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THE MUNICIPAL ACT.

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

FORMATION OF NEW CORPORATIONS.

NOTE.—By the *Municipal Amendment Act*, 1891,  
section 9 is amended by inserting therein the words:  
“of the age of twenty-one years and over,” after  
the words, “neighborhood,” in the “ninth” line, as  
appears in this JOURNAL.

Section 9 is further amended by adding thereto the  
following sub-sections:—

(2) In case the territory sought to be incorporated, or  
any part thereof, lies within one mile of the limits of a  
city having a population of 100,000 and upwards, the  
petition shall be signed by not less than two-thirds of the  
freeholders and householders, of the age of twenty-one

years and over, whose names appear on the last revised assessment roll, and who have been resident within the territory sought to be incorporated for at least four months immediately prior to the signing of said petition, within the district sought to be incorporated, and of whom not fewer than one-half shall be freeholders.

(3) If the district sought to be incorporated, or any part thereof, has been laid out in lots on a registered plan, each petitioner shall state the number of the lot on said plan owned or occupied by him, and shall further set out whether he is a freeholder or householder.

(4) No by-law shall be passed under this section unless the petition therefor shall have been lodged with the clerk of the county at least one month before the meeting of the council at which the same is to be considered, nor unless public notice shall have, within two months previous to the meeting of the council at which the same shall be considered, been published at least once a week for two successive weeks in some newspaper at or nearest to the locality sought to be incorporated, and such notice shall set forth a description of the area intended to be embraced in the village.

**53.** In case a village is incorporated, or village or town (with or without additional area) erected into a town or city, or a township or county becomes separated, the by-laws in force therein respectively shall continue in force until repealed or altered by the council of the new corporation; but no such by-laws shall be repealed or altered unless they could have been or can be legally repealed or altered by the council which passed the same. 46 V. c. 18, c. 53.

NOTE.—For instance, the security upon which Debentures are issued *Re Local Improvements, Schools, Water works, etc.*, cannot be varied by *ex parte* action.

**54.** In case an addition is made to the limits of any municipality, the by-laws of such municipality shall extend to the additional limits, and the by-laws of the municipality from which the same has been detached shall cease to apply to the addition, except only by-laws relating to roads and streets, and these shall remain in force until repealed by by-laws of the municipality to which the addition has been made. 46 V. c. 18, s. 54.

NOTE.—Provision is made by section 56 for the adjustment of debts when an addition is made to a village, town or city, but if any portion of a township should be added to another township municipality, the "addition" would be relieved from previous indebtedness.

**55.** In the case of the erection of a locality into an incorporated village, or of a village into a town, or of a town into a city, the village, town or city shall remain subject to the debts and liabilities to which the locality was previously liable, in like manner as if the same had been contracted or incurred by the new municipality; and, after the separation of a county or township from a union, each county or township which formed the union shall remain subject to the debts and liabilities of the union, as if the same had been contracted or incurred by the respective counties or townships of the union after the dissolution thereof. 46 V. c. 18, s. 55.

NOTE.—The intention of this section is similar to that of section 53.

**56.** After an addition has been made to a village, town or city by the annexation of an adjoining village or town, or adjoining portion of the township, the city, town or village whose limits shall have been so extended, shall pay to the township or county from which the additional territory has been taken such part, if any, of the debts of the township or county as may be just, and shall be entitled to receive from and be paid by the township or county the value of the interest which the added territory had at the time of making such addition in the property and assets of the township or county, and in case the council do not, within three months after the first meeting of the council of the municipality to which the addition has been made, agree to the sum to be paid or received as aforesaid, or as to the time of payment, the matter shall be settled by arbitration under this Act. 48 V. c. 39, s. 2.

NOTE.—The "additional territory" would still be liable for previous debenture debts. See note to sections 22 and 24.

(2) When any improvement, work or service coming under the provisions of sections 569 to 630, both inclusive, of this Act, and amending Acts, shall have been under-

taken by any municipal corporation, and after such corporation shall have become liable for the carrying out of the same, the lands, or any part thereof to be specially benefited by any such improvement, work or service, has or shall become and form part of another municipality by incorporation, annexation or otherwise, under the provisions of this Act and amending Acts, or of any special Act, the municipal corporation from which such lands or any part thereof are taken shall have full power and authority by themselves, their servants, workmen and agents, to proceed with any such improvement, work or service, to the completion thereof, and for such purposes to enter upon, take and use any lands lying within the limits of such new municipality, or within the limits of the territory added to such adjoining municipality, necessary to enable them to complete any such improvement, work or service, and may take all such proceedings, pass all such by-laws, make all such special and other assessments, impose all such special and other rates, issue and sell all such debentures, borrow all such moneys, and do all such other matters and things which may be necessary for completing any such improvement, work or service, and for providing for the cost thereof in the same manner as if no such new municipality had been formed, or no such annexation of territory had been made.

(3) Any such municipality from which territory shall have been taken to form a new municipality, or to make an addition to an adjoining municipality, shall be indemnified by the new municipality or by the municipality to which any such addition is made, as the case may be, from and against all debts and liabilities incurred by it prior to the formation of the new municipality, or the making of such addition, for or in respect of any improvement, work or service undertaken and carried out, or to be carried out by it, under the provisions of sections 569 to 630, both inclusive of this Act and amending Acts, to the extent to which the lands specially assessed for the improvement, work or service lie within the territory taken from it, included within the new municipality or added to the adjoining municipality, as the case may be, and all debts incurred by a municipality for its share of any such improvement, work or service, shall be taken into account when taking and adjusting the accounts between it and the other municipality arising out of the formation of any such new municipality or the addition of territory to such adjoining municipality.

(4) In any case when the local improvement, work or service lies wholly within the new municipality when formed, or within the limits of the territory added to such adjoining municipality, the new municipality or the adjoining municipality, as the case may be, shall assume the entire debt created by any local improvement by-law passed by the council of the municipality to which such territory formerly belonged, and shall on being furnished by the clerk of the municipality which passed the by-law with a certified copy of the by-law and the special assessments in each year during the currency of the debentures issued pursuant to such by-law, collect the special rates imposed by such by-law as aforesaid, at the same time as all other taxes of said municipality are collected, and the treasurer thereof shall pay the interest on such debentures when and as the same falls due, and shall from time to time, as directed by the resolution of the council of such new municipality or of the municipality to which such territory shall have been added, invest the sum set aside by said by-law for the purpose of paying said debentures at the maturity thereof.

(5) When part only of the lands specially benefited and assessed for any such local improvement, work or service lie within the limits of the new municipality, when formed, or within the limits of the addition made to any such adjoining municipality, the clerk of the municipality from which such lands have been taken shall furnish to the clerk of the new municipality or of the municipality to which the addition has been made, as the case may be, a certified copy of the by-law and of the special assessment, and from and after the receipt thereof, the corporation of the new municipality, or the municipality to which such addition has been made, as the case may be, shall, during each and every year, during the currency of the debentures issued under such by-law, collect the special rates imposed by such by-law upon lands lying within their limits, and the treasurer thereof shall, so soon as and as the same are collected, pay the amount thereof over to the treasurer of the municipality to which such lands formerly belonged. 53 V. c. 50, s. 3, s.s. 2, 3, 4, 5.

57. After the formation of a new corporation by the dissolution of a union of counties or townships, the council of the senior or remaining county or township shall issue its debentures or other obligations for any part of any debt contracted by the union for which debentures or other

obligations might have been, but had not been, issued before the dissolution; and the debentures or obligations shall recite or state the liability of the junior county or township therefor under this Act; and the junior county or township shall be liable therefor as if the same had been issued by the union before the dissolution. 46 V. c. 18, s. 57.

**58.** All assessments imposed by the council of the then corporation for the year next before the year in which the new corporation is formed by separation therefrom, shall belong to the then corporation, and shall be collected and paid over accordingly, and after the separation all special rates for the payment of debts theretofore imposed upon the locality by any by-law of the former corporation shall continue to be levied by the new corporation; and the treasurer of the new corporation shall pay over the amount as received to the treasurer of the senior or remaining municipality, and the latter shall apply the money so received in the same manner as the money raised under the same by-law in the senior or remaining municipality. 46 V. c. 18, s. 58.

NOTE.—Taxes and special rates levied by the old corporation must be collected and paid over by the new corporation.

**59.** In case the amount paid over as in the last preceding section provided, or paid to any creditor of the senior or remaining municipality, in respect of a liability of the former corporation, exceeds the sum which, by the agreement or award between the councils, the new corporation ought to pay, the excess may be recovered against the senior or remaining municipality. 46 V. c. 18, s. 59.

**60.** In case a village is incorporated, or a village or town is erected into a town or city, or a township or county becomes separated, the council and the members thereof having authority in the locality or municipality immediately previous to the incorporation, erection or separation "*shall,*" until the council for the corporation is organized, continue to have the same powers as before; and all other officers and servants of the locality or municipality "*shall,*" until DISMISSED, or until successors are appointed, continue in their respective "*offices,*" with the "*same*" powers, duties and liabilities as before. 46 V. c. 18, s. 60.

NOTE.—Until the new council is organized, it is clear that the corporate powers of the new corporation should be vested in an Executive with its officers, but the jurisdiction, the “council and the members thereof,” does not appear to extend to any “additional territory” which might become part of the new corporation.

**61.** The separation of a junior county or township from a union of counties or townships shall not in any case or in any manner whatever affect the office, duty, power or responsibility of any public officer of the union who continues a public officer of the senior county or township or remaining counties or townships after such separation, or the sureties of such officer or their liability, further than by limiting such office, duty, power, responsibility, suretyship and liability to the senior county or township, or remaining counties or townships. 46 V. c. 18, s. 61.

NOTE.—Officers of a senior county or township upon a separation taking place are not affected in any manner except as to a limitation of territory.

**62.** All such public officers shall, after the separation, be the officers of the senior county or township, or remaining counties or townships, as if they had originally been respectively appointed public officers for such senior county or township or for such remaining counties or townships only. 46 V. c. 18, s. 62.

**63.** All sureties for such public officers shall be, and remain liable, as if they had become the sureties for such public officers in respect only of such senior county or township, or of such remaining counties or townships; and all securities which have been given shall, after the separation, be read and construed as if they had been given only for the senior or remaining county or counties, or township or townships; but nothing herein contained shall affect the right of new securities being required to be given by any sheriff or by any clerk or bailiff, or other public officer, under any statute, or otherwise howsoever. 46 V. c. 18, s. 63.

NOTE.—The liability of sureties for public officers are not to be affected by separation of a township or county.

## MUNICIPAL COUNCILS.

**64.** The council of every county shall consist of the reeves and deputy-reeves of the townships and villages within the county, and of any towns within the county which have not withdrawn from the jurisdiction of the council of the county, and one of the reeves or deputy-reeves shall be the warden. 46 V. c. 18, s. 64.

**65.—(1)** No reeve or deputy reeve shall take his seat in the county council until he has filed with the clerk of the county council a certificate of the township, village or town clerk, under his hand and the seal of the municipal corporation, that such reeve or deputy-reeve was duly elected, and has made and subscribed the declarations of office and qualification, as such reeve or deputy reeve; nor, in case of a deputy-reeve, until he has also filed with the clerk of the county an affirmation or declaration of the clerk or other person having the legal custody of the last revised voters' list for the municipality which he represents, that there appear upon such voters' list the names of at least 500 persons, entitled to vote at municipal elections, for the first deputy-reeve elected for the municipality, and that no alteration reducing the limits of the municipality, and the number of persons on said list entitled to vote at municipal elections, below 500 for each additional deputy-reeve, has taken place since the said voters' list was last revised.

(2) In counting the names of voters referred to in this section and in sections 69, 70 and 71 the name of the same person shall not be counted more than once in any municipality, whether the name of such person appears upon the voters' lists only once or more than once. 51 V. c. 28, s. 5.

**NOTE.**—By this section, sec. 65 of the Municipal Act is repealed, the words "voters' list" being introduced instead of "assessment rolls," which necessitates the computation of the number of names required in giving a certificate for a deputy-reeve to be based on the *voters' list*.

By sub-sec. 2 the name of any person shall not be counted more than once. See note to sec. 3 of the Assessment Act.

**66.** The certificate in section 65 mentioned may be in the following form :—

I, A. B., of \_\_\_\_\_, Clerk of the Corporation of the Township (Town or Village, *as the case may be*) of \_\_\_\_\_, in the County of \_\_\_\_\_, do hereby, under my hand and the seal of the said Corporation, certify that C. D., of \_\_\_\_\_, Esquire, was duly elected Reeve (or Deputy-Reeve, *as the case may be*), of the said Township (Town or Village, *as the case may be*), and has made and subscribed the declaration of office and qualification as such Reeve (or Deputy-Reeve, *as the case may be*).

Given under my hand and the seal of the said Corporation of \_\_\_\_\_ at \_\_\_\_\_, in the said Township (Town or Village, *as the case may be*), this \_\_\_\_\_ day of \_\_\_\_\_, A.D. 18 \_\_\_\_\_.

