local rates, and shall be similarly calculated upon the assessments as finally revised, and shall be entered in the collectors' rolls in separate columns, in the heading whereof shall be designated the purpose of the rate; and the clerk shall deliver the roll, certified under his hand, to the collector on or before the 1st day of October, or such other day as may be prescribed by a by-law of the local municipality. R. S. O. 1877, c. 180, s. 89.

121. The clerk of every local municipality shall also make out a roll in which he shall enter the lands of non-residents whose names have not been set down in the assessor's roll, together with the value of every lot, part of lot, or parcel, as ascertained after the revision of the rolls; and he shall enter opposite to each lot or parcel, all the rates or taxes and percentages, if any, under section 53 hereof, with which the same is chargeable, in the same manner as is provided for the entry of rates and taxes upon the collector's roll, and shall transmit the roll so made out, certified under his hand, to the treasurer of the county in which his municipality is situate, or to the treasurer of the city or town, as the case may be, on or before the 1st day of November. R. S. O. 1877, c. 180, s. 90; 54 V. c. 45, s. 3.

NOTE.—The clerk's duty should be to procure a collector's roll with proper columns and headings, and enter therein the names of persons assessed, the value of real and personal property and taxable income. The treasurer should make all calculations and set down in the several columns the amounts required for the various purposes herein mentioned, or as required by any statutory enactment. See note to sec. 268 Municipal Act.

COLLECTORS AND THEIR DUTIES.

122. The collector, upon receiving his collection roll, shall proceed to collect the taxes therein mentioned. R. S. O. 1877, c. 180, s. 91.

123.—(1) In cities and towns he shall call at least once on the person taxed, or at the place of his usual residence or domicile, or place of business, if within the local municipality in and for which such collector has been appointed, and shall demand payment of the taxes payable by such person; or he shall leave or cause to be left with the person taxed, or at his residence or domicile, or place of business, or upon the premises in respect of which the taxes are payable, a written or printed notice, specifying the amount of such taxes, and shall at the time of such demand or notice, or immediately thereafter, enter the date thereof on his collection roll opposite the name of the person taxed or cause the same to be so entered; and such entry shall be *prima facie* evidence of such demand or notice. 45 V. c. 28, s. 5.

(2) In places other than cities or towns, he shall call at least once on the person taxed, or at the place of his usual residence or domicile, or place of business, if within the local municipality in and for which such collector has been appointed, and shall demand payment of the taxes payable by such person, and shall at the time of such demand enter the date thereof on his collection roll opposite the name of the person taxed; and such entry shall be *prima facie* evidence of such demand. R. S. O. 1877, c. 180, s. 92.

124.—(1) Subject to the provisions of section 53 of this Act, in case a person neglects to pay his taxes for fourteen days after such demand, or, in the case of cities and towns, after such demand or notice as aforesaid, the collector may, by himself or by his agent, subject to the exemption provided for by sections 27 and 28 of "*The Act respecting the Law of Landlord and Tenant*," levy the same with costs, by distress of the goods and chattels of the person who ought to pay the same, or of any goods or chattels in his possession, wherever the same may be found within the county in which the local municipality lies, or of any goods or chattels found on the premises, the property of, or in the possession of, any other occupant of the premises; and the costs chargeable shall be those paid to bailiffs under *The Division Courts Act*. R. S. O. 1877, c. 180, s. 93; 45 V. c. 28, s. 6; 52 V. c. 39, s. 8; 53 V. c. 54, s. 3.

(2) If at any time after demand has been made, or, in the case of cities and towns, after demand has been made or notice served by the collector as aforesaid, and before the expiry of the time for payment of the taxes, the collector has good reason to believe that any party by whom taxes are payable, is about to remove his goods and chattels out of the municipality before such time has expired, and makes affidavit to that effect before the mayor or reeve of the municipality, or before any justice of the peace, such mayor, reeve or justice shall issue a warrant to the collector authorizing him to levy for the taxes and costs, in the manner provided by this Act, although the time for payment thereof may not have expired, and such collector may levy accordingly. 44 V. c. 25, s. 5; 45 V. c. 28, s. 7; 52 V. c. 39, s. 2.

(3) A city shall for the purposes of this section be deemed to be within the county of which it forms judicially a part. 48 V. c. 42, s. 14.

125. If any person whose name appears on the roll is not resident within the municipality, the collector shall transmit to him by post, addressed in accordance with the notice given by such non-resident, if notice has been given, a statement and demand of the taxes charged against him in the roll, and shall at the time of such transmission enter the date thereof on the roll, opposite the name of such person; and such entry shall be *prima facie* evidence of such transmission and of the time thereof, and the said statement and demand shall contain, written or printed on some part thereof, the name and post-office address of such collector. R. S. O. 1877. c. 180, s. 94; 45 V. c. 28, s. 8.

126. In case of the land of non-residents, who have required their names to be entered on the roll, the collector, after one month from the date of the delivery of the roll to him, and after fourteen days from the time such demand as aforesaid has been so transmitted by post, may make distress of any goods and chattels which he may find upon the land; and no claim of property, lien or privilege shall be available to prevent the sale, or payment of the taxes and costs out of the proceeds thereof. R. S. O. 1877, c. 180, s. 95.

127. The collector shall, by advertisement, posted up in at least three public places in the township, village or ward wherein the sale of the goods and chattels distrained is to be made, give at least six days' public notice of the time

and place of such sale, and of the name of the person whose property is to be sold; and, at the time named in the notice, the collector or his agent shall sell at public auction, the goods and chattels distrained, or so much thereof as may be necessary. R. S. O. 1877, c. 180, s. 96.

128. If the property distrained has been sold for more than the amount of the taxes and costs, and if no claim to the surplus is made by any other person, on the ground that the property sold belonged to him, or that he was entitled by lien or other right to the surplus, such surplus shall be returned to the person in whose possession the property was when the distress was made. R. S. O. 1877, c. 180, s. 97.

129. If such claim is made by the person for whose taxes the property was distrained, and the claim is admitted, the surplus shall be paid to the claimant. R. S. O. 1877, c. 180, s. 98.

130. If the claim is contested such surplus money shall be paid over by the collectors to the treasurer of the local municipality, who shall retain the same until the respective rights of the parties have been determined by action or otherwise. R. S. O. 1877, c. 180, s. 99.

131. If the taxes payable by any person cannot be recovered in any special manner provided by this Act, they may be recovered with interest and costs, as a debt due to the local municipality, in which case the production of a copy of so much of the collector's roll as relates to the taxes payable by such person, purporting to be certified as a true copy by the clerk of the local municipality, shall be *prima facie* evidence of the debt. R. S. O. 1877, c. 180, s. 100.

132. In towns, villages and townships every collector shall return his roll to the treasurer on or before the 14th day of December in each year, or on such day in the next year not later than the 1st day of February, as the council of the municipality may appoint, and shall pay over the amount payable to such treasurer, specifying in a separate column on his roll how much of the whole amount paid over is on account of each separate rate; and shall make oath before the treasurer that the date of the demand of payment and transmission of statement and demand of taxes, required by section 123 and 125 in each case, has

been truly stated by him in the roll. R. S. O. 1877, c. 180, s. 101; 44 V. c. 25, s. 6.

NOTE.—“In the next year,” a council should extend the time to a day *in the same year*.

133.—(1) In case the collector fails or omits to collect the taxes or any portion thereof by the day appointed or to be appointed as in the last preceding section mentioned, the council of the town, village or township may, by resolution, authorize the collector, or some other person in his stead, to continue the levy and collection of the unpaid taxes, in the manner and with the powers provided by law for the general levy and collection of taxes. R. S. O. 1877, c. 180, s. 102 (1); 44 V. c. 25, s. 6.

(2) No such resolution or authority shall alter or affect the duty of the collector to return his roll, or shall, in any manner whatsoever, invalidate or otherwise affect the liability of the collector or his sureties. R. S. O. 1877, c. 180, s. 102 (2).

134. The council of every city may, by by-law, fix the times for the return of the collector's rolls and any enlargements of the same. 44 V. c. 25, s. 6.

135. If any of the taxes mentioned in the collector's roll remain unpaid, and the collector is not able to collect the same, he shall deliver to the treasurer of his municipality an account of all the taxes remaining due on the roll; and, in such account, the collector shall shew, opposite to each assessment, the reason why he could not collect the same by inserting in each case the words *Non-Resident* or *Not sufficient property to distrain* or *Instructed by Council not to collect*, as the case may be; and such collector shall at the same time furnish the clerk of the municipality with a duplicate of such account, and the clerk shall, upon receiving such account, mail a notice to each person appearing on the roll with respect to whose land any taxes appear to be in arrear for that year. R. S. O. 1877, c. 180, s. 103; 49 V. c. 38, s. 9.

136. Upon making oath before the treasurer that the sums mentioned in such account remain unpaid, and that he has not, upon diligent enquiry, been able to discover sufficient goods or chattels belonging to or in possession of the persons charged with or liable to pay such sums, or on the premises belonging to or in the possession of any occupant thereof, whereon he could levy the same, or any part

there. The collector shall be credited with the amount not realized. R. S. O. 1877, c. 180, s. 104.

NOTE.—Noncollectable taxes are to be credited to the collector upon proof of his inability to collect them.

137. The taxes accrued on any land shall be a special lien on such land, having preference over any claim, lien, privilege, or incumbrance of any party except the Crown, and shall not require registration to preserve it. R. S. O. 1877, c. 180, s. 105.

YEARLY LISTS OF LAND GRANTED BY THE CROWN.

138. The Commissioner of Crown Lands shall, in the month of February in every year, transmit to the treasurer of every county a list of all the land within the county patented, located as free grants, sold or agreed to be sold by the Crown, or leased, or appointed to any person, or in respect of which a license of occupation issued during the preceding year. R. S. O. 1877, c. 180, s. 106. *See also* Cap. 24, s. 36.

139. The county treasurer shall furnish to the clerk of each local municipality in the county a copy of the said lists, so far as regards lands in such municipality, and such clerk shall furnish the assessors respectively with a statement shewing what lands in the said annual list are liable to assessment within such assessor's assessment district. R. S. O. 1877, c. 180, s. 107.

NOTE.—The payment of taxes by the collector to the treasurer, the distribution of such taxes by him, according to law, the return of the roll to the treasurer, the crediting of uncollectable taxes, and the examination and audit of the collector's roll, all point to the fact that the treasurer should have such an intimate knowledge of the roll, including both rates and ratepayers, as can only be had by making the calculations and entries therein referred to in sections 119, 120, 121, etc.

AN ACT CONSOLIDATING AND REVISING
THE PUBLIC SCHOOLS ACTS.

(54 Vic. 1891.)

(CONTINUED.)

ALTERATION OF SCHOOL BOUNDARIES.

81. Every township council shall have power :—

1. To pass by-laws to unite two or more sections in the same township into one, in case at a public meeting in each section called by the trustees or inspector for that purpose, a majority of the ratepayers present at each of such meetings request to be united ;

2. To alter the boundaries of a school section, or divide an existing section into two or more sections, or to unite portions of an existing section with another section, or with any new section, in case it clearly appears that all persons to be effected by the proposed alteration, division or union respectively, have been duly notified, in such manner as the council may deem expedient, of the proposed proceeding for this purpose, or of any application made to the council to do so ;

3. Any such by-law shall not be passed later than the first day of May in any year, and shall not take effect before the 25th day of December next thereafter, and shall remain in force, unless set aside as hereinafter provided, for a period of five years. The township clerk shall transmit forthwith a copy of such by-law and minutes relating thereto to the trustees of every school section affected thereby, and to the public school inspector. R. S. O. c. 225, s. 81. (*Amended.*)

NOTE.—In case at the public meetings called in each section with a view of uniting the sections, a majority of the ratepayers present at each of such meetings request to be united, the secretary-treasurer or party calling the meetings in each section should at once notify the council of the result.

82. (1) A majority of the trustees, or any five ratepayers of any one or more of the school sections concerned, may within twenty days, by notice filed in the office of the county clerk, appeal to the county council of the county in which such section or sections are situated, against any by-law of the township council for the formation, division, union or alteration of their school section or school sections; or against the neglect or refusal of the township council, on application being made to it by the trustees or any five ratepayers concerned, to alter the boundaries of a school section or school sections within the township. (*Amended.*)

(2) The time herein mentioned for appeal shall run from the date of the by-law complained of, or from the date of the meeting at which the council refused to pass such by-law, or from the first meeting after which notice was received from the clerk of the application of the trustees or ratepayers asking for such by-law to be passed, as the case may be.

(3) The county council may, if it thinks fit, appoint as arbitrators not more than five, or less than three, competent persons, two of whom shall be the County Judge, or some person named by him, and the county inspector, and a majority of whom shall form a quorum to hear such appeal and to revise, determine or alter the boundaries of the school section or school sections, so far as to settle the matters complained of; but the alterations or determination of the said matters shall not take effect before the 25th day of December in the year in which the arbitrators so decide, and shall thence continue in full force for the period of five years at least, and until lawfully changed by the township council.

(4) No person shall be competent to act as arbitrator, who is a member of the township council, or who was a member at the time at which the council passed, or refused or neglected to pass, the by-law or resolution;

(5) Due notice of the alterations or the determination of the said matters made by the arbitrators shall be given by the inspector to the clerk of the township, and to the trustees of the school sections concerned. R. S. O. c. 225, s. 82. (*Amended.*)

NOTE.—The trustees or any five ratepayers concerned may appeal to the county council against any by-law of the township council, or against the refusal to pass such by-law, and the county council may take action

upon the application and appoint arbitrators to settle the matters complained of. If the county council appoints arbitrators their decision shall be binding for *five years* at least, from the 25th day of December of the year in which they so decide. See sec. 87. s.s. 11.

83. On the formation, dissolution, division or alteration of any school section in the same township, in case the trustees of the sections interested are unable to agree, the county inspector and two other persons appointed by the township council as arbitrators, shall value and adjust in an equitable manner all rights and claims consequent upon such formation, division, dissolution or alteration between the respective portions of the township affected, and determine in what manner and by what portion or by whom the same shall be settled; and the determination of the said arbitrators or any two of them shall be final and conclusive. R. S. O. c. 225, s. 83.

NOTE.—Matters mentioned in this section are to be adjusted by the county inspector and two arbitrators appointed by the township council.

84. In case a school site or school house or other school property is no longer required in a section, in consequence of the alteration or the union of school sections, the same shall be disposed of, in such a manner as the majority of the ratepayers in the altered or united school sections may decide at a public meeting called for that purpose; and the ratepayers transferred from one school section to another shall be entitled, for the public school purposes of the section to which they are attached, to such a proportion of the proceeds of the sale of such school house or other public school property as the assessed value of their property bears to that of the other ratepayers of the school section from which they have been separated; and the residue of such proceeds shall be applied to the erection of a new school house in the old school section, or to other public school purposes of such old section. In the case of united sections, the proceeds of the sale shall be applied to the like public school purposes of such united sections. R. S. O. c. 225, s. 84.

NOTE.—The provisions herein made for the disposal of school property when no longer required and for the disposition of the proceeds of the sale are peremptory.

UNION SCHOOL SECTIONS.

85. All school sections existing on the 1st day of January, 1891, and all union school sections which on that date existed in fact, and whether formed in accordance with the provisions of the law in that behalf or not, are to be deemed to have been legally formed, and shall continue to exist, subject, however, to the provisions of this Act so far as applicable as if they had been formed thereunder; and in cases where any union has before said date been adjudged by any court or judge to have been illegally formed, or where any proceedings were pending at said date on that ground, further proceedings may be stayed, upon payment of such costs or expenses, if any, as the court or judge may award. R. S. O. c. 225, s. 269.

