The Municipal Miscellany.

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Calendar for July, '91.

1. Dominion Day.
   Last day for county councils to pass by-laws that nominations of members of township councils shall be on last Monday but one in December.
   Last day for revision of rolls by county councils for equalization.
   Last day for county treasurer to return to local clerks an account of arrears due in respect of non-resident lands which have become occupied.
   Legislative grant payable to Public Schools by Provincial Treasurer.
2. Entrance Examinations to High Schools begin.
3. High, Public and Separate Schools close for holidays.
5. Last day for service of notice of appeal from court of revision to county judge, except in township of Shuniah.
7. Semi-annual reports of High School trustees to Department due.
13. Annual meeting of the Ontario Teachers' Association at Toronto.
14. International meeting of the National Educational Association of the United States at Toronto.
15. Reports of examiners to the Department on the Entrance Examinations due.
20. Last day for performance of statute labor.
31. Last day to which county court judge may defer judgment on appeals from court of revision, except as to townships of Shuniah.

QUESTION DRAWER.

What is the shortest notice required to be given by the mayor of a town to hold a special meeting of the council, so that the meeting may be legally called? When issuing the notices for such special meeting, is it necessary that the clerk should specify the particular business? How long after a motion is defeated must intervene before the same business can again be legally brought up? M. C. D.

Section 236 of the Municipal Act reads as follows:—"The head of every council shall preside at the meetings of council, and may at any time summon a special meeting thereof." "Any time" would mean a reasonable time after notice given to the other members of council. It might happen that the interests of the inhabitants required action on the part of the council in some sudden emergency, when it would be necessary to call an immediate special meeting, even if all of the members through absence or other unavoidable cause could not be notified, and it is very doubtful if any court would interfere with the business then transacted if shown to be in the public interest and unavoidable. If all the members were not present through want of sufficient notice, it would be well to have the proceedings ratified at a future meeting, by a formal resolution or by-law to that effect, although no doubt the reading and confirmation of the minutes of the special meeting might be considered as approval. The statute does not define the number of days or even hours that must elapse after notice to the members, leaving that discretionary with the head of the council, but the intention of the Act is clearly that this latitude should be exercised in the public interest. It would not do to call a special meeting on such short notice as to prevent certain members from attending, and to take advantage of their absence to put through business that it was known they were opposed to. Such members would have good reason to complain and seek redress. A majority of a quorum present at a meeting of a town or city council is not necessarily a majority of all the council. In villages and townships having but five members of council, three would be a quorum to transact business, but the law provides that no business shall be done without the concurrent vote of three members, so that there would always be the safeguard of a majority vote in that case. But not so in cities and towns, and therefore it would be safer to formally ratify proceedings of a special meeting called in a hurry and at which in consequence of short notice some members could not be present. It would not lie with any of those who attended to seek redress, as their attendance is proof that they had sufficient notice. Whether the notice is to be written or verbal is not stated in the Act, nor would it be material so long as it could be shown that notice from the clerk or person competent to give notice was given, but a written notice is to be preferred in which the business to be brought up should be stated, and if it is thought that other business may come up it would be well to add "and for the transaction of other business." If special business is alone stated in the notice it would not be advisable to transact any other business, as the notice would be misleading, and it would have been better not to have stated the nature of the business at all. While the statute does not define explicitly certain matters of procedure it is always well to consider fully the intention of the law, and as the intention is clearly to give every member of council an opportunity of being present at each meeting, reasonable notice should in all cases be given. Councils might frame rules for guidance in calling special meetings, and allow say twenty-four hours' notice to be given before a special meeting, but while a compliance with such a rule would relieve the head of the council from the onus of blame, yet if in an emergency he called a special meeting at an hour's notice it would be legal enough if all the members had notice and had attended or could have attended if they wished. As the law does not limit the time for notice, objectors would have to show strong reasons before they could set aside the business transacted because of informality in the matter of insufficient time given after notice.

Public meetings called by the sheriff, mayor or two justices of the peace, on the requisition of twelve or more inhabitants, require three days' notice before day of meeting.

Where councils have made no provision by rules, there is nothing to prevent a reconsideration at the same meeting of any motion passed, provided all the members who previously voted were present. It might sometimes happen that information might be forthcoming after passing a resolution which would materially alter the views of some of the members, and it would not be in the public interest

to confine them to a motion passed through error. Even if the rules require notice to be given to bring the matter up at a future meeting, it has happened that a majority by vote have suspended the rules for the time being in order to correct an error of judgment or for other good and sufficient reasons. The power of a council to make rules, pass resolutions or by-laws does not preclude them from repealing the work done, especially where no action has been taken on such proceedings such as would affect prejudicially the rights of others. By-laws to raise money by debentures and on the strength of which money has been advanced cannot be repealed, as there are interests involved beyond the control of the council, and it is not competent for one party to a contract to annul or alter such contract. The Municipal Act makes special provision for preventing councils undoing such work as referred to.