{ Seal of the }  
 { Municipal }  
 { Corporation. }      A. B.,  
    Township (Town or Village) Clerk.  
    46 V. c. 18, s. 66.

**67.** The declaration in sec. 65 mentioned may be in the following form :—

I, A. B., of \_\_\_\_\_, Gentleman, Clerk of the Township (Town or Village, *as the case may be*), of \_\_\_\_\_, in the County of \_\_\_\_\_, do hereby declare and affirm as follows :—

(1) That I am the person having the legal custody of the last revised voters' list for the said Township (Town or Village, *as the case may be*).

(2) That there appear upon the said list the names of at least \_\_\_\_\_ hundred (500 for each Deputy-Reeve) persons entitled to vote at municipal elections in the said Township (Town or Village, *as the case may be*).

(3) That no alteration reducing the limits of the said municipality, and the number of persons entitled to vote at municipal elections, below \_\_\_\_\_ hundred (500 for each Deputy-Reeve), has taken place since the said list was last revised.

(4) That in counting the names of the voters on the said list, the names of the voters thereon have not, to the best of my information, knowledge or belief, been counted more than once, whether they appear upon the said list once or more than once.

**68.** The council of every city shall consist of the mayor, who shall be the head thereof, and three aldermen for every ward, to be elected in accordance with the provisions of this Act. 46 V. c. 18, s. 68.

**69.**—(1) The council of every town shall consist of the mayor, who shall be the head thereof, and of three councillors for every ward where there are less than five wards, and of two councillors for each ward where there are five or more wards; and if the town has not withdrawn from the jurisdiction of the council of the county in which it lies, then a reeve shall be added, and if the town had the name of 500 persons entitled to vote at municipal elections on the last revised voters' list, then a deputy-reeve shall be added, and for every 500 additional names of persons so entitled to vote on such list there shall be elected an additional deputy-reeve: Provided always that the council of every town, where there are less than five wards, may, upon a petition of not less than 100 municipal electors, pass a by-law reducing the number of councillors for each ward to two; but such by-law, before the final passing thereof, shall receive the assent of the electors of the municipality in the manner provided for in section 293 and following sections of this Act.

(2) Any time after two annual municipal elections shall have been held, under a by-law passed as provided for under this section, the council of the municipality shall, upon the presentation to the council of a petition of not less than 100 resident municipal electors, asking the council to submit a by-law to a vote of the electors, for the repeal of the by-law so passed, in accordance with section 293 of this Act, without unnecessary delay, submit such repealing by-law to a vote of the electors of the municipality; the proceedings in regard to the submission of such by-laws, both as to enacting and repeal, shall be as provided in this Act in regard to by-laws requiring the assent of the electors. 46 V. c. 18, s. 69. 51 V. c. 28, s. 7.

**NOTE.**—The number of councillors for each ward is imperative, but the council *may*, upon receiving a petition of 100 electors praying for a reduction in the number of councillors, pass a by-law in accordance with the prayer of the petition; but such petition must be submitted for the assent of the electors of the municipality.

**70.** The council of every incorporated village shall consist of one reeve, who shall be the head thereof, and four councillors, and if the village had the names of 500 persons entitled to vote at municipal elections on the last revised voters' list, then of a reeve, deputy-reeve and three councillors, and for every additional 500 names of persons entitled to vote on such list there shall be elected an additional deputy-reeve instead of a councillor. 51 V. c. 28, s. 8.

**71.** The council of every township shall consist of a reeve, who shall be the head thereof, and four councillors, one councillor being elected for each ward, where the township is divided into wards, and the reeve to be elected by a general vote; but if the township had the names of 500 persons entitled to vote at municipal elections on the last revised voters' list, then the council shall consist of a reeve, deputy-reeve and three councillors, and for every 500 additional names of persons entitled to vote on such list, there shall be elected an additional deputy-reeve instead of a councillor. 51 V. c. 28, s. 8.

NOTE.—The change effected by repealing secs. 70 and 71 R. S. O. is to require the computation of the number of names required for the election of deputy-reeves to be made from the voters' list instead of the assessment roll.

**72.** The Reeves and deputy-reeves of the municipalities within a junior county for which a provisional council is established shall, *ex officio*, be the members of the provisional council. 46 V. c. 18, s. 72.

**73.** No person shall be qualified to be elected a mayor, alderman, reeve, deputy-reeve, or councillor of any municipality unless such person resides within the municipality, or within two miles thereof, and is a natural born or naturalized subject of Her Majesty, and a male of the full age of twenty-one years, and is not disqualified under this Act, and has, or whose wife has, at the time of the election, as proprietor or tenant, a legal or equitable freehold or leasehold, or partly freehold and partly leasehold, or partly legal and partly equitable, rated in his own name, or in the name of his wife, on the last revised assessment roll of the municipality, to at least the value following, over and above all charges, liens, and encumbrances affecting the same:—

1. In incorporated villages—Freehold to \$200, or leasehold to \$400;

2. In towns—Freehold to \$600, or leasehold to \$1,200;

3. In cities—Freehold to \$1,000, or leasehold to \$2,000;

4. In townships—Freehold to \$400, or leasehold to \$800;

And so in the same proportions in all municipalities, in case the property is partly freehold and partly leasehold;

But, if within any municipality any such person is at the time of election in actual occupation of any such freehold, rated in his own name or in the name of his wife, on the last revised assessment roll of the said municipality, he will be entitled to be elected, if the value at which such freehold is actually rated in said assessment roll amounts to not less than \$2,000, and for that purpose the said value shall not be affected or reduced by any lien, encumbrance or charge existing on or affecting such freehold. 50 V. c. 29, s. 2.

(2) No person who has, or whose wife has, property duly rated on the last revised assessment roll, sufficient to qualify him as in the preceding sub-section required, shall be deemed to be disqualified by the alienation by sale or otherwise of the said property between the date of the return of the assessment roll and the time of his election, provided that at the time of his election such person is resident within the municipality and has, or his wife has, as proprietor or tenant, a legal or equitable freehold or leasehold, or partly freehold and partly leasehold, or partly legal and partly equitable estate of sufficient assessed value to qualify him for election under the preceding sub-section. 51 V. c. 28, s. 9.

(3) In the case of the election of a person qualified under the preceding sub-section, the oath of office under sub-sec. 2 of sec. 270 of this Act may be taken, striking out all the words thereof after the word "occupation" in the thirteenth line of the said sub-section, and inserting in lieu thereof the words "and I had such an estate actually rated on the last revised assessment roll of this township (naming it) at an amount not less than \$2,000." 51 V. c. 28, s. 9.

(2) When territory has been added to an incorporated village, town or city, before a revised assessment roll of

the municipality has been made, which includes such added territory, it shall be sufficient if the required rating or part thereof is in respect of land or premises situate within the newly added territory on the last revised assessment roll of the municipality of which such added territory had before the addition formed part. 53 V. c. 50, s. 4.

NOTE.—The intention of the amendment, 51 V. c. 28, s. 9, is to enable any candidate for election to qualify for office if he has at the time of his election assessed property in the municipality sufficient to meet the requirements of section 73 R. S. O., but if section 4 of 53 V. c. 50 which requires an amendment to be added to said section 73 R. S. O., as sub-section 2 is to take precedence of sub-section 2 of 51 V. c. 28, s. 9, the arrangement is bad although the intention is apparent.

74. The term "leasehold" in the last preceding section shall not include a term less than a tenancy for a year, or from year to year; and the qualifications of all persons, where a qualification is required under this Act, may be of an estate either legal or equitable, or may be composed partly of each. 46 V. c. 18, s. 74.

75. In case of a new township erected by proclamation, for which there has been no assessment roll, every person who, at the time of the first election, has such an interest in real property, and to such an amount as hereinbefore mentioned, shall be deemed to be possessed of a sufficient property qualification. 46 V. c. 18, s. 75.

76. In case in a municipality there are not at least two persons qualified to be elected for each seat in the council, no qualification beyond the qualification of an elector shall be necessary in the persons to be elected. 46 V. c. 18, s. 76.

AN ACT CONSOLIDATING AND REVISING  
THE PUBLIC SCHOOLS ACTS.

(54 Vic. 1891.)

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Amendments and additions to the Public Schools Act:—

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

2.—(1) "Teacher" shall mean any person holding a legal certificate of qualification.

(4) "School site" is amended by adding after the word residence "caretaker's residence."

(5) (New clause) "School section" shall mean the municipality or any portion thereof, or any portion of two or more municipalities under one public school corporation.

(7) "Ratepayer" shall mean any person entered on the last revised assessment roll of the school section for public school rates.

(8) "Board of trustees" shall include a board of education in all cases of a union between public and high school trustees.

NOTE—It will be observed that the words "county," "township" and "owner" retain their former construction, and no technical construction is given for the term "resident."

(New clause) All regulations made under the *Act respecting the Education Department* shall apply to any matter or thing in this Act contained, so far as the same may be consistent with this Act, though not specially referred to in any section thereof.

Section 4 of *The Public Schools Act* is amended by introducing the words "all unions of public and high school trustees, all boards of education and" before the word "all" in the first line of said section.

Section 5 remains.

NOTE.—The intention of this section is to confirm the elections of trustees, now in office.

8.—(1) The union of the trustees of any public and high school for the joint management of the public and high schools of any municipality shall form one corporation, under the name "The Board of Education for the city, town, incorporated village or township of" (*as the case may be*). Boards of education shall have the power of trustees of both public and high school trustees. A majority of the members shall form a quorum. R. S. O. c. 225, ss. 219, 220.

(2) If at any meeting of a board of education called for that purpose, a majority of all the members thereof vote in favor of the dissolution of any board of education, such board shall be dissolved on and after the close of the current calendar year.

(3) In case any board of education is dissolved, all members of such board of education who were elected on behalf of the public school shall be the board of trustees for such public school to hold office for the full term of their election, or until their term expires, according to the provisions of this Act.

(4) In the case of such dissolution as aforesaid all school property held by the joint corporation for public school purposes shall be vested in the public school board of trustees, subject to any trust for high school purposes attached thereto, and any other property held or possessed jointly by the corporation before dissolution shall be divided as may be agreed upon by the trustees of the high school and public school respectively at a meeting called for that purpose. If no division is made within six months after this Act takes effect then the division shall be made forthwith by the council of the municipality within which the public school is situated. R. S. O. c. 225, s. 222, 223.

(5) It shall not be lawful for the trustees of any public school to unite hereafter with the trustees of any high school to form a board of education. R. S. O. c. 225, s. 225.

Section 6 is amended by adding the words "pupils may attend kindergarten schools from four to seven years of age," and by sub-section 2, "In any school section where the property of a non-resident is assessed for an amount equal to the average assessment of residents, the children of such non-resident shall be admitted to the public school of such section on the same terms and conditions as the children of residents.

**12.**—(1) The municipal council of every township (except where township boards have been established) shall subdivide the township into school sections so that every part of the township may be included in some section, and shall distinguish each section by a number; provided that no section formed hereafter shall include any territory distant more than three miles in a direct line from the school-house. R. S. O. c. 225, s. 9.

(2) Where the land or property of any individual or company is situated within the limits of two or more school sections, the parts of such land or property so situated shall be assessed and returned upon the assessment roll separately, according to the divisions of the school sections within the limits of which such land or property is situated. R. S. O. c. 225, s. 119.

(3) No section shall be formed which contains less than fifty children, between the ages of five and twenty-one years, whose parents or guardians are residents of the section, unless such section is more than four square miles in area, except in cases where such area cannot be obtained because of lakes or other natural obstacles. E. S. O. c. 225, s. 10.

NOTE.—Read this section in lieu of sections 9 and 10 of *The Public Schools Act*.

Section 13 is amended as follows: "The persons qualified to be elected trustees shall be such persons as are resident ratepayers of the full age of twenty-one years and not disqualified under this Act."

Section 14 is amended by striking out the words "at any annual or special meeting in the said section" in the last line of said section.

Section 17 is amended as follows:—

**19.**—(1) The ratepayers of a school section present at any school meeting shall elect one of their own number

as chairman to preside over its proceedings, and shall also appoint a secretary, who shall record the minutes of the meeting, and perform such other duties as may be required of him by this Act.

(2) The business of every school meeting may be conducted in the following order: (a) Receiving the annual report of the trustees, and disposing of the same; (b) Receiving the annual report of the auditor or auditors, and disposing of the same; (c) Electing an auditor for the ensuing year; (d) Miscellaneous business; (e) Electing a trustee or trustees to fill any vacancy or vacancies. R. S. O. c. 225, s. 17.

Sections 19 and 20 are amended as follows:—

**21.**—(1) A poll may be demanded by any two ratepayers at any meeting for the election of trustees, or for the settlement of any school question, and such poll shall be granted by the chairman forthwith, if demanded, within ten minutes after the vote of the meeting has been declared from the chair.

