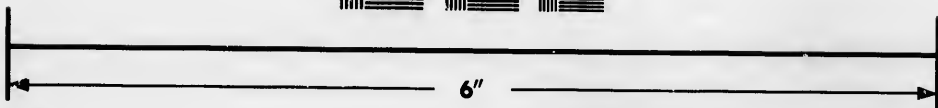
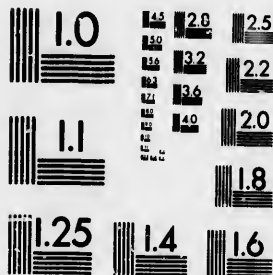


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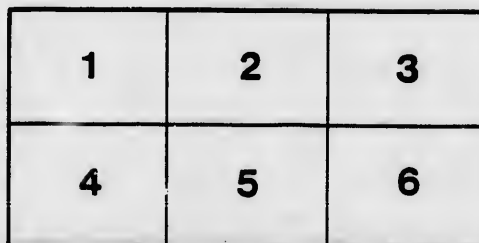
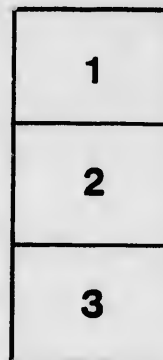
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# “BRITISH CANADIA

## COUNTY COUNCIL.

ADDRESS delivered by William Mercer Wilson, Esq., Warden of the County of Norfolk, at the opening of the 2nd Session of the 13th Council.

GENTLEMEN :

It gives me much pleasure again to meet you in Council, and I hasten to lay before you several matters which will occupy your attention during the present session.

### EQUALIZING ASSESSMENTS.

One of the most important duties devolving upon you at this session, is to examine the Assessment Rolls of the different Municipalities, for the purpose of equalizing the valuation made by the Assessors respectively. In consequence of the number of appeals from the decisions of the various Courts of Revision, to the County Judge, it is not probable that the Clerks of the minor Municipalities have yet been able to return to the County Clerk, certified copies of their Rolls; this need not, however, prevent you from discharging your duty in that respect, or from apportioning the County Rates for the current year.

### EDUCATION.

I have much pleasure in laying before you a communication from the Education Office, with the apportionment of the Legislative School Grant for the present year, from which I perceive that the gross sum apportioned this year is about \$3,000 more than that of last year. The Chief Superintendent expresses a hope that the liberality of your Council will be increased in proportion to the growing necessity and importance of providing for the sound and thorough education of the youth of the Province. I most heartily concur in this hope, and trust that you will give this important subject your most favorable consideration. The ample powers conferred upon you by the Legislature, enables you to aid the Grammar Schools of the county—to make provisions for defraying the expenses of attendance at these Schools and the University, of those who are desirous of competing for scholarships, exhibitions, or other prizes offered by the Universities or Colleges; but who are unable to incur these expenses; and even to endow Fellowships, Scholarships and other prizes for competition

taxes, although the land shall not be for the same. Consequently Mr. Rapelje has no claim against the Council, either legally or morally, so far as these taxes are concerned, which accrued during the years he was in possession of the land. I am also of opinion that if Mr. Rapelje had constructive possession merely by his tenant, such an occupier would render him liable to the payment of taxes. On the other hand, if the land was occupied before the issuing of the Patent Statute before referred to, as construed by Chief Justice Draper, in the case of *Rapelje vs. the Corporation of the County of Norfolk* (XI U.C. Com. Pleas Reports 255), it relieves the land from the payment of taxes until the Patent issues. In that event I consider that Mr. Rapelje is entitled to receive from the Council the sum of \$12 21, being the amount of taxes assessed on said lands in the year 1858, and the interest at 10 per cent charged him thereon, when he redeemed the land. I also am of opinion, that as land can legally be sold for taxes, unless a portion of it has been due for five years, and (on the presumption that Mr. Rapelje has not been in occupation before he had the Patent) that the taxes were due for 5 years at the time of the sale, and consequently these lands have been illegally sold and costs incurred, the only right that the amount of such costs should be repaid to Mr. Rapelje, in order to save his land from being sold, should be repaid to him. I have ascertained that these costs amount to \$11 90, so that the Council should pay the whole \$54 11, with interest from the time at which he paid the same to the Treasurer. As soon as the Patent was issued, the land became liable for the payment of taxes, and therefore Mr. Rapelje has no right to demand any portion of taxes accruing since the year 1858.