A ratepayer appeals against the whole assessment roll as unequally assessed as to relative value. No names or lots mentioned in the appeal. Is the above appeal according to law? We are of opinion that the appeal requires the names and lots of parties wrongly assessed in order to be entertained? G. F.

The law never contemplated or intended an appeal of such a general nature. Appeals must be explicit in their terms, and specify lots and names of persons appealed against. It would be an utter impossibility for any clerk to comply with the terms of the law in the matter of giving notices to all the parties, to the assessor and also prepare a list to be hung up in his office. It would be equal to making out two or three full copies of the assessment roll. No court would compel the clerk or the Court of Revision to act on such an unreasonable and unwarranted appeal.

In the year 1875 this township was divided into four wards with a polling place in each, but now with the increase in voters each ward has two polling sub divisions. On account of the formation of this township, caused by a ridge of rocks which runs through part of it, some voters have to travel several miles to reach their own polling places, although quite close to a polling place in another ward. Has the council power to amend the original by-law and alter the present boundaries of wards, or would a vote of the ratepayers be required before they could do so? I. C.

Among the few limitations placed by the Legislature on the powers delegated to township councils to manage local affairs without the intervention of the people is that of passing by-laws relating to the establishment of the ward system for electoral purposes. Wards can only be instituted on the presentation of a petition to the council signed by a majority of the whole ratepayers to that effect, and in such a case the council have no option in the matter, as they are required by statute to give effect to the petition by the passage of a by-law within one month. Thus the people have the supreme right to make, as well as to unmake township wards. Nor can wards once established be abolished, or even their boundaries in any wise altered by the council without the consent of the people being had in a similar manner by petition. It is the latter power that I. C. enquires about, as no doubt it must seem strange that the council should have the exclusive right to define the boundaries in the first instance, but cannot afterwards amend their own work without the intervention of the people. The statute requires the council when wards are petitioned for to divide the township into four wards having regard to the population so that each shall be as nearly equal in number of electors as possible. Wards that were nearly equal in population a few years ago might now vary considerably both in population and valuation, and in order to continue the principle provided for when first defined should be made to conform to altered circumstances from time to time. One ward having two hundred ratepayers might have as much influence and power at the council board as another ward now having five hundred ratepayers and paying twice or three times the proportion of taxes. Such a state of things would be manifestly unfair and not in accordance with the principle of representation as laid down in the statute itself. We can easily see good reasons for placing a check on the council in the matter of establishing the ward system in the first place, but fail to see any satisfactory grounds confining their power in the matter of altering ward boundaries at any time that a material change of population or the convenience of the electors makes it desirable. The council has been entrusted with full power to establish and to alter polling sub-divisions within the several wards, and had also the power to define the boundaries of the wards in the first place, surely therefore it would not be too much stretch of authority to permit the alteration of the ward boundaries when a change of population or the convenience of the inhabitants requires it, without the necessity of getting a majority of the whole of the ratepayers of a township to petition for the change as is now required by section 94 of the Municipal Act. Any M. P. P. who is ambitious to distinguish himself as an amender of the Municipal Act should at once take the hint, as there is room for a needed change here.

Municipal councils have different ways of passing by-laws, and I wish you would give us the proper course to pursue. Is it necessary to go into committee of the whole on by-laws? and why first, second and third reading? Is not a by-law read once in council and properly signed and sealed just as legal as if read three times? Are there any statutes regulating the procedure? G. A. A.

Section 232 of the Municipal Act provides that the jurisdiction of every council shall not only be confined to the municipality, but that their powers shall be exercised by by-law, except when otherwise authorized and provided for. It will be found that the greater portion of the powers given to councils must be exercised by the passage of by-laws, yet the statutes do not seem to have laid down any specific rule as to the mode of procedure in passing such by laws, except to say in section 288 that they "shall be under the seal of the corporation, and shall be signed by the head of the corporation, or by the person presiding at the meeting at which the by-law has been passed, and by the clerk of the corporation." However, section 283 authorizes the council to "make regulations not contrary to law for governing the proceedings of the council, the conduct of its members, the appointing and calling special meetings of the council, and generally such other regulations as the good of the inhabitants of the municipality requires." Where councils have not made regulations or rules referring to the method to be adopted in passing by-laws, it is usual to follow the Parliamentary practice of having all by-laws read a first, second and third time before being passed. This is a good rule, as it enables members