(2) When a poll is granted for the election of a trustee the secretary shall enter in a poll-book, in separate columns, the names of the candidates proposed and seconded at the nomination, and shall, opposite to such columns, write the names of the ratepayers offering to vote at the election within the time prescribed by this Act, and shall, in the column on which is entered the name of a candidate voted for by a voter, set the figure "1" opposite the voter's name, with the residence of the voter.

(3) When a poll is granted upon any public school question the name of each voter shall be similarly placed in separate columns, marked "for" or "against." R. S. O. c. 225, s. 19, 20.

Section 21 is amended as follows:—

**22.** In case objection is made to the right of any person to vote at any school meeting, the chairman of the meeting, or other presiding officer, shall require such person to make the following declaration or affirmation:

(1) I, A. B., do declare and affirm that I am an assessed ratepayer in school section

(2) That I am of the full age of 21 years.

(3) That I am a supporter of the public school in said school section. No.

(4) That I have the right to vote at this election.

Whereupon the person making such declaration shall be entitled to vote. R. S. O. c. 225, s. 21.

Section 22 is amended by striking out the words "or trustees" in the second line, and the words "as provided in section 18 of this Act" in the last line.

Section 27 is amended by adding to sub-section 2 the following: "Or the municipal council may by by-law declare such section dissolved and shall (in case of dissolution) attach the same in such proportions as they may deem expedient to adjoining sections, the assets of every section so dissolved shall be disposed of as may be determined by the municipal council."

Sections 28 and 29 are amended as follows:—

**29.** Where a new school section is formed in any township as provided in this Act, the clerk of the township shall cause notice to be posted in three of the most public places in the new school section, calling the first annual meeting thereof, at least six days before the last Wednesday in December, in the year in which such new school section was formed, and the first meeting in every new school section shall be held at the same time as the annual meeting in school sections. The meeting shall be organized, and the proceedings conducted, as near as may be, according to the provisions of sections 19 to 24 of this Act, inclusive. R. S. O. c. 225, s. 28, 29.

Section 30 is amended as follows: "The trustees at the first meeting in every new school section shall respectively continue in office as follows: Sub-sections 1, 2 and 3 remain, sub-section 4 is amended by striking out the words "a first school section meeting" in the second line, and inserting the words "the first meeting in a new school section."

Section 31 is amended as follows:—

**31.** A correct copy of the minutes of the first and of every annual and of every special school meeting, and a copy of the poll-book where a poll has been taken (all of which shall be signed by the chairman and secretary),

shall be forthwith transmitted by the chairman of the meeting to the county inspector. R. S. O. c. 225, s. 31.

Section 32 is amended by striking out the words "the provisions of" in the fourth line, and by inserting the words "at issue" after the word "question" in the eighth line.

Section 33 is amended as follows :

**33.**—(1) Every board of school trustees shall be organized by the election of a chairman and a secretary-treasurer. A majority of the board shall form a quorum.

(2) The secretary-treasurer, who may be a member of the board, shall give such security as may be required by a majority of the trustees—such security to be deposited with the clerk of the municipality. R. S. O. c. 225, s. 33.

(3) The secretary-treasurer may be allowed such compensation for his services as secretary or for attending to the repairs of the school-house or premises as shall be agreed upon by resolution of the annual meeting duly entered on the minutes.

Section 34 is amended by striking out the words "inhabitants or" in the first line of sub-section 2, and by inserting the words "or on the petition of ten ratepayers" after the word "trustees" in the first line of sub-section 5.

Section 35 is amended by adding the word "treasurer" after the word "secretary" in the first line.

Section 36 is amended to read as follows :

**36.** No act or proceeding of a rural school corporation which is not adopted at a regular or special meeting at which at least two trustees are present shall be valid or binding on any person affected thereby, unless notice of such meeting has been given as required by this Act, and unless a minute of such Act or proceeding is made in writing and signed by two of the trustees. R. S. O. c. 225, s. 36.

Section 37 is amended as follows :

(2) By striking out the words "It shall be the duty of" in the first line, and by substituting the word "shall" for "to" in the second line.

(3) The auditors appointed or one of them, shall, on or immediately after the first day of December in each year, appoint a time, before the day of the next ensuing annual school meeting, for examining the accounts of the school section. R. S. O. c. 225, s. 38.

40. It shall be the duty of the trustees, and they shall have power—

1. To take possession of and to hold all property which has been acquired or given for public school purposes in the section, including any land, movable property, moneys or income given or acquired at any time for public school purposes, and to hold or apply the same according to the terms on which the same were acquired or received; and to dispose, by sale or otherwise, of any school site or school property not required by them in consequence of a change of school site, or other cause; to convey the same under their corporate seal, and to apply the proceeds thereof to their lawful school purposes, or as directed by this Act;

2. To keep the school-house, furniture, outbuildings, and enclosures in proper repair, and to keep the well, closets and premises generally in proper sanitary condition, and where there is no suitable school-house belonging to the section, or where two or more school-houses are required, to build or rent a house or houses and to keep such house or houses, its or their furniture, outbuildings and enclosures in proper repair, and to keep the school-house insured, if required so to do by resolution of a meeting of the rate-payers of the section;

3. To provide adequate accommodation and a legally qualified teacher or teachers, for two-thirds of the children between the ages of five and *sixteen* years, whose parents or guardians are residents of the section, as ascertained by the census taken by the municipal council for the next preceding year; provided always such children are not to include the children of persons on whose behalf a separate school is established according to the provisions of *The Separate Schools Act*;

4. To visit, from time to time, every school under their charge, and to see that it is conducted according to this Act and the regulations of the Education Department;

5. To dismiss from the school any pupil whom they and

the principal of the school have adjudged so refractory that his presence in school is deemed injurious to the other pupils, and to remove, where practicable, such pupil to an industrial school ;

6. To see that the pupils use authorized text-books and no other ; and that the school is supplied with a visitor's book, register and suitable maps, globes, apparatus and other equipment and to procure annually, for the benefit of their school section, some periodical devoted to education, and to do whatever they may deem expedient in regard to procuring prize and library books for their school ;

7. To exempt, in their discretion, from the payment of school rates, wholly or in part, any indigent persons, notice of such exemption to be given by the trustees to the clerk of the municipality, on or before the first day of August, and when deemed necessary to provide for the children of such persons text-books and other school supplies at the expense of the section.

8. To apply to the township council on or before the first of August to levy and collect by rate all sums necessary for the support of their school, or for any other school purposes authorized by this Act to be collected from the ratepayers of such section.

9. To provide for the payment of teachers' salaries quarterly and, if necessary, to borrow on their promissory note, under the seal of the corporation, at interest not exceeding eight per cent. per annum, such moneys as may be required for that purpose, until the taxes imposed therefor are collected ;

10. To give notice in writing, before the 15th day of January in each year, to the inspector and to the clerk of the township in which their school is situate, of the names and post-office addresses of the several trustees then in office, and of the teachers employed by them, and to give reasonable notice in writing from time to time of any changes therein ;

11. To appoint the place of each annual school meeting of the ratepayers of the section ; or to call a special meeting of the ratepayers when they deem expedient, or when petitioned to that effect by ten ratepayers of the section, for filling any vacancy or vacancies in the board of trustees

occasioned by death, removal, or other cause; or for the selection of a new school site; or the appointment of a school auditor; or any other lawful school purpose; and to cause notice of the time and place, and of the objects of such meetings, to be posted in three or more public places of the section, at least six days before the time of holding such meeting;

12. To cause to be prepared and read at the annual meeting of the ratepayers, a report for the year then ending, containing, among other things, a summary of their proceedings during the year, together with a detailed account of all school moneys received and expended on behalf of the section, for any purpose whatsoever, during such year. Such report shall be signed by the trustees and by either or both of the school auditors of the section;

13. To transmit to the inspector the semi-annual returns on or before the 15th day of July and 31st day of December respectively, and the annual return on or before the first day of January in each year, according to the forms prescribed by the Education Department. R. S. O. c. 225, s. 40.

NOTE.—See also "penalties and prohibitions," sections 186-210. By section 107, sub-section 7, trustees of cities, towns and incorporated villages may purchase for the use of pupils attending the schools, text-books, stationery and other school supplies at the expense of the corporation.

AN ACT RESPECTING SEPARATE  
SCHOOLS.

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

(CONTINUED.)

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SEPARATE SCHOOL BOARDS IN CITIES, TOWNS, AND  
INCORPORATED VILLAGES.

**30.** Where in any city, town or incorporated village, a separate school is now or may hereafter be established, the following provisions shall apply:—

1. For every ward into which any city, town or incorporated village is divided there shall be two school trustees, each of whom, after the first election of trustees, shall continue in office for two years, and until his successor has been elected.

2. One of the trustees in each ward (to be determined by lot at the first meeting of trustees after their election, which determination shall be entered upon the minutes) shall retire from office at the time appointed for the next annual school election, and the other shall continue in office one year longer and then retire.

3. In every incorporated village not divided into wards there shall be six trustees, each of whom, after the first election for trustees, shall continue in office for two years and until his successor has been elected.

4. Three of the trustees (to be determined by lot at the first meeting of trustees after their election, which determination shall be entered upon the minutes) shall retire from office at the time appointed for the next annual school election, and the other three shall continue in office one year longer and then retire.

5. Every trustee shall continue in office until his successor has been elected. 49 V. c. 46, s. 31.

NOTE.—At the first meeting after the election of trustees by wards, lots are to be cast to ascertain which of the trustees *is to retire* at the next annual meeting.

**31.** The annual and other meetings of urban school supporters, and meetings for the election of trustees and the annual and other meetings of urban school trustees, shall conform to and be subject to the following provisions:—

1. A meeting of the supporters of every urban school for the nomination of candidates for the office of school trustee, shall take place at noon on the last Wednesday in the month of December annually, or if a holiday, on the day following, at such place as shall from time to time be fixed by resolution of the separate school board, and in municipalities divided into wards, in each ward thereof, if the board in its discretion thinks fit.

2. The trustees of such urban school shall by resolution name the returning officer or officers to preside at the meeting or meetings for the nomination of candidates, and in case of the absence of such officer, the chairman chosen by the meeting shall preside, and the trustees shall give at least six days' notice of the meeting.

3. If at the meeting only the necessary number of candidates to fill the vacant offices are proposed and seconded, the returning officer or person presiding, after the lapse of one hour, shall declare such candidates duly elected, and shall notify the secretary of the urban school board: but if two or more candidates are proposed for any one office, and a poll in respect of such office is demanded by any candidate or urban school supporter, the returning officer or chairman shall adjourn the proceedings for filling the office until the first Wednesday of the month of January then next, when a poll or polls shall be opened at such place or places, and in each ward, where such exist, as shall be determined by resolution of the said trustees.

4. The poll or polls shall be opened at the hour of ten of the clock in the forenoon, and shall continue open until four o'clock in the afternoon, and no longer, and a poll may close at any time after eleven o'clock in the forenoon, when a full hour has elapsed with any vote having been polled.

5. The urban school board shall, before the second Wednesday in December in each year, by resolution, fix the place or places for the nomination meeting, and also for holding the election in case of a poll, and also name the returning officer who shall preside at the respective polling places, and forthwith give public notice thereof.

6. The returning officer or person presiding shall, on the day after the close of the election, return the poll book to the secretary-treasurer of the urban school board with his solemn declaration thereto annexed, that the poll book has been correctly kept and contains a true record of the votes given at the polling place for which he was returning officer.

7. The secretary-treasurer shall add up the number of votes for each candidate for any office, as appears from the poll book so returned, and shall declare elected the candidate or candidates having the highest number of votes; and a majority in number of the trustees remaining in office shall be a quorum for the foregoing purposes.

8. In case two or more candidates have an equal number of votes, the member of the board present who is assessed highest as a supporter of the urban school on the last revised assessment roll shall, at the time of declaring the result of the poll, give a vote for one or more such candidates, so as to decide the election.

9. The Judge of the County Court, in case any complaint respecting the validity or mode of conducting the election of any trustee of an urban school board, in any municipality within his county, is made to him within twenty days after such election, shall receive and investigate such complaint, and shall thereupon, within a reasonable time, in a summary manner, hear and determine the same; and may by order cause the assessment rolls, collector's rolls, poll books, 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, and cause such person or persons to appear before him as he may deem expedient, and may confirm the said election or set it aside, or declare that some other candidate was duly elected; and the Judge may order the person found by him not to have been duly elected to be removed; and in case the Judge determines that any other person was duly elected, the Judge may order him to be admitted; and, in

case the Judge determines that no other person was duly elected instead of the person removed, the Judge shall order a new election to be held, and shall report such decision to the secretary-treasurer of the urban school board.

10. In case of a vacancy in the office of trustee of any urban school board arising from any cause, the remaining trustees shall forthwith take steps to hold a new election to fill the vacancy so created, and the person thereupon elected shall hold his seat for the residue of the term for which his predecessor was elected, or for which the office is filled.

11. The new election shall be conducted in the same manner and be subject to the same provisions as an annual election, and the urban school board shall give at least six days' notice of the nomination of candidates, and in case a poll be demanded, the election shall be held one week from the day of said nomination.

