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THE MUNICIPAL ACT.

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

TOWNSHIPS.

27. In case a township is laid out by the Crown in territory forming no part of an incorporated county, the Lieutenant-Governor may, by proclamation, annex the township, or two or more of such townships lying adjacent to one another, to any adjacent incorporated county, and erect the same into an incorporated union of townships with some other township of such county. 46 V. c. 18, s. 27.

NOTE.—The new municipality may not only be annexed to an adjacent incorporated county by proclamation of the Lieutenant-Governor, but may be erected into an incorporated union with some other township of the county. See sec. 35.

28. When a junior township of an incorporated union of townships has 100 resident freeholders and householders on the assessment roll as last finally revised and passed, such township shall, upon the 1st of January next after the passing of the proper by-law in that behalf by the county council, become separated by the union. 46 V. c. 18, s. 28.

NOTE.—It may be inferred that the county council, upon application being made by the junior township, will “pass the proper by-law in that behalf,” for such separation.

29.—(1) In case a junior township has at least 50, but less than 100 resident freeholders and householders on the last revised assessment roll, and two-thirds of the resident freeholders and householders of the township petition the council of the county to separate the township from the union to which it belongs, and in case the council considers the township to be so situated, with reference to streams or other natural obstructions, that its inhabitants cannot conveniently be united with the inhabitants of an adjoining township for municipal purposes, the council may, by by-law, separate the same from the union; and the by-law shall name the returning officer who is to hold, and the place for holding, the first election under the same.

(2) In case two-thirds of the resident freeholders and householders of one or more junior townships petition the council of the county to be separated from the union to which they belong, and to be attached to some other adjoining municipality, and in case the council considers that the interest and convenience of the inhabitants of the township or townships would be promoted thereby, they may, by by-law, separate the township or townships from the union, and attach the same to some other adjoining municipality. 46 V. c. 18, s. 29.

NOTE.—(1) Provision is here made for separating a junior township from a union, where the number of freeholders and householders is less than 100.

(2) One or more junior townships may be separated from a union and attached to some other adjoining municipality.

30. After the dissolution of a union of townships, the following shall be the disposition of the property of the union :—

1. The real property of the union situate in the junior township shall become the property of the junior township ;

2. The real property of the union situate in the remaining township or townships of the union shall be the property of the remaining township or townships ;

3. The two corporations shall be jointly interested in the other assets of the union, and the same shall be retained by the one, or shall be divided between both, or shall be otherwise disposed of, as they may agree ;

4. The one shall pay or allow to the other, in respect of the said disposition of the real and personal property of the union, and in respect to the debts of the union, such sum or sums of money as may be just ;

5. In case the councils of the townships do not, within three months after the first meeting of the council of the junior township, agree as to the disposition of the personal property of the union, or as to the sum to be paid by the one to the other, or as to the times of payment thereof, the matters in dispute shall be settled by arbitration under this Act ;

6. The amount so agreed upon or settled shall bear interest from the day on which the union was dissolved ; and shall be provided for by the council of the indebted township like other debts. 46 V. c. 18, s. 30.

NOTE.—This section applies to the case of an incorporated village becoming separated from a township or townships. See sec. 11. In case the councils of the townships, or village and townships, do not agree upon the disposition of the personal property of the union and the adjustment of other assets of the union within three months from the first meeting of the junior township, the matters in dispute must be settled by arbitration.

31. In case a township is laid out by the Crown in an incorporated county or union of counties, or in case there is any township therein not incorporated and not belonging to an incorporated union of townships, the council of the county or united counties shall, by by-law, unite such townships, for municipal purposes, to some adjacent incorporated township, or union of townships in the same county or union of counties. 46 V. c. 18, s. 31.

NOTE.—By this section the council of a county or union of counties in which a new township is laid out or within which there is an unincorporated township, is *required* to unite such township or townships to an adjacent incorporated township in such county or union of counties, this section differs from s. 27 where the township does not form part of a county.

32. In case of there being at any time in an incorporated county or union of counties two or more adjacent townships not incorporated, and not belonging to an incorporated union of townships, and in case such adjacent townships have together not less than 100 resident freeholders and householders within the same, the council of the county or union of counties may, by by-law, form such townships into an independent union of townships. 46 V. c. 18, s. 32.

NOTE.—County councils may form two or more unincorporated townships into an independent union of townships within the county or union of counties.

33. Every proclamation or by-law forming a union of townships shall designate the order of seniority of the townships so united; and the townships of the union shall be classed in the by-law according to the relative number of freeholders and householders on the last revised assessment roll, or if there be no such revised assessment roll for any of such townships, then the order of seniority shall be determined by the proclamation or by-law, as the Lieutenant-Governor or county-council may think fit. 46 V. c. 18, s. 33.

34. In case the united townships are in different counties the by-law shall cease to be in force whenever the union of the counties is dissolved. 46 V. c. 18, s. 34.

COUNTIES.