of council to give more time to the consideration of the several clauses composing a by-law. It is conceded that any member of council has the right to introduce a by-law and to have it read once that the council may be apprised of its contents, and the discussion of its merits usually follows and such changes as may be thought advisable are usually embodied before the second reading. Many by-laws have blanks left at their first reading to be filled in when the mind of the council has been ascertained, and the motion for second reading generally embodies the changes to be made before being read a second time. Some councils refer by-laws after first reading to a committee of the whole council or to a standing or special committee for consideration before being read a second time. This is done with a view to a more free, expert and conversational method of considering its details, but with a majority of local councils such matters are freely discussed at the council board without the intervention of a committee. The third reading of a by-law is usually a matter of form, and the reading confined to the mere heading or preamble if the motion says it is to be read short and passed, unless, as sometimes happens, further changes are required to be inserted after the second reading, in which case the by-law should again be read at length before being finally passed. Where, however, a by-law has been duly considered and approved of by the members of council beforehand, there is nothing that we know of to prevent the by law being read once only before being passed and then to be duly signed and sealed.* Nor have we seen any decisions of the courts where exception has been taken to the validity of any by-law on the ground of informality through not having been read a second or third time before being passed. It would be well for every council to have a set of rules prepared for guidance in the conduct of the business of their meetings, so that everything may be done decently and in order. Even the smallest council board is nothing less than a local parliament, and the by-laws passed are as binding as any statute, because the Legislature has delegated to councils the authority to pass by-laws relating to their local affairs, and within prescribed bounds, so that as far as conveniently may be it is well to follow what are known as "parliamentary rules" in the conduct of public business.

Can an assessor lawfully appeal from the Court of Revision to the County Judge, providing his assessments were not sustained by the courts. R. D.

We understand our correspondent to mean that the assessor not having been an appellant or respondent now wishes to appeal from the decision of the court of revision. An appeal means a removal of a suit from an inferior to a superior court, and allowing that both parties to the suit are satisfied, it does not appear reasonable to compel them to appeal from the decision arrived at, nor do we see anything in the Assessment Act which contemplates such compulsion. Therefore, unless the assessor by virtue of his office is to be considered as a respondent in every case of appeal, he would have no better right to appeal to the judge than any other ratepayer, and an appeal by any party not already a party to the suit would amount to a new appeal, which is not provided for by statutes so far as we understand it. The only place that the law stipulates for an appeal by the assessor by virtue of his office, is in sub-section 18 of section 64 where the court of appeal extends the time for receiving appeals in order to correct palpable errors, and in such a case, it says that "the assessor may, *for such purpose*, be the complainant." In all other cases, we take it that the assessor is to be considered only as any other ratepayer. The fact that he has to be notified of appeals, does ont necessarily make him a respondent, the intention evidently being merely to require him to appear as a material witness to sustain or give reasons for his work as assessor. True, sub-section 20 of section 64 gives the judge power to re-open the whole question of the appeal, but that would have to be governed by section 68 on an appeal properly made. The wording of sub-sections 1 and 2 of section 68 does not in explicit terms, say by whom an appeal to the judge shall be made, but the whole context of the sections relating to appeals bears out the reasonable interpretation that it must be the appellant or respondent that is contemplated. While our opinion is that the assessor of his own motion has no right to re-open the case by an appeal to the judge, we must admit that the tendency of judges generally is to lean rather to the hearing of appeals than to dismissing them on mere technical grounds, and the judge might consider the assessor to have sufficient interest in the matter to entitle him to become a party to an appeal, and to enable him to uphold his assessment if he can. Some assessors consider themselves infallible, and their overweening pride is offended if the court of revision changes their valuations in any respect. This should not be the case. The assessor may have performed his duty on the whole very satisfactorily and yet for want of knowledge of some material facts at the proper time in some cases may have erred, and these facts brought out at the court of revision would probably satisfy him as well as the court that a change was necessary. But even though still adhering to his original opinion, the assessor should be content to allow the court of revision to shoulder the responsibility of the change, and particularly so when the court is not guided in its judgment from personal motives, or reflecting in any way on the *bona fides* of the assessor.

Re assessment of farmers' sons, please read Franchise Assessment Act, page 148, statute 1889, section 2, under sub sections *a* and *f*, and let us know what you think of it. H. J. L.

The section referred to reads as follows: "Every farmer's son *bona fide* resident on the farm of his father or mother, at the time of the making of the assessment roll, shall be entitled to be, and may be, entered, rated and assessed on such roll, in respect of such farm, in manner following:

"(a) If the father is living, and either the father or mother is the owner of the farm, the son or sons may be entered, rated and assessed, in respect of the farm, jointly with the farmer, and as if such father and son or sons were actually and *bona fide* joint owners thereof."

"(b) If the father is dead, and the mother is the owner of the farm, and a widow, the son or sons may be entered, rated and assessed in respect of the farm as if he or they

*Harrison says in his notes that "an order or resolution duly signed and sealed is a by-law."

was or were actually and *bona fide* an occupant or tenant, or jointly occupants or tenants thereof, under the mother."

Sub-section (c) allows occasional or temporary absence from the farm of six months out of the twelve months prior to return of roll without interfering with the son's right to be so assessed.

Sub-section (d) relates to the amount the farmer has to be rated in order to entitle one or more sons to be so assessed. A farm rated at $200 would entitle the father and eldest son to be assessed jointly, and each additional $100 of valuation would permit another son to be joined, and so on.

Sub-section (e) provides that in the event of the farm not being assessed at sufficient to give more than one vote, the father alone would be the only person to be assessed for the property.