12. The voting for the election of trustees and for all other urban school purposes, shall be by open vote.

13. In cities and towns divided into wards, the clerk of the municipality shall furnish to the separate school board, within three days after request in writing, "the voters' list" for each ward of such municipality, annexing thereto a list of the names of persons being supporters of separate schools for Roman Catholics, and also a list of the names, alphabetically arranged, of all ratepayers and persons entitled to vote in respect of income, rated upon the then last revised assessment roll, and not being already upon "the voters' list."

14. In towns not divided into wards and villages, the clerk of the municipality shall furnish to the urban school board within three days after request in writing, "the voters' list" for each polling subdivision in case of such town or village, as provided by the last preceding subsection.

15. The urban school board shall provide every polling place with the list aforesaid, and also a poll book; and, at every election at which a poll is demanded, the returning officer or person presiding, or his sworn poll clerk, shall enter in such book in separate columns the names of the candidates proposed and seconded at the nomination, and shall, opposite to such columns, write the names of the urban school supporters offering to vote at the election.

and shall, in each column on which is entered the name of a candidate voted for by any such school supporter, set the figure "1" opposite the supporter's name, with his residence, and in case of a poll demanded upon any urban school question, the name of each such school supporter shall be similarly placed in separate columns, marked "for" or "against."

(a) In case any objection is taken to the right of any person to vote at any meeting of the supporters of an urban school, the chairman of the meeting or other officer presiding shall require the person whose right to vote is objected to to take the declaration mentioned in sub-section 7 of section 27 of this Act.

16. It shall be the duty of the board to call and give notice of annual and special school meetings of urban school supporters of the city, town or village, or of any ward therein, for filling vacancies in the school trustee corporation, or for any other purpose, in the manner prescribed by this Act.

17. When any supporter of an urban school resides without the municipality in which the school is situate, he shall be entitled to vote in that ward or division of the municipality in which the school-house is situate which is nearest to his place of residence.

18. The election of trustees for any urban school shall become void unless a separate school is established under their management within three months from the election of such trustees.

19. At the first meeting in each year of every urban school board, the secretary of the board shall preside, or, if there be no secretary, the members present shall select one of themselves to preside at the election of chairman, and the member so selected to preside may vote as a member.

20. In case of an equality of votes at the election of chairman of such board, the member who is assessed as a separate school supporter for the largest sum on the last revised assessment roll shall have a second or casting vote in addition to his vote as a member.

21. Subsequent meetings of the board shall be held at such times and places as may, from time to time, be fixed by resolution of the board.

22. The chairman of the board shall preside, or in his absence, any other person appointed to act as chairman by the majority of those present, and the chairman or person so acting, 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.

23. A majority of the members of the board, when present at any meeting, shall constitute a quorum, and the vote of the majority of the quorum shall be valid to bind the corporation. 49 V. c. 46, s. 32.

NOTE.—Nomination of candidates must take place on the last Wednesday in December. If more than the necessary number of candidates are proposed, and a poll demanded by a candidate or school supporter, the election must be held on the first Wednesday in January next thereafter. See note to section 22, *Public Schools Act*. The Judge of the County Court has the same jurisdiction to investigate complaints as the Inspector has under section 32, *Public Schools Act*.

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#### DUTIES OF BOARD.

**32.** It shall be the duty of the board of trustees of every urban school:—

1. To appoint a secretary and treasurer or secretary-treasurer and one or more collectors, if requisite, of such school fees or rate-bills as the board may have authority to charge:

(a) The collector or collectors, and secretary, and treasurer, or secretary-treasurer (who may be of their own number), shall discharge similar duties, and be subject to similar obligations and penalties, and have similar powers as one like officers in the municipality;

2. To provide adequate accommodation, according to the regulations of the Education Department, for all the children of separate school supporters between the ages of five and twenty-one, resident in the ward, village or town, as the case may be, as ascertained by the census taken by the municipal council for the next preceding year:

3. To purchase or rent school sites and premises, and to build, repair, furnish, and keep in order the school-houses and appendages, lands, enclosures, and movable property, and procure registers in the prescribed form, suitable maps, apparatus and prize books and, if they deem it expedient, establish and maintain school libraries;

4. To determine the number, kind, grade and description of schools (such as male, female, infant, central or ward schools) to be established and maintained: the teachers to be employed; the terms on which they are to be employed: the amount of their remuneration, and the duties which they are to perform;

5. To prepare from time to time, and lay before the municipal council of the city, town or village, on or before the first day of August an estimate of the sums which they think requisite for all necessary expenses of the schools under their charge;

6. To appoint of their number annually, or oftener if they judge it expedient, and under such regulations as they think proper, a committee of not more than three persons for the special charge, oversight and management of each school within the city, town or village, and to see that all the schools under their charge are conducted according to the authorized regulations;

7. To collect, at their discretion, from the parents or guardians of children attending any urban school under their charge, a sum not exceeding twenty cents per month, per pupil, to defray the cost of text-books, stationery and other contingencies, and to see that all the pupils in the schools are duly supplied with a uniform series of text-books;

8. To give orders on the treasurer of the separate school board for all moneys expended for school purposes;

9. To prepare and transmit annually, before the fifteenth of January, to the Minister of Education, in the form prescribed by him, a report, signed by the chairman, containing all information required by the regulations of the Education Department. 49 V. c. 46, s. 33.

NOTE.—See section 3 P. S. A., page 16, of JOURNAL.

AN ACT RESPECTING TRUANCY AND  
COMPULSORY SCHOOL ATTENDANCE.

*(Chapter 56, 1891.)*

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1. Where the words following occur in this Act they shall be construed in the manner hereinafter mentioned, unless a contrary intention appears.

(1) "School" shall mean a public, separate, or private school, at which instruction is given regularly in reading, spelling, writing, grammar, geography and arithmetic.

(2) "Inspector" shall mean an inspector of public or separate schools.

(3) "Principal" shall mean the head teacher of any public, separate or private school.

2. All children between eight and fourteen years of age, shall attend school for the full term during which the school of the section or municipality in which they reside is open each year, unless excused for the reasons hereinafter mentioned, and if the parents or guardians having legal charge of such children shall fail to send them to school regularly for said full term, or if such children shall absent themselves from school without satisfactory excuse, such parents, guardians and children shall be subject to the provisions and penalties of section 10 of this Act.

3. Any person who receives into his house a child of any other person, under the age of fourteen years, and who is resident with him or in his care or legal custody, shall be deemed thereby to be subject to the same duty with respect to the instruction of such child during such residence as a parent, and shall be liable to be proceeded against as in the case of a parent, if he should fail to cause such child to be instructed as required by this Act; but the duty of the parent under this Act shall not thereby be affected or diminished and shall continue in full force.

4. No parent, guardian or other person shall be liable to any of the penalties of this Act in respect of any child.

(1) If the child is under efficient instruction at home or elsewhere;

(2) If the child is unable to attend school by reason of sickness or other unavoidable cause;

(3) If there is no school within two miles, measured by the nearest road from such child's residence, if such child is under 10 years of age, or within three miles if over this age;

(4) If there is no accommodation in the school which the child has the right to attend;

(5) If the child has been excused, as hereinafter provided, from attending school by a Justice of the Peace, or by the Principal of the school which such child is entitled to attend;

(6) If the child has passed the entrance examination for high schools prescribed by the Education Department.

5.—(1) Subject to the provisions of the preceding section, no child under the age of fourteen years shall be employed by any person during school hours while the public school of the section or municipality in which the child resides is in session, and any person employing any child contrary to the provisions of this section, shall be liable to a penalty of twenty dollars for each offence.

(2) Where in the opinion of any Justice of the Peace or of the Principal of the school attended by any child the services of such child are required in husbandry or in urgent and necessary household duties, or for the necessary maintenance of such child or of some person dependent upon him, such Justice of the Peace or Principal may, by certificate setting forth the reasons therefor, relieve such child from attendance at school for any period not exceeding six weeks during each public school term.

6. Any child between eight and fourteen years of age, who has been expelled from school for vicious and immoral conduct, may, on the same being proven before the proper court, be sent to an industrial school as the court in its discretion may deem expedient, subject to the provisions of the *Act respecting Industrial Schools*.

7.—(1) The police commissioners, or, in cases where there are no police commissioners, the municipal council, of every city, town and incorporated village shall appoint one or more persons to act as truant officers for the enforcement of this Act. The truant officer shall, for the purposes of this Act, be vested with police powers, and shall have authority to enter factories, workshops, stores and all other places where children may be employed, and shall perform such services as may be deemed necessary for the enforcement of this Act.

(2) In townships the trustees of each school section may appoint a truant officer, who shall have the same power and perform similar duties as truant officers in cities, towns and incorporated villages.

(3) Any board of police commissioners or any municipal council or board of trustees having authority to appoint a truant officer shall also have authority to make such regulations for his direction in the enforcement of this Act as they may deem expedient, provided such regulations are not inconsistent with any of the provisions of this Act, and are approved by the Education Department.

(4) Notice of all appointments made under this section shall be given to the inspector or inspectors within whose district such truant officers have jurisdiction and to the trustees of the municipality. Every truant officer shall report annually to the Education Department according to the forms prescribed by the Minister of Education.

8. It shall be the duty of truant officers to examine into all cases of truancy when any such come before their notice, or when requested to do so by the inspector of schools, or by any school trustee, or by any ratepayer, and to warn such truants, their parents or guardians, in writing, of the consequences of truancy if persisted in; and also to notify the parent, guardian or other person having the charge or control of any child between eight and fourteen years of age when such child is not attending school as required by this Act, and to require such parent, guardian or other person to cause the child to attend some school within five days from said notice.

9. If the parent, guardian or other person having the legal charge or control of any child, shall neglect, or refuse to cause such child to attend some school after being notified as herein required (unless such child has been

excused from such attendance as provided by this Act), the truant officer shall make, or cause to be made, a complaint against such parent, guardian or other person, before any Police Magistrate or Justice of the Peace having jurisdiction in the municipality in which the offence occurred, and upon conviction of such refusal or neglect, such parent, guardian, or other person, shall be liable to a fine of not less than five dollars nor more than twenty dollars, or the court may, in its discretion, require persons so convicted to give bonds in the penal sum of one hundred dollars, with one or more sureties to be approved by said court, conditioned that the persons so convicted shall cause the child or children under their legal charge or control to attend some school within five days thereafter, and to remain at school as required by this Act.

**10.** It shall be the duty of the truant officers appointed under this Act to institute, or cause to be instituted, proceedings against any parent, guardian or other persons having legal control or charge of any child, or against any corporation, or against any child violating any of the provisions of this Act. No complaint shall be entertained for any violation of this Act, unless it appears to the satisfaction of the court that the alleged offender was duly warned in writing of the consequences of his offence by the truant officer.

**11.** The assessor of every municipality shall annually, when making their assessment, enter in a book, to be provided by the clerk of the municipality, in the Form A, in the schedule to this Act, the name, age and residence of every child between the age of eight and fourteen years, resident in the municipality, and the name and residence of such child's parent or guardian, and return the said book to the clerk of the municipality with the assessment roll for the use of the truant officer.

**12.** It shall be the duty of the trustees of every school to report to the truant officer of the municipality in which their school is situated, the name, age and residence of all pupils on the school register, who have not attended school as required by this Act, together with such other information as said officer may require, for carrying out the provisions of this Act. Such reports shall be made in the last week of June and December in each year; and it shall be the further duty of the trustees to report forthwith to the truant officer all cases of truancy or expulsion in their respective schools.

**13.** When any of the provisions of this Act are violated by a corporation, proceedings may be had against any of the officers or agents of the corporation, who in any way participate in such violation by the corporation of which they are the officers or agents, and such officers or agents shall be subject to the same penalties as individuals similiarly offending.

**14.** Any notice or warning required or authorized to be given by a truant officer, for the purposes of this Act may be given by delivering the same to or at the residence of the person to whom it is to be given, or in the case of a company or corporation by delivering the same, or a true copy thereof, to any agent or person employed by such company or corporation; it may also be given by post by a prepaid letter, and if given by post shall be deemed to have been given and received respectively at the time when the letter containing the same would be delivered in the ordinary course of post, and in proving such sending, it shall be sufficient to prove that it was properly addressed and put into the post; and where it is required to be sent to any company or corporation it shall be deemed to be properly addressed if addressed to any office or agency of such company or corporation, with the addition of the proper postal address.

**15.** Any person or officer mentioned in this Act, and designated as having certain duties to perform in the enforcement of any of its provisions, neglecting to perform any such duties, shall be liable to a fine of not less than \$25 nor more than \$50 for each and every offence.

**16.** All prosecutions under this Act may be brought and heard before any of Her Majesty's Justices of the Peace in and for the county where the penalty was incurred or the offence was committed or wrong done, and in cities and towns, in which there is a police magistrate, before such police magistrate; and save where otherwise provided by this Act the procedure shall be governed by *The Act respecting Summary Convictions before Justices of the Peace and Appeals to General Sessions*.