35. The Lieutenant-Governor may, by proclamation, form into a new county any new townships not within the limits of an incorporated county, and may include in the new county one or more unincorporated townships or other adjacent unorganized territory (defining the limits thereof)

not being within an incorporated county, and may annex the new county to any adjacent incorporated county ; or in case there is no adjacent incorporated county, or in case the Lieutenant-Governor in Council considers the new county, or any number of such new counties lying adjacent to one another, and not belonging to any incorporated union, so situated that the inhabitants cannot conveniently be united with the inhabitants of an adjoining incorporated county for municipal purposes, the Lieutenant-Governor may, by the proclamation, erect the new county, or new adjacent counties, into an independent county or union of counties for the said purposes, and the proclamation shall name the new county or counties. 46 V. c. 18, s. 35.

NOTE.—New townships not within the limits of an incorporated county may be formed into a new county, and such new county may be annexed to an adjacent incorporated county.

36. In every union of counties, the county in which the county court house and gaol are situate shall be the senior county, and the other county or counties of the union shall be the junior county or counties thereof. 46 V. c. 18, 36.

37. During the union of counties, all laws applicable to counties (except as to representation in Parliament or the Legislative Assembly, and registration of titles) shall apply to the union as if the same formed but one county. 46 V. c. 18, s. 37.

PROVISIONAL COUNTY CORPORATIONS.

38. Where the census returns, taken under a statute or under the authority of a by-law of the council of any united counties, show that the junior county of the union contains 17,000 inhabitants, or more, then if a majority of the reeves and deputy-reeves of such county do, in the month of February, pass a resolution affirming the expediency of the county being separated from the union ; and if, in the month of February in the following year, a majority of the reeves and deputy-reeves transmit to the Lieutenant-Governor in Council a petition for the separation, and if the Lieutenant-Governor deems the circumstance of the junior county such as to call for a separate establishment of Courts and other county institutions, he may, by proclamation setting forth those facts, constitute the reeves and deputy-reeves in that

county a provisional council, and in the proclamation appoint a time and place for the first meeting of the council, and therein name one of its members to preside at the meeting, and also therein determine the place for and the name of the county town. 46 V. c. 18, s. 38.

NOTE.—A junior county containing 17,000 inhabitants may, by resolution and petition, become a provisional county, by proclamation of the Lieutenant-Governor, the resolution to be passed *in February* and the petition presented one year later *in February*.

39. The member so appointed shall preside in the council until a provisional warden has been elected by the council from among the members thereof. 46 V. c. 18, s. 39.

40. Every provisional council shall from time to time, by by-law, appoint a provisional warden, a provisional treasurer, and such other provisional officers for the county as the council deems necessary. The provisional warden shall hold office for the municipal year for which he is elected, and the treasurer and other officers so appointed shall hold office until removed by the council. 46 V. c. 18, s. 40.

41. Every provisional council may acquire the necessary property at the county town of the junior county on which to erect a court house and gaol, and may erect a court house and gaol thereon, adapted to the wants of the county, and in conformity with any statutory or other rules and regulations respecting such buildings, and may pass by-laws for such purposes. 46 V. c. 18, s. 41.

42. The powers of the provisional council shall not interfere with the powers of the council of the union, and any money raised by the provisional council in the junior county shall be independent of the money raised therein by the council of the union. 46 V. c. 18, s. 42.

43. After a provisional council has procured the necessary property, and erected thereon the proper buildings for a court house and gaol, such council, and the council of the senior or remaining counties, may enter into an agreement for the settlement of their joint liabilities and the disposition of their joint assets (other than real estate) and for determining the balance or amount that may be due by the one county to the other, and the times of payment thereof; and in determining the balance the senior or remaining

counties shall assume the debts of the union, and the junior county be charged with such part thereof as may be just; and the value of the real estate, which upon the separation, becomes the property of the senior or junior county respectively, and any improvement effected by the union which either county gets the exclusive benefit of, shall also be taken into account. 46 V. c. 18, s. 43.

NOTE.—The reeves and deputy-reeves of the junior council having become a provisional council by proclamation, may enter into an agreement with the council of the senior or remaining counties for the settlement and disposition of assets and liabilities (other than real estate), and the value of the real property, as well as improvements affected by the union, which either county gets must be taken into account (the mode of procedure is similar to the dissolution of townships, see sec. 30).

44. No member of the provisional council shall vote or take part in the council of the union on any question affecting such agreement, or the negotiation therefor. 46 V. c. 18, s. 44.

NOTE.—The members of the provisional council being also members of the union, it would be unreasonable to allow them to vote on matters pertaining to the agreement mentioned in sec. 43.

45. In case the councils, within one month after the period mentioned in section 43, are unable to determine by agreement the several matters hereinbefore mentioned with respect to their debts, assets and property, such matters shall be settled between them by arbitration under this Act, and the county found liable shall pay to the other county the balance or amount agreed or settled to be due by such county, and such amount shall bear interest at six per centum per annum from the day on which the union is dissolved, and shall be provided for, like other debts, by the council of the county liable therefor after separation. 46 V. c. 18, s. 45.