Since the last meeting of the Council I received a communication from the Commissioner of Crown Lands, in reply to a memorial on this subject, in which he stated that no license of occupation, other than a license given by the local agent, was ever issued with respect to the lands in question. I enclose herewith a letter, together with a statement I received from the County Treasurer, and the documents connected with this matter, which I have laid before you.

A Petition from David Tisdale, Esq., in a case somewhat similar to that of Mr. Rapelje, will also be laid before you. I have carefully considered this case, and am of opinion that the Council should repay to Mr. Tisdale the amounts which he paid—\$99 45 with interest from the 6th October, 1860.

I have recommended the payment of interest in both the above cases, not only in the case of Mr. Rapelje, but also in the case of Mr. Tisdale, on the ground that although the giving of in-

# "NADIAN" EXTRA.

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ject. This was done, but as yet no general  
measure on the subject has been introduced.

The records of our Gaol show that in ad-  
dition to the criminals confined in it, a large  
number of sick and indigent persons charged  
with no crime have been committed by the  
authorities for various terms of imprisonment.  
It is a disgrace to our common humanity that  
our fellows, whose only crime is sickness or  
poverty, should be subjected to imprisonment  
like felons. This is an evil which requires  
remedying. The law gives you the power of  
applying the remedy. I therefore sincerely  
hope you will not separate without taking ac-  
tion to prevent the continued perpetration of  
so great a wrong.

## ACTS OF LAST SESSION OF PARLIAMENT.

Since the last meeting of the Council, a  
meeting of the Provincial Legislature has  
taken place, and from the additions made to  
our Statute Law, as I gather from the pub-  
lished list, I am inclined to believe that sev-  
eral important alterations have been made in  
the law respecting the Municipal Institutions  
of Upper Canada; but, as I have not yet had  
an opportunity of reading them, I am unable  
at present to direct your attention more par-  
ticularly to them. I observe with much  
pleasure, that important amendments have  
been made to

## THE MILITIA LAW,

And although this measure is not one which  
comes directly under your consideration as  
Councillors, yet it is one which has excited  
so much public interest, and is so entirely  
non-political in its nature, that I may be ex-  
cused for briefly alluding to it.

It has been laid down by one of our great-  
est legal authorities, that "as citizens, among  
other duties which are incumbent upon us, we  
are required to contribute to the subsistence  
and peace of society." Now, as in this Pro-  
vince we have no *landwehr*, as in Prussia,  
nor any other system by which men are train-  
ed for a certain number of years, and then re-  
turned into the civil community, always  
available with a certain knowledge of the art  
of war, and easily to be called together for  
further training, in the event of hostilities  
occurring, it appears to me that it becomes  
our bounden duty to take such precautionary  
measures as will ensure the safety of our  
soil, our institutions, and our liberties. The  
existence of some kind of military force is  
therefore indispensably necessary; and the  
experience of the past has taught us that such  
a force may be so constituted as to be in the  
highest degree efficient against an enemy,  
and, yet at the same time obsequious to the  
Civil Magistrate. It is true that at present  
there may be no immediate danger of war or  
invasion; but we know not how soon either  
of these calamities may assail us; and, al-  
though I firmly believe that in no portion of  
the Great Empire to which it is our pride and

aid before you. I have also

therefore indispensably necessary; and the  
experience of the past has taught us that such

Schools of the County—to make provisions for defraying the expenses of attendance at these Schools and the University, of those who are desirous of competing for scholarships, exhibitions, or other prizes offered by the Universities or Colleges, but who are unable to incur these expenses; and even to endow Fellowships, Scholarships and other prizes for competition among the pupils of the Grammar Schools of this County. It has long been to me and many others, a matter of sincere regret and disappointment, that the highest municipal authority in the County should have so entirely ignored ~~its duty in relation to~~ <sup>the</sup> education, as it has hitherto done, when the people, whom it represents, in their earnest desire to promote the noble cause of education, have individually and through their minor municipal authorities contributed most liberally to the maintenance of their Schools, and have given their hearty co-operation to the various schemes suggested by that very valuable officer, the Chief Superintendent of Education for Western Canada.