(f) This sub-section reads: "A person entitled to be assessed under any of the preceding provisions, may require his name to be entered and rated on the assessment roll as a joint or separate owner, occupant, or tenant of the farm, as the case may be; and such farmer's son so entered and rated shall be liable in respect of such assessment as such owner, tenant or occupant."

A cursory reading of the above amendments to the Assessment Act would lead one to suppose that its object was mainly or altogether for the purpose of giving farmers sons a right to be placed on the voters' list as municipal voters, but such cannot have been the intention as sub-section 4 of section 79 of the Municipal Act gives farmers' sons that privilege already, the main difference being that the time of temporary absence from home has been changed from four to six months. But formerly such farmers' sons were not assessed as either owners, occupants or tenants, but merely by the title of "F. S." Section 97 of the Assessment Act provides that "every farmer's son, rated and entered as such on the assessment roll of any municipality, shall, if not otherwise exempted by law, be liable to perform statute labor or commute therefor, as if he were not so rated or assessed." Thus, although farmers' sons enjoyed all the privileges of the franchise for both municipal and legislative elections, they were not exempted from performing two days' statute labor each. The amendment of 1889, to which our correspondent calls our attention, does not make any direct reference to statute labor, but it is clear that the object now intended is to exempt farmers' sons as individuals from performing statute labor. This amendment must have the effect of curtailing the amount of statute labor in some sections. As it makes a distinction between farmers' sons and other young men to the detriment of the latter, it is likely that the near future may see further changes in the matter of road work still further curtailing the statute labor. In the Ottawa Valley and the new districts very many young men follow the lumbering business, and are from home probably half of the year. Allowing that a farmer had a farm assessed at $300, and he had two sons over age who employed themselves in the lumber camps during the winter months, that property gives three municipal votes and the statute labor of the whole three will be but two days. In the same township is a laborer working in the mills; he owns a village lot and house which are assessed at $300. He also has two sons grown up who go to the lumber camps with the farmers' sons during the winter. The laborer pays the same taxes to the municipality as the farmer, his sons have *no municipal votes* although being at home half of the year, and as each has two days' statute labor, it follows that the laborer's property may be said to have six days' statute labor as against two days of his farmer neighbor. This is a species of class legislation that ought to be avoided if possible, as it tends to create dissatisfaction in the minds of those who feel the injustice of the distinction between farmer's sons and the sons of other classes.

In the Assessment Amendment Act 1888, Chap. 29, all steam boilers used for driving machinery has to be entered in column 34 on the assessment roll together with the name of the owner. Are such steam boilers liable to taxation?

A. H.

Yes. Steam boilers are usually attached to the property and are assessed in the valuation of the real estate. If movable they would be assessed as personal property.

"An Act respecting Truancy and Compulsory School Attendance" is the title of a highly important law passed at the last session of the Legislature. As usual the municipal clerk among others comes in for a share of the new work and obligations and penalties enacted, but no additional remuneration provided. We will endeavor to give a synopsis of the new Act in next issue, as it will be of interest to many trustees, as well as to clerks and assessors.

* * *

Perhaps there are few duties required of a municipal clerk which requires greater care than that of preparing the voters' list. Every person on whom the law confers the right of the franchise expects to have his rights respected, and naturally would feel very indignant if at an election his right to vote was denied in consequence of an error of omission on the part of municipal officers. Not only does the person thus deprived of his legal rights feel aggrieved, but the party and candidate of his choice would also have cause to complain, and in a wider sense the entire community is interested in seeing that the greatest care is exercised in the preparation of the voters' list by those in authority. The foundation of the voters' list so far as the clerk is personally concerned, lies in the assessment roll as finally revised. He has no power to go behind that. If the assessor has overlooked his duty it rests with the person aggrieved to appeal to the court of revision for redress, and if he has neglected to do so he can find no fault with the clerk if his name does not appear on the voters' list, although he may afterwards within a certain limit, have yet another chance to rectify the error by an appeal to the county judge. All that the clerk has to do with in the meantime is to see that all qualified persons on the assessment roll are placed on the voters' list. As very many will now be hard at work on these lists, we elsewhere direct attention to some of the points to be considered in the preparation of them. The Assessment Act, Municipal Act, Manhood Franchise Act, Voters' List Act and the Jury Act all bear more or less on the subject, and must be consulted in order to become familiar with the duties laid on the clerk in preparing the voters' list, and for errors he may be subject to penalties entirely out of proportion to the remuneration received by him.

THE new School Act requires townships to raise by general rate $100 for each school section. We shall give particulars in next issue, in time for making up estimates for collector's roll.

* * *

THIS season of the year is a busy one for municipal clerks. The preparation of a certified copy of the assessment roll, the voters' list and the collectors' roll are all crowded into a short space of time, and that too during what is known as the holiday season with other classes of people.

* * *

ALTHOUGH these are the busy months for municipal clerks, yet many will manage to take an occasional holiday. If any of our western brethren should in their summer rambles take a trip in the Upper Ottawa direction, they will find scenery equal to anything to be found elsewhere, and the river itself in extent and volume second only to the noble St. Lawrence. Any who can drop off at Arnprior will be gladly welcomed by the editor.