NOTE.—See sec. 385 *et. seq.*, *Re arbitrations.*

46. After the sum, if any, to be paid by the junior county to the senior or remaining county or counties has been paid

or ascertained, by agreement or arbitration, a Judge may be appointed as provided by *The British North America Act, 1867*, and the Lieutenant-Governor or Lieutenant-Governor in Council, as the case may be, shall appoint a sheriff, one or more coroners, a clerk of the peace, a clerk of the County Court, a registrar, and at least twelve Justices of the Peace, and shall provide in the commission or commissions, that the appointments are to take effect on the day the counties become disunited. 46 V. c. 18, s. 46.

NOTE.—See the *British North America Act, 1867*, secs. 96-100—the appointments, it may be inferred, are to be made for the junior county.

47. After such appointments are made the Lieutenant-Governor shall, by proclamation, separate the junior county from the senior or remaining county or counties, and shall declare such separation to take effect on the 1st day of January next after the end of three months from the date of the proclamation; and on that day the Courts and officers of the union (including Justices of the Peace) shall cease to have any jurisdiction in the junior county; and the real property of the corporation of the union situate in the junior county shall become the property of the corporation of the junior county, and the real property situate in the remaining county or united counties shall be the property of the corporation of the remaining county or united counties; and the other assets belonging to the corporation of the union, shall belong to and be the property of the senior or junior county or union of counties respectively, as agreed upon at the separation; and, if not otherwise disposed of by agreement or arbitration, they shall belong to and be the property of the senior county or union of counties; and in the case of choses in action, they may be recovered in an action, or other proceeding, instituted or commenced in the name of the senior county or union of counties. 46 V. c. 18, s. 47.

NOTE.—After the separation of the junior from the senior or remaining county or counties, the Courts and officers of the union shall cease to have jurisdiction in the junior county.

48. When a junior county is separated from a union of counties, the head and members of the provisional council of the junior county, and the officers, by-laws, contracts, property, assets and liabilities of the provisional incorpora-

tion, shall be the head and members of the council, and the officers, by-laws, contracts, property, assets and liabilities of the new corporation. 46 V. c. 18, s. 48.

(2) The treasurer of the senior county shall, upon being requested so to do, deliver to the treasurer of the new county the books relating to the municipalities within the new county required to be kept under section 152 of *The Assessment Act*. 51 V. c. 28, s. 3.

49. The dissolution of a union of counties shall not prevent the sheriff of any senior county from proceeding upon and completing the execution or service within the junior county of any writ of mesne or final process in his hands at the time of such separation, or of any renewal thereof, or of any subsequent or supplementary writ in the same cause; or, in the case of executions against lands, from executing all necessary deeds and conveyances relating to the same, and the acts of all such sheriffs in that behalf shall be and be held and construed to be legal and valid in the same manner and to the same extent as if no separation had taken place, but no further. 46 V. c. 18, s. 49.

(2) This section shall not be held to authorize the sheriff of the senior county to execute within the new county any writ which is not in his hands at the time the dissolution takes effect, unless such writ depends for its priority upon a former writ executed by such sheriff or in his hands at the said time.

(3) All actions and proceedings in any Court which may be pending at the date the establishment of the new county takes effect, may be prosecuted, continued and completed, and all writs of execution and other processes, and all acts and proceedings subsequent thereto, may (subject to any order to the contrary being made) be taken, issued, and had in the county in which such actions and proceedings were originally commenced as fully and effectually as if the junior county had not been separated from the senior county; and subject to the provisions of the next sub-section, no writ or other process or proceeding shall lose its priority by reason of no entry thereof appearing or being in the proper office in that behalf in the new county; and all officers who would have had power or authority to execute such writ, process or proceedings, if the new county had not been formed, shall, for the purpose of all pending suits, actions and proceedings, have the same power and authority in respect of the same as if the dissolution had not taken place.

(4) No unsatisfied writ against lands or goods in the hands of the sheriff of the union on the day the dissolution takes effect shall bind lands or goods situate within the limits of the new county, or have any effect upon such lands or goods after one year from the said day, unless the person entitled to the benefit of such unsatisfied writ, before the expiration of the said year shall have placed a writ against lands or goods (as the case may require) in the hands of the sheriff of the new county, indorsed with a notice that priority is claimed by virtue of this Act, in which case his writ in the hands of the sheriff of the senior county, if it, at the said time, did bind lands or goods within the territory included in the new county, shall continue to bind such lands or goods and shall retain its priority so long as such indorsed writ remains in force; provided such person shall not in the meantime have permitted his writ in the hands of the sheriff of the senior county to expire, or shall not have otherwise lost his priority.