#### SALE OF UNPATENTED LANDS.

Among the unfinished business of former Sessions, I find a matter which it is extremely desirable should be finally disposed of. I allude to the application of P. W. Rapelje, Esq., to be reimbursed in a sum of money, expended by him in the redemption of a lot of land, which, as alleged, had been illegally sold for taxes. As the decision of the Council in this matter will be cited as a precedent in all similar cases, it is important that it should receive your careful consideration, and in order to assist you in your deliberations, I will now, as briefly as possible, lay before you the opinion which I have arrived at, after due consideration.

From the statements contained in Mr. Rapelje's petition, I learn that the Patent for the land in question, issued in March, 1857; but it does not appear whether or not the property was occupied, either by himself, his tenants, or the persons from whom he purchased previous to the issuing of the Patent.

Assuming that Mr. Rapelje has been in occupation before the last mentioned period, I am clearly of opinion that he can have no claim against this Council for the taxes paid during the time intervening between the commencement of such occupation and the issuing of the Patent. This is evident from the words of the Assessment Act (22 Vic. chap. 55, sec. 9, sub-sec. 1 & 2) declaring that lands vested in Her Majesty, &c., not liable to taxation, but providing that if the same be occupied by one person, otherwise than in an official capacity, such occupant shall be assessed and pay the

will also be laid before you. I have carefully considered this case, and am of opinion that the Council should repay to the amount which he paid—\$59 45 with interest from the 6th October, 1860.

I have recommended the payment of interest in both the above cases, not only in the case of the above referred to, but also on the ground that although the giving of interest in cases of this sort is, in the event of a decision being disputed in a court of law, a matter for a jury to decide. Still, as a matter most universally given; and as the Council have had the use of the money since it was paid, it is only equitable that they should pay for it at the legal rate of interest.

I have received a copy of a Petition from the Legislative Assembly from the County of Lambton, praying for legislation in relation to the subject of Unpatented Lands, which will be laid before you. Also a communication from the County of Haldimand, relating to a grant of money on a public road, lying between the 5th and 6th concessions of the Township of Townsend.

#### GAOL CLOTHING, ETC.

I have also to announce for the information of the Council, that the matting for the House, and the clothing, blankets, &c., &c., necessities required for the Gaol, have been obtained in compliance with your resolutions. As the purchase of these articles involved a considerable expenditure, and has been done under the orders issued by the Government Gaol Inspectors, it appears that the expense should be borne by the Government; I have, therefore, prepared a statement, through the Government, showing an account in detail, showing the amount for which this Council claim to be reimbursed, a copy of which I will also lay before you.

#### HOUSES OF INDUSTRY AND REFUGES.

At former meetings of this Council, I endeavored to direct the attention of the members to the necessity of making some provision for the support and maintenance of the poor of this County, either by the establishment of a County Almshouse, or by the establishment of Industrial Farms, with a Refuge attached to them; and in the course of which I brought forward on the subject, which I suggested that each municipality should be required to contribute to the support of such establishments in proportion to the number of paupers sent by them respectively. As you are aware, I did not succeed in obtaining the sanction of the County Council to the proposal, but at the 3rd Session of the Council, having again brought up the subject, I was so far successful as to get a resolution passed affirming the necessity of a general system being adopted, and to memorialize the Legislature upon

laid before you. I have also considered this case, and am of opinion the Council should repay to him the which he paid—\$99 45 with interest on the 10th of October, 1860.

recommended the payment of interest on the above cases, not only because it was allowed in the case of Street, but also on the general principle, although the giving of interest in this sort is, in the event of the question disputed in a court of law, strictly a matter for a jury to decide. Still it is universally given; and as the Council have the use of the money since it was only equitable that they should pay at the legal rate of interest.