* * *

TENANT farmers' sons are now on a par with the sons of farmer proprietors in the matter of the exemption from statute labor, although the former are not privileged to be assessed as joint owners or tenants so as to give them municipal votes. At the session of the Legislature held this year, an amendment to section 97 of the Assessment Act provides that "every tenant farmer's son *bona fide* resident on the farm of his father or mother, shall be exempt from statute labor in the same manner as if he were the son of an owner and jointly assesssed for the property upon which he resides as provided by section 2 of the Franchise Assessment Act of 1889."

* * *

SINCE our last issue the death of Sir John A. Macdonald has been the all absorbing theme of interest to the people of Canada. And no wonder, as he has occupied such a prominent place in the councils of the Dominion for so many years, and has had so much influence in moulding the destinies of this country which has advanced with such marvellous strides in the path of nations, that his guiding hand will be greatly missed. All classes, including those politically opposed to him, have united in honoring his memory, and acknowledge that in his death one of the most able, influential and patrotic men of the world has passed to his rest.

* * *

APPEALS to the county judge may be made within five days after the date limited for closing the court of revision. subsection 19 of section 64 of the Assessment Act says all the duties of the court of revision shall be completed and the rolls finally revised before the 1st day of July, which means the 30th June, therefore the five days afterwards would fully expire on the close of the *fifth* day of July, and we cannot understand how Harrison's notes at page 774 makes it out to be "within five days *after* the 1st day of July," which would include the 6th July. The township of Shuniah has up to and inclusive of the 11th August to file appeals to the judge.

* * *

WHEN the Public School Act was being revised we had hoped that the Minister of Education would have increased the liberty of the people in rural school sections in the matter of school attendance of their children. At present in hundreds of school sections it happens that a school house in an adjoining section is much nearer and more accessible by good roads to some families than the school in their own section. Yet as the sections are arranged in a great measure to include rateable property rather than the convenience of the ratepayer and as those persons included within the boundary of the school section alone have the privilege of sending their children to such school free, it follows that in many cases a ratepayer not only pays his share of the expense but owing to the distance from the school his younger children are unable to take advantage of what he pays for, and must either remain at home when they should be at school or he must pay a monthly fee at an adjoining section. We think parents should, notwithstanding that they pay their taxes in one section have the option of sending their children to a nearer school. This would be in harmony with the principle of free schools, and a great boom to many persons.

DEATH OF THOMAS BROOKE, ESQ.

By the death of Thomas Brooke, Esq., of Perth, the ranks of municipal clerks have lost one of their brightest ornaments. He had a good legal mind and a clear and sound perception of the intricacies of our municipal laws, and was always willing to assist by his advice any of his brother clerks and others who had any doubts to be dispelled. He had reached the advanced age of 82 years when he died on the 10th inst. We copy below an obituary notice from the Perth *Courier*:—

For some time, our aged town-clerk, Mr. Thomas Brooke, had been ailing, and looked far from the active and healthy man he was up to only a few years ago. Last week he was seized with a cold, which developed into inflammation of the lungs, and on Wednesday morning, the saddening news of his death was borne out through the town. The late Mr. Brooke was born in Halifax, Nova Scotia, while his father, who was a sergeant in the regular army, was with his regiment there. His father was a sturdy Yorkshireman, and from a soldier turned into a farmer, settling with the pioneers in the 9th concession of North Burgess. It is related that the soldier and his wife crossed the Atlantic eleven times while in service, his regiment having been ordered repeatedly to and fro across the ocean during the wars of Great Britain. The son Thomas came to Perth early in his career. He clerked first for the Hon. Henry Graham, and began business for himself here in 1830. About this time he married Miss Margaret Mathie, and about ten years ago they celebrated their golden wedding. His aged partner survives him, after this long term together. He was clerk of the town of Perth since the year 1854, he was clerk of Bathurst thirty-four years, of Burgess, Drummond and South Sherbrooke also for many years. He was appointed clerk of the Lanark County Council something over fifteen years ago and this and the Perth clerkship he retained up to the hour of his death. He was considered one of the best authorities on municipal law in Eastern Ontario, his judgment being excellent when points, ruling, and opinions were asked of him. He filled the office of assessor of Perth many years. Mr. Brooke was a member of the Public school section of the Board of Education for nearly fifty years, and was generally elected by acclamation. Altogether he was an active and useful member of the community, and a faithful public servant, even when the weight of years and impaired health told up-

on his usefulness. The Free Masons had in him one of the charter members of the True Britons Lodge in town, and being sixty years one of the fraternity was among the oldest Masons in Canada. Mr. Brooke built and owned the fine stone block next the *Courier* office, and lived there up to the time of his death. He leaves, besides his widow four daughters—Mrs. Robt. Sibbit, of Brantford; Mrs. George Finlay, Mrs. W. J. Hogg and Miss Mary Brooke.

CORRESPONDENCE.