(5) The Lieutenant-Governor may, in the proclamation establishing the new county, or in a subsequent proclamation, fix and determine the number, limits and extent of the Division Courts for the new county, to take effect from a day to be named, subject to be thereafter altered under the provisions of *The Division Courts Act*, and may by such proclamation direct that suits and proceedings which at the said day are pending or being in any Division Court therein specified, shall become suits or proceedings of any other Division Court therein specified, and thereupon such suits or proceedings may be continued in such last-mentioned Court as if they had been commenced therein.

(6) All chattel mortgages relating to property within any of the townships, cities, towns or incorporated villages forming the new county, at the date the proclamation takes effect, shall until their renewal becomes necessary to maintain their force against creditors, continue to be as valid and effectual in all respects as they would have been if the new county had not been formed, but in the event of a renewal of any such chattel mortgage after the date the proclamation takes effect, the renewal shall be filed in the proper office in that behalf in the new county as if the mortgage had originally been filed therein, together with a certified copy under the hand of the clerk and seal of the County Court, and no chattel mortgage in force at the said

date shall lose its priority by reason of its not being filed in the new county prior to its renewal. 51 V. c. 28, s. 4.

50. If upon a dissolution of a union of counties, there is pending an action, or other civil proceeding in which the county town of the union has been named as the place of trial, the Court in which the action or proceeding is pending, or any Judge who has authority to make orders therein, may by consent of parties, or on hearing the parties upon affidavit, order the place of trial to be changed, and all records and papers to be transmitted to the proper officers of the new county. 46 V. c. 18, s. 50.

51. In case no such change is directed, all such actions and other civil proceedings shall be carried on and tried in the senior county. 45 V. c. 18, s. 51.

52. All Courts of the junior county required to be held at a place certain, shall be held in the county town of the junior county. 46 V. c. 18, s. 52.

AN ACT RESPECTING PUBLIC SCHOOLS.

NOTE.—In consequence of important changes in the Public School Act, made at the present Session of the Ontario Legislative Assembly, we deem it wise to omit continuation of notes in the present number, but will publish the amendments to the Act in our issue for April, which will appear shortly.

AN ACT RESPECTING SEPARATE SCHOOLS.

(Cap. 237, R. S. O. 1887.)

(CONTINUED.)

20. The trustees of separate schools for Roman Catholics heretofore elected, or hereafter to be elected, according to the provisions of this Act, in the several wards of any city or town, or incorporated village, shall form one body corporate, under the title of "The Board of Trustees of the Roman Catholic separate schools for the city (or town, or incorporated village) of _____." 49 V. c. 46, s. 21.

NOTE.—In cities, towns, and incorporated villages, Boards of school trustees are to be formed.

21. Any number of persons, not less than five, being head of families, and householders or freeholders resident within any school section of any township, incorporated village or town, or within any ward of any city or town, and being Roman Catholics, may convene a public meeting of persons desiring to establish a separate school for Roman Catholics in such school section or ward, for the election of trustees for the management of the same. 49 V. c. 46, s. 22.

22. A majority of the persons present, being householders or freeholders, and Roman Catholics, and not candidates for election as trustees, may at such meeting, elect three persons resident within such section or an adjoining section, to act as trustees for the management of such separate school. 49 V. c. 46, s. 23.

23. Notice in writing that such meeting has been held, and of such election of trustees, shall be delivered by one of the trustees so elected to the reeve or head of the municipality, or to the chairman of the board of public school trustees, in the township, incorporated village, town or city in which the school is about to be established, designating

by their names, occupations and residences, the persons elected in the manner aforesaid, as trustees for the management thereof; and it shall be the duty of the officer receiving the same to endorse thereon the date of the receipt thereof, and to deliver a copy of the same so endorsed and duly certified by him to such trustee, and from the day of the delivery and receipt of every such notice, or in the event of the neglect or refusal of such officer to deliver a copy so endorsed and certified, then from the day of the delivery of the notice the trustees therein named shall be a body corporate, under the name of "The Trustees of the Roman Catholic Separate School for the section number _____, in the Township of _____, or for the ward of _____, in the City or Town (as the case may be), or for the Village of _____ in the County of _____." 49 V. c. 46, s. 24.

NOTE.—(1) Five or more persons, heads of families, being Roman Catholic freeholders or householders, may convene a meeting for the purpose of establishing a separate school; (2) at such meeting a majority of freeholders and householders, being Roman Catholics, and not candidates for election, may elect three trustees for such school; (3) upon notice in writing of such election of trustees being given to the proper officer, the trustees named in such notice shall be a body corporate.

RURAL SEPARATE SCHOOLS.

24. For every rural school there shall be three trustees, each of whom, after the first election of trustees, shall hold office for three years, and until his successor has been elected. 49 V. c. 46, s. 25.

NOTE.—The trustees here referred to, are such as are to be elected to represent a separate school in a township school section.

25. Any person being a British subject, not less than twenty-one years of age, may be elected as a trustee whether he be a householder or freeholder or not. 49 V. c. 46, s. 26.