86. A union school section may be formed between (a) parts of two or more adjoining townships; (b) parts of one or more townships and an adjoining town or incorporated village. R. S. O. c. 225, s. 85.

87. The following shall be the procedure for the formation, alteration or dissolution of union school sections:—

1. On the joint petition of five ratepayers from each of the municipalities concerned, to their respective municipal councils, asking for the formation, alteration or dissolution of a union school section, each municipal council so petitioned may appoint an arbitrator (who must not be a member of the council) notice of which shall be sent by the respective clerks to the inspector or inspectors of the district or districts concerned, who shall be *ex officio* arbitrators.

2. In cases where the persons so appointed arbitrators would be an even number, the senior County Court Judge, or some person by him appointed to act in his behalf, shall be added, or in the case of an arbitration affecting two or more counties, then the senior County Court Judge of the county having the largest population according to the last Dominion census, or some person by him appointed to act in his behalf shall be added.

3. The first meeting of the arbitrators shall be called by the inspector representing the greatest number of schools, who shall give ten days' notice in writing of such meeting to the clerks of the municipalities concerned. R. S. O. c. 225, s. 82.—1, 2, 3.

4. In case the arbitrators shall determine upon the form-

ation of a new union section, or upon the alteration of the boundaries of an existing union school, they shall in their award set forth the specific parcels of land to be included in such new union school section, or in such altered section as the case may be. In the event of the transfer of any parcel or parcels of land from an existing union section to some other section or sections the arbitrators shall in their award set forth to what other section or sections such transfers shall be made, and any such transfer shall be binding and operative for all school purposes till altered as provided by this Act. (*New*).

5. In case the arbitrators shall determine upon the dissolution of an existing union they shall set forth in their award the section or sections to which the parcels of land comprising such union shall be attached for school purposes, and any such transfer of the parcels of land comprising a union school section to an adjoining section or sections shall be binding and operative till the boundaries of such section or sections are altered as provided by this Act. (*New*).

6. Where the arbitrators find that it would be in the interest of the parties concerned, and where in their opinion it is practicable so to do, they may at their descretion form part of the territory of any union section into a non-union section, and in such cases they shall indicate the parcels of land of which such non-union section shall be composed. The remainder of the union section shall be disposed of as hereinbefore provided. (*New*).

7. When a new union school section is formed or an existing union school section altered the arbitrators shall determine and fix the proportion which the part in each municipality shall be liable to contribute toward the erection and maintenance of the school and other requisite expenses, and such determination shall be binding for a period of three years. (*New*).

8. In any award made under this section the arbitrators shall value and adjust, in an equitable manner, all rights and claims consequent upon the formation, alteration or dissolution of union sections between the respective municipalities and school sections concerned, and shall also determine in what manner, and by what municipality or municipalities, or what portions thereof the same shall be paid and the sum or sums of money to be paid by one portion of the municipalities or school sections concerned to the union school so formed or altered, and the disposition of the property of the union and any payment by one portion to the

other, and such valuation, adjustment and determination shall form and be considered an integral portion of their award, and shall be binding on the municipalities and school sections concerned, subject to the provisions of this Act. (*New*).

9. When a new union school section is formed by arbitration, as herein provided, the inspector, authorized under subsection 3 to call the first meeting of the arbitrators, shall call the first meeting for the election of trustees, and shall proceed as the clerk of the municipality is directed to proceed in section 29 of this Act. R. S. O. c. 225, s. 86,—6.

10. Such union, alteration or dissolution shall not take effect until the 25th day of the month of December, which will be at least three months after the award of the arbitrators or a certified copy thereof is filed with the clerks of the municipalities concerned. R. S. O. c. 225, s. 86,—7.

11. No union school section shall be altered or dissolved for a period of five years after the award of the arbitrators has gone into operation, but nothing herein contained shall be construed as restraining any municipal council from enlarging the boundaries of any union school section from time to time as may be deemed expedient. (*New*).

NOTE.—The petition to each council must be signed by *five* ratepayers (not more or less). The councils *may* appoint an arbitrator; upon neglect or refusal so to do, an appeal will lie to the county council (if the union section or territory lies wholly within the county), sec. 88, and to the Minister of Education (if the union or territory lies partly in two or more counties). Sec. 89.

88. When the territory which it is proposed to form into a union school, or when the union school section, which it is proposed to alter or dissolve, lies wholly within a county the trustees or any five ratepayers in the territory or union section concerned, or the inspector or inspectors may, within one month after the making thereof, appeal in writing to the county council against any award made by the arbitrators either for the formation, alteration or dissolution of such section, or against the neglect or refusal of the township council or councils concerned to appoint arbitrators, as provided in section 87 of this Act, and on receipt of such appeal the county council shall have power

to appoint not more than three arbitrators, who shall neither be ratepayers in the territory or school section concerned, nor members of the municipal councils concerned, and such arbitrators shall have all the powers of arbitrators appointed under section 87, and the decision of a majority of them shall be final and conclusive. The first meeting of such arbitrators shall be called by the county clerk. R. S. O. c. 225, s. 87; 52 V., c. 51, s. 5.

89. When the territory which it is proposed to form into a union school or when the union school section which it is proposed to alter or dissolve, lies partly within two or more counties, the trustees or any five ratepayers in the territory or union school section concerned, or the inspector or inspectors, may within one month after the making thereof appeal against any award made by arbitrators for the formation, alteration or dissolution of such section, or against the refusal or neglect of the township council or councils concerned to appoint arbitrators, to the Minister of Education, who shall have power to alter, determine or confirm such award, or where no award was made, then at his discretion to appoint not more than three arbitrators who shall have all the powers of arbitrators appointed under section 87 of this Act, and the decision of a majority of them shall be final and conclusive. The first meeting of such arbitrators shall be called by the Minister of Education. R. S. O. c. 225, s. 88; 52 V. c. 51, s. 6. (*Amended*).

90. The school rates of every union section shall be collected by the collectors of the municipality in which each part of the union section is respectively situate, and the amount collected from the several ratepayers in each part of the union section shall be paid by the respective collectors to the treasurer of the municipality in which such part of the union section is situate, and such treasurer shall pay over the same without any charge or deduction to the trustees entitled thereto. R. S. O. c. 225, s. 89. (*Part*).

NOTE.—The collectors for each municipality shall collect the taxes levied for the union section and pay the same to the treasurer who shall pay over such moneys, *without charge or deduction*, to the trustees of the union.

91. When any township municipality is divided by Act of the Legislative Assembly for municipal purposes, all school sections which may, by such division, be situated

partly in each of the newly formed municipalities, shall be deemed union sections until otherwise altered under the provisions of this Act. 51 V. c. 28, s. 39.

92. Every union school section shall, for the election of trustees, be deemed one school section, and shall be considered in respect to inspection as within the municipality in which the school-house is situated, or if there be two or more school-houses then in the municipality having the largest amount of assessed property. R. S. O. c. 22 s. 270. (*Amended*).

93.—(1) In case a portion of the territory composing one or more school sections becomes incorporated as a village or town, the boundaries of such school section or sections shall continue in force and shall be deemed a union school section, and the provisions of this Act respecting the election of public school trustees in towns or villages shall apply thereto until such union is altered or dissolved as provided by this Act. R. S. O. c. 225, s. 93. (*Amended*).

(2) In the case of a town or incorporated village divided into wards to which a part of an adjoining township or townships is attached for school purposes, the board of trustees of such union school section shall by resolution determine in which ward or wards the ratepayers of the township part shall vote for the election of school trustees and at elections on other school questions, and in case of no such resolution, then such portion of the township shall be considered for all election purposes as attached to the ward or wards adjacent. R. S. O. c. 225, ss. 90 (2).

NOTE.—In case proceedings are instituted for the formation, alteration or dissolution of a union section as between a town or village or township, the petition mentioned in section 87 (1) may be signed by ratepayers, not necessarily by *electors*.

94. When any portion of a township municipality is annexed to a city or town by proclamation, the portion so annexed shall for all school purposes be deemed to be part of such city or town, provided always that when the portion annexed does not include the whole of any contiguous school section, the respective municipalities shall, unless determined by mutual agreement between themselves after such annexation, each appoint an arbitrator who, with the senior County Judge of the county, shall value and adjudge in an equitable manner, the rights and claims of all parties

affected by such annexation, and who shall determine by what municipality or portion thereof, the same shall be adjusted, paid or settled, and the award of such arbitrators shall be final and conclusive, and the money found due, either by mutual agreement or under the award, shall be deemed money for school purposes and the provisions of section 115 of this Act shall not apply to the money so required to be paid under the award or mutual agreement, and a debenture or debentures may issue to be payable out of the taxable property of that part of the school section remaining in the indebted municipality, upon a requisition of the trustees of said school section, without calling a special meeting of the electors, and upon the terms and conditions set forth in a by-law of the said municipality, anything in this Act to the contrary notwithstanding. 52 V. c. 36, s. 43.

NOTE.—The "money found due" should be raised by application to the municipal council under sec. 109, s.s. 3.

EQUALIZATION OF UNION SCHOOL ASSESSMENTS.

95.—(1) Once in every three years the assessors of the municipalities in which a union school section is situated, shall, after they have completed their respective assessments and before the first day of July meet and determine what proportion of the annual requisition made by the trustees for school purposes shall be levied upon and collected from the taxable property of the respective municipalities out of which the union school section is formed. Notice of such determination shall be given forthwith to the secretary-treasurer of the union school section concerned. R. S. O. c. 225, s. 91 (1). *Part. (Amended).*

(2) In the event of the assessors disagreeing as to such proportion, as aforesaid, the inspector in whose district the union school section is situated shall name an arbitrator who, with the assessors aforesaid shall determine the said matter and report the same to the clerks of the respective municipalities, and the decision of a majority shall be final and conclusive for the period of three years. R. S. O. c. 225, s. 91 (1). *Part.*

(3) When the union school section is composed of portions of two adjoining counties, then on the disagreement of the assessors the inspector of the county in which the

school-house of the union section is situated shall name an arbitrator, and the decision of a majority shall be final and conclusive for the period of three years. R. S. O. c. 225, s. 91 (2).

(4) The meeting of the assessors, for the purposes herein set forth, shall be called by the assessor of the municipality in which the school-house of the union section is situated. (*New*).

(5) The assessor or the assessors and arbitrator appointed as herein required may, at the request of the inspector or five ratepayers, within one month after the filing thereof with the clerk reconsider their award, and alter or amend the same so far as to correct any omission or error in the terms in which such award is expressed. (*New*).

96.—(1) Any by-law of a municipality for forming, altering or dissolving a school section or sections, and any award made by arbitrators appointed to consider an appeal from a township council with respect to any matter authorized by this Act shall be valid and binding, notwithstanding any defect in substance or form, or in the manner or time of passing or making the same, unless notice to quash such by-law or to set aside such award is filed in the office of the township clerk within one month of the publication of such by-law or award.

(2) Such by-law or award shall be deemed to be published when a copy thereof is served upon the secretary or secretary-treasurer of each board of trustees affected thereby.

(3) Any by-law or award confirmed, as in this section provided, shall be valid and binding for a period of five years. (*New*).

AN ACT RESPECTING SEPARATE SCHOOLS.

(Cap. 227, R. S. O. 1887.)

(CONTINUED.)

ASSESSMENTS.

53.—(1) The trustees of separate schools forming a body corporate under this Act shall have the power to impose, levy and collect school rates or subscriptions, upon and from persons sending children to, or subscribing towards the support of such schools, and shall, for the purpose of collecting the school rates or subscriptions, have all the powers in respect of separate schools that the collectors of taxes in municipalities have and possess under the provisions of *The Municipal Act*.

(2) If the collector appointed by the trustees of a separate school is unable to collect that portion of any school rate which has been charged on any parcel of land liable to assessment, by reason of there being no person resident thereon, or no goods and chattels to distrain, the trustees shall make a return to the clerk of the municipality, before the end of the then current year, of such parcels of land and the uncollected rates thereon.

(3) The clerk of the municipality shall make a return to the county, city, town or village treasurer of such lands, and the arrears of separate school rates thereon.

(4) The arrears shall be collected and accounted for by the treasurer in the same manner as the arrears of other taxes.

(5) The township, village, town or city council in which the separate school is situate, shall make up the deficiency arising from uncollected rates on land liable to assessment, out of the general funds of the municipality. 49 V. c. 46, s. 54.

NOTE.—The trustees may appoint their own collector

54. The clerk or other officer of a municipality within or adjoining which a separate school is established, having possession of the assessor's or collector's roll of the municipality, shall allow any one of the trustees or their authorized collectors to make a copy of the roll in so far as it relates to the persons supporting the separate school under their charge. 49 V. c. 46, s. 55.

55. It shall be the duty of every municipal council, if so requested by the trustees of a separate school at or before the meeting of the council in the month of August in any year, to cause, through their collectors and other municipal officers, to be levied in each year, upon the taxable property liable to pay the same, all sums of money for rates or taxes legally imposed thereon in respect of separate schools by competent lawful authority in that behalf and at their request, and the council shall account annually for the sums so to be collected, and any expenses attending the assessment, collection or payment of school rates by the municipal council, or any of its officers, or the trustees entitled thereto, shall be payable by the municipality, and the said rates, as and when collected, shall within a reasonable time thereafter, and not later than the 14th day of December in each year, be paid over to the trustees, without any deduction whatever. 49 V. c. 46, s. 56.

NOTE.—The collectors of the municipality shall collect the taxes, if the trustees apply to the council before its meeting in August to have the taxes so collected. See section 28 (9), 32 (5).

56. Any board of separate school trustees, and the council of any municipality (three-fifths of whose members are not separate school supporters), may enter into an agreement for a term of years, that for each year of the said term, and at such times and in such sums as may be agreed upon, there shall in lieu of and as being the amount to be levied and collected in such year for separate school purposes, be paid by the municipality to the board a fixed proportion of the total amount levied and collected within the municipality in and for the year for both public and separate school purposes; provided always, that if in and for any year the rate in the dollar of assessment actually levied for separate school purposes within the municipality is not the same as that actually levied therein for public school purposes, then the agreement shall not be in force for or apply to such last mentioned year; provided also

that any agreement made as aforesaid may be determined at the end of any calendar year on giving six months' notice by either of the parties thereto to the other party. 49 V. c. 46, s. 57.

57. The county inspector of public schools shall, before distributing the county rate among the public school sections, deduct the amount certified to him by the clerk of any municipality in which any separate school section or part of a section is situate, according to the list given by the clerk, of the supporters of separate schools against whom the county rate for public school purpose has been placed and rated, and shall give the trustees of the separate school section an order on the county treasurer or sub-treasurer for the amount so placed and rated, and it shall be the duty of the treasurer or sub-treasurer to pay over the same. 49 V. c. 46, s. 58.

NOTE.—See section 50.

58.—(1) The trustees of a separate school shall have full power as a body corporate to borrow money for school purposes, and to make valid mortgages and other instruments for the security and payment of such borrowed money, or of moneys payable or to be paid for school sites, school buildings, or additions thereto, or the repairs thereof upon the school house property and premises, or any other real or personal property vested in them, or upon the separate school rates, and any ratepayer who was a separate school supporter at the time when the loan was affected on the security of the said rates or property shall, while resident within the section or municipality within which the separate school is situate, continue to be liable for the rate to be levied for the repayment of the loan.

(2) The principal money representing any sum so borrowed may, in the mortgage or other instrument securing the repayment thereof, be made payable in annual or other instalments, with or without interest, and the trustees, in addition to all other rates or moneys which they may now levy in any one year, shall also have power and authority to levy and collect such further sum or sums as in each year may be requisite for paying all principal money and interest falling due in such year under the terms of such mortgage or other instrument aforesaid, and the said sums shall be levied and collected in each year in the same manner and form, and from the like persons and property by.

from, upon or out of which other separate school rates may now be levied and collected. 49 V. c. 46, s. 59.