DEAR SIR,—As I see you notice township officers of long standing, I think I may also claim to be one of that class. I took the census of the township of Mono in the year 1841, and assessed the township at the same time. I have been five times on the census staff. In 1850 I collected the taxes of two townships, Mono and Mulmur. In January, 1852, I was appointed township clerk and have continuously held the office from that time, being absent but from one meeting of council during all that time. In 1868 I was appointed township treasurer, and have held the dual office of clerk and treasurer up to the present. I enclose $1 subscription for the year 1891. Hoping you may succeed in the publication of THE MISCELLANY, I remain Yours truly, ANDREW HARRY, Mono Centre.

DEAR SIR,—I am looking for the June number of your paper with much anxiety, as I expect it to contain full and explicit directions regarding the preparation of the voters' lists by municipal clerks. In the case of a *tenant* having his sons entered on the assessment roll as *farmers' sons*, on which *part* of the voters' list should "F. S." be placed? and is the assessor justified in entering a *tenant's* son as F. S. on his roll? My own opinion is that all such sons should have the letters M. F. only in column 4 on the assessment roll after their names, thus enabling the clerk to place them in part III. of the voters' list. Your opinion on the above points will be much appreciated by

Yours truly, A. B., Sutherland's Corners.

WE entirely agree with the opinion of A. B. as will be seen by our remarks on the point elsewhere in this issue.

THE probability is that when the "whole world and his wife" pay their annual visit to the Toronto Exhibition in September, not a few of the municipal clerks will be in the gathering. Is it not possible to arrange a meeting at that time to consider the advisability of forming a clerk's association for the advancement of mutual interests? All other classes have improved their standing and pecuniary interests by means of such associations. The old though trite saying that "the gods help those who help themselves" would apply to municipal clerks as well as to any who make their influence felt through united action. It is the experience of most of us that while the Legislature annually adds to our duties and responsibilities, much of the work being in the interest and well being of the province at large, no adequate provision is made for suitable remuneration. We all know, too, that local councils have little appreciation of much of the work thus thrown on their clerks, and consider only the mere municipal duties in connection with the meetings of council, which accounts for the lack of adequate remuneration paid by too many councils especially in townships. A scale of remuneration should be provided for such work as preparation of voters' lists, jury lists, copies of assessment rolls, and statistical returns, which should be paid for out of provincial or county funds, or else a minimum salary ordered in proportion to population of the municipality somewhat in keeping with the onerous duties demanded by the laws.

THE VOTERS' LIST.

There are several classes of people who are entitled to be placed on the voters' list. The Manhood Franchise Act of 1888 having done away with all property qualification for voters for the Legislative Assembly, all male residents of full age and British subjects are entitled to be placed on the voters' list. If they have the property qualification for municipal electors as well, they are to be placed in part I; if they are not assessed for any property or are assessed for insufficient property, they are to be placed in part III of the list. Those only who are to be placed in the second part of the list are men who are assessed for sufficient property to entitle them to vote at municipal elections, but who are not residents of the municipality, and also all unmarried women and widows having property qualification to entitle them to have a vote in municipal matters. We understand that some clerks have not quite understood this division or classification of voters, especially as to Part II., in which they have heretofore placed the names of women only. For the Legislative Assembly, no matter in how many municipalities a man may have property, his right to vote for an M. P. P. is confined to the municipality in which he resides, therefore a non-resident ratepayer cannot appear in Part I. or Part III., but must keep company with the ladies in Part II.

The Municipal Act gives the property qualification for voters at municipal elections as follows: In cities, $400; in towns, $300; villages, $200; townships, $100. In addition to these are men assessed for income of $400, and farmer's sons entered on the roll as such are entitled to a vote on the homestead if the farm is assessed at sufficient to give father and son or sons the necessary property qualification for each separately. The meaning attached to the words "farmers' sons" or "F. S." by both the Voters' List Act and Municipal Act is "sons of the owners," consequently the sons of tenant farmers are not included in the privilege of being municipal voters. In fact assessors have no authority to place the letters "F. S." after such tenant farmers' sons. They are entitled to the letters "M. F." and to be placed in Part III. only.

The Voters' List Act lays down the manner of preparing the list of voters, which is to be made immediately after the final revision and correction of the assessment roll. Where no appeals have been made, this can be commenced in June after the court of revision has sat and passed the roll. In municipalities where appeals have been made to the court of revision but not to the judge, the voters' list might be printed immediately after the fifth of July, the last day on which appeals can be made to the judge, but if appeals have been carried to the judge the list could no tbe made until the roll was finally revised by the latter, which is not to be later than the 1st August. In section 3, sub-section 1, of the Voters' List Act, it is laid down, 1st that the names are to be in alphabetical order and in three parts; 2nd, that all voters must be of the full age of 21 years; 3rd, they

must be subjects by birth or naturalization of Her Majesty; and 4th, that the voter's number on the roll must be prefixed to his name in the column for that purpose.