**17.** A conviction or order made in any matter arising under this Act, either originally or on appeal, shall not be quashed for want of form, and a conviction or order made by a court of summary jurisdiction against which a person is authorized by this Act to appeal, shall not be removed

by *certiorari* or otherwise, either at the instance of the Crown or of any private person, into the High Court except for the purpose of the hearing and determination of a special case.

18. With respect to proceedings for any offence or penalty under the provisions of this Act, where a child is apparently of the age alleged, for the purpose of such proceedings it shall lie with the defendant to prove that the child is not of such age.

19. Nothing herein shall be held to require any Roman Catholic to attend a public school, or to require a Protestant to attend a Roman Catholic separate school. There shall be no penalty in respect of the absence of any child from school on any day regarded as a holy day by the Church or religious denomination to which such child belongs.

20. This Act shall not come into force until the 1st day of July, 1891.

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SCHEDULE.

FORM A.

(Section 12.)

Census of all children between the age of eight and fourteen in the (city, town, incorporated village or township), (as the case may be) of

Name of Child.	Age.	Parent or Guardian.	Residence.

## AN ACT RESPECTING THE ASSESSMENT OF PROPERTY.

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

(CONTINUED.)

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By 51 V. c. 29, s. 11, s.-s. 3, column 4 is struck out, and the following substituted: "Column 4, statement whether the party is a freeholder or tenant by inserting opposite the name of the party the letter 'F' or 'T,' as the case may be; and where the party is entitled to be entered on the roll as qualified to vote under *The Manhood Suffrage Act* there shall also be inserted opposite his name in said column the letters 'M F,' and where the party is within the meaning of *The Municipal Act* a 'farmer's son' there shall also be similarly inserted the letters 'F S.'"

**15.** Land shall be assessed in the municipality in which the same lies, and, in the case of cities and towns, in the ward in which the property lies; and this shall include the land of incorporated companies, as well as other property; and when any business is carried on by a person in a municipality in which he does not reside, or in two or more municipalities, the personal property belonging to such person shall be assessed in the municipality in which such personal property is situated, and against the person in possession or charge thereof, as well as against the owner. R. S. O. 1877, c. 180, s. 13.

(1) In the case of persons carrying on a mercantile business in a municipality the council of the municipality may pass a by-law or by-laws for imposing and levying an annual business tax in respect of all classes of mercantile business, without classification, or of any class or classes of mercantile business, provided that such business tax does not exceed seven and a half per cent. of the annual value of the premises in which the business is carried on;

and the council may in their by-law classify different kinds of mercantile business and fix the business tax on the respective classes at such a percentage on the annual value of the premises occupied within the limits provided by this section as to the council may seem reasonable; and provided also that when a business tax is imposed the personal property belonging to the business, in respect of which the tax is imposed, shall not be liable to assessment or taxation otherwise. 54 V. 1891.

NOTE.—See sections 31-41.

**16.** Land occupied by the owner, shall be assessed in his name. R. S. O. 1877, c. 180, s. 14.

**17.** Land not occupied by the owner, but of which the owner is known and, at the time of the assessment being made, resides or has a legal domicile or place of business in the municipality, or has given the notice mentioned in section 3, shall be assessed against the owner alone, if the land is unoccupied, or against the owner and occupant, if the occupant is any other person than the owner. R. S. O. 1877, c. 180, s. 15.

**18.** If the owner of the land is not resident within the municipality, but resident within this Province, then, if the land is occupied, it shall be assessed in the name of and against the occupant and owner; but if the land is not occupied, and the owner has not requested to be assessed therefor, then it shall be assessed as land of a non-resident. R. S. O. 1877, c. 180, s. 16.

**19.** In the case of real property, owned by a person not resident within this Province, who has not required his name to be entered on the assessment roll, then if the land is occupied it shall be assessed in the name of and against the occupant as such, and he shall be deemed the owner thereof for the purpose of imposing and collecting taxes upon and from the same land; but if the land is not occupied, and the owner has not requested to be assessed therefor, then it shall be assessed as land of a non-resident; and it shall not be necessary that the name of such non-resident or owner be inserted in the assessment roll, but it shall be sufficient to mention therein the name of the reputed owner or the words "Owner Unknown," according to the assessor's knowledge or information. R. S. O. 1877, c. 180, s. 17.

NOTE. — Under sections 15-19 (1) personal property must be assessed where it is situated, and against the owner and person in possession. (2) Land must be assessed in the name of the owner, whether occupied by him or not, if he is known and resides or has a legal domicile or place of business in the municipality, or has given the notice mentioned in section 3. (3) If occupied by some other person, then, it must be assessed to the occupant and owner. (4) If the land is unoccupied and owner not known and no notice given, the property must be assessed as non-resident.

**20.**—(1) Where land is assessed against both the owner and occupant, or owner and tenant, the assessor shall place both names within brackets on the roll, and shall write opposite the name of the owner the letter "F," and opposite the name of the occupant or tenant the letter "T," and both names shall be numbered on the roll.

(3) No ratepayer shall be counted more than once in returns and lists required by law for municipal purposes: and the taxes may be recovered from either the owner, tenant, or occupant, or from any future owner, tenant, or occupant, saving his recourse against any other person. 48 V. c. 42, s. 3.

**21.**—(1) When the land is owned or occupied by more persons than one, and all their names are given to the assessor, they shall be assessed therefor in the proportions belonging to or occupied by each respectively; and if a portion of the land so situated is owned by parties who are non-resident, and who have not required their names to be entered on the roll, the whole of the property shall be assessed in the names furnished to the assessor as the names of the owners, saving the recourse of the persons whose names are so given against the others.

(2) If any member of a partnership so requests, his share or interest of, or in the real or personal property of, or belonging to the partnership, shall for all purposes and in all respects be assessed as if the same were the separate and individual property of such member, and formed no part of said partnership property.

NOTE.—(1) This section requires an apportionment of land amongst the several owners or occupants according to their respective interests therein, subject to the provisions of the preceding sections. (2) A partner in a business may have his share or interest assessed to him independently of the partnership. See ss. 35, 36, 37.

(3) A company may, by notice in that behalf to be given to the clerk of any municipality wherein a separate school for Roman Catholics exists, require any part of the real property of which such company is either the owner and occupant, or, not being such owner, is the tenant, occupant or actual possessor, and any part of the personal property (if any) of such company, liable to assessment, to be entered, rated and assessed for the purposes of said separate school, and the proper assessor shall thereupon enter said company as a separate school supporter in the assessment roll in respect of the property specially designated in that behalf in or by said notice, and the proper entries in that behalf shall be made in the prescribed column for separate school rates, and so much of the property as shall be so designated shall be assessed accordingly in the name of the company for the purposes of the separate school and not for public school purposes, but all other property of the company shall be separately entered and assessed in the name of the company as for public school purposes: provided always that the share or portion of the property of any company entered, rated or assessed in any municipality for separate school purposes, under the provisions of this section, shall bear the same ratio and proportion to the whole of the property of the company assessable within the municipality that the amount or proportion of the shares or stock of the company, so far as the same are paid or partly paid up, and are held or possessed by persons who are Roman Catholics, bears to the whole amount of such paid or partly paid up shares or stock of the company.

(a) A notice by the company to the clerk of the local municipality under the provisions of this section may be in the form or to the effect following:—

To the Clerk of (*describing the municipality*),

Take notice that (*here insert the name of the company so as to sufficiently and reasonably designate it*) pursuant to a resolution in that behalf of the directors of said company requires that hereafter and until this notice is either withdrawn or varied, so much of the property of the company assessable within (*giving the name of the municipality*), and hereinafter specially designated shall be entered, rated, and assessed for separate school purposes, namely, one-fifth (*or as the case may be*) of all real property, and one-fifth (*or as the case may be*) of all personal property of said company, liable to assessment in said municipality.

Given on behalf of the said company this (*here insert date*).

R. S., Secretary of said Company.

(b) Any such notice given in pursuance of a resolution in that behalf of the directors of the company, shall for all purposes be deemed to be sufficient, and every such notice so given shall be taken as continuing and in force and to be acted upon, unless and until the same is withdrawn, varied or cancelled by any notice subsequently given, pursuant to any resolution of the company or of its directors.

(c) Every such notice so given to such clerk shall remain with and be kept by him on file in his office, and shall at all convenient hours be open to inspection and examination by any person entitled to examine or inspect any assessment roll, and the assessor shall in each year, before the completion and return of the assessment roll, search for and examine all such notices as may be so on file in the clerk's office, and shall thereupon in respect of the said notices (if any) follow and conform thereto and to the provisions of this Act in that behalf.

(d) The word "company" in this section shall mean and include any body corporate. 49 V. c. 38, s. 4.

24. Any occupant may deduct from his rent any taxes paid by him, if the same could also have been recovered from the owner, or previous occupant, unless there is a special agreement between the occupant and the owner to the contrary. R. S. O. 1877, c. 180, s. 21.

25. The assessor shall write opposite the name of any non-resident freeholder, who requires his name to be entered on the roll, as hereinbefore provided, in column number 3, the letters, "N R," and the address of such freeholder. R. S. O. 1877, c. 180, s. 22.

26.—(1) Except in the case of mineral lands hereinafter provided for, real and personal property shall be estimated at their actual cash value, as they would be appraised in payment of a just debt from a solvent debtor.

(2) In estimating the value of mineral lands, such lands and the buildings thereon shall be valued and estimated at the value of other lands in the neighborhood for agricultural purposes, but the income derived from any mine or mineral work shall be subject to taxation in the same manner as other incomes under this Act. R. S. O. 1877, c. 180, s. 23.

27.—(1) In assessing vacant ground, or ground used as a farm, garden, or nursery, and not in immediate demand for building purposes, in cities, towns, or villages, whether incorporated or not, *the value of such vacant or other ground shall be that at which sales of it can be freely made, and where no sales can be reasonably expected during the current year, (in case the council so directs) the assessors shall, in cities, and, where the extent of such ground exceeds ten, and is less than twenty acres, in towns, and incorporated villages, value such land as though it was held for farming or gardening purposes, with such percentage added thereto as the situation of the land reasonably calls for; and such vacant land, though surveyed into building lots, if unsold as such, may be entered on the assessment roll as so many acres of the original block or lot, describing the same by the description of the block, or by the number of the lot and concession of the township in which the same is situated, as the case may be.* R. S. O. 1877, c. 180, s. 24 (1); 43 V. c. 27, s. 7; 54 V. 1891, s. 2.

(2) In such case, the number and description of each lot comprising each such block shall be inserted in the assessment roll; and each lot shall be liable for a proportionate share as to value, and the amount of the taxes, if the property is sold for arrears of taxes. R. S. O. 1877, c. 180, s. 24 (2).

NOTE.—This section is a combination of 32 V. c. 36, s. 31 and 43 V. c. 27, s. 7, and refers to the assess-

ment of vacant land in cities, towns and villages—*vacant ground, farm, garden and nursery* are used as correlative terms, and such property *must be assessed at such a valuation as sales thereof can be freely made*—such ground, in cities, and if it exceeds *ten*, and is less than twenty, *acres*, in towns and villages shall be valued by the assessor (if the council so directs) as though held for farming or gardening purposes, *with such percentage added thereto as the situation of the land reasonably calls for*. No distinction is to be made in the assessor's valuation, whether the land is in one block or divided into building lots, but each lot, if subdivided, shall be liable for a proportionate share as to value and taxes.

**28.** When ground is not held for the purposes of sale, but *bona fide* enclosed and used in connection with a residence or building as a paddock, park, lawn, garden or pleasure ground, it shall be assessed therewith, at a valuation which, at six per centum, would yield a sum equal to the annual rental which, in the judgment of the assessors, it is fairly and reasonably worth for the purposes for which it is used, reference being always had to its position and local advantages, unless by by-law the council requires the same to be assessed like other ground. R. S. O. 1877, c. 180, s. 25; 43 V. c. 27, s. 6.

NOTE.—For instance, ground enclosed with a private residence which brings a rental of \$240 per annum should be assessed at \$4,000, but if the council by by-law directs that such ground shall be "assessed like other ground," then the assessor must be guided by section 27.

**29.** Every railway company shall annually transmit, on or before the first day of February, to the clerk of every municipality in which any part of the roadway or other real property of the company is situated, a statement showing:—

1. The quantity of land occupied by the roadway, and the actual value thereof, according to the average value of land in the locality, as rated on the assessment roll of the previous year;

2. The real property, other than the roadway in actual use and occupation by the company, and its value; and

3. The vacant land not in actual use by the company and the value thereof, as if held for farming or gardening purposes;

And the clerk of the municipality shall communicate such statement to the assessor, who shall deliver at, or transmit by post to, any station or office of the company a notice addressed to the company of the total amount at which he has assessed the real property of the company in his municipality or ward, showing the amount for each description of property mentioned in the above statement of the company; and such statement and notice respectively shall be held to be the statement and notice required by sections 42 and 47 of this Act. R. S. O. 1877, c. 180, s. 26.