I received a copy of a Petition to the Assembly from the County of Haldimand, praying for legislation upon the Unpatented Lands, which will also be before you. Also a communication from the County of Haldimand, relative to a money on a public road, lying opposite the 6th concessions of the Township of Wensend.

#### GAOL CLOTHING, ETC.

I have the pleasure to announce for the information of the Council, that the matting for the Court, the clothing, blankets, and other articles required for the Gaol, have been purchased in compliance with your instructions. The purchase of these articles has entailed a considerable expenditure, and has been in accordance with the orders issued by the Government Inspectors, it appeared to me that the expense should be borne by the Province, therefore, prepared and forwarded through the Government Auditors, in detail, showing the amounts claimed by this Council to be reimbursed of which I will also lay before you.

#### OF INDUSTRY AND REFUGE.

At the meetings of this Council I endeavored to direct the attention of its members to the necessity of making some provision for the support and maintenance of the poor in the County, either by the erection of an Almshouse, or by the establishment of Industrial Farms, with Houses attached to them; and in the motion brought forward on the subject, I suggested that each municipality should be required to contribute to the support of these establishments in proportion to the number of poor at by them respectively. As you will be aware, I did not succeed in obtaining the sanction of the County Council to the scheme, but at the 3rd Session of the 11th Legislature, having again brought up the subject, so far successful as to get a resolution affirming the necessity of some system being adopted, and agreeing to refer the matter to the Legislature upon the sub-

ject, therefore indispensably necessary; and the experience of the past has taught us that such a force may be so constituted as to be in the highest degree efficient against an enemy, and, yet at the same time obsequious to the Civil Magistrate. It is true that at present there may be no immediate danger of war or invasion; but we know not how soon either of these calamities may assail us; and, although I firmly believe that in no portion of the Great Empire to which it is our pride and boast to belong, can be found better or more reliable material, out of which to form an effective military force, yet we cannot close our eyes to the fact that without having been drilled to military movements, and without instruction in the use of arms, our militiamen would prove but a feeble barrier to the advance of a regularly disciplined force. The occasional soldier is no match for the professional one.

I will not now trespass upon your attention by any further reference to this most important matter; but will conclude by again expressing the pleasure I felt in learning that some action had been taken by the Government and the Legislature on this subject; and most heartily uniting in the feeling expressed by His Excellency, the Governor General, at the prorogation of Parliament, when he said that he rejoiced to think, that in making provision for the maintenance of a Volunteer force, the Legislature had expressed their assent to the principle that the defence of their institutions, their homes, and their altars, against foreign attacks, is a duty incumbent on the inhabitants of this Province.

I have also to lay before you, the Reply to a Memorial of this Council, addressed to His Excellency, the Governor General, in Council, on the subject of a Harbor of Refuge on the north shore of Lake Erie.

And, now, Gentlemen of the County Council, in submitting these, with such other matters as may incidentally arise, for your consideration, I would add one more, nothing doubting but that you will give it due consideration.

#### PROVINCIAL AGRICULTURAL EXHIBITION.

You are, by law, authorized to aid Agricultural and other Societies. The agricultural interests of Canada are of the utmost importance. Permit me, therefore, to request your assistance in aid of our own County Society, by doing which you will directly contribute to the success of the Great Provincial Exhibition, which will take place at Toronto in September next, and be assured that no better means can be devised for developing the resources and wealth of our noble Province, and attracting to it that which is the real bone and sinew of a country—I mean an industrious, moral, and law-abiding people.

WM. M. WILSON,  
Warden.

Simcoe, 16th June, 1862.

*W. M. Wilson*

*W. M. Wilson*