The assessment roll will be sufficient guide for all the information needed for the above, except as to the 3rd requirement. As the roll does not show the nationality, the clerk is to presume that they are British subjects, as he cannot tell what foreigners have or may take out naturalization papers. This would be one of the questions that might be considered on an appeal or protested election, but it is impossible for the clerk to take evidence or decide the matter. Sub-section 2 provides that the first of the three parts required shall contain the names in alphabetical order, of all male persons of full age and subjects as aforesaid, appearing by the assessment roll to be entitled to vote in the municipality at both municipal elections and elections for members of the Legislative Assembly. In deciding this matter, the first thing to consider is, is the person assessed a resident, which alone entitles him to a vote for Legislative Assembly, next is he assessed for sufficient real property as owner or tenant or for income to entitle him to vote at a municipal election, or has he been assessed as a "farmer's son." If these are the qualifications the person is entitled to appear in Part I. It is well to notice that no person is qualified as a voter through his assessment of personal property—it must be real estate or income.

Sub-section 3 provides that Part II. shall contain the names "of all other male persons," and "of all widows and unmarried women of full age" having the necessary property qualification to entitle them to vote at municipal elections but not for M. P. P.s. The male persons here referred to are non-residents assessed for property as owners or tenants. If the assessor has done his duty in recording the ages, etc., of the feminine property holders as owners or tenants, there can be no difficulty in placing them properly, as Part II. is the only place they can appear in the voters' list.

Sub-section 4 requires that Part III. shall contain the names of those men who are qualified by age and residence to vote at elections for members of the Legislative Assembly, but not for municipal elections. These are mostly young men, but may also be ratepayers whose property is assessed too low to qualify them for municipal voters.

Sub-section 5 requires that the name of any person shall not be entered more than once in the voters' list for a municipality.

The voters' list in three parts must be prepared for each polling sub-division separately, and where there are a large number of polling sub-divisions in a municipality the work of preparing the list is no light task, especially as the clerk has to keep a sharp look-out to place each person in his proper division, which is the one in which he resides if he is assessed for property in that one, though if, as often happens in cities, towns and villages, where tenants remove about the first of May after the assessment roll is completed, he is not assessed in the division in which he resides at the time of the preparation of the voters' list, he would properly be placed in the division in which he had been assessed. Where a person is assessed for more than one property of sufficient value to qualify himself as a voter, the description of one of the properties is to be given and the words "and other premises" are to be added. If it happen that he is entered for the property where he resides, and that it is not sufficient to qualify him as a municipal voter, and he is also assessed for other property in another sub-division which added together would qualify him, the words to be added are "partly qualified in sub-division No. —"

The column for the letters "M. F." and "F." or as the case may be, to show the person's title to vote, should be filled in carefully opposite each name. Some trouble was caused formerly by the printer placing ditto marks under these letters in some lists, but while it is now enacted that such informality will not vitiate a vote, it is better to see that the letters called for by the statute are properly entered and printed in every instance.

Township clerks have also to indicate the post office addresses of the voters by figures in the column for that purpose. This is not required in city, town or village lists.

The Jurors' Act has also to be studied in order to select from the persons named on the roll those qualified to serve as jurors and to place the letter J opposite their names. All males between 21 and 60 years of age, having their natural faculties, and not infirm or decrepid, whose assessment of real or personal property is not less than $600 in cities, or $400 in other municipalities, are qualified to serve as jurors unless exempted by law. The exemptions, however, are somewhat numerous, as they include judges, lawyers, physicians, druggists, clergymen, teachers, members of parliament, county officials, army officers and volunteers, editors, printers, telegraph operators, railway employes, millers, postmasters and others.

Having carefully prepared the voters' lists with a certificate at the end according to Form 2. in all the particulars required, it is then the duty of the clerk to have at least two hundred copies printed. This must be done within thirty days after the final revision, except for cities where forty days' time is given to get the lists printed. When printed, the clerk is forthwith to post up in his office one of the copies, and also to send by registered post, or deliver personally, three copies to the county judge and junior judge, if any; two copies to each member of the council of the municipality, (except the reeve, who is to get ten copies) the county treasurer, sheriff, and clerk of the peace, every postmaster in the municipality, every headmaster or mistress of the Public and Separate Schools in the municipality, and ten copies to each of the following: The member of the House of Commons and Legislative Assembly representing the municipality or part of it, and to every candidate for the House of Commons or the Legislative Assembly for whom votes were given at the last election in that electoral district.

The last thing in order is to insert forthwith in some newspaper published in the municipality, one insertion, an advertisement according to Form 3. If no newspaper is published in the municipality, the advertisement may be inserted in the nearest newspaper or in one published in the county town.

REPORT OF COMMISSION ON MUNICIPAL INSTITUTIONS.

(EXTRACTS CONTINUED.)