NOTE.—Any person being a British subject and twenty-one years of age may be elected a trustee without any limitation as to location or other qualification.

26. Every householder or freeholder of the full age of twenty-one years, who is a supporter of a rural separate school, shall be entitled to vote at any election for school trustee, or on any school question whatsoever, at any annual or special meeting of the supporters of such school. 49 V. c. 46, s. 27.

27. The trustees of every rural school shall hold office and be elected as hereinafter provided, and the time and mode of election, appointment and duties of chairman and secretary at the annual meeting, term of office and manner of filling up vacancies, shall likewise be as hereinafter provided, that is to say:

1. A meeting of the supporters of the rural school shall be held annually on the last Wednesday of December, or if such Wednesday be a holiday, then on the next day following, commencing at the hour of ten o'clock in the forenoon, for the purpose (among other things) of electing a school trustee or trustees.

2. In case from the want of proper notice or other cause, any first or annual meeting of separate school supporters, required to be held for the election of trustees, was not held at the proper time, any two supporters of a separate school may call a school meeting, by giving six days' notice, to be posted in at least three of the most public places in the locality in which the school is situate; and the meeting thus called shall possess all the powers and perform all the duties of the meeting in the place of which it is called.

3. The supporters of the separate school present at the meeting shall elect one of their own number to preside over its proceedings, and shall also appoint a secretary, who shall record the proceedings of the meeting and perform such other duties as may be required of him by this Act.

(c.) The business of the meeting may be conducted in the following order:—Receiving the annual report of the trustees, and disposing of the same; receiving the annual report of the auditor or auditors, and the disposing of the same; electing an auditor for the current year; miscellaneous business; electing a trustee or trustees to fill any vacancy or vacancies.

4. The chairman shall preside and submit all motions to the meeting in the manner decided by the majority. In case of an equality of votes, he shall give the casting vote, but no other vote. He shall decide all questions of order subject to an appeal to the meeting.

5. When a poll is demanded by two supporters of a rural school at the meeting for the election of a trustee the chairman shall forthwith grant the same, and the secretary shall thereupon immediately proceed to record, as herein directed, the names of all qualified supporters of the rural school who shall present themselves within the time prescribed by this Act, and the secretary shall enter in the 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 supporters offering to vote at the election, and shall, in the column on which is entered the name of a candidate voted for by a supporter, set the figure "1" opposite the supporter's name, with the residence of such supporter.

6. In case a poll is demanded upon a rural school question by any two supporters, the name of each supporter shall be similarly placed in separate columns marked "for" or "against."

7. In case any objection is made to the right of a person to vote at any annual or special meeting, either for trustee or upon any school question, the chairman of the meeting, or other officer presiding, shall require the person whose right of voting is objected to, to make the following declaration or affirmation:—

- (a) I, *A. B.*, declare and affirm, that I am an assessed householder or freeholder in Separate School Section.
- (b) That I am of the full age of 21 years.
- (c) That I am a supporter of the Roman Catholic Separate School in said School Section No. —
- (d) That as such supporter I have the right to vote at this meeting of the supporters of such school.

Whereupon the person making such declaration shall be entitled to vote.

8. The poll at any such election of a separate school trustee or trustees, or on any school question, shall not close before eleven o'clock in the forenoon, but may close a

any time thereafter when a full hour has elapsed without any vote having been polled, and shall not be kept open later than four o'clock in the afternoon of the day on which the election is commenced.

9. A trustee elected to fill a vacancy shall hold office only for the unexpired term of the person in whose place he has been elected.

10. A trustee may resign with the consent, expressed in writing, of his colleagues in office.

11. Any retiring trustee may be re-elected with his own consent, otherwise he shall be exempted from serving for four years next after leaving office.

12. The trustees elected at a first rural school meeting shall respectively continue in office as follows:—

(a) The first person elected shall continue in office for two years, to be reckoned from the annual school meeting next after his election, and thence until his successor has been elected ;

(b) The second person elected shall continue in office for one year, to be reckoned from the same period, and until his successor has been elected ;

(c) The third or last person elected, shall continue in office until the next ensuing annual school meeting and until his successor has been elected.

13. A correct copy of the minutes of a first and of every annual and of every special school meeting, signed by the chairman and secretary, shall be forthwith transmitted by the chairman of such meeting to the Education Department. 49 V. c. 46, s. 28.

DUTIES OF TRUSTEES.

28. The trustees of every rural school shall have power and shall perform duties similar to those of the trustees of public schools in school sections, that is to say:—

1. Every board of rural school trustees (a majority of whom shall form a quorum) shall be constituted by the election of a chairman and a secretary-treasurer.

- (a) 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: and such security shall be deposited with the chairman of the board of separate school trustees.