29a. Plank, gravel, macadamized or other toll roads shall be assessed as real estate in the municipality in which the same are situate, and in making the assessment the assessor shall take into consideration the value of (1) the land occupied by the road, (2) the materials employed in the superstructure, (3) toll houses, buildings and gates on the road, (4) quarries and gravel pits and roads to and from such places, and used in connection therewith, but this section shall not include bridges 100 feet in length or over, and the approaches thereto, which are on or along such toll road and which are used therewith.

29b. Every toll road owned by any municipality, corporation or person, upon which any toll is established, whether leased to a tenant or not, shall be assessed in the minor municipality in which the same is situate, and where the road extends or runs into or through more minor municipalities than one, each minor municipality shall assess that part thereof which lies within its limits, and according to the value of that part, whether a toll gate or bar is or is not upon the road in that municipality.

29c. The stock or shares held by any person in any toll road and the dividends or income derivable therefrom are hereby exempted from assessment. 53 V. c. 54, s. 1.

NOTE.—Toll roads with the appurtenances thereto shall be assessed, but the stock, shares and dividends are exempt.

**30.** As regards the lands of non-residents who have not required their names to be entered in the roll, the assessor shall proceed as follows:—

1. They shall insert such land in the roll separated from the other assessments, and shall head the same as *Non-residents' Land Assessments*.

2. If the land is not known to be subdivided into lots, it shall be designated by its boundaries or other intelligible description.

3. If it is known to be subdivided into lots, or is part of a tract known to be so subdivided, the assessor shall designate the whole tract in the manner prescribed, with regard to undivided tracts; and, if they can obtain correct information of the subdivisions, they shall put down in the roll, and in a first column, all the unoccupied lots by their numbers and names alone, and without the names of the owners, beginning at the lowest number and proceeding in numerical order to the highest; in a second column, and opposite to the number of each lot, they shall set down the quantity of land therein liable to taxation; in a third column, and opposite to the quantity, they shall set down the value of such quantity, and, if such quantity is a full lot, it shall be sufficiently designated as such by its name and number, but if it is part of a lot, the part shall be designated in some other way whereby it may be known.

R. S. O. 1877, c. 180, s. 27.

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## THE LINE FENCES ACT.

(Cap. 219, R. S. O. 1887, and amendments.)

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1. This Act may be cited as "*The Line Fences Act.*" R. S. O. 1877, c. 198, s. 1.

2.—(1) In this Act the expression "occupied lands" shall not include so much of a lot, parcel or farm as is unenclosed, although a part of such lot, parcel or farm is enclosed and in actual use and occupation. 41 V. c. 10, s. 1.

(2) Where, within the meaning of section 4 of this Act, there is any dispute between owners or occupants of lands situate in different municipalities, the following words or expressions in this Act shall have the meaning hereinafter expressed, namely:—

1. The phrase "Fence-viewers" shall mean two fence-viewers of the municipality in which is situate the land of the owner or occupant notified under sub-section 1 of section 4 of this Act, and one fence-viewer of the municipality in which is situate the land of the party or person giving the notice; except that in case of a disagreement having occurred within the meaning of sub-section 4 of said section 4, the said phrase "Fence-viewers" shall mean fence-viewers from either or both municipalities.

2. The expression "in which the lands are situate" and the expression "in which the land lies," shall respectively mean in which are situate the lands of the owner or occupant so notified under said sub-section 1 of section 4. 47 V. c. 42, s. 1.

3. Owners of occupied adjoining lands shall make, keep up and repair a just proportion of the fence which marks the boundary between them, or if there is no fence they shall so make, keep up and repair the same proportion which is to mark such boundary; and owners of unoccupied lands which adjoin occupied lands shall, upon their being

occupied, be liable to the duty of keeping up and repairing such proportion, and in that respect shall be in the same position as if their land had been occupied at the time of the original fencing, and shall be liable to the compulsory proceedings hereinafter mentioned. R. S. O. 1877, c. 198, s. 2.

4. In case of dispute between owners respecting such proportion, the following proceedings shall be adopted:—

1. Either owner may notify (Form 1) the other owner or the occupant of the land of the owner so to be notified, that he will, not less than one week from the service of such notice, cause three fence-viewers of the locality to arbitrate in the premises.

2. The owners so notifying shall also notify (Form 2) the fence-viewers, not less than one week before their services are required.

3. The notices in both cases shall be in writing, signed by the person notifying, and shall specify the time and place of meeting for the arbitration, and may be served by leaving the same at the place of abode of such owner or occupant, with some grown-up person residing thereat: or in case of the lands being untenanted, by leaving the notice with any agent of such owner.

4. The owners notified may, within the week, object to any or all of the fence-viewers notified, and in case of disagreement, the Judge hereinafter mentioned shall name the fence-viewers who are to arbitrate. R. S. O. 1877, c. 198, s. 3.

5. An occupant, not the owner of land notified in the manner above mentioned, shall immediately notify the owner; and if he neglects so to do, shall be liable for all damage caused to the owner by such neglect. R. S. O. 1877, c. 198, s. 4.

6. The fence-viewers shall examine the premises, and if required by either party they shall hear evidence, and are authorized to examine the parties and their witnesses on oath, and any one of them may administer an oath or affirmation for the purpose as in Courts of law. R. S. O. 1877, c. 198, s. 5.

7.—(1) The fence-viewers shall make an award (Form 3) in writing signed by any two of them, respecting the matters so in dispute; which award shall specify the

locality, quantity, description, and the lowest price of the fence it orders to be made, and the time within which the work shall be done, and shall state by which of the said parties the costs of the proceedings shall be paid, or in what proportion the same shall be paid to the parties.

(2) In making the award, the fence-viewers shall regard the nature of the fences in use in the locality, the pecuniary circumstances of the persons between whom they arbitrate, and generally, the suitability of the fence ordered, to the wants of each party.

(3) Where, from the formation of the ground, by reason of streams or other causes, it is found impossible to locate the fence upon the line between the parties, it shall be lawful for the fence-viewers to locate the said fence either wholly or partially on the land of either of the said parties, where to them it seems to be most convenient; but such location shall not in any way affect the title to the land.

(4) If necessary, the fence-viewers may employ a provincial land surveyor, and have the locality described by metes and bounds. R. S. O. 1877, c. 198, s. 6.

8. The award shall be deposited in the office of the clerk of the council of the municipality in which the lands are situate, and shall be an official document, and may be given in evidence in any legal proceeding by certified copy, as are other official documents; and notice of its being made shall be given to all parties interested. R. S. O. 1877, c. 198, s. 7.

9. The award may be enforced as follows: The person desiring to enforce it shall serve upon the owner or occupant of the adjoining lands a notice in writing, requiring him to obey the award, and if the award is not obeyed within one month after service of the notice, the person so desiring to enforce it may do the work which the award directs, and may immediately recover its value and the costs from the owner by action in any Division Court having jurisdiction in the locality; but the Judge of the Division Court may, on application of either party, extend the time for making the fence to such time as he may think just. R. S. O. 1877, c. 198, s. 8.

10.—(1) The award shall constitute a lien and charge upon the lands respecting which it is made, when it is registered in the registry office of the registry division in which the lands are.

(2) Such registration may be in duplicate or by copy, proved by affidavit of a witness to the original, or otherwise, as in the case of any deed which is within the meaning of *The Registry Act*. R. S. O. 1877, c. 198, s. 9.

11. The fence-viewers shall be entitled to receive \$2 each for every day's work under this Act. Provincial land surveyors and witnesses shall be entitled to the same compensation as if they were subpoenaed in any Division Court. R. S. O. 1877, c. 198, s. 10.

(2) The municipality may at the expiration of the time for appeal, or after appeal, as the case may be, pay to the fence-viewers their fees, and shall, unless the same be forthwith repaid by the person awarded or adjudged to pay the same place the amount upon the collector's roll as a charge against the person awarded or adjudged to pay the same, and the same shall thereafter be placed upon the collector's roll, and may be collected as ordinary municipal taxes. 52 V. c. 48, s. 1, s.s. 2.

12. Any person dissatisfied with the award made, may appeal therefrom to the Judge of the County Court of the county in which the lands are situate, and the proceedings on the appeal shall be as follows:—

1. The appellant shall serve upon the fence-viewers, and all parties interested, a notice in writing of his intention to appeal, within one week from the time he has been notified of the award; which notice may be served as other notices mentioned in this Act.

2. The appellant shall also deliver a copy of the notice to the clerk of the Division Court of the division in which the land lies, and the clerk shall immediately notify the Judge of such appeal, whereupon the Judge shall appoint a time for the hearing thereof, and, if he thinks fit, order such sum of money to be paid by the appellant to the said clerk as will be a sufficient indemnity against costs of the appeal.

3. The Judge shall order the time and place for the hearing of the appeal, and communicate the same to the clerk, who shall notify the fence-viewers and all parties interested, in the manner hereinbefore provided for the service of other notices under this Act.

4. The Judge shall hear and determine the appeal, and set aside, alter, or affirm the award, correcting any error therein, and he may examine parties and witnesses on

oath, and, if he so pleases, may inspect the premises; and may order payment of costs by either party, and fix the amount of such costs.

5. His decision shall be final; and the award, as so altered or confirmed, shall be dealt with in all respects as it would have been if it had not been appealed from.

6. The practice and proceedings on the appeal, including the fees payable for subpoenas and the conduct money of witnesses, shall be the same, as nearly as may be, as in the case of a suit in the Division Court. R. S. O. 1877, c. 198, s. 11.

13. Any agreement in writing (Form 4) between owners respecting such line fence may be filed or registered and enforced as if it was an award of fence-viewers. R. S. O. 1877, c. 198, s. 12.

14.—(1) The owner of the whole or part of a division or line fence which forms part of the fence enclosing the occupied or improved land of another person, shall not take down or remove any part of such fence—

(a) Without giving at least six months previous notice of his intention to the owner or occupier of such adjacent enclosure;

(b) Nor unless such last mentioned owner or occupier after demand made upon him in writing by the owner of such fence, refuses to pay therefor the sum determined as provided in section 7 of this Act;

(c) Nor if such owner or occupier will pay to the owner of such fence or of any part thereof, such sum as the fence-viewers may award to be paid therefor under section 7 of this Act.

(2) The provisions of this Act relating to the mode of determining disputes between the owner of occupied adjoining lands, the manner of enforcing awards and appeals therefrom, and the schedules of forms attached hereto, and all other provisions of this Act, so far as applicable, shall apply to proceedings under this section. R. S. O. 1877, c. 198, s. 13.

15.—(1) If any tree is thrown down, by accident or otherwise, across a line or division fence, or in any way in and upon the property adjoining that upon which such tree stood, thereby causing damage to the crop upon such

property or to such fence, it shall be the duty of the proprietor or occupant of the premises on which such tree theretofore stood, to remove the same forthwith, and also forthwith to repair the fence, and otherwise to make good any damage caused by the falling of such tree.

(2) On his neglect or refusal so to do for forty-eight hours after notice in writing to remove same, the injured party may remove the same, or cause the same to be removed, in the most convenient and inexpensive manner, and may make good the fence so damaged, and may retain such tree to remunerate him for such removal, and may also recover any further amount of damages beyond the value of such tree, from the party liable to pay it under this Act.

(3) For the purpose of such removal the owner of such tree may enter into and upon such adjoining premises for the removal of the same without being a trespasser, avoiding any unnecessary spoil or waste in so doing.

(4) All disputes arising between parties relative to this section, and for the collection and recovery of all or any sums of money becoming due thereunder, shall be adjusted by three fence-viewers of the municipality, two of whom shall agree. R. S. O. 1877, c. 198, s. 14.

**16.** The forms in the schedule hereto are to guide the parties, being varied according to circumstances. R. S. O. 1877, c. 198, s. 15.

1. A County Court Judge shall be entitled to be paid the actual expenses incurred by him in case he inspects the premises in respect of which appeals are made to him under *The Ditches and Watercourses Act* or *The Line Fences Act*.

2. He shall in the order setting aside, altering or affirming the award, fix the amount of such expenses and the person by whom the same shall be paid.

3. The Judge shall be paid the amount so fixed by him by the municipality in the same manner as the engineer's fees are paid in respect of *The Ditches and Watercourses Act*, and as the fence-viewers' fees are paid in respect of *The Line Fences Act*, and such municipality shall collect the same as provided in the said Acts respectively. 53 V. c. 67, s. 1, 2, 3.

## SCHEDULE OF FORMS.

## FORM 1.

(Section 4.)

## NOTICE TO OPPOSITE PARTY.

Take notice, that Mr. \_\_\_\_\_, Mr. \_\_\_\_\_, and Mr. \_\_\_\_\_, three fence-viewers of this locality, will attend on the \_\_\_\_\_ day of \_\_\_\_\_ 18\_\_\_\_, at the hour of \_\_\_\_\_, to view and arbitrate upon the line fence in dispute between our properties, being Lots (or part of Lots) *One* and *Two* in the \_\_\_\_\_ Concession of the Township of \_\_\_\_\_, in the County of \_\_\_\_\_.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 18\_\_\_\_.