Again Chapter 6, an Act for the more easy and speedy recovery of small debts, provided that any two or more justices of the peace acting within the limits of their jurisdiction may assemble, sit, and hold a court to be called the Court of Requests on the first and third Saturdays of every month "at some place fixed within their respective divisions, which division shall be ascertained and limited by the justices assembled in their general quarter-sessions, or the greater part of them, and the place for holding the said court shall be fixed by the justices acting in and for the said division, or the greater part of them; and the said justices are hereby declared constituted, and appointed to be commissioners to hear and determine all such matters of debt as are hereinafter mentioned, and shall have power and authority by virtue of this Act to give judgment and decree, and award execution thereupon, with such costs as shall be hereinafter specified against the goods and chattels of all and every, the person or persons against whom they shall give any judgment or decree."

Chapter 7 provided that no miller should demand, take, or receive more than one twelfth-part for grinding and bolting any grain brought to him to be ground. The penalty for any violation of this act was ten pounds currency.

Chapter 8 changed the names of the four districts. It provided that the district called Lunenburg in Lord Dorchester's proclamation should be known as the Eastern District; Mecklenburg as the Midland; Nassau as the Home; and Hesse as the Western District; and it provided for the erection of a goal and court house in each district. The magistrates in Quarter Sessions were authorized to procure plans, to select such plan as they thought best; and through two or more of their body to contract with any parties willing to put up the buildings according to the approved plans on such site as the majority of the justices may select. The lowest tender was to be accepted if the security offered were sufficient, and the building must be completed within 18 months from the execution of the contract. The sheriff was to appoint the gaoler. The justices in Sessions were to make rules for the management of the gaols, which when approved by one of the judges of the Supreme Court, would be binding on gaoler and prisoners. It was thought necessary to enact that the gaoler should not be licensed to sell liquor within the gaol, and to impose a penalty of twenty pounds for every offence on any gaoler who should sell, lend, use, or give away, or knowingly permit, or suffer any spirituous liquors to be sold, used, lent, or given away in such gaol, or to be brought into the gaol, unless prescribed by a regular physician. The justices were authorized to appoint a salary to be paid the gaoler in place of all fees, perquisites and impositions.

These were all the Acts passed in the first session of the Upper Canadian Legislature which continued from September 17th to October 15th. No provision for raising a revenue for any purpose was made in that session.

The work of construction and organization was continued in the next session.

The township system of surveys which had long been in use in the revolted colonies was introduced in Upper Canada when the settlement of that part of the country was earnestly begun. Amusing stories are told of the manner in which the lands were distributed to the U. E. Loyalists, and the disbanded soldiers, and of the manner in which names were afterwards found for some of the townships. Township organization of some sort would seem to be an almost necessary consequence of such a division of land, but the loyalists and the military men who had served in the Revolutionary war, and who took an active part in the organization of the Province, appear to have regarded township municipalities with aversion, probably because they had served as such effectual instruments of organization when the other colonies revolted. Still, it seems to have been thought necessary to make some show of township government to satisfy a people who had long been accustomed to discuss and determine their local affairs at town meetings.

The first Act of the second session was "for the better regulation of the militia." The second was an Act "to provide for the nomination and appointment of parish and town officers." This Act provided that "any two of His Majesty's Justices of the Peace acting within the division in which any parish, township, reputed township, or place may be, may issue their warrant, giving eight days' previous notice to the constable of such parish, township, reputed township, or place, authorizing him on a day to be fixed by the said justices in the present year, and on the first Monday in the month of March in every ensuing year, to assemble the inhabitant householders, paying or liable to pay to any public assessment or rate of such parish, township, reputed township, or place, in the parish church or chapel, or in some convenient place within the said parish . . . . for the purpose of choosing and nominating the parish or town officers hereinafter mentioned, to serve in their respective offices for the year next ensuing, at which meeting the said constable shall preside." The office of constable appears to have still retained some of its ancient dignity in the estimation of the colonists. The inhabitant householders so assembled were authorized to choose a clerk of the parish or township whose duty it should be "to make a true and complete list of every male and female inhabitant within the limits of the parish or township, and return the same to the justices acting as aforesaid," and "to enter and record all such matters as shall relate to the said parish, town, or township, and shall appertain to his office." They were also authorized to choose two persons to serve as assessors, one person to serve as collector of taxes, and not less than two or more than six persons, as specified in the warrant issued by the justices, to serve as overseers of highways. The duty of these officers was "to oversee and perform such things as shall be directed by any Act to be passed touching or concerning the highways and roads," and to serve as fence viewers. They were also to choose a pound-keeper, and two persons to serve as town wardens, but "as soon as any church was built for performance of divine service according to the use of the Church of England with a parson or minister duly appointed thereto," the householders should choose one of those wardens and the parson or minister nominate the other.

In the year following additional power was given to the inhabitant householders in their annual town meetings lawfully assembled. They were authorized "to ascertain and determine in what manner and at what periods horned cattle, horses, sheep, and swine, or any of them should be allowed to run at large within their respective divisions, or resolve that the same, or any part thereof shall be restrained from so doing, and the pound-keeper was authorized and required to impound any animals found roaming at large "contrary to the regulations of the town meeting" and to exact compensation and fees from the owners.

To be Continued.

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