2. It shall be the duty of the secretary-treasurer :—

- (a) To keep a full and correct record of the proceedings of every meeting of the board in the minute-book provided by the trustees for that purpose, and to see that the minutes, when confirmed, are signed by the chairman or presiding trustee ;
- (b) To receive all school moneys collected from the supporters of such school, and to account for the same ;
- (c) To disburse all moneys in the manner directed by a majority of the trustees ;
- (d) To produce, when called for by the trustees, auditors or other competent authority, all papers and moneys belonging to the corporation ;
- (e) To call at the request in writing of two trustees a special meeting of the board of trustees.

3. Notices of all meetings shall be given by the secretary to each of the trustees, or by any one of the trustees to the others, by notifying them personally, or in writing, or by sending a written notice to their residences.

4. No act or proceeding of a rural school corporation which is not adopted at a regular or special meeting of the trustees, shall be valid or binding on any person affected thereby, unless notice has been given as required by this Act and unless at least two trustees are present.

5. Every board of rural trustees shall annually, on or before the first day of December, appoint an auditor, and in case of their neglect, or the neglect of the ratepayers at an annual or special meeting to do so, or in case of an auditor being appointed or elected who refuses, or is unable to act, then the Minister of Education may (at the request in writing of any five supporters of such rural school) make such appointment.

6. It shall be the duty of the trustees or their secretary-treasurer, to lay all their accounts before the auditors of the school, or either of them, together with the agreements, vouchers, contracts and books in their possession, and such trustees or their secretary-treasurer, shall afford to the auditors, or either of them, all the information in their or his power as to the receipts and expenditures of school moneys.

7. The trustees shall appoint the place of each annual school meeting of the supporters of the school for which they are the trustees; and the time and place of a special meeting of the same for (1) the filling up of any vacancy or vacancies in the trustee corporation occasioned by death, removal, or other cause; (2) for the election of a new school site; (3) the appointment of a school auditor; or (4) any other lawful school purpose as they may think fit and proper; and to cause notices of the time and place, and of the objects of such meetings, to be posted in three or more public places of the neighborhood in which the school is situate at least six days before the time of holding such meeting.

8. The trustees shall provide adequate accommodation and a legally qualified teacher or teachers, according to the provisions of this Act, or the regulations prescribed by the Education Department, for all children between the ages of five and twenty-one years belonging to the supporters of their school.

9. Every such board may apply to the township council at or before its meeting in August for the levying or collecting by rate, all sums for the support of their school or schools, and for any other school purposes authorized by this Act to be collected from the supporters of such separate school.

10. The trustees shall arrange for the payment of teachers' salaries quarterly and, if necessary, 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 for that purpose are collected.

11. The trustees shall keep the school-house, furniture, out-buildings, and enclosures in proper repair, and where there is no suitable school-house, or where two or more school-houses are required, build or rent a house or houses and

keep such house or houses, its or their furniture, outbuildings and their enclosures in proper repair.

12. The trustees shall give notice in writing, before the 15th day of January in each year, to the Education Department, of the names and post-office addresses of the several trustees then in office, and of the teachers employed by them, and give reasonable notice in writing, from time to time to time, of any changes therein.

13. The trustees may exempt, in their discretion, from the payment of school rates, wholly or in part, any indigent persons; notice of such exemption, when the school rate is collected by the municipality, shall be given by the trustees to the the clerk of the municipality on or before the 1st day of August.

14. The trustees may dismiss from the school any pupil who shall be adjudged so refractory by the trustees (or by a majority of them), and the teacher, that his presence in the school is deemed injurious to the other pupils, and where practicable, remove such pupil to an industrial school.

15. Every board of trustees shall take possession and have the custody and safe keeping of all school property which has been acquired or given for school purposes; and may acquire and hold as a corporation, by any title whatsoever, land, movable property, moneys or income given or acquired by the board at any time for school purposes, and shall hold or apply the same, according to the terms on which the same were acquired or received; and may 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; and convey the same under their corporate seal, and apply the proceeds thereof to their lawful school purposes, or as directed by this Act.

16. Such trustees shall visit, from time to time, every school under their charge, and see that it is conducted according to law and the authorized regulations, and shall provide school registers and a visitors' book, in the form prescribed by the Education Department.

17. The trustees shall cause to be prepared and read at the annual meeting of the supporters of every rural school, a report for the year then ending, containing, among other things, a summary of their proceedings during the year, together with all school moneys received and expended in

behalf of the school for any purpose whatever, during such year, and signed by the trustees, and by either or both of the school auditors.

18. The trustees shall transmit to the Education Department the semi-annual returns on or before the 30th day of June and 31st day of December respectively, and the annual return on or before the 15th day of January, in each year, according to the forms prescribed by the Education Department. 49 V. c. 46. s. 29.

NOTE.—See notes to sections 14, 17, 18, 19, 20, 21, and 22 of the "*Public Schools Act*."