A. B.,

Owner of Lot 1.

To C. D.,

Owner of Lot 2.

R. S. O. 1877, c. 198, *Sched.* Form 1.

## FORM 2.

(Section 4.)

## NOTICE TO FENCE-VIEWERS.

Take notice, that I require you to attend at \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_, A.D. 18\_\_\_\_, at \_\_\_\_\_ o'clock, A.M., to view and arbitrate on the line fence between my property and that of Mr. \_\_\_\_\_, being Lots (or parts of Lots) Nos. *One* and *Two* in the \_\_\_\_\_ Concession of the Township of \_\_\_\_\_, in the County of \_\_\_\_\_ of \_\_\_\_\_.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 18\_\_\_\_.

A. B.,

Owner of Lot 1.

R. S. O. 1877, c. 198, *Sched.* Form 2.

## FORM 3.

(Section 7.)

## AWARD.

We, the fence-viewers of (*name of the locality*), having been nominated to view and arbitrate upon the line fence between \_\_\_\_\_ of (*name and description of owner who notified*) and (*name and description of owner notified*), which fence is to be made and maintained between (*describe properties*), and having examined the premises and duly acted according to *The Line Fences Act*, do award as follows: That part of the said line which commences at \_\_\_\_\_ and ends at (*describe the points*) shall be fenced, and the fence maintained by the said \_\_\_\_\_, and that part thereof which commences at \_\_\_\_\_ and ends at (*describe the points*) shall be fenced, and the fence maintained by the said \_\_\_\_\_. The fence shall be of the following description (*state the kind of fence, height, material, etc.*), and shall cost at least \_\_\_\_\_ per rod. The work shall be commenced within \_\_\_\_\_ days, and completed within \_\_\_\_\_ days from this date, and the costs shall be paid by (*state by whom paid; if by both, in what proportion*).

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 18 \_\_\_\_\_.

*(Signatures of fence-viewers.)*

R. S. O. 1877, c. 198, Sched. Form 3.

## FORM 4.

(Section 13.)

## AGREEMENT.

We \_\_\_\_\_ and \_\_\_\_\_, owners respectively of Lots (*or part of Lots*) *One* and *Two* in the \_\_\_\_\_ Concession of the Township of \_\_\_\_\_, in the County of \_\_\_\_\_, do agree that the line fence which divides our said properties shall be made and maintained by us as follows: (*follow the same form as award.*)

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 18 \_\_\_\_\_.

*(Signatures of parties.)*

R. S. O. 1877, c. 198, Sched. Form 4.

AN ACT TO IMPOSE A TAX ON DOGS AND  
FOR THE PROTECTION OF SHEEP.

(R. S. O. 1887, Cap. 214 as amended by subsequent Acts.)

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TAX ON DOGS.

1. Subject to the provision of the following section, there shall be levied annually, in every municipality in Ontario, upon the owner, possessor or harbinger of each dog therein an annual tax of \$1 for a dog and \$2 for a bitch. Provided, nevertheless, that the owner or possessor of a kennel of pure bred dogs which are registered in the "Canada Kennel Register," may, in any year, obtain from the treasurer of the municipality a certificate of having paid to such treasurer the sum of \$10 as a tax upon such kennel for that year, and upon the production thereof to the assessor, the owner or possessor of such kennel shall be exempt from assessment and any further tax in respect thereof for the said year. 53 V. c. 62, s. 1.

2. Upon the petition of twenty-five ratepayers it shall be lawful for the council of any city, town, township or incorporated village, to provide by by-law that the said tax or any part of it shall not be levied in said municipality. 53 V. c. 62, s. 2.

3. The assessors of every municipality within which this Act has not been dispensed with, as provided in the preceding section, shall, at the time of making their annual assessment, enter on the assessment roll, in a column prepared for the purpose, opposite the name of every person assessed, and also opposite the name of every resident inhabitant not otherwise assessed, being the owner or keeper of any dog or dogs, the number by him or her owned or kept. R. S. O. 1877, c. 194, s. 3. See Cap. 191, s. 14 (3), and *Sched. B.*

4. The owner, possessor or keeper of any dog shall, when required by the assessors, deliver to them, in writing, the number of dogs owned or kept, whether one or more; and

for every neglect or refusal to do so, and for every false statement made in respect thereof, shall incur a penalty of \$5, to be recovered with costs before any Justice of the Peace for the municipality. R. S. O. 1877, c. 194, s. 4. 53 V. c. 62, s. 3.

5. The collector's roll of the municipality shall contain the name of every person entered on the assessment roll as the owner, possessor or keeper of any dog with the tax hereby imposed, in a separate column; and the collector shall proceed to collect the same, and at the same time and with the like authority, and make returns to the treasurer of the municipality, in the same manner, and subject to the same liabilities in all respects for paying over the same to the treasurer, as in the case of other taxes levied in the municipality. R. S. O. 1877, c. 194, s. 5. 53 V. c. 62, s. 4.

6. In cases where parties have been assessed for dogs, and the collector has failed to collect the taxes authorized by this Act, he shall report the same under oath to any Justice of the Peace, and such Justice shall, by an order under his hand and seal, to be served by any duly qualified constable, require such dogs to be destroyed by the owners, possessors or harborers thereof; and in case any collector neglects to make the aforesaid report within the time required for paying over the taxes levied in the municipality, he shall be liable to a penalty of \$10 and costs, to be recovered in the same manner as provided in section 15 of this Act. R. S. O. 1877, c. 194, s. 6. 53 V. c. 62, s. 5.

7. The money collected and paid to the clerk or treasurer of any municipality under the preceding sections, shall constitute a fund for satisfying such damages as arise in any year from dogs killing or injuring sheep or lambs in such municipality; and the residue, if any, shall form part of the assets of the municipality for the general purposes thereof: but when it becomes necessary in any year for the purpose of paying charges on the same, the fund shall be supplemented to the extent of the amount which has been applied to the general purposes of the municipality. R. S. O. 1877, c. 194, s. 7.

8. In case the council of any city, town, township or incorporated village deems it advisable that the tax by this Act established should be maintained, but that the application of the proceeds thereof by this Act provided should be dispensed with, it shall be lawful for such council by by-law to declare that such application shall be

dispensed with; and thereafter during the continuance of such by-law, the sections of this Act numbered 6, 7, and 15 to 21 inclusive shall have no force or effect in any of the municipalities within the jurisdiction of such council; and the moneys collected and paid to the clerk or treasurer of any such municipality, under the remaining sections of this Act, shall be the property of such municipality, and shall be subject to its disposition in like manner as other local taxes. R. S. O. 1877, c. 194, s. 8. 53 V. c. 62, s. 8.

## PROTECTION OF SHEEP.

9. Any person may kill any dog which he sees pursuing, worrying or wounding any sheep or lamb, or any dog which he finds straying between sunset and sunrise on any farm whereon sheep are kept. Provided, always, that no dog so straying, and which belongs to, or is kept, or harbored by the occupant of any premises next adjoining said farm, or next adjoining that part of any highway, or lane which abuts on said farm, nor any dog so straying, either when securely muzzled, or when accompanied by, or being within reasonable call or control of any person owning, or possessing, or having the charge or care of said dog, shall be so killed unless there is reasonable apprehension that such dog, if not killed, is likely to pursue, worry, or wound sheep or lambs then on the said farm. R. S. O. 1877, c. 194, s. 10. 53 V. c. 62, s. 6.

10. The defendant in any action of damages for killing a dog under the circumstances in the preceding section mentioned, may plead not guilty by statute and give this Act and the special matter in evidence. R. S. O. 1877, c. 194, s. 11.

11. On complaint made in writing on oath before a Justice of the Peace for any city, town or county, or union of counties, that any person residing in any such city, town or county, or union of counties, owns or has in his possession a dog which has within six months previous worried and injured or destroyed any sheep, the Justice of the Peace may issue his summons, directed to such person, stating shortly the matter of the complaint, and requiring such person to appear before him, at a certain time and place therein stated, to answer to such complaint, and to be further dealt with according to law. R. S. O. 1877, c. 194, s. 12.

12. The proceedings on the complaint and summons shall be regulated by *The Act respecting Summary Convictions*

*before Justices of the Peace and Appeals to General Sessions*, which shall apply to cases under this Act. R. S. O. 1877, c. 194, s. 13.

**13.** In case any person is convicted, on the oath of a credible witness, of owning or having in his possession a dog which has worried and injured or destroyed any sheep, the Justice of the Peace may make an order for the killing of such dog (describing the same according to the tenor of the description given in the complaint and in the evidence) within three days, and in default thereof, may, in his discretion, impose a fine upon such person, not exceeding \$20, with costs; and all penalties imposed under this section shall be applied to the use of the municipality in which the defendant resides. R. S. O. 1877, c. 194, s. 14.

**14.** No conviction under this Act shall be a bar to any action by the owner or possessor, as aforesaid, of any sheep for the recovery of damages for the injury done to such sheep, in respect of which such conviction is had. R. S. O. 1877, c. 194, s. 15.

**15.**—(1) The owner of any sheep or lamb killed or injured by any dog shall be entitled to recover the damage occasioned thereby from the owner or keeper of such dog, by an action for damages or by summary proceedings before a Justice of the Peace, on information or complaint before such Justice, who is hereby authorized to hear and determine such complaint, and proceed thereon in the manner provided by *The Act respecting Summary Convictions before Justices of the Peace and Appeals to General Sessions*, in respect to proceedings therein mentioned; and such aggrieved party shall be entitled so to recover on such action or proceedings, whether the owner or keeper of such dog knew or did not know that it was vicious or accustomed to worry sheep. R. S. O. 1877, c. 194, s. 16.

(2) If it shall appear before the court or Judge at the trial of any such action for damages, or before such Justice at the hearing of the said information or complaint before him, that the damage or some part of the damage sustained by such aggrieved party was the joint act of some other dog or dogs, and of the dog or dogs owned or kept by the person charged in such information or complaint, the court, Judge or Justice shall have power to decide and apportion the damages sustained by the com-

plainant, among and against the respective owners or keepers of the said dogs, as far as such owners or keepers are known, in such shares and proportions as such court, Judge or Justice shall think fit, and to award the same by the judgment of the said court or Judge, or in the conviction of such Justice, on behalf of such aggrieved person.

(3) When in the opinion of the court, Judge or Justice, the damages were occasioned by dogs the owner or owners of which are known, and dogs the owner or owners of which are unknown, or the owner or owners of which have not been summoned to appear before the court, Judge or Justice, the court, Judge or Justice may decide and adjudge as to the proportion of the damages which, having regard to the evidence adduced as to the strength, ferocity and character of the various dogs shown to have been engaged in committing such damage, was probably done by the dogs the owner or owners of which have been summoned to appear before the court, Judge or Justice, and shall determine in respect thereof and apportion the damage which the court, Judge or Justice decides to have been probably done by the dogs whose owners have been summoned, amongst the various owners who have been summoned as aforesaid

(4) The same proceedings shall be thereupon had against any person found by the Judge or Justice to be the owner or keeper of the dog or dogs which by such court, Judge or Justice shall have been found to have contributed to the damage sustained by the person aggrieved, as if the information or complaint had been laid in the first instance against such person.

(5) The court, Judge or Justice shall not decide and apportion the damage against any person other than the person in the information or complaint first charged, nor award the same in the judgment or conviction without such other person having been summoned to appear before the court, Judge or Justice, and having had an opportunity of calling witnesses.

(6) Appeals against any conviction, apportionment or order made under this section, shall be made to the Division Court holden in the division in which the cause of action arose, or in which the party complained against, or one of them, resided at the time of making the complaint; and the proceedings shall be the same as nearly as may be, as on appeals under *The Act respecting Master and Servant*. 48 V. c. 46, s. 1.

**16.** The owner or keeper of any dog or dogs, to whom notice is given of any injury done by his dog or dogs to any sheep or lamb, or of his dog or dogs having chased or worried any sheep or lamb, shall, within forty-eight hours after such notice, cause such dog or dogs to be killed; and for every neglect so to do he shall forfeit a sum of \$2.50 for each such dog, and a further sum of \$1.25 for each such dog for every forty-eight hours thereafter, until the same is killed, if it is proved to the satisfaction of the Justice of the Peace before whom proceedings are taken for the recovery of such penalties, that such dog or dogs has or have worried or otherwise injured such sheep or lamb; but no such penalties shall be enforced in case it appears to the satisfaction of the Justice of the Peace that it was not in the power of the owner or keeper to kill such dog or dogs. R. S. O. 1877, c. 194, s. 17.

**17.** In case the owner of any sheep or lamb so killed or injured proceeds against the owner or keeper of the dog that committed the injury, before a Justice of the Peace, as provided by this Act, and is unable on the conviction of the offender, to levy the amount ordered to be paid, for want of sufficient distress to levy the same, then the council of the municipality in which the offender resided at the time of the injury shall order their treasurer to pay to the aggrieved party two-thirds of the amount ordered to be paid by the Justice under the conviction, in addition to the costs of the proceedings before the Justice and before the council. R. S. O. 1877, c. 194, s. 18. 53 V. c. 62, s. 7.