(3) The mortgages and other instruments which the trustees have power to make, as aforesaid, for the security and payment of money borrowed or payable for school purposes may, in the discretion of the trustees, be made in the form of debentures; and debentures shall be a charge on the same property and rates aforesaid, as in the case of mortgages thereof made by the trustees, as in sub-section 1 mentioned.

(4) Every by-law of the trustees for the issue of such debentures shall be sealed with the corporate seal of the board of trustees, and shall be signed by the chairman and secretary of the board, and the by-law may be quashed by application to the high court at Toronto, in the same way as municipal by-laws may be quashed.

(5) The by-law shall name a day in the financial year in which the same is passed when the by-law is to take effect, and shall state the whole of the debt and the obligations to be issued thereunder, and shall make the same payable in twenty years at furthest from the day on which the by-law takes effect, and shall provide for including thereafter in the yearly separate school rate a sufficient sum for the payment of an amount sufficient to pay the yearly interest during the currency of the debentures, and also a certain specific sum to be realized annually for the payment of the principal, which specific sum shall be sufficient with the estimated interest on the investments thereof to discharge the debt when payable.

(6) Every such by-law, before being acted upon, shall be published for at least three successive weeks in some public newspaper published weekly, or oftener, in the city, town or county in which the separate school is situate, and if no application to quash the by-law shall be made for three months after the publication thereof as aforesaid, the by-law shall, as in the case of a municipal by-law, be valid, notwithstanding any want of substance or form in the by-law or in the time or manner of passing the same.

(7) No debenture issued under the by-law shall be for less than \$100. The debentures may be in the form following:

PROVINCE OF ONTARIO.

\$. . . .

No. . . .

Debenture of the Board of Trustees of the Roman Catholic Separate Schools for _____ (or other corporate name of the Board, as the case may be).

The Board of Trustees of the Roman Catholic Separate Schools for _____ (or other corporate name of the Board, as the case may be), hereby promise to pay to bearer at the Bank of _____, at _____, the sum of _____ dollars of lawful money of Canada, in _____ years from the date hereof, and to pay interest at the rate of _____ per cent. per annum half yearly to the bearer of the annexed coupons respectively upon the presentation thereof at the said bank.

Issued this _____ day of _____, by virtue and under authority of the Separate Schools Act, and pursuant to by-law number _____ of said Board of Separate School Trustees, passed on the _____ day of _____, 18 _____, entitled a by-law to raise by way of loan the sum of _____ dollars for the purposes therein mentioned, bearing date the day of _____, 18 _____.

C. D.,

Secretary-Treasurer.

A. B.,

Chairman.

Coupon No. . . .

The Board of Trustees of the Roman Catholic Separate School for _____ (or other corporate name) will pay bearer at the Bank of _____, at _____, on the _____ day of _____, 18 _____, the sum of _____ dollars, interest due on that day on Debenture No. _____.

(8) Nothing contained in the preceding five sub-sections shall be deemed to declare or imply any construction of any statute or of any provision thereof, passed prior to the 20th day of April, in the year 1887, or as declaring or implying that the trustees had not theretofore power to make and issue debentures for the security and payment of money borrowed or payable for school purposes. 50 V. c. 41, s. 1.

NOTE.—The trustees as a body corporate can borrow money on mortgages or debenture, *by by-law*.

59. Every separate school shall be entitled to a share in the fund annually granted by the Legislature of this Province for the support of public schools, and shall be entitled also to a share in all other public grants, investments and

allotments for public school purposes now made or hereafter to be made by the Province or the municipal authorities, according to the average number of pupils attending the school during the twelve next preceding months, or during the number of months which may have elapsed from the establishment of a new separate school, as compared with the whole average number of pupils attending school in the same city, town, village or township. 49 V. c. 46, s. 60.

60. Nothing herein contained shall entitle a separate school within any city, town, incorporated village or township, to any part or portion of school moneys arising or accruing from local assessment for public school purposes within the city, town, village or township, or the county or union of counties within which the city, town, village or township is situate. 49 V. c. 46, s. 61.

61. The teachers of a separate school under this Act shall be subject to the same examinations, and receive their certificates of qualification, in the same manner as public school teachers generally; but the persons qualified by law as teachers, either in the Province of Ontario, or, at the time of the passing of *The British North America Act*, in the Province of Quebec, shall be considered qualified teachers for the purpose of this Act. 49 V. c. 46, s. 62.

62. The trustees of every separate school shall, on or before the thirtieth day of June and the thirty-first day of December of every year, transmit to the Minister of Education a correct return of the names of the children attending the school, together with the average attendance during the next preceding six months, or during the number of months which have elapsed since the establishment thereof, and the number of months it has been so kept open; and the minister shall thereupon determine the proportion which the trustees of the separate school are entitled to receive out of the legislative grant, and shall pay over the amount thereof to the trustees. 49 V. c. 46, s. 63.

63. The Minister of Education, all judges, members of the Legislature, the heads of the municipal bodies in their respective localities, the inspectors of public schools, and the clergymen of the Roman Catholic Church, shall be visitors of separate schools. 49 V. c. 46, s. 64.

64. The Roman Catholic separate schools (with their registers) shall be subject to such inspection as may be directed

from time to time by the Minister of Education, and shall be subject also to such regulations as may be imposed from time to time by the Education Department. 49 V. c. 46, s. 65.

65. The Education Department may authorize a separate school in any county to be constituted a model school for the training of teachers for separate schools, subject to the regulations of the department, and where in any county such model school has been established, or from the special circumstances of the separate schools therein, the Minister of Education should deem it expedient, he may recommend for appointment by the Lieutenant-Governor in Council some one competent person possessing qualifications prescribed by the Education Department to be a member of the county board of examiners of such county in addition to the number now authorized, and who shall possess and discharge the like powers and duties as the other members of the board. 49 V. c. 46, s. 66.

66. In the case of a separate school established under this Act in any city, town or incorporated village in which a high school is established, it shall be lawful for the trustees of the separate school to appoint any ratepayer (not one of themselves) as trustee of such high school, provided always that in the case of a united high and public school board such trustee shall not take any part in the proceedings of the board in regard to any matters affecting the public school. 49 V. c. 46, s. 67.

67. In the event of a disagreement between trustees of Roman Catholic separate schools and inspectors of public schools, or other municipal authorities, or in the event of a protest against the election of a rural school trustee, or other proceedings of a rural school meeting, made in writing and signed by five supporters of the separate school concerned, the case in dispute shall be referred to the equitable arbitrament of the Minister of Education, subject nevertheless to appeal to the Lieutenant-Governor in Council, whose award shall be final in all cases. 49 V. c. 46, s. 68

PUBLIC HEALTH ACT.

AN ACT RESPECTING PUBLIC HEALTH.

R. S. O. CAP. 205.

Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as "*The Public Health Act.*" 47 V. c. 38, s. 1.

2. Where the following words occur in this Act, or the schedules thereto, they shall be construed in the manner hereafter mentioned, unless a contrary intention appears:

1. "Owner" means the person for the time being receiving the rent of the lands or premises in connection with which the word is used, whether on his own account or as agent or trustee of any other person, or who would so receive the same if such lands and premises were let;

2. "Health District" or "District" means any local municipality, or union of local municipalities, under the jurisdiction of a Local or District Board of Health, and "Local Board" or "Board" shall include a District Board;

3. "House" includes schools, factories and other buildings, huts and tents used for human habitation or work, whether such use is permanent or temporary, and whether the same are stationary or movable;

4. "Street" shall include every highway, road, square, row, lane, mews, court, alley and passage, whether a thoroughfare or not. 47 V. c. 38, s. 2.

PROVINCIAL BOARD OF HEALTH.

3. The provincial board of health of Ontario at present existing, is hereby continued and shall consist of not more than seven members, one of whom may be the secretary of the board; the members thereof shall be appointed by the

Lieutenant-Governor in Council from time to time for a period of three years, and any retiring member shall be eligible for re-appointment; at least four members of the board shall be duly registered medical practitioners. 45 V. c. 29, s. 1.

4. The chairman of the board shall be appointed by the Lieutenant-Governor in Council, and shall be paid an annual salary not exceeding the sum of \$400 per annum; other members of the board, except the secretary, shall be paid such per diem allowance while attending meetings of the board, or any committee thereof, as may be voted by the Legislature and approved by the Lieutenant-Governor in Council, together with actual travelling and other necessary expenses while employed on the business of the board. 50 V. c. 34, s. 7.

5. The Lieutenant-Governor in Council may appoint a competent and suitable person as secretary of the board; who shall hold office during pleasure, and who may be paid an annual salary not exceeding \$1,750 per annum, and who shall be the chief health officer of the Province. 45 V. c. 29, s. 7; 50 V. c. 34, s. 8.

6. The secretary shall keep his office at Toronto, and perform the duties prescribed by this Act or required by the board; he shall keep a record of the transactions of the board and shall, so far as practicable, communicate with other provincial or state boards of health, and with the local boards of health, and health officers within the Province, and with municipal councils and other public bodies, for the purpose of acquiring or disseminating information concerning the public health; and he shall also use such means as are practicable to induce municipal councils to appoint health officers or local boards of health within their municipality: he shall also assist in preparing the annual report of the registrar-general in relation to the vital statistics of the Province, and shall perform such other duties and functions relating to vital statistics and otherwise as may be assigned to him by the Lieutenant-Governor in Council. 45 V. c. 29, s. 8.

7. The expenses of the said provincial board and the salaries of the chairman and secretary shall be paid out of such moneys as may, from time to time, be appropriated by the Legislature for that purpose. 45 V. c. 29, s. 21; 47 V. c. 38, s. 8.

8. The board shall meet quarterly at Toronto, and at

such other places and times as may be fixed under a resolution of the board. Three members shall be a quorum for the transaction of business, and they shall have power to make and adopt rules and by-laws regulating the transaction of its business, and may provide therein for the appointment of committees, to whom they may delegate authority and power for the work committed to them. 45 V. c. 29, s. 5; 47 V. c. 38, s. 10.

9. The provincial board of health shall take cognizance of the interests of health and life among the people of the Province; they shall especially study the vital statistics of the Province, and shall endeavour to make an intelligent and profitable use of the collected records of deaths and of sickness among the people; they shall make sanitary investigations and inquiries respecting causes of disease, and especially of epidemics; the causes of mortality and the effects of localities, employments, conditions, habits, and other circumstances upon the health of the people; they shall make such suggestions as to the prevention and introduction of contagious and infectious diseases, as they shall deem most effective and proper, and as will prevent and limit as far as possible the rise and spread of disease; they shall enquire into the measures which are being taken by local boards for the limitation of any existing dangerous, contagious or infectious disease, through powers conferred upon said local boards by any Public Health Act, and should it appear that no efficient measures are being taken and that the said powers are not being enforced, it shall be competent for the provincial board, in the interests of the public health, to require the local board to exercise and enforce any of the said powers which, in the opinion of the provincial board, the urgency of the case demands; and in any such case where the local board, after request by the provincial board, neglect or refuse to exercise their powers, the provincial board may, with the approval of the Minister of the department under which the board is for the time being acting, exercise and enforce at the expense of the municipality any of the powers of local boards which under the circumstances they may consider necessary, and they shall, when required or when they deem it best, advise officers of the Government and local boards of health in regard to the public health, and as to the means to be adopted to secure the same, and as to location, drainage, water supply, disposal of excreta, heating and ventilation of any public institution or building. 45 V. c. 29, s. 3; 50 V. c. 34, s. 6.

10. The board shall from time to time, and especially during the prevalence in any part of the Province of epidemic, endemic or contagious disease, make public distribution of such sanitary literature, and of special practical information relating to the prevention and spread of contagious and infectious diseases through the medium of the public press, and by circular to local boards of health and health officers, municipal councils, and in and through the public schools and otherwise as shall be deemed by them in the interest of the public health. 45 V. c. 29, s. 4.

11. With the concurrence of that member of the Executive Council to whose department the provincial board of health is for the time being assigned by the Lieutenant-Governor in Council, the board may send its secretary, or any member or members of the board, to any part of the Province when deemed necessary to investigate the cause or causes of any contagious or other disease or mortality; and at such investigation evidence may be taken on oath or otherwise as the said secretary, member or members may deem expedient, and in such case the secretary, or any member of the board present at the investigation, may administer the oath; and the said investigating committee shall have power, by warrant under the hand and seal of any one of its members, to call upon any person to give evidence regarding any matter in question in the investigation; and the investigating committee shall have all the powers which may be conferred upon commissioners under *The Act respecting Inquiries concerning Public Matters*. 47 V. c. 38, s. 11.

12. It shall be the duty of the provincial board of health to see that a supply of proper vaccine matter is obtainable at all times at such vaccine farms and other places as are subject to inspection by the board. 50 V. c. 34, s. 9.

13. Whenever this Province, or any part thereof or place therein appears to be threatened with any formidable epidemic, endemic, or contagious disease, the provincial board of health may, subject to the approval of the Lieutenant-Governor in Council, issue such regulations as the board deems necessary, for the prevention, as far as possible, or the mitigation of disease, and may make, renew or alter any such regulations, or substitute new regulations; and the said board may, by such regulations, provide:

1. For the frequent and effectual cleansing of the streets, yards, and out-houses, by the local health authorities, or by

the owners or occupiers of houses and tenement adjoining thereto ;

2. For the removal of nuisances ;

3. For the cleansing, purifying, ventilating and disinfecting of houses, churches, buildings, and places of assembly, railway stations, steamboats, railway carriages and cars, as well as other public conveyances by the owners and occupiers, and persons having the care and ordering thereof ;

4. For regulating, so far as this Legislature has jurisdiction in this behalf, with a view of preventing the spread of infectious disease, the entry or departure of boats or vessels at the different ports or places in Ontario, and the landing of passengers or cargoes from such boats or vessels, or from railroad carriages or cars, and the receiving passengers or cargoes on board of the same ;

5. For the safe and speedy interment of the dead, and the conduct of funerals, with a view of preventing the spread of infectious diseases as aforesaid ;

6. For supplying medical aid and accommodation, and medicine, and such other articles as may be deemed necessary for mitigating such epidemic, endemic, or contagious disease ;

7. For house to house visitation ;

8. For preventing or mitigating such epidemic, endemic or contagious disease in such other manner as to the said provincial board seems expedient ; 47 V. c. 38, s. 3.

9. For the inspection of houses, schools, churches, railway stations and other buildings, steamboats, vessels, railway carriages and cars and public conveyances by the local board or some officer, and the cleansing, purifying and disinfecting thereof, and anything contained therein when required by such board or officer at the expense of the owner, occupier, or the person having the care and ordering thereof, and for detaining for this purpose any such steamboat, vessel, railway carriage and car or public conveyance, and anything contained therein, so long as may be necessary, and any person travelling thereby ; 48 V. c. 45, s. 12, *part* ; 50 V. c. 34, s. 10.

10. For preventing the departure of persons from infected localities, and for preventing persons or conveyances from passing from one locality to another, and for detaining persons or conveyances who or which have been exposed to infection, for inspection or disinfection until the danger of infection is past ;

11. For requiring the appointment of sanitary police, to be paid by the municipalities in which they act, for the purpose of assisting and carrying out the health regulations in force in the municipality; 48 V. c. 45, s. 12, *part*.

12. For the removal or keeping under surveillance of persons living in infected localities. 48 V. c. 45, s. 12, *part*; 50 V. c. 34, s. 11.

14. It shall be the duty of the local boards of health to superintend and see to the execution of any regulations made by the provincial board; or to execute, or aid in executing the same within their respective districts; and to do and provide all such acts, matters and things as are necessary for superintending or aiding in the execution of such regulations, or for executing the same as the case may require. 47 V. c. 38, s. 4.