29.—(1) It shall be lawful for the majority of the supporters of the rural school, in each separate school section, whether the sections be in the same or adjoining municipalities, at a public meeting duly called by the separate school trustees of each such section, to form the sections into a separate school union section, of which union of sections, the trustees shall give notice within fifteen days to the clerk or clerks of the municipality or municipalities, and to the Minister of Education; and every separate school union section thus formed shall be deemed one school section for all Roman Catholic separate school purposes, and shall every year thereafter be represented by three trustees, to be elected as provided in section 27 of this Act.

(2) The said trustees shall form a body corporate, under the title of the Board of Trustees of the Roman Catholic United Separate Schools for the United Sections Nos. (as the case may be) in the (as the case may be)." 49 V. c. 46, s. 30.

AN ACT RESPECTING THE ASSESSMENT
OF PROPERTY.

(R. S. O. 1887, Cap. 193.)

NOTE.—By 51 Vic. C. 29, s. 4. A column 34 is added to s. 14, viz. :—

Each and every steam boiler in the municipality used for driving machinery or for any manufacturing purpose, with the name of owner and the purpose for which the same is used.

The clerk of the municipality shall, on the first day of June in each year, return to the Provincial Secretary the number of such steam boilers as shewn by such roll.

THE FRANCHISE ASSESSMENT
ACT, 1889.

(52 Vic. Cap. 40).

1.—This Act may be cited as "*The Franchise Assessment Act, 1889.*"

2.—(1) In this section the words and expressions "Farm," "Son," "Sons," "Farmer's son," "Father," "Election," "To Vote," shall respectively have the meaning given thereto by section 79 of *The Municipal Act*.

(2) Every farmer's son *bona fide* resident on the farm of his father or mother, at the time of the making of the assessment roll, shall be entitled to be, and may be, entered, rated and assessed on such roll, in respect of such farm, in manner following :

- (a) If the father is living, and either the father or mother is the owner of the farm, the son or sons may be entered, rated and assessed, in respect of the farm, jointly with the father, and as if such father and son or sons were actually and *bona fide* joint owners thereof.
- (b) If the father is dead, and the mother is the owner of the farm, and a widow, the son or sons may be entered, rated and assessed in respect of the farm, as if he or they was or were actually and *bona fide* an occupant or tenant, or joint occupants or tenants thereof, under the mother.
- (c) Occasional or temporary absence from the farm for a time or times, not exceeding in the whole six months of the twelve months next prior to the return of the roll by the assessor, shall not operate to disentitle a son to be considered *bona fide* resident as aforesaid.
- (d) If there are more sons than one so resident, and if the farm is not rated and assessed at an amount sufficient, if equally divided between them, to give a qualification to vote at a municipal election, to the father and all the sons, where the father is living, or to the sons alone where the father is dead and the mother is a widow, then the right to be assessed under this Act shall belong to and be the right only of the father and such of the eldest or elder of said sons to whom the amount at which the farm is rated and assessed will, when equally divided between them, give a qualification so to vote.
- (e) If the amount at which the farm is so rated and assessed is not sufficient, if equally divided between the father, if living, and one son, to give to each a qualification so to vote, then the father shall be the only person entitled to be assessed in respect of such farm.
- (f) A farmer's son entitled to be assessed under any of the preceding provisions, may require his name to be entered and rated on the assessment roll as a joint or separate owner, occupant or tenant of the farm, as the case may be ; and

such farmer's son so entered and rated shall be liable in respect of such assessment as such owner, tenant or occupant.

NOTE.—By the Municipal Act, sec. 79, it is enacted that "Farm" shall mean land actually occupied by the owner thereof, and not less in quantity than twenty acres. "Son" or "Sons," or "Farmer's son" or "Farmer's sons" shall mean any male person or persons not otherwise qualified to vote, and being the son or sons of an owner and actual occupant of a farm; "Father" shall include step-father; "Election" shall mean an election for a member to a municipal council; "To Vote" shall mean to vote at an election.

3.—(1) Every assessor shall, in conformity and compliance with the provisions in that behalf of *The Manhood Suffrage Act*, enter on his roll every person entitled to be entered thereon under the said Act, and, in addition to the entries required to be made in that behalf in the roll by *The Assessment Amendment Act, 1888*, shall, opposite the name of every such person, in the column 8 mentioned in section 14 of *The Assessment Act*, enter

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

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

(2) No person shall be entitled to be marked or entered by the assessor in the assessment roll as a qualified voter under *The Manhood Suffrage Act*, in respect of residence in a municipality where he is in attendance as a scholar or student at any school, university, or other institution of learning, unless he has no other place of residence entitling him to vote under said Act.

(3) No person shall be entitled to be entered or marked by the assessor in the assessment roll as qualified to vote under *The Manhood Suffrage Act*, who, at the time of marking or entering is a prisoner in a gaol or prison undergoing punishment for a criminal offence; or is a patient in a lunatic asylum; or is maintained, in whole or in part, as an inmate receiving charitable support or care in a municipal poorhouse or house of industry, or as an inmate receiving charitable support or care in a charitable institution receiving aid from the Province under any statute in that behalf.