**18.** The owner of any sheep or lamb killed or injured by any dog, the owner or keeper of which is not known, may, within three months, apply to the council of the municipality in which such sheep or lamb was so killed or injured, for compensation for the injury; and if the council (any member which shall be competent to administer an oath or oaths in examining parties in the premises) is satisfied that the aggrieved party has made diligent search and inquiry to ascertain the owner or keeper of such dog, and that such owner or keeper cannot be found, they shall award to the aggrieved party for compensation a sum not exceeding two-thirds of the amount of the damage sustained by him; and the treasurer of the municipality shall pay over to him the amount so awarded. R. S. O. 1877, c. 194, s. 19.

**19.** After the owner of such sheep or lamb has received from the municipality any money under either of the pre-

ceding sections, his claim shall thenceforth belong to the municipality; and they may enforce the same against the offending party for their own benefit, by any means or form of proceeding that the aggrieved party was entitled to take for that purpose, but in case the municipality recovers from the offender more than they had paid to the aggrieved party, besides their costs, they shall pay over the excess to the aggrieved party for his own use. R. S. O. 1877, c. 194, s. 20.

**20.** The owner of any sheep or lamb killed or injured while running at large upon any highway or unenclosed land, shall have no claim under this Act to obtain compensation from any municipality. R. S. O. 1877, c. 194, s. 21.

**21.** If the council of any city, town, township or incorporated village, by by-law, decides to dispense with the levy of the aforesaid tax in the municipalities within its jurisdiction, the owner of any sheep or lamb may, notwithstanding, sue the owner or keeper of any dog or dogs for the damage or injury done by the said dog or dogs to the said sheep or lamb; and the same shall be recovered in the manner provided by section 15 of this Act. R. S. O. 1877, c. 194, s. 22.

**22.** Every Justice of the Peace shall be entitled to charge such fees in cases of prosecutions or orders under this Act as it is lawful for him to charge in other cases within his jurisdiction, and he shall make the returns usual in cases of conviction, and also a return in each case to the clerk of the municipality, whose duty it shall be to enter the same in a book to be kept for that purpose. R. S. O. 1877, c. 194, s. 23.

NOTE.—By section 489 of *The Municipal Act*, sub-section 15, the council of every township, city, town or incorporated village may pass by-laws, "For restraining and regulating the running at large of dogs, and for imposing a tax on the owners, posessors or harborers of dogs;" and by sub-section 16, "For killing dogs running at large contrary to the by-laws." By 49 V. c. 45, s. 12, "It shall not be lawful for any person to kill or take any animal protected by this Act by the use of poison or

poisoned substances, nor to expose poison, poisoned bait or other poisonous substances in any place or locality where dogs or cattle may have access to the same." By section 14 of the same chapter, "No owner of any hound, or other dog known by the owner to be accustomed to pursue deer, shall permit any such hound or other dog to run at large in any locality where deer are usually found during the period from the fifteenth day of November, to the fifteenth day of October, under a penalty on conviction of not more than \$25, nor less than \$5, for each offence; any person harboring or claiming to be the owner of any such hound or dog shall be deemed the owner thereof."

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## MISCELLANEOUS.

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### SCHOOL DEBENTURE BY-LAW.

A by-law number , to raise by way of loan the sum of \$ , for the purpose of enabling the board of rural school trustees of school section number to purchase a school site and erect a school-house thereon (*or as the case may be.*)

Whereas, the board of rural school trustees, for school section number , of the township of , in the county of , have made an application to the municipal council of the corporation of the township of , for the issue of debentures to the extent of \$ , and interest thereon at per cent. per annum, repayable out of the taxable property of the said school section number , by annual instalments, for the purpose of enabling said board of rural school trustees to purchase a school site, and erect thereon a school-house for said school section ;

And whereas, the said board of rural school trustees for said school section number            did, on the            day of            , A.D. 18            , at a meeting of duly qualified school electors held under the provisions of *The Public Schools Act*, at            , in the said township of            , submit the proposal to purchase said school site, erect thereon a school-house and make application to the municipal council of the said corporation of the township of            for the issue of such debentures as aforesaid;

And whereas, at said above-mentioned meeting the said duly qualified school electors for school section number            did approve of the said proposal of said board of rural school trustees;

And whereas, the said municipal council of the township of            has decided to grant the application of the said board of rural school trustees, and issue debentures to the extent of \$            , repayable as aforesaid in            annual instalments, for the purposes aforesaid;

And whereas, it will be requisite to raise in each year the respective sums hereinafter set forth;

And whereas, the amount of the whole ratable property of the municipality of the said township of            , according to the last revised assessment roll amounts to \$            ;

And whereas, the existing debenture debt of this municipality amounts to \$            , and no principal or interest is in arrear;

Be it, therefore, enacted by the municipal council of the corporation of the township of            ,

1. That the board of rural school trustees for school section number            , in the township of            , are hereby authorized to purchase a school site, and to erect thereon a school-house for the use of said school section.

2. That the said municipal council of the corporation of the township of            shall borrow the sum of \$            , to be paid to the said board of rural school trustees, and to raise the said sum by the issue of debentures of the said corporation of the township of            , repayable with interest at the rate of            per cent. per annum, payable half yearly out of the taxable property of the said school section number            in the said township of            in the county of            in            annual instalments.

3. That the said debentures be made payable as follows:  
 One debenture for \$            on the            day of            18   ,  
 \$            on the            day of            18   .  
 \$            , etc.

and shall bear interest payable half yearly, to be secured by coupons attached thereto at the rate of            per cent. per annum.

4. That said debentures, both principal and interest shall be made payable at the            Bank, in            , and that the said sum of \$            to be raised as aforesaid on said debentures shall be paid over to said board of rural school trustees:

5. That during the currency of said debentures to be issued under this by-law, there shall be raised annually for the payment of principal and interest on said debentures the following sums: In 18   , \$            , of which \$            shall be raised for payment of principal, and \$            shall be raised for payment of interest. In 18   , \$            , of which \$            shall be raised for payment of principal, and \$            shall be raised for payment of interest. In 18   , etc.

6. That the reeve and treasurer of this municipality are hereby authorized and instructed to issue the said debentures as aforesaid, with coupons attached, in the form provided by *The Public Schools Act*, 1891, on behalf of this corporation, and to affix the seal of this corporation thereto.

This by-law shall come into force and take effect on and after the            day of            , A.D. 18   .

Passed in duplicate (or in triplicate),            , 18   .

L. S.

Clerk.

Reeve.

THE TOWNLEY ESTATE.

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For more than half a century the reputed descendants of an English nobleman named Lawrence, who was supposed to have married Mary, a daughter of Sir Richard Townley, have been endeavoring to prove their line of descent from the parent stock, *Lawrence-Townley*; and even at the present time, records are being searched to complete a chain which, it is asserted, will establish a valid claim to these celebrated estates, situate principally in Lancashire, England, and variously estimated, with the personalty, to be worth from \$100,000,000 to \$800,000,000.

Having visited these estates in 1885 at the urgent request of maternal relatives (Lawrence), it may be interesting to give some information relative to the pedigree of this notable family of Townleys and their estates.

The Townleys hold a very ancient and prominent position in the history of the county of Lancashire; as far back as the 11th century, Henry de Tunlay appearing to be the first who occupied the "Villa de Tunlay," which name seems to have undergone a succession of changes, being denominated successively, Tunlay, Thonlay, Tcuneley, Towneley, and Townley, which latter seems now to prevail.

From information acquired by means of historical and Church records, old manuscripts and traditions current at Burnley and other places adjacent to the Townley estates, it appears that the original site of Townley was a tall and shapely knoll, situate southward from the present mansion and adjoining the farm called "Old House," on the eastern and precipitous side of which are remains of trenches, which alone would indicate the former existence of a castle of some old feudal chieftain.

History informs us that in very early times the "Villa de Tunlay" was the residence of one of those independent lords, before the Conquest, who presided over a village and held immediately from the Crown. Neither from written evidence nor tradition does it appear when this elevated situation was abandoned, but the mansion subsequently

erected lays claim to high antiquity. It may be described as a large and venerable pile, with two deep wings and towers, embattled and supported at the angles by strong projecting buttresses, all of which contributed to give it a most formidable and castle-like appearance.

It was formerly a complete quadrangle with four turrets at the angles, the south side of which had walls more than six feet thick, constructed with grout work, and of that peculiar species of rude masonry which indicates an early date. The side opposite was rebuilt by Richard Townley immediately before his death, in 1628. A new building was added to the north by William Townley, who died in 1741. On the north-east side were two turrets, in the angles a gateway, a chapel and sceristy with a library above. These were removed by Charles Townley in 1700, and placed in their present position, the stonework, wain-scot, and everything to which the effects of consecration could be supposed to extend (brought from Whalley) have been preserved entire. All these had been the work of Sir John Townley, Knt. A large and well lighted room was added by Richard Townley, in 1725. An unbroken series of family portraits formerly adorned this hall.

The appearance of the estate in front and rear of the mansion is such as the most fastidious artist might fail to conceive of, gently sloping upwards from the front, the fields are stocked with finely bred sheep and cattle, while clumps of trees at intervals shade the retired herds; the old and sturdy oak, with outstretched arms, stands prominent on every side, as ready to wave its new-formed leaflets in the evening breeze as to defy the storm king's fiercest blast. Behind the mansion new and varied scenes meet the eye,

"Hills peep o'er hills," and wooded valleys vie  
With their surrounding hills to catch the eye

The careless pheasant, the indolent hare, and the unfrightened deer, give unmistakable evidence of well guarded preserves. Meandering along the green hedge-skirted pathway, flows a crystal stream, bearing its bountiful surplus supplies to swell the confluent waters of the Calder and the Brun rivers.

The "Villa de Funlay" formed part of the parish of Whalley, and was the property of the Church, but the Deans appear to have assumed the right of transmitting to their descendants in fee simple the lands held and enclosed by them, as shown in the following pedigree:—

# PEDIGREE OF TOWNLEY OF TOWNLEY.

(All Rights Reserved.)

SPARTANUS, first Dean of Whalley.

LAWLIPUS CUTWOLPHE.

(So called because he cut off the tail of a wolf, while hunting in Rossemdale.)

CUTWOLPHUS.

HENRY (the elder).

ROBERT, successor to HENRY.

HENRY (the younger),  
successor to ROBERT, as Dean  
of Whalley.

WILLIAM,  
successor to HENRY.

JOHN,  
son of WILLIAM.

GEORFIEY (the elder),  
successor to his  
brother, WILLIAM.

GEORGE,  
THOMAS.

a daughter of  
ROBER DE LACY,  
Constable of Chester,  
1211.

GEORFIEY (the younger),  
Dean of Whalley, died  
8 Henry III., 1228.

..... HENRY.

ROBERT.

June 1300, of her  
begin Anglie, after  
his wife's death.

WILLIAM DE LA HARGREAVES,  
who, in 1328, granted to RICHARD DE TOWNLEY, son of JOHN DE LA LEGH,  
the lands and tenements he had from his father, in Townley,  
and the possession of his mother, and ALICE,  
widow of ROBERT HOPKINSON.

MICHAEL DE LA LEVE  
Gift of the Abbot and Convent of Newham,  
lands in the Township of Extwisle, s.d.

GILBERT DE LA LEGH

ADAM.

ALICE.

named in the endowment of  
the chantry in Burnley  
Church, by her son, Thomas,

- A.D. 1295 Grant of corrody to him and his son, John, by the Abbot of Whalley.
- 1302 Named as son of Michael in a charter of Henry de Laci.
- 1302 Grantor of Hapton, by Thomas de Alcarippe.
- 1304 Dis-seised by Henry de Laci, who granted Hapton to Edmund Talbot.
- 1321 Settled Cliviger on his grandchildren.
- 1328 Grantor of Hapton, from John, son and heir of Edmund Talbot.
- 1336 Settled Hapton on Gilbert, his grandson's first marriage.

John de la Legh (who married Cecilia, heiress of  
one-third of Townley), lord of one-third of Town-  
ley, juror in parliament Anglie, after his wife's  
death, alive 14 Edward III., A.D. 1340, as shown  
by a grant of corrody by the Abbot and Convent  
of Whalley. Died in his father's life-time.

Thomas de la Legh, 46 Edward III., 1372, executed  
a Deed of certain rents, etc., of the third part of the  
Manor of Townley, and other premises which he held  
in trust, jointly with Robert, son of Adam de Holdon,  
and which they had by grant of Elias de Bridelwisle,  
Rector of Warrington, and Robert de Boulton,  
Chaplain. Founder of the the chantry at Burnley  
Church.

Margeria, wife of  
William de Middle-  
more, who in her  
right held lands in  
Clivicher, called  
Hohne.

(To be Continued.)