15. The provincial board of health may, by order, declare all or any of the regulations so made, to be in force within the whole or any part or parts of the district of any local board of health or any municipality, and, so far as this Legislature has jurisdiction, to apply to boats, vessels, railway carriages and cars, or other conveyances in any portion or portions of the Province. 47 V. c. 38, s. 5.

16. All orders and regulations so made shall take effect from the approval thereof, and shall be forthwith published in the *Ontario Gazette* and at least one newspaper within the district, or portion or portions of the Province, in which they shall be declared in force. 47 V. c. 38, s. 6.

17. During the time that any such orders or regulations are in force in any health district as provided by the next preceding four sections of this Act, all by-laws of the local board of such district which, in any manner, conflict with any such order or regulations, shall be suspended. 47 V. c. 38, s. 7.

18. All regulations made by the provincial board of health and approved by the Lieutenant-Governor in Council, and published in the *Ontario Gazette*, on the 5th of September, 1885, are hereby declared to have been valid regulations, and in force until and unless repealed or amended. 49 V. c. 42, s. 9.

19. All regulations made by the provisional board of health are to be laid before the Legislative Assembly, if then in session; and if not then in session, within fourteen days after the commencement of the next session. 49 V. c. 42, s. 10.

20. The expenses incurred by the provincial board of health in connection with any epidemic shall be defrayed out of any moneys appropriated by the Legislature specially for that purpose, and the expenses incurred by the said local boards of health, or by the medical health officer or sanitary police, in the execution or in superintending the execution of the regulations of the provincial board, shall be defrayed and provided for by the municipal corporations having jurisdiction over the respective places affected. 47 V. c. 38, s. 8; 48 V. c. 45, s. 13.

21. The local board of health or the provincial board of health may also, from time to time, direct any prosecution or legal proceedings for, or in respect of, the wilful violation or neglect of any such regulation. 47 V. c. 38, s. 9; 48 V. c. 45, s. 14.

22. The provincial board of health may also, subject to the approval of the Lieutenant-Governor, issue regulations for taking possession of any land or any unoccupied building thereon, by the authority of the said provincial board of health, local board, or health officers, for any of the purposes mentioned in sections 13, 14 or 97, of this Act, but such regulations shall not authorize the taking or obtaining for the hospital of any municipality any land or buildings outside the limits of such municipality. 49 V. c. 42, s. 2.

23. In case of actual or apprehended emergency, such possession may be taken without a prior agreement with the owner of the land or building and without his consent, and may be retained for such period as may appear to the board, or officers who took possession thereof, to be necessary. 49 V. c. 42, s. 3.

24. Written notice containing a reasonable description of the land shall, within five days after the taking or obtaining possession be given by the board or officer so taking or obtaining possession thereof, to the clerk of the local municipality wherein the land is situate; such notice shall be given whether possession is taken or obtained with the consent of the owner or otherwise. 49 V. c. 42, s. 4.

25. Where possession is taken without the consent of the owner, the board or health officer by whom or under whose direction or authority possession is taken, shall within five days thereafter give notice thereof to the owner; such notice to be according to the form contained in schedule C hereto annexed, or to the like effect. In the event of any owner not being known, or not being resident within the

Province of Ontario, or of his residence therein being unknown to the board or health officer required to give the notice, such board or health officer shall cause the notice to be published for two insertions in some local newspaper having a circulation within the municipality wherein the property is situate, and shall mail to the last known address (if any) of the owner a copy of the notice in a registered letter prepaid, and such publication shall be sufficient notice to the owner. 49 V. c. 42, s. 5.

26. The owner of any land or building shall be entitled to compensation from the local municipality wherein the land or building is situate, for the use and occupation thereof, including any damages arising from such use and occupation, such compensation to be agreed upon between the municipal council of the local municipality and the owner; and in case they do not agree, the Judge of the County Court of the County wherein the property is situate, shall summarily determine the amount of the compensation, and the terms of payment, in such manner, and after giving such notices, if any, as he sees fit. 49 V. c. 42, s. 6.

27. Where any resistance or forcible opposition is offered or apprehended to possession being taken of any land or building under this Act, or under any regulation which may be made by virtue thereof, the Judge of the County Court may, without notice to any person, issue his warrant to the sheriff of the county, or to any other person as he may deem most suitable, requiring him to put the board or health officer, their or his servants or agents in possession, and to put down such resistance or opposition which the sheriff or bailiff (taking with him sufficient assistance) shall accordingly do. 49 V. c. 42, s. 7.

28. No land or building to be used for the purposes of this Act shall be nearer than 150 yards to an inhabited dwelling. 49 V. c. 42, s. 8.

29.—(1) Where information is obtained by the provincial board that any remediable unsanitary condition or nuisance exists in any municipality, and that the local health authorities have, after proper representation of the facts, neglected or refused to take such efficient measures as might remove such condition or abate such nuisance, it shall be competent for the provincial board of health to institute an investigation, and, if necessary, take sworn evidence concerning the condition or nuisance complained of.

(2) If, upon such investigation, it is proved that such remediable unsanitary condition or nuisance exists, it shall be within the province of the provincial board to direct its immediate removal or abatement by the person responsible therefor, and to report the same to the Minister for the time in charge of the department; and if such person neglects or refuses to remove or abate the same, the provincial board of health may cause such removal or abatement to be made, and collect the expenses therefor from such person, by ordinary process of law. 47 V. c. 38, s. 37.

30.—(1) Whenever the establishment of a public water supply or system of sewerage shall be contemplated by the council of any city, town or village, it shall be the duty of the said council to place itself in communication with the provincial board of health, and to submit to the said board, before their adoption, all plans in connection with said system.

(2) It shall be the duty of the provincial board of health to report whether, in its opinion, the said system is calculated to meet the sanitary requirements of the inhabitants of the said municipality; whether any of its provisions are likely to prove prejudicial to the health of any of the said inhabitants, together with any suggestions which it may deem advisable; and to cause copies of said report to be transmitted to the Minister of the department to which the said provincial board of health is attached, and to the clerk of the municipal council, and the secretary of the local board of health of the district interested.

(3) No sewer, or appliance for the ventilation of the same, shall be constructed in violation of any of the principles laid down by the provincial board of health, subject to appeal to the Lieutenant-Governor in Council. 47 V. c. 38, s. 38.

31. Where from the presence of any formidable contagious disease in any locality the provincial board of health considers the appointment of a medical health officer necessary for the municipality in which such disease exists, or for any neighbouring municipality, and requests the council of any such municipality to appoint a medical health officer, the council shall forthwith appoint a properly qualified medical practitioner, to be medical health officer for the municipality. 48 V. c. 45, s. 2.

32. If a council does not appoint a medical health officer within five days after a request in that behalf made by the

provincial board, which request may be served upon the head of the council or its clerk, or mailed to either of such officers by registered letter-post, the Lieutenant-Governor upon the recommendation of the provincial board may appoint a medical health officer for such municipality. 48 V. c. 45, s. 3.

33. Every medical health officer appointed by the municipal council shall hold office during the pleasure of the council, and if under the preceding section the medical health officer is appointed by the Lieutenant-Governor, he shall hold office until the 1st day of February in the year following that in which he is appointed; Provided always, that the municipal council may at any time, upon a two-thirds vote of its members, dismiss any medical health officer for a neglect of duty; and the decision of such council shall be final, and shall not render the corporation liable for any damages; the medical health officer shall be entitled to compensation for services actually rendered up to the time of such dismissal, but the amount of such compensation shall not exceed the salary he would have earned up to the time of such dismissal, and if his salary up to such time is paid, such payment shall be a bar to any other claim for services rendered. 48 V. c. 45, s. 4.

34. Whenever, during the presence of any formidable contagious disease in any municipality or neighbouring locality any medical health officer becomes temporarily or permanently incapable of performing his duties, or resigns his office, or leaves the locality for which he has been appointed, the council shall forthwith appoint another medical health officer in his room. 48 V. c. 45, s. 5.

35. Where two or more municipalities are united into a health district, the provisions of the preceding four sections of this Act shall apply, except that the power and duty of appointing or removing a medical health officer shall be with the district board of health, unless the councils of the municipalities composing such health district have, previous to any request in that behalf being made by the provincial board, united in appointing a medical health officer for such municipalities, and the Lieutenant-Governor may, in case of their default, appoint a medical health officer for such district. 48 V. c. 45, s. 6.

36. In case the appointment of a medical health officer is made by the provincial board of health, he shall be enti-

tled to recover from the municipality reasonable compensation for his services. 48 V. c. 45, s. 7.

37. Where a medical health officer is appointed he shall possess all the powers and authority possessed by any health officer or sanitary inspector under this Act, and such medical health officer shall perform all duties imposed upon him by any regulations of the provincial board of health, and the fact that similar duties are by statute imposed upon the local board of health, shall not relieve the medical health officer from the performance of such duties. 48 V. c. 45, s. 8.

38.—(1) In case the provincial board of health reports to the Lieutenant-Governor that on account of the presence in any municipality of an epidemic or contagious disease it would be dangerous to hold an election in such municipality, the Lieutenant-Governor may, upon application by the council of the municipality in that behalf, issue his proclamation postponing the holding of any intended municipal or school election, for a period not exceeding three months, and may from time to time further postpone such election if in the opinion of the said board the necessity for postponement continues.

(2) The Lieutenant-Governor may, by his said proclamation, name the days for holding the nomination and polling for the election, but in case no days are named therefor, the council shall, as soon as practicable after the period named in such proclamation, or the last of such proclamations, expires, by by-law name days for the nomination and polling.

(3) In case an election postponed under the provisions of this section is the annual election, or an election of the entire council, or of all the members of a board of trustees or other body, the members of the council, board or other body shall continue to hold office until their successors are elected. 48 V. c. 45, s. 9.

LOCAL BOARDS OF HEALTH.

39.—(1) There shall be a local board of health in each township and incorporated village, to be composed of the reeve, clerk and three ratepayers, to be appointed annually by the municipal council.

(2) There shall be a local board of health in each town

containing less than four thousand inhabitants according to the municipal enumeration of the previous year, to consist of the mayor, clerk and three ratepayers, to be appointed annually by the municipal council.

(3) There shall be a local board of health for each city and for each town containing more than four thousand inhabitants, according to the municipal enumeration of the previous year, to consist of the mayor and eight ratepayers, to be appointed annually by the municipal council. 47 V. c. 38, s. 12 (2-4).

40. The appointments of members of the board shall be made at the first meeting of the municipal council after being duly organized, and any vacancy arising from any cause shall be filled at the first meeting thereafter of the municipal council: but, if for any reason appointments are not made at the proper dates, the same shall be made as soon as may be thereafter. 47 V. c. 38, s. 13 (2).

41. Two or more councils may, by concurrent by-laws, unite their respective municipalities into a health district: and any of such councils may withdraw its municipality from the district by a by-law passed prior to the 1st day of December of any year, and to take effect on the third Monday of January following. 47 V. c. 38, s. 14.

42. The members of the district boards of health shall consist of three members of each municipality included in the district, namely, the head of the council, the municipal clerk, and one other ratepayer not a member of the council, to be appointed by the council. 47 V. c. 38, s. 15.

43. Every district board thus constituted and its members shall, in respect of the health district for which it acts, possess the same powers, be subject to the same regulations, and perform like duties as a local board of health of a municipality and its members. 47 V. c. 38, s. 16.

44. Every local or district board shall elect a chairman, and the clerk of the municipal council shall be the secretary of the local board, and the district board may elect one of its members, or appoint some other person as its secretary. 47 V. c. 38, s. 17.

45. It shall be the duty of the secretary to report to the secretary of the provincial board of health the names of the members of the local board within one month after its first

regular meeting which shall be held on the second Monday after the members, who are not members *ex officio*, have been appointed. 47 V. c. 38, s. 18.

46. When any municipal council neglects or refuses to elect members or a member of the local or district board of health as required by this Act, the provincial board of health may appoint a duly qualified ratepayer or ratepayers to be a member or members of such local or district board of health to act with the *ex officio* or other members. 47 V. c. 38, s. 19.

47. Every municipal council may appoint a medical health officer and a sanitary inspector or inspectors for the municipality, and may fix the salaries to be paid them, or two or more councils may unite in the appointment of any of these officers. 47 V. c. 38, s. 20.

48. The municipal council or councils may vote such sums as are deemed necessary by the local or district board for the carrying on of its work. 47 V. c. 38, s. 21.

49. The treasurer of the municipality shall forthwith upon demand pay out of any moneys of the municipality in his hands the amount of any order given by the members of the local board, or any two of them, for service performed under their direction by virtue of this Act. R. S. O. 1877, c. 190, s. 28; 47 V. c. 38, s. 12 (1).

50. The members of the local and district boards shall be called health officers, and shall have the powers and duties assigned to such officers by this Act; and any two or more of them acting in the execution of any regulations of the provincial board of health may exercise the powers and authorities conferred by sections 68 and 69. R. S. O. 1877, c. 190, s. 25; 47 V. c. 38, ss. 12 (1), 22.

51. A majority of the number of any regularly constituted board shall be a quorum for the transaction of business. 47 V. c. 38, s. 23.

52. A minute book shall be provided in which the secretary shall record the proceedings of the local board of health. The secretary shall draft an annual report of the sanitary work done during the year, and of the sanitary condition of the municipality, for the consideration of the board, which report, when adopted, shall be transmitted to the secretary of the provincial board of health. The said report

shall include the annual report of the medical health officer. 47 V. c. 38, s. 24.

53. Whenever any local board of health has any authority to direct that any matter or thing should be done by any person or corporation, such local board of health may also, in default of its being done by the person, direct that such matter or thing shall be done at the expense of the person in default, and may recover the expense thereof with costs by action or distress; and, in case of non-payment thereof, the same shall be recovered in like manner as municipal taxes. 47 V. c. 38, s. 25.

54. All butchers selling within the limits of any municipality shall, on the request of the health authorities, make affidavit as to the place or places at which the slaughter of their meat is carried on, and where this is outside of the limits of the municipality such slaughter-houses shall be open to inspection by the inspector or medical health officer of the municipality where the meat is offered for sale. In case of refusal to make such affidavit and permit said inspection, said butchers shall be subject to the penalties prescribed under section 106 of this Act, should the sale of meat be continued by them after notification to discontinue has been given by the medical health officer. 50 V. c. 34, s. 4.

55. The local board of health of any municipality or district in which supplies of ice are obtained, sold and stored, shall have power to adopt such regulations regarding the source of supply, and the place of storage of the same, as shall in their opinion be the best adapted to secure the purity of the ice, and prevent injury to the public health. The powers and duties of all local boards in this respect shall extend to the supervision of ice supplies, whether obtained within or outside the municipality, whenever the ice cut is intended for use within the municipality in which the board has jurisdiction. 50 V. c. 34, s. 2.

56. It shall be the duty of every local board of health to cause to be made, from time to time, inspection of its district, in order to prevent the accumulation within the district of any dirt, filth or other thing which may endanger the public health, and with a view to ascertain what nuisances exist calling for abatement under the powers of this Act, and to enforce the provisions of this Act, in order to abate every such nuisance. 47 V. c. 38, s. 28.

57. A medical health officer of a municipality may exercise any of the powers conferred upon health officers by sections 66, 67 and 70 of this Act, and may, without being specially authorized by the board, exercise any powers which, under section 68, can be conferred upon two medical practitioners, and the board may act on his report. 47 V. c. 38, s. 29.

58. Information of any nuisance or unsanitary condition under this Act within the jurisdiction of any local board may be given to such local board by any person aggrieved thereby, or by any two inhabitant householders, or by any officer of such local board, or by any constable or officer of the police force within the jurisdiction of the board. 47 V. c. 38, s. 30.