(4) The assessor shall place on the assessment roll, as qualified to be a voter under *The Manhood Suffrage Act*, the name of every male person who delivers or causes to be delivered to the assessor, an affidavit signed by such person in the form or to the effect set forth in Form "A" appended to the said Act, if the facts stated are such as entitle such person to be placed thereon, and the affidavit may be made before any assessor or Justice of the Peace, commissioner for taking affidavits, or notary public; and every such officer shall, upon request, administer an oath to any person wishing to make the affidavit.

(5) The assessor shall also make reasonable inquiries in order to ascertain what persons resident in his municipality, or in the section of the municipality in respect of which the assessor is acting, are entitled to be placed on the assessment roll as qualified to be voters under *The Manhood Suffrage Act*, and shall place such persons on the roll as qualified to be voters without the affidavit referred to in the next preceding sub-section.

(6) In addition to any other affidavit, oath, certificate or statement required or directed by *The Assessment Act*, or any Act in amendment thereof, the assessor shall, at the foot of his assessment roll, after he has completed the same, make affidavit before a Justice of the Peace in the words, or to the effect following:—

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

"I have not intention "v omitted from the said roll the name of any person whom I believe entitled to be placed thereon, nor have I, in order to deprive any

person of a right of voting, omitted from column 4 opposite the name of such person, any letter or letters which I ought to have placed there."

(7) Complaints of persons having been wrongfully entered on the assessment roll as qualified to be voters under *The Manhood Suffrage Act*, or of persons not having been entered thereon as qualified to be voters under said Act, who should have been so entered, may by any person entitled to be a voter under said Act, or to be entered on the voters' list in the municipality or in the electoral district in which the municipality is situate, be made to the Court of Revision as in the case of assessments.

(8) The provisions of this section shall, to all intents and for all purposes, be deemed and taken to have been in full force and effect on, from and after the first day of February, 1889.

4.—(1) Nothing in section 47 of *The Assessment Act* contained shall be deemed to require the assessor to give, leave or transmit any notice to any person entered on the assessment roll as a farmer's son, either under the provisions of said Act as amended by this Act or otherwise, but in any notice given or transmitted to any farmer under the provisions of said section the assessor shall enter and set forth the name of every person entered in said roll as a son of such farmer.

(2) Any notice, document or paper necessary to be given to, or left with, or served upon a farmer's son under any of the provisions of *The Assessment Act*, shall be deemed to be so given to, or left with, or served upon such son if the same is given to him personally, or is left with some grown person at the residence of the farmer whose son he is.

(3) In this section the expression "Farmer's son" and the word "Farmer" shall have the same meaning as in section 2 of this Act.

5. Section 46 of *The Assessment Act*, as amended by *The Assessment Amendment Act, 1888*, is hereby repealed.

6. Section 51 of *The Assessment Act* is hereby repealed, and instead thereof, the following shall be read as section 51 of the said Act:—

51.—(1) To prevent the creation of false votes, where a person claims to be assessed, or to be entered or named in any assessment roll, or claims that another person should be assessed, or entered or named in such assessment roll, as entitled to be a voter, and the assessor has reason to suspect that the person so claiming, or for whom the claim is made, has not a just right to be so assessed, or to be entered or named in the roll as so entitled to be a voter, it shall be the duty of the assessor to make reasonable inquiries before assessing, entering or naming any such person in the assessment roll.

(2) Any person whomsoever entitled to be assessed or to have his name inserted or entered in the assessment roll of a municipality, shall be so assessed, or shall have his name so inserted or entered, without any request in that behalf; and a person entitled to have his name so inserted or entered in the assessment roll, or in the list of voters based thereon, or to be a voter in the municipality, shall, in order to have the name of any other person entered or inserted in the assessment roll, or list of voters, as the case may be, have for all purposes the same right to apply, complain or appeal to a Court or a Judge in that behalf as such other person would or can have personally, unless such other person actually dissents therefrom.

(3) Any person who wilfully and improperly inserts or procures or causes the insertion of the name of a person in the assessment roll, or assesses or procures or causes the assessment of a person at too high an amount, with intent in either or any such case to give to a person not entitled thereto either the right or an apparent right to be a voter; or who wilfully inserts, or procures or causes the insertion of any fictitious name in the assessment roll, or who wilfully and improperly omits or procures or causes the omission of the name of a person from the assessment roll, or assesses or procures or causes the assessment of a person at too low an amount, with intent in either case to deprive any person of his right to be a voter, shall, upon conviction thereof before a Court of competent jurisdiction, be liable to a fine not exceeding \$200, and to imprisonment until the fine is paid, or to imprisonment in the common gaol of the county or city, for a period not exceeding six months, or to both such fine and imprisonment, in the discretion of the Court.

(4) The word "Voter" in this section shall have the meaning given thereto by *The Ontario Voters' Lists Act, 1889*.

NOTE.—"Voter," by the Ontario