59. Whenever such information has been so given, it shall be the duty of the local board of health to investigate the cause of the complaint; and to hear the testimony of all persons who may be produced before it to testify in respect of such matter; and every local board or any two of its members shall have the same authority as a Justice of the Peace to require and compel the attendance of witnesses and the giving of evidence. 47 V. c. 38, s. 31.

60. Whenever the local board of health is satisfied of the existence of the nuisance, it shall serve a notice on the person by whose act, default or sufferance the nuisance arises or continues, or, if such person cannot be found, on the owner or occupier of the premises on which the nuisance exists or from which the same arises, requiring him to abate the same within a time to be specified in the notice, and to execute such works, and do such things as may be necessary for that purpose, provided:

First,—That where the nuisance arises from the want or defective construction of any structural convenience, or where there is no occupier of the premises, notice under this section shall be served on the owner;

Second,—That where the person causing the nuisance cannot be found, and it is clear that the nuisance does not arise or continue by the act or default of the owner or occupier of the premises, and it is therefore improper that such owner or occupier should be required to abate the said nuisance, the local board of health may abate the nuisance at the expense of the municipality or district. 47 V. c. 38, s. 32; 50 V. c. 34, s. 12.

61. Where a nuisance in a municipality or district

appears to be wholly or partially caused by some act or default committed or taken place outside of the municipality or district, the board of health of the municipality or district may take or cause to be taken against the person by whose act or default the nuisance is caused in whole or in part, any proceedings in relation to nuisances by this Act authorized, with the same incidents and consequences, as if such act or default were committed or took place wholly within its jurisdiction, so, however, that summary proceedings shall in no case be taken otherwise than before a court having jurisdiction in the municipality or district where the act or default is alleged to be committed or take place. 47 V. c. 38, s. 33.

62. All reasonable costs and expenses incurred in abating a nuisance shall be deemed to be money paid for the use and at the request of the person by whose act, default or sufferance, the nuisance was caused, and such costs and expenses shall be recovered by the municipal council or local board of health or person incurring the same, under ordinary process of law; and the court shall have power to divide costs, expenses and penalties between persons by whose acts or defaults a nuisance is caused as to it may seem just. 47 V. c. 38, s. 34.

63. In case a person establishes, without the consent of the municipal council of the locality, any offensive trade, that is to say, the trade of :

Blood boiling, or
 Bone boiling, or
 Refining of coal oil, or
 Extracting oil from fish, or
 Storing of hides; or
 Soap boiling, or
 Tallow melting, or
 Tripe boiling, or
 Slaughtering of animals, or
 The manufacturing of gas, or

any other noxious or offensive trade, business or manufacture, or such as may become offensive, he shall be liable to a penalty not exceeding \$250 in respect of the establishment thereof; and any person carrying on a business so established shall be liable to a penalty not exceeding \$10 for every day on which, after notice in writing by the local board, or an officer thereof, to desist, the offence is continued,

whether there has or has not been any conviction in respect of the establishment thereof. 47 V. c. 38, s. 35.

64.—(1) If, on an investigation by any local board of health, any nuisance or thing prejudicial to health is found to exist in a municipality in which it has jurisdiction; and if, after the board has required the removal or abatement of the same within a specified time, the board finds that default in such removal or abatement has been made, and the case seems to the board one involving considerations of difficulty owing to the fact that such removal or abatement involves the expenditure or loss of a considerable sum of money, or that any trade or industry is seriously interfered with, or owing to other circumstances, the local board of health may apply to the provincial board of health to investigate and report upon the same, and it shall be the duty of the provincial board, with the approval of the Minister of the department, to make a full investigation and report.

(2) If the report recommends the removal or abatement of the nuisance or thing, the local board or any ratepayer residing in the municipality, or within a mile thereof, may apply to the High Court for an order for the removal or abatement of the nuisance or unsanitary condition, and to restrain the proprietors of any such industry from carrying on the same until the said nuisance shall have been abated to the satisfaction of the provincial board of health; and the Court may issue such order upon the report of the provincial board of health. 47 V. c. 38, s. 36.

65. The medical health officer, under the direction of the local board of health, shall have authority to make or cause to be made by a veterinary surgeon, or such other competent person, as the circumstances may require, a periodic inspection of all dairies, cheese factories and creameries, dairy farms, and slaughter-houses, which come within his or their jurisdiction. 50 V. c. 54, s. 5.

66. The health officers of any municipality or any two of them, may, in the day time, as often as they think necessary, enter into and upon any premises in the place for which they hold office, and examine such premises. R. S. O. 1877, c. 190, s. 3.

67. If upon such examination they find that the premises are in a filthy or unclean state, or that any matter or thing is there which, in their opinion, may endanger the public health, they or any two of them, may order the owner or occu-

pant of the premises to cleanse the same and to remove what is so found there. R. S. O. 1877, c. 190, s. 4; 47 V. c. 38, s. 12 (1).

68. Such health officers, or a majority of them, may also, by warrant under their hands, authorize any two medical practitioners to enter in and upon any house, out-house, or premises in the day time for the purpose of making enquiry and examination with respect to the state of health of any person therein; and may also, upon the report of such medical practitioners in writing recommending the same, cause any person found therein infected with a dangerously contagious or infectious disease to be removed to some hospital or other proper place; but no such removal shall take place unless the said medical practitioners state in their said report that such person can be removed without danger to life, and that such removal is necessary in order to guard against the spread of such disease to the adjoining house or houses. R. S. O. 1877, c. 190, s. 6; 47 V. c. 38, ss. 12 (1), 22.

69. Where a disease of a malignant and fatal character is discovered to exist in any dwelling-house, or out-house, temporarily occupied as a dwelling in a city, town, village or township in Ontario, or within a mile thereof, and such house is situated in an unhealthy or crowded part of the city, town, village or township or adjoining country, or is in a filthy and neglected state, or is inhabited by too many persons, the health officers of the municipality or a majority of them may, at the expense of the municipality, compel the inhabitants of such dwelling-house or out-house to remove therefrom, and may place them in sheds or tents, or other good shelter, in some more salubrious situation, until measures can be taken under the direction and at the expense of the municipality, for the immediate cleansing, ventilation, purification, and disinfection of such dwelling-house or out-house. R. S. O. 1877, c. 190, s. 7; 47 V. c. 38, ss. 12 (1), 22.

70. In case the owner or occupant of any dwelling or premises neglects or refuses to obey the orders given by the health officers, such health officers may call to their assistance all constables and peace officers, and such other persons as they think fit, and may enter into such dwelling or premises, and cleanse the same, and execute or cause to be executed therein the regulations of the provincial board of health or any by-law of the municipality, and remove

therefrom and destroy whatsoever it is necessary to remove or destroy for the preservation of the public health. R.S.O. 1877, c. 190, ss. 5, 26; 47 V. c. 38, s. 12 (1).

71. Where, under the provisions of this Act, or of any municipal by-law, the local board or any health officer removes any dirt, filth, refuse, debris, or other thing which is likely to endanger the public health or to become or cause a nuisance; or which is, or is causing a nuisance, such dirt, filth, refuse or other thing shall be subject to the disposition of the local board, or, if the officer is acting under a by-law of a municipal council, shall be subject to the disposition of the council, and the owner of such thing shall have no claim in respect thereof. 48 V. c. 45, s. 10.

72. Where a local board of health is of opinion, on the certificate of its medical health officer, or of any other legally qualified medical practitioner, that the cleansing and disinfecting of any house, or part thereof, and of any articles therein likely to retain infection, would tend to prevent or check infectious disease, it shall be the duty of such local board of health to give notice in writing to the owner or occupier of such house or part thereof, requiring him to cleanse and disinfect, to the satisfaction of the medical health officer, such house or part thereof, and articles, within a time specified in such notice. 47 V. c. 38, s. 41.

73. If the person to whom notice is given fails to comply therewith, he shall be liable to a penalty of not less than twenty-five cents, and not exceeding \$2 for every day during which he continues to make default; and the local board of health shall cause such house, or part thereof, and articles, to be cleansed and disinfected, and may recover the expenses incurred from the owner or occupier in default in a summary manner. 47 V. c. 38, s. 42.

74. Where the owner or occupant of any house or part thereof is, from poverty or otherwise, unable, in the opinion of the local board of health, efficiently to carry out the requirements of the preceding two sections, such local board of health may, without enforcing such requirements on the owner or occupier, cleanse or disinfect such house, or part thereof, and articles, and defray the expense thereof. 47 V. c. 38, s. 43.

75. Any local board of health may provide, maintain, or hire a carriage or carriages, suitable for the conveyance of persons suffering from disease or accident, and may pay the

expense of conveying therein any person so suffering to a hospital or other place of destination. 47 V. c. 38, s. 45.

76. The health officers of any municipality, or the local board of health, or any committee thereof, may isolate any person having the small-pox or other disease dangerous to the public health, and may cause to be posted up on or near the door of any house or dwelling in which such person is, a notice stating that such disease is within the said house or dwelling. 45 V. c. 29, s. 16.

77. Whenever any householder knows that any person within his family or household has the small-pox, diphtheria, scarlet fever, cholera, or typhoid fever, he shall (subject, in case of refusal or neglect, to the penalties provided by subsection 2 of section 106) within twenty-four hours give notice thereof to the local board of health, or to the medical health officer of the district in which he resides, and such notice shall be given either at the office of the medical health officer or by a communication addressed to him and duly mailed within the time above specified, and in case there is no medical health officer, then to the secretary of the local board of health, either at his office or by communication as aforesaid. 47 V. c. 38, s. 46.

78. No householder in whose dwelling there occurs any of the above mentioned diseases, shall permit any persons suffering from any such disease, or any clothing or other property to be removed from his house, without the consent of the board or of the medical health officer, or attending physician, and the said board, or medical health officer, or attending physician, shall prescribe the conditions of such removal. 47 V. c. 38, s. 47.

79. No person sick with any of the diseases above specified shall be removed at any time except by permission and under direction of the board of health, or medical health officer, or attending physician; nor shall any occupant of any house in which there exists any of the above diseases, except typhoid fever, change his or her residence to any other place without the consent of the board or of the medical health officer, or attending physician, who shall in either case prescribe conditions, as aforesaid. 47 V. c. 38, s. 48.

80. Whenever any physician knows that any person whom he is called upon to visit is infected with small-pox, scarlet fever, diphtheria, typhoid fever, or cholera, such

physician shall (subject in case of refusal or neglect to the penalties provided by sub-section 2 of section 106) within twenty-four hours give notice thereof to the local board of health, or medical health officer of the municipality in which such diseased person is, and in such manner as is directed by rules 2 and 3 of section 17, of schedule A. 47 V. c. 38, s. 49.

81. When the small-pox, scarlet fever, diphtheria, cholera, or any other contagious disease, dangerous to the public health, is found to exist in any municipality, the health officers or local board of health shall use all possible care to prevent the spreading of the infection or contagion, and shall give public notice of infected places by such means as, in their judgment, is most effective for the common safety. 47 V. c. 38, s. 50.

82. Except the attending physician or clergyman, no person affected with small-pox, scarlet fever, diphtheria, or cholera, and no person having access to any person affected with any of said diseases shall mingle with the general public until such sanitary precautions as may be prescribed by the local board or attending physician shall have been complied with. 47 V. c. 38, s. 51.

83.—(1) Where there is reason to suspect that any person who has the small-pox, diphtheria, scarlet fever, cholera, or typhoid fever, is in or upon any railway car, steamboat, stage, or other conveyance, the medical health officer or sanitary inspector of the municipality, or, if there is no such officer, any member of the local board of health, may enter such conveyance and cause any such person to be removed therefrom, and may detain the conveyance until it is properly disinfected; or such officer or member may, if he thinks fit, remain on or in, or re-enter and remain on or in, the said conveyance (with any assistants he may require) for the purpose of disinfecting the same, and his authority as a health officer shall continue in respect of such person and conveyance, notwithstanding the conveyance is taken into any other municipality.

(2) Any member or officer of the provincial board of health, or any medical practitioner authorized by such board, shall have the like authority. 47 V. c. 38, s. 52.

84. In case any person coming from abroad, or residing in any municipality within the Province, is infected, or lately before has been infected with or exposed to any of

the said diseases, the health officers or local board of health of the municipality, where such person may be, may make effective provision in the manner which to them shall seem best for the public safety, by removing such person to a separate house, or by otherwise isolating him, if it can be done without danger to his health, and by providing nurses and other assistance and necessaries for him at his own cost and charge, or the cost of his parents or other person or persons liable for his support, if able to pay the same, otherwise at the cost and charge of the municipality. 47 V. c. 38, s. 53.

85. Persons recovering from any of the said diseases, and nurses who have been in attendance on any person suffering from any such disease, shall not leave the premises till they have received from the attending physician, or medical health officer, a certificate that in his opinion they have taken such precautions as to their persons, clothing and all other things which they propose bringing from the premises, as are necessary to insure the immunity from infection of other persons with whom they may come in contact, nor shall any such person expose him or herself in any public place, shop, street, inn, or public conveyance without having first adopted such precautions. 47 V. c. 38, s. 54.

86. All persons named in the last preceding section shall be required to adopt for the disinfection and disposal of excreta, and for the disinfection of utensils, bedding, clothing and other things which have been exposed to infection, such measures as have been, or may hereafter be, advised by the provincial board of health or by the medical health officer, or such as may have been recommended by the attending physician as equally efficacious. 47 V. c. 38, s. 55.

87. No person suffering from, or having very recently recovered from, smallpox, diphtheria, scarlet fever, cholera, measles, or other disease dangerous to public health, shall expose himself, nor shall any person expose any one under his charge, who is so suffering or who has recently recovered from any such disease, in any conveyance without having previously notified the owner or person in charge of such conveyance of the fact of his having, or having recently had, such disease. 47 V. c. 38, s. 56.

88. The owner or person in charge of any such conveyance must not, after the entry of any so infected person into his conveyance, allow any other person to enter it

without having sufficiently disinfected it under the direction of the board of health or the supervision of the medical health officer or sanitary inspector. 47 V. c. 38, s. 57.

89. No person shall give, lend, transmit, sell or expose any bedding, clothing or other article likely to convey any of the above diseases, without having first taken such precautions as the board may direct as necessary for removing all danger of communicating any such disease to others. 47 V. c. 38, s. 58.

90. Any local board of health may provide a proper place or portable furnace, with all necessary apparatus and attendance, for the disinfection of bedding, clothing or other articles which have become infected, and may cause all such articles to be disinfected free of charge, or may make reasonable charges for the disinfecting of the same as may be provided by by-law. 47 V. c. 38, s. 59.

91. Any local board of health may direct the destruction of any bedding, clothing or other articles, which have been exposed to infection, and may give compensation for the same. 47 V. c. 38, s. 60.

92. No person shall rent or hire any house or room in a house in which any of the diseases mentioned in section 77 have recently existed, without having caused the house and the premises used in connection therewith to be disinfected to the satisfaction of the health authorities; and for the purposes of this section the keeper of an inn or house for the reception of lodgers shall be deemed to let for hire part of a house, to any person admitted as a guest into such inn or house. 47 V. c. 38, s. 61.

93. No person letting for hire or shewing for the purpose of letting for hire any house or part of a house, on being questioned by any person negotiating for the hire of such house or part of a house as to the fact of there previously having been therein any person suffering from any infectious disorder, or any animal or thing infected thereby, shall knowingly make a false answer to such questions. 47 V. c. 38, s. 62.

94.—(1) Whenever a case of smallpox, cholera, scarlatina, diphtheria, whooping cough, measles, mumps, glanders, or other contagious disease, exists in any house or household belonging to which are persons attending school, the householder shall, within eighteen hours of the time such disease

is known to exist, notify the head teacher of such school or schools, and also the secretary of the local board of health, of the existence of such disease; and no member of such household shall attend school until a certificate has been obtained from the medical health officer, or legally qualified medical practitioner, that infection no longer exists in the house, and that the sick person, house, clothing and other effects have been disinfected to his satisfaction; and until such certificate shall have been obtained, it shall be the duty of every member of the household, and of the teacher, to use all reasonable efforts to prevent the association of members of the said household with other children.

(2) Whenever the local board of health, or any of its officers or members, know of the existence in any house of smallpox, cholera, scarlatina, diphtheria, whooping cough, measles, mumps, glanders, or other contagious disease, they shall at once notify the head or other master of the school or schools at which any member of the household is in attendance; and should it not be evident that said member has not been exposed to said diseases, or any of them, the teacher must forthwith prevent such further attendance until that several members present a certificate stating that infection no longer exists, as provided in the preceding sub-section.

(3) Whenever a teacher in any school has reason to suspect that any pupil has, or that there exists in the home of any pupil any of the above mentioned diseases, he shall be required to notify the medical health officer or, where none such exists, the local board of health on forms supplied by the school authorities, in order that evidence may be had of the truthfulness of the report; and he shall further be required to prevent the attendance of said pupil or pupils until medical evidence of the falsity of the report has been obtained. 50 V. c. 34, s. 1.

95. Every municipality may establish or erect, and may also maintain, one or more hospitals for the reception of persons having the small-pox or other disease which may be dangerous to the public health; or any two or more municipalities may join in establishing, erecting, or maintaining the same; but no such hospital shall be erected by one municipality within the limits of another municipality without first obtaining the consent of such other municipality to the proposed erection. 45 V. c. 29, s. 12.

96. When any hospital shall be so established, the physician attending the same, or the sick therein, the

nurses, attendants, and all persons who shall approach or come within the limits of the same, and all such furniture and other articles as shall be used or brought there, shall be subject to such regulations as shall be made by the health officers or local boards of health. 45 V. c. 29, s. 13.

97. In case the small-pox, or any other disease dangerous to the public health, breaks out in any municipality, the health officers or local board of health, in case the municipality shall not have already provided the same, shall immediately provide such a temporary hospital, hospital-tent or other place or places of reception for the sick and infected, as they shall judge best for their accommodation and the safety of the inhabitants, at the cost of the municipality, and for that purpose may :

1. Themselves erect such hospital-tents, hospitals, or places of reception ; or

2. Contract for the use of any such hospital or part of a hospital or place of reception ; or

3. Enter into any agreement with any person having the management of any hospital, for the reception of the sick inhabitants of their district, on payment of such annual or other sum as may be agreed on ; or

4. Two or more local boards of health may combine in providing a common hospital. 47 V. c. 38, s. 44.

98. Such hospital or place of reception shall be subject to such regulations as shall be made by the health officers or local boards of health. 45 V. c. 29, s. 14.

99.—(1) Any medical health officer or sanitary inspector may, at all reasonable times, inspect or examine any animal, carcase, meat, poultry, game, flesh, fish, fruit, vegetables, grain, bread, flour, or milk, exposed for sale, or deposited in any place for the purpose of sale, or for preparation for sale, and intended for food for man ; the proof that the same was not exposed or deposited for any such purpose, or was not intended for food for man, resting with the party charged ; and if any such animal, carcase, meat, poultry, game, flesh, fish, fruit, vegetables, grain ; bread, flour or milk, appears to such medical officer or inspector to be diseased, or unsound, or unwholesome, or unfit for food for man, he may seize and carry away the same, or cause it to be seized and carried away, in order that he may cause it to be destroyed or so disposed of as to prevent it from being exposed for sale or used for food for man.

(2) The person to whom the same belongs, or did belong at the time of exposure for sale, or in whose possession or on whose premises the same was found, shall be liable to a penalty not exceeding \$100 for every animal, carcase, or fish, or piece of meat, flesh or fish, or any poultry or game, or for the parcel of fruit, vegetables, grain, bread or flour, or for the milk so condemned; or, at the discretion of the convicting justices or magistrate, without the infliction of a fine, to imprisonment for a term of not more than three months. 47 V. c. 38, s. 39.

100. Any person who in any manner prevents any health officer or sanitary inspector from entering any premises and inspecting any animal, carcase, meat, poultry, game, flesh, fish, fruit, vegetables, grain, bread, flour or milk, exposed or deposited for the purpose of sale and intended for food for man; or who obstructs or impedes any such medical officer, or inspector, or his assistant when carrying into execution the provisions of this Act, shall be liable to a penalty not exceeding \$25. 47 V. c. 38, s. 40.

101. Where a local board of health, or any health officer, is required or empowered under this Act, or any public health Act, or under any regulations made thereunder, to disinfect any person or thing, or to isolate any person, such board or officer may use such force and employ such assistance as is necessary in order to accomplish what is required. 48 V. c. 45, s. 11.

102. Any member of a legally constituted board of health or any medical health officer or sanitary inspector may, when obstructed in the performance of his duty, call to his assistance any constable or other person he thinks fit, and it shall be the duty of every such constable so called upon to render such assistance. 47 V. c. 38, s. 64.

103. Where the order of any local board of health or health officer involves an expenditure of more than \$100, the party against whom the order is made, or anyone chargeable with such expenditure, or any part thereof, may within four days from his being served with a copy of such order in writing, appeal therefrom to the County Judge, who shall have full authority to vary or rescind the order made, and any order so varied may be enforced by the board or officer in the same manner as an order originally made by the board or officer. 47 V. c. 38, s. 26.

EXPENSES IN RESPECT OF ABATEMENT OF NUISANCES.

104.—(1) Any costs or expenses recoverable from an owner of premises under this Act, or under any provision of law in respect of the abatement of nuisances, may be recovered from the occupier for the time being of such premises; and the owner shall allow such occupier to deduct any moneys which he pays under this enactment out of the rent from time to time becoming due in respect of said premises, as if the same had actually been paid to such owner as part of said rent: Provided, that no such occupier shall be required to pay any further sum than the amount of rent for the time being due from him, or which after demand of such costs or expenses from such occupier, and after notice not to pay his landlord any rent without first deducting the amount of such costs or expenses, becomes payable by such occupier, unless he refuses truly to disclose the amount of his rent and the name and address of the person to whom rent is payable; but the burden of proof that the sum demanded from such occupier is greater than the rent due by him at the time of such notice, or which has since accrued, shall be on such occupier.

(2) Nothing in this section contained shall effect any contract between any owner or occupier of any house, building or other property whereby it is, or may be, agreed that the occupier shall pay or discharge all rates and dues and sums of money payable in respect of such house, building or other property, or affect any contract whatever between landlord and tenant. 47 V. c. 38, s. 27.

PENAL CLAUSES.

105. No determination or order of the provincial or local board of health for the removal or abatement of any nuisance shall be enforced, except by order of the High Court, where such removal or abatement involves the loss or destruction of property of the value of \$2,000 or upwards, and upon any application to the High Court the order of the provincial or local board shall not be evidence that the matter or thing complained of was or is in fact a nuisance. 48 V. c. 45, s. 15 (4).

106.—(1) Every person violating sections 87, 88, 89, 92 or 93 of this Act shall be liable for every such offence to a penalty of not less than \$5, nor more than \$50, in the dis-

cretion of the convicting Justices or Magistrate, besides costs, which may also be inflicted if the convicting Justices or Magistrate see fit to impose the same.

(2) Any person who violates any other provision of this Act shall, unless it is otherwise specially provided, be liable for every such offence to a penalty not exceeding \$20, in the discretion of the convicting Justices or Magistrate, besides costs, which may also be inflicted if the convicting Justices or Magistrate see fit to impose the same. 47 V. c. 38, s. 65 (1, 2).

(3) Any person who violates any regulation of the provincial board of health shall be liable for every such offence to a penalty not exceeding \$20 in the discretion of the convicting Justices or Magistrate, besides costs, which may also be inflicted, if the convicting Justices or Magistrate see fit to impose the same.

(4) Where any person has been convicted of an offence under this Act, or under any regulation or by-law enacted or in force thereunder, and such offence is in the nature of an omission or neglect, or is in respect of the existence of a nuisance or other unsanitary condition, which it is such person's duty to remove, or is in respect of the erection or construction of anything contrary to the provisions of this Act, or of any regulation or by-law enacted or in force thereunder then, in case the proper authority in that behalf gives reasonable notice to such person to make good such omission or neglect, or to remove such nuisance or unsanitary condition, or to remove the thing which has been erected or constructed contrary to this Act, or to such regulation or by-law, and default is made in respect thereto, the person offending may be convicted for such default, and shall be liable to the same punishment as was, or might have been, imposed for the original offence, and so on, from time to time, as often as after another conviction a new notice is given and the default continues; and in the case of a third or subsequent conviction, it shall not be necessary in the information, conviction or other proceedings to make any reference to any conviction except the first, or to any notice except that in respect of which the proceedings are then being taken. 48 V. c. 45, s. 15 (2, 3).

107. Every penalty imposed by or under this Act may be recovered by any person before any two Justices or a Police Magistrate having jurisdiction in the municipality, and shall be levied by distress and sale of the goods and chattels of the offender, with the costs of such distress and

sale, by warrant under the hands and seals of the Justices, or the hand and seal of the Police Magistrate, before whom the same is recovered, or under the hands and seals of any other two Justices having jurisdiction in the municipality, and in default of sufficient distress the said Justices or Magistrate may commit the offender to the common gaol, or to any lock-up or house of correction in the said municipality for any time not exceeding fourteen days, unless the amount imposed is sooner paid. 47 V. c. 38, s. 66 (1).

108. In case any person, from poverty or other sufficient cause, is unable to comply with the provisions of this Act or any of them, he shall give notice of such inability to the medical health officer or secretary of the local board of health, and in case the local board on examination is satisfied of the sufficiency of the cause of such inability, the secretary thereof shall give his certificate to that effect, and such certificate shall be a bar to all proceedings against such person for the period of six months. 47 V. c. 38, s. 66 (2).

109. In all cases where any person deems himself injuriously affected, through the refusal or neglect of any person to carry out the directions of the sanitary inspector or the local board of health under sections 5, 6 or 7 of Schedule A, it shall be lawful for him to lay information before a Justice of the Peace or Police Magistrate when, after evidence has been given of the violation of any of these sections, the offender or offenders shall be made liable to the penalties imposed under section 18 of the said schedule. 50 V. c. 34, s. 3.

110. Every penalty recovered under this Act shall be paid to the treasurer of the municipality in which the offence was committed, for the use of the local board of health and subject to its disposition. 47 V. c. 38, s. 67.

111. Where any act or omission is a violation of any express provision of this Act, and is also a violation of a by-law of a municipality in respect of a matter over which the council of the municipality has jurisdiction, a conviction may be had under either the Act or the by-law, but a second conviction shall not be made for the same act or omission. 47 V. c. 38, s. 69 (4).

PROCEEDINGS NOT TO BE QUASHED FOR WANT OF
FORM, OR REMOVED INTO HIGH COURT.

112. No order or other proceeding, matter or thing, done or transacted in or relating to the execution of this Act shall be vacated, quashed or set aside for want of form, or be removed or removable by *certiorari* or other writ, or process whatsoever, into the High Court, and no appeal shall be had to the General Sessions upon any conviction under this Act. 47 V. c. 38, s. 68.

BY-LAW IN FORCE IN EVERY MUNICIPALITY.

113.—(1) The enactments contained in Schedule A, appended to this Act, shall be in force in every municipality in this Province for which there is a medical health officer and a sanitary inspector as a by-law of such municipality, as if enacted by the council thereof, except in so far as they have been or shall hereafter, be altered, amended, or repealed by the council (Schedule B.); and the council of every local municipality shall have authority to pass by-laws from time to time in respect of the various matters dealt with by the said enactments.

(2) In any municipality which has no medical health officer and sanitary inspector, or has only one of these officers, the said enactments shall, except as aforesaid, be in force unless so far as they relate to the officer which such municipality does not possess.

(3) Where two or more municipalities join in the appointment of a health officer or sanitary inspector, such officer or inspector shall be deemed to be the health officer or inspector of each of the said municipalities. 47 V. c. 38, s. 69 (1-3).

SCHEDULE A.

(Section 113.)

BY-LAW IN FORCE IN EVERY MUNICIPALITY TILL
ALTERED BY THE MUNICIPAL COUNCIL.

1. It shall be the duty of the medical health officer to assist and advise the board and its officers in matters relating to public health, and to superintend, under the direction of the board, the enforcement and observance, within this municipality, of health by-laws or regulations, and of public health acts, and of any other sanitary laws, and, if

thought advisable by the board of school trustees, to act as medical inspector of schools, as well as advisory officer in matters pertaining to school hygiene, and to perform such other duties and lawful acts for the preservation of the public health, as may, in his opinion, be necessary, or as may be required by the board of health. He shall also present to this board, before the 15th day of November in each year, a full report upon the sanitary condition of the district.

2. The sanitary inspector, besides performing the duties hereafter indicated by this by-law as belonging specially to him, shall assist the medical health officer and perform such other duties as may from time to time be assigned to him by the board of health or its chairman.

3. The chairman of the board of health shall, before the 1st day of December in each year, present to the municipal council or municipal councils, comprised within this district, a report containing a detailed statement of the work of the board during the year, and the report of the sanitary condition of the municipality, as rendered to the board by the medical health officer. A copy of each such report shall be transmitted by the secretary to the secretary of the provincial board of health.

4. No person shall within this municipality suffer the accumulation upon his premises, or deposit, or permit the deposit, upon any lot belonging to him, of anything which may endanger the public health, or deposit upon, on, or into, any street, square, lane, by-way, wharf, dock, slip, lake, pond, bank, harbour, river, stream, sewer, or water, any manure or other refuse, or vegetable or animal matter, or other filth.

5. It shall be the duty of the sanitary inspector to keep a vigilant supervision over all streets, lanes, by-ways, lots, or premises, upon which any such accumulation as aforesaid may be found, and at once to notify the parties who own or occupy such lots or premises, or who either personally or through their employees have deposited such manure, refuse, matter, dirt, or filth, in any street, lane, or by-way, to cleanse the same, and to remove what is found thereon; such parties shall forthwith remove the same, and if the same be not removed within twenty-four hours after such notification, the inspector may prosecute the parties so offending, and he may also cause the same to be removed at the expense of the person or persons so offending. He shall also inspect at intervals, as directed by the board of

health, all premises occupied by persons residing within its jurisdiction, and shall report to the board each and every case of violation of any of the provisions of this by-law, or of any other regulations for the preservation of the public health, and shall also report every case of refusal to permit him to make such inspection.

6. Whenever it shall appear to the board, or to any of its officers, that it is necessary for the preservation of the public health, or for the abatement of anything dangerous to the public health, or whenever they or he shall have received a notice signed by one or more inhabitant householders of this municipality, stating the condition of any building in the municipality to be so filthy as to be dangerous to the public health, or that upon any premises in the municipality there is any foul or offensive ditch, gutter, drain, privy, cess-pool, ash-pit, or cellar, kept or constructed so as to be dangerous or injurious to the public health, or that upon any such premises an accumulation of dung, manure, offal, filth, refuse, stagnant water, or other matter, or thing, is kept so as to be dangerous or injurious as aforesaid, it shall be the duty of the sanitary inspector to enter such buildings or premises for the purpose of examining the same, and, if necessary, he shall order the removal of such matter or thing as aforesaid. If the occupant, or proprietor, or his lawful agent or representative, having charge or control of such premises, after having had twenty-four hours notice from any such officer of the board of health to remove or abate such matter or thing as aforesaid shall neglect or refuse to remove or abate the same, he shall be subject to the penalties imposed under section 18 of this by-law.

7. If the board is satisfied upon due examination, that a cellar, room, tenement, or building within its jurisdiction, occupied as a dwelling-place, has become by reason of the number of occupants, want of cleanliness, the existence therein of a contagious or infectious disease, or other cause, unfit for such purpose, or that it has become a nuisance, or in any way dangerous to the health of the occupants, or of the public, they may issue a notice in writing to such occupants, or any of them, requiring the said premises to be put in proper sanitary condition, or if they see fit, requiring the occupants to quit the premises within such time as the board may deem reasonable. If the persons so notified, or any of them, neglect or refuse to comply with the terms of the notice, every person so offending shall be liable to the penalties imposed by section 18 of this by-law,

and the board may cause the premises to be properly cleansed at the expense of the owners or occupants, or may remove the occupants forcibly and close up the premises, and the same shall not again be occupied as a dwelling-place until put into proper sanitary condition.

8. No proprietor or tenant of any shop, house or outhouse, shall, nor shall any butcher or other person, use any such house, shop or outhouse, at any time as a slaughter-house or for the purpose of slaughtering any animals therein, unless such shop, house or outhouse be distant not less than two hundred yards from any dwelling-house, and distant not less than seventy yards from any public street.

9. All slaughter-houses within this municipality shall be subject to regular inspection under the direction of the board of health; and no person shall keep any slaughter-house unless the permission in writing of the board for the keeping of such slaughter-house has been first obtained and remains unrevoked. Such permission shall be granted, after approval of such premises upon inspection, subject to the condition that the said houses shall be so kept as not to impair the health of persons residing in their vicinity, and upon such condition being broken the said permission may be revoked by the board; and all animals to be slaughtered, and all fresh meat exposed for sale in this municipality shall be subject to like inspection.

10. All milch cows and cow byres, and all dairies or other places in which milk is sold or kept for general use, and all cheese factories and creameries shall be subject to regular inspection under the direction of the said board; and the proprietors shall be required to obtain permission in writing from the board, to keep such dairy or other place in which milk is sold or kept as aforesaid, or to keep a cheese factory or creamery, and the same shall not be kept by anyone without such permission, which shall be granted after approval of such premises upon inspection, subject to the condition that all such places as aforesaid are so kept and conducted that the milk shall not contain any matter or thing liable to produce disease either by reason of adulteration, contamination with sewage, absorption of disease germs, infection of cows, or any other generally recognized cause, and upon such condition being broken the said permission may be revoked by the board.

11. No person shall offer for sale as food within this municipality any diseased animal, or any meat, fish, fruit, vegetables, milk, or other article of food which, by reason

of disease, adulteration, impurity, or any other cause shall be unfit for use.

12. It shall be the duty of the owner of every house within this municipality to provide for the occupants of the same a sufficient supply of wholesome drinking water; and in case the occupant or occupants of any such house is or are not satisfied with the wholesomeness or sufficiency of such supply, he or they may apply to the board of health to determine as to the same; and if the supply be sufficient and wholesome, then the expenses incident to such determination shall be paid by the said occupant or occupants, and if not, then they shall be paid by the owner; and in either case the said charges shall be recoverable in the same manner as municipal taxes.

13. All wells in this municipality which are in use, whether such wells are public or private, shall be cleaned out before the 1st day of July in each year, and in case the board of health certifies that any well should be filled up, such well shall be forthwith filled up by the owner of the premises.

14. The following code of rules and regulations for the disposal of sewage and refuse shall constitute a part of this by-law, and any person or persons violating or neglecting any of the said rules and regulations shall be liable to the fines and penalties imposed by section 18 of this by-law.

RULE 1.—No privy-vault, cess-pool or reservoir into which a privy, water-closet, stable or sink is drained, shall be established until the details of such establishment shall have been submitted to and obtained the approval in writing of the medical health officer, who shall, from time to time, determine with the approbation of the board, the method of disposal of excreta, sewage and other refuse, to be adopted within the district.

RULE 2.—Earth privies or earth closets without a vault below the surface of the ground do not come within Rule 1, but sufficient dry earth, wood-ashes or coal-ashes to absorb all the fluid parts of the deposit must be thrown upon the contents of such earth privies and closets daily; the contents when removed from the closet must be placed in a shed or box with rain-proof cover, and removed from the premises at least once a year on or before the 15th day of May.

RULE 3.—If the exigencies or circumstances of the municipality require that privy-vaults, cess-pools or

reservoirs shall be allowed in accordance with Rule 1, they shall be cleaned out at least once a year, on or before the 15th day of May, and from the 15th day of May to the 1st day of November in each year they shall be thoroughly disinfected by adding to the contents of the vault, cess-pool or reservoir, once a month, not less than two pounds of sulphate of copper, dissolved in two pailfuls of water, or other suitable disinfectant.

RULE 4.—Within the limits of this municipality no night-soil or contents of any cess-pool shall be removed unless previously deodorized as above, and during its transportation the material shall be covered with a layer of fresh earth, except the removal shall have been by some odorless excavating process.

RULE 5.—All putrid and decaying animal or vegetable matter must be removed from all cellars, buildings, out-buildings and yards on or before the 15th day of May in each year.

RULE 6.—Every householder and every hotel and restaurant-keeper or other person shall dispose of all garbage, for the disposal of which he is responsible, either by burning the same or by placing it in a proper covered receptacle for swill and house offal, the contents of which shall, between the 15th day of May and the 1st day of November, be regularly removed as often as twice a week.

RULE 7.—Between the 15th day of May and the 1st day of November, no hogs shall be kept within the limits of this municipality, except in pens seventy feet from any house, with floors kept free from standing water and regularly cleansed and disinfected.

RULE 8.—The keeper of every livery or other stable shall keep his stable and stable-yard clean, and shall not permit, between the 15th day of May and the 1st day of November, more than two waggon-loads of manure to accumulate in or near the same at any one time, except by permission of the board of health.

15. The following regulations regarding the construction of houses shall be in force within this municipality :

RULE 1.—No house shall be built in or upon any site, the soil of which has been made up of any refuse, unless such soil shall have been removed from such site, and the site

disinfected, or unless the said soil shall have been covered with a layer of charcoal, covered by a layer of concrete at least six inches thick and of such additional thickness as may be requisite under the circumstances to prevent the escape of gases into such proposed house.

RULE 2.—The drain of every house which may be connected with a sewer or cess-pool shall be ventilated by means of a pipe extending upward from the highest point of the main soil or waste-pipe, and also by a pipe carried upward from the drain outside the walls of the house according to the principles shewn on page 2290, R. S. O. These pipes shall be of the same dimensions as the said main soil or waste-pipe, and shall be constructed of the same material or of stout galvanized iron, and no trap shall intervene between the said ventilating pipes. In case a trap shall intervene between the sewer or cess-pool, and the ventilating pipes already described, then a four-inch ventilating pipe of the same material as above described shall be carried from a point between such trap and the sewer. All such ventilating pipes shall be carried above the roof of the said house, and shall open above at points sufficiently remote from every window, door, sky-light, chimney or other opening leading into any house.

No pipe carrying air or gas from any drain or soil-pipe shall be connected with any chimney in a dwelling-house, unless the same be a furnace chimney used exclusively for the purpose of ventilating such soil-pipe or drain.

RULE 3.—Every house-drain shall be constructed of vitrified earthenware or iron pipe; and every soil and waste-pipe, of iron pipe rendered impervious to gas or liquids, the joints thereof being run with lead and caulked, or of lead pipe weighing at least six pounds to the square foot; and the waste-pipe from every closet, sink, tub, wash-basin, safe or other service shall have as near as may be to the point of junction with such service a trap so constructed, vented and furnished, that it shall at no time allow of the passage of gas into such house. All joints shall be so constructed as to prevent gas escaping through them.

RULE 4.—The construction of any closet or other convenience which shall allow of the escape into the house of air or gas which has been confined in any part of it or from the drain or soil-pipe, is hereby prohibited.

RULE 5.—No refrigerator waste shall be allowed to connect with any drain.

RULE 6.—No pipe supplying water directly to a water-closet or urinal, shall be connected with the pipe supplying water for drinking purposes.

16. Every person who erects, or causes to be erected, any building shall, within two weeks of the completion thereof, deposit in the Registry Office of the Registry Division in which the building is situated, plans of the drainage and plumbing of the same as executed; and in the case of any alteration of any such plumbing or drainage, it shall be the duty of the owner of the house, within two weeks of the making of the alteration, to deposit in the same manner the plan and record of any such alteration; if such alteration is made by a tenant, it shall be the duty of the tenant or lessee to deposit or cause to be deposited the plan and record of such alteration.

17. The following rules for preventing the spread of infectious and contagious diseases shall constitute a part of this by-law:

RULE 1.—The medical health officer [or secretary of the local board of health] shall provide each medical practitioner, practising within this municipality, with blank forms on which to report to the said medical health officer [or secretary] any case of diphtheria, smallpox, scarlet fever, cholera, typhoid fever, measles, whooping-cough, or other disease dangerous to the public health; and, also, with other blank forms on which to report death or recovery from any such disease.

RULE 2.—All such forms shall be so printed, gummed and folded that they may be readily sealed, without the use of an envelope, so as to keep them from perusal until opened by the medical health officer [or secretary].

RULE 3.—Said blanks shall be in accordance with the following forms:

Report of Infectious Disease.

Christian name and surname of patient:

Age of patient:

Locality (giving street, number of house or lot), where patient is:

Name of disease:

Name of school attended by children from that house:

Measures employed for isolation and disinfection:

(Signature of physician):

.....

Report of Death or Recovery from Infectious Disease.

Christian name and surname of patient :

Locality (giving street, number of house or lot), where patient is :

Name of disease :

How long sick :

Whether dead or recovered :

Means of disinfection employed, and when employed :

(Signature of physician) :

RULE 4.—The medical health officer [or secretary], within six hours after he shall have received a notice of the existence of scarlet fever, diphtheria, smallpox, cholera, or whooping-cough, in any house, shall affix or cause to be affixed by the head of the household, or by some other person, near the entrance of such house a card at least nine inches wide and twelve inches long, stating that such disease exists in the said house, and stating the penalty for removal of such card without the permission of the medical health officer or board of health.

RULE 5.—No person shall remove such card without the permission of the board of health or one of its officers.

RULE 6.—No animal affected with an infectious or contagious disease shall be brought or kept within this municipality, except by permission of the board of health.

18. Any person who violates sections 4, 6, 7, 9 or 11 of this by-law, or Rule 1 of section 15, or Rule 5 or 6 of section 17, shall be liable, for every such offence, to a penalty of not less than \$5 nor more than \$50 in the discretion of the convicting Justices or Magistrate, besides costs, which may also be inflicted if the committing Justices or Magistrate see fit to impose the same. Any person who violates any other provision of this by-law shall be liable for every such offence to a penalty not exceeding \$20, in the discretion of the convicting Justices or Magistrate, besides costs, which may also be inflicted if the convicting Justices or Magistrate see fit to impose the same. Every such penalty may be recovered by any person before any two Justices or a Police Magistrate having jurisdiction in the municipality, and shall be levied by distress and sale of the goods and chattels of the offender, with the costs of such distress and sale, by warrant under the hands and seals of the Justices,

or the hand and seal of the Police Magistrate, before whom the same are recovered, or under the hands and seals of any other two Justices having jurisdiction in the municipality, and in default of sufficient distress the said Justices or Magistrate may commit the offender to the common gaol or to any lock-up or house of correction in the said municipality for any time not exceeding fourteen days, with or without hard labor, unless the amount imposed be sooner paid

47 V. c. 38, sched. A.

SCHEDULE B.

(Section 113.)

FORM OF MUNICIPAL BY-LAW AMENDING THE ABOVE BY-LAW.

By-law Number —, intituled "A By-law respecting the Public Health By-law."

Whereas it is expedient to amend or repeal some of the provisions of the by-law appended to *The Public Health Act*, so far as the same are in force in this municipality, and to suspend the operation of other provisions of the said by-law.

Be it therefore enacted by the municipal council of

1. Section 13 of the said by-law is hereby amended by substituting the "1st day of July of every second year" for "the 1st day of July in each year."

2. Rule 7 of section 14 of the said by-law is amended by striking out the words "and disinfected" at the end of the said rule.

3. Rule 3 of section 14 is hereby repealed.

4. This by-law shall go into force forthwith.

47 V. c. 38, sched. B.

SCHEDULE C.

(Section 25.)

PUBLIC HEALTH.

Take notice that by virtue of *The Public Health Act*, and the regulations made thereunder, possession has been taken (or obtained, as the case may be) of the following land (or "building," as the case may be), namely:

(Reasonable Description)

and further take notice that such land (or building) will be occupied and used for the purposes of the said Act and regulations from and after the date hereof, for a period of _____, or such other time as may, in the discretion of the undersigned, be necessary.

Dated, etc.

49 V. c. 42, sched.

1. Every Stipendiary Magistrate already appointed, or who may hereafter be appointed under the provisions of *The Unorganized Territory Act*, shall be ex-officio a medical health officer in and for the district for which he has been, or shall be, appointed, and shall possess all the powers of such an officer under the provisions of *The Public Health Act*.

2. The provincial board of health may also, subject to the approval of the Lieutenant-Governor-in-Council, appoint in any of the unorganized districts one or more sanitary inspectors under *The Public Health Act*, who shall possess the powers conferred upon sanitary inspectors under *The Public Health Act*, and also all the powers conferred upon local boards of health by section 14 of the said Act.

3. All constables appointed for any Provisional Judicial, Temporary Judicial or Territorial District under *The Act respecting Constables*, chapter 82 of the Revised Statutes of Ontario 1887, shall be ex-officio sanitary inspectors with the same powers as sanitary inspectors appointed under this Act. 52 V. c. 42.

1. This Act may be cited as "*The Public Health Act 1891*."

3. Whereas it may be desirable in the interest of the public health, that there should be instituted a system of health inspection more thorough than is at present practicable owing to the expense attendant upon the appointment of an active and efficient medical health officer for every municipality, any county council may appoint one or more county or district medical health officers.

4. Where a county council appoints a county health officer or officers, the powers now possessed by medical health officers within the county or portion of a county for

which such county health officer is appointed, shall be deemed to be thereby transferred to and vested in such county health officer or officers, and all sanitary inspectors within the jurisdiction to be defined in the by-law appointing a county health officer, shall be subject to his direction and control.

5. The Lieutenant-Governor-in-Council may, from time to time, appoint district health officers for any unorganized district in the Province or any part thereof; and every health officer so appointed shall, within the district or within the portion of a district for which he is appointed, have all the powers and perform all the duties by this Act, or *The Public Health Act*, or any other Act, conferred or imposed upon medical health officers or local boards of health in the Province, and shall also perform such other duties as the Lieutenant-Governor-in-Council may from time to time direct.

6. The by-law or Order-in-Council appointing a county or district health officer shall provide for the payment of a salary to the officer so appointed. 54 V. c. 49, s. 1, 3, 4, 5, 6.

MANHOOD SUFFRAGE ACT.

51 V. c. 4.

Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as "*The Manhood Suffrage Act*," and shall go into force on the 1st of January, 1889.

2. Property or income qualification for voters as respects the Legislative Assembly is abolished, except as hereinafter provided.

3. Every male person of the full age of twenty-one years, a subject of Her Majesty by birth or naturalization, and not disqualified under sections 4 and 5 of *The Ontario Election Act*, or under this Act, and not otherwise by law prohibited from voting, shall, if duly entered on the list of voters proper to be used, be entitled to vote at elections to serve in the Legislative Assembly of this Province:

Provided that such person had resided within the Province for the nine months next preceding the time fixed by statute (or by a by-law authorized by statute) for beginning to make the assessment roll in which he is entitled to be entered as a person qualified to vote, or had so resided within the Province for the twelve months next preceding the time up to which a complaint may be made to the County Judge, under *The Voters' Lists Act*, or this Act, to insert the name of such person in the list:

And provided that such person was in good faith at the time fixed as aforesaid, for beginning to make said roll, or for making such complaint as the case may be, a resident of, and domiciled in, the municipality in the list of which he is entered, and is, at the time of tendering his vote, a resident of and domiciled within the electoral district, and had resided in the said electoral district continuously from the time fixed as aforesaid for beginning to make said roll or for making such complaint, as the case may be. 53 V. c. 2, s. 2.

4. A person may be resident in the municipality within the meaning of this Act, notwithstanding occasional or temporary absence in the prosecution of his occupation as a lumberman, mariner, or fisherman, or attendance as a student in an institution of learning in the Dominion of Canada; and such occasional or temporary absence shall not disentitle such person to be entered on the assessment roll or voters' list as a qualified voter, or to vote.

5. No person shall be entitled to be marked or entered by the assessor as a qualified voter as hereinafter mentioned, or shall be entered on a list of voters, in respect of residence in a municipality where he is in attendance as a scholar or student at any school, university or other institution of learning, unless he has no other place of residence entitling him to vote.

6. No person shall be entitled to be marked by the assessor as qualified, or shall be entered on a list of voters, or shall vote, who at the time of marking or entering or voting (as the case may be) is a prisoner in a gaol or prison undergoing punishment for a criminal offence; or is a patient in a lunatic asylum; or is maintained, in whole or in part, as an inmate receiving charitable support or care in a municipal poor house or house of industry, or as an inmate receiving charitable support or care in a charitable institution receiving aid from the Province under any statute in that behalf.

7.—(1) Enfranchised Indians, whether of whole or part Indian blood, shall, like other persons, be entitled to vote without having a property qualification.

(2) Unenfranchised Indians, of whole or part Indian blood, not residing among Indians or on an Indian reserve, shall, in lieu of legal enfranchisement, have the same property qualification as heretofore in order to entitle them to vote.

(3) Unenfranchised Indians, of whole or part Indian blood, residing among Indians, or on an Indian reserve, shall not be entitled to vote.

8. The same property and other qualifications as heretofore are continued with respect to voters in such of the municipalities, townships, and places in the Electoral Districts of Algoma East, Algoma West, East Victoria, North Hastings, North Renfrew, South Renfrew, Muskoka and Parry Sound as shall from time to time have no assessment roll or voters' list.

9.—(1) The assessor shall place on the assessment roll, as qualified to be a voter, the name of every male person who delivers or causes to be delivered to the assessor, an affidavit signed by such person in the form or to the effect set forth in Form "A" appended hereto, if the facts stated are such as entitle such person to be placed thereon.

(2) The affidavit may be made before any assessor or Justice of the Peace, commissioner for taking affidavits, or notary public; and every such officer shall, upon request, administer an oath to any person wishing to make the affidavit.

10. The assessor shall also make reasonable enquiries in order to ascertain what persons resident in his municipality, or in the section of the municipality in respect of which the assessor is acting, are entitled to be placed on the roll as qualified to be voters under this Act, and shall place such persons on the roll as qualified to be voters without the affidavit.

11.—(1) Opposite the name of every person qualified to be a voter, the assessor shall in column 4, mentioned in section 14 of *The Assessment Act*, and (in addition to the letters, if any, required to shew the qualification of such person in respect of municipal elections) write in capitals the letters M. F., meaning thereby, "Manhood Franchise," and shall number all such names.

(2) Opposite every such name the assessor shall also in column 8, mentioned in section 14 of *The Assessment Act*, enter

- (a) In the assessment roll of a city, town or village, the residence of such person by the number thereof (if any), and the street or locality whereon or wherein the same is situate;
- (b) In the assessment roll of a township the concession wherein, and the lot or part of a lot whereon, such person resides;

and in all cases, any additional description, as to locality or otherwise, which may be reasonably necessary to enable the residence to be ascertained and verified.

12. The assessor shall, at the foot of his assessment roll, after he has completed the same, make affidavit before a Justice of the Peace in the words, or to the effect following:

"I have not entered any name in the above roll, or improperly placed any letter or letters in column 4 opposite any name, with intent to give to any person not entitled to vote, a right of voting.

"I have not intentionally omitted from the said roll the name of any person whom I believe entitled to be placed thereon, nor have I, in order to deprive any person of a right of voting, omitted from column 4 opposite the name of such person any letter or letters which I ought to have placed there."

13.—(1) Complaints of persons having been wrongfully entered on the roll as qualified to be voters or of persons not having been entered thereon as qualified to be voters, who should have been so entered, may by any person entitled to be a voter or to be entered on the voters' list in the municipality or in the electoral district in which the municipality is situate, be made to the Court of Revision as in the case of assessments, or the complaints may be made to the County Judge under *The Voters' Lists Act*.

(2) Any person who since the day upon which by statute or by by-law the assessment roll is returnable to the clerk and before the time for appealing against the voters' list or of giving notice of application to the Judge to have the names of persons entered upon the voters' list under *The Voters' Lists Act* shall have expired, has become possessed of the qualifications entitling him to vote, shall be entitled to give, or any person whose name is on the list or who has the qualification entitling him to have his name entered thereupon, may give the requisite notice or make application to the Judge to have the name of such first-mentioned person entered upon the voters' list.

14. The voters' list prepared under this Act for any municipality, after being certified by the Judge, shall be used at any election thereafter in such municipality for a member of the Legislative Assembly; and in case of a municipality for which there is no such voters' list under this Act capable of being used at such election, the voters' list heretofore provided for shall be used.

15.—(1) Every person who, at an election, applies for a ballot-paper in the name of some other person, whether that name be that of a person living or dead, or of a ficti-

tious person, or who, having voted once at an election, applies at the same election for a ballot paper in his own name shall, on conviction thereof, be liable to imprisonment for a term not exceeding two years with hard labour in addition to any other punishment to which he is liable for the offence.

This section is not to apply to a person who applies for a ballot-paper, believing that he is the person intended by the name entered in the voters' list in respect of which he so applies.

(2) Every person who aids, abets, counsels, or procures the commission of any such offence, shall be liable to be indicted and punished as a principal offender.

NOTE.—For oaths under the above Act see 52 V. c 5.

MISCELLANEOUS.

TRANSLATION OF LIVY'S HISTORY OF ROME, LIBER XL.
—CONTEST BETWEEN PERSEUS AND DEMETRIUS,
SONS OF PHILIP, KING OF MACEDONIA.

(CONTINUED.)

“Father, I have no cause to blush that, on a festival day among companions of my own age, I should have indulged too freely in wine; and I wish you would inquire what cheerfulness and mirth prevailed in yesterday's entertainment at my house, heightened too by our joy, perhaps a blameable one, for our party not having been worsted in the fight. My present misfortune and my fears have effectually dissipated the fumes of the liquor; but if these had not intervened, we, the conspirators, would have been now lying fast asleep. If, Perseus, I designed to storm your house, and after taking it to kill the owner, ought I not to have refrained from wine for that one day, and to have kept my soldiers sober? That I should not be the only one to defend my cause with excessive candour, my brother himself, not in the least inclined to malice or suspicion, says, I know nothing more,—I charge them with nothing more,—than that they came in arms to drink with me. If I should ask, how came you acquainted with that circumstance? you must necessarily acknowledge either that my house was full of your spies, or that my companions took arms so openly as that every one could know their purpose. Lest he should seem to argue with an intention to aggravate guilt, he desires you to inquire from the persons whom he would name whether they had carried swords, in order that, in such a case, and respecting a fact which themselves confess, I might be deemed convicted. Why, Perseus, do you not rather desire inquiry to be made whether they carried swords for the purpose of killing you; whether by my directions and knowledge? for this is what you wish to be believed, and not what they will confess; and what is indeed notorious, that they

carried them for the purpose of defending themselves. Whether they acted right or wrong, let them account for their own conduct. My cause, which is in no way affected by this act, you ought not to have blended with it; or you ought to have explained whether we intended to attack you openly or secretly. If openly, why did we not all carry swords, and not those only who had beaten your spy? If privately, what was our plan? Were four to remain when the banquet broke up, and I, your guest, had departed, in order to fall on you in your sleep? How would they have escaped detection as being strangers and belonging to me; and above all, being liable to suspicion, on account of their having been in a quarrel a little before? And how were they to have escaped after having killed you? Was your house so weakly defended as that it could be stormed by the aid of four swords?

“Drop, then, that fable of last night, and recur to what really grieves you,—what kindles your envy. Say—why, Demetrius, is mention made anywhere of your mounting the throne? Why do you appear to some more worthy to succeed to your father’s dignity than I? Why do you disturb with doubt and anxiety my hopes, which would be certain if you were not in being? These are the thoughts of Perseus, though he does not express them; these make him my enemy, these my accuser; these, my father, fill your house, these fill your kingdom with accusations and suspicions. But as I ought not now to hope for the crown, or perhaps even to think of a competition for it, being, as I am, the younger brother, and it being your will that I should yield to the elder, so neither ought I at any former time, or at the present, to act in such a manner as to appear undeserving of having you for my father, and of all the other blessings of my life. That would be the consequence of vicious conduct in me, not of moderation, and of yielding to him to whom the laws, divine and human, order me to give place. I am upbraided in regard to the Romans; and what ought to be deemed an honour is turned into a crime. It was not at my request that I was either delivered a hostage to the Romans, or sent ambassador to Rome. Being commissioned by you, I did not refuse to go. On both occasions I conducted myself in such a manner as to be no disgrace to you, to your kingdom, or to the Macedonian nation. You, therefore, father, have been the cause of my friendship with the Romans. As long as peace shall subsist between you and them, so long will I also continue in friendship with

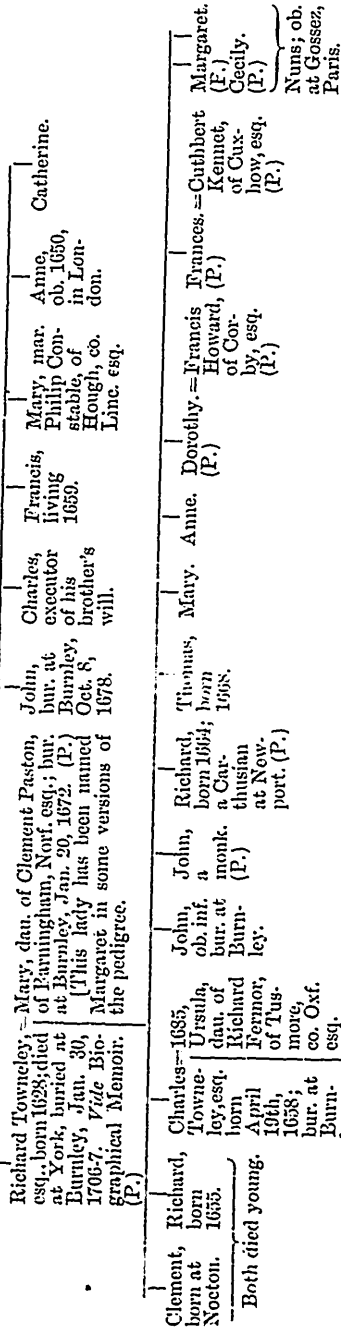
them; but, if war should arise, I, who have been their hostage, and no unprofitable ambassador in my father's behalf, will be their most determined enemy. Nor do I this day require that the favour of the Romans should be any advantage to me; I only deprecate its being made detrimental. It neither commenced in war, nor is it meant to subsist in war. I was a pledge of peace, and to procure a continuance of peace I was sent ambassador. Let neither be esteemed an honour or a crime. Father, if I have been guilty of any undutiful behaviour towards you, or any criminal behaviour towards my brother, there is no punishment to which I will not submit without murmuring. If I am innocent, let me not, I beseech you, be destroyed by envy. My brother's accusation this day is not the first that he has brought against me; but it is the first made openly, and is entirely undeserved by me. If my father were angry with me, it would become the elder brother to intercede for the younger, to obtain pardon for his youth and for his error; but, in the very person from whom I ought to receive protection, in him I meet my ruin. From a feast and intemperate drinking I have been hurried, almost half asleep, to defend myself against a charge of fratricide. Without advocates, without patrons, I am compelled to plead my own cause. If I were to speak for another, I would have taken time to study and compose my discourse, though in that case I should run no other hazard than that of my reputation for abilities; but, before I knew the reason of being summoned hither, I heard you in a paroxysm of passion ordering me to account for my conduct, and my brother accusing me. He employed against me a speech long before prepared and studied; while I had no longer time for learning the nature of the case than while the charges against me were recited. During that short space, whether should I listen to my accuser or study a defence? Thunderstruck by the sudden and unthought-of calamity, I was scarcely capable of understanding what was alleged against me, much less of settling properly in my mind, what defence I should make. What hope, indeed, could I have, if my judge were not my father? with whom, though my elder brother has the advantage of a larger share in his affection, yet surely, standing thus accused, I ought not to meet a less share of compassion. For my prayer is that you would save me, for my sake and for your own; he demands that, for his security, you should put me to death. In what manner,

do you think, will he act when you shall deliver the kingdom into his hands, who, even now, thinks it reasonable that he should be gratified with my blood?" While he was proceeding in this manner his voice was stopped by a flood of tears. Philip ordered Perseus and Demetrius to withdraw; and, after conferring a short time with his friends, declared that "he could not, from a single hour's discussion, form a definite judgment on the cause between them. This could only be done by a scrutiny into the conduct and manners of both, and a close observation of their words and actions, on all occasions, great and small." From which it appeared clearly to every one that the charge relating to the preceding night was effectually refuted; but that Demetrius was viewed with jealousy, as too closely connected with the Romans.

PEDIGREE OF TOWNLEY OF TOWNLEY.

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(Concluded.)



Richard Townley, esq., born 1628; died at York, buried at Burville, Jan. 30, 1706-7. Vide Biographical Memoir. (P.)

Catherine

Mary, mar. Philip Constable, of Hough, co. Linc. esq.

Anne, ob. 1650, in Lon. don.

Francis, living 1659.

John, bur. at Burnley, Oct. 8, 1678.

Charles, executor of his brother's will.

Mary. Anne, born 1664; died 1658.

Dorothy, = Francis Howard, P.

Kenneth, of Caxhow, esq. (P.)

Francis, = Cathbert of Guxhow, esq. (P.)

Nuns; ob. at Gossez, Paris.

Both died young.

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Glas. Towne. Ralph
 Oct. 1, 1797; dish
 d.s.p. Jan. 3, Towne.
 Burnley 17th. June
 18th, 1738, ob. s.p.

ob. inf.; buried at Bath, Feb. 2, 1717. the church of Bath Weston. (P.)

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Charles Towneley, esq., of Townley, - - Lady Caroline Harriet Molyneux dau. of Basil Thomas of Ecclestone, Standish; died s.p. at Standish on Easter Sunday, Mar. 29, 1807.

J.P. and D.L.; born Jan., 1803; neux dau. of William Philip, 2d Earl of Sefton, mar. Nov. 20, 1836; died Feb. 8, 1866.

John Towneley, esq., = Lucy-Elfen, young- est daughter of Sir Henry Joseph Tichborne, Bart. born Feb. 16th, 1806; Lieut.-Col. 5th Lanc. Mil.; formerly M.P. for Beverley.

Richard Henry Towneley, esq. Lieut. 2nd Life Guards, born Feb. 5, 1849.

Theresa-Harriet Lucy-Evelyn Mary-Elizabeth Mabel-Anne.

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Note.—The (P) is affixed to those names of whom there are Portraits in the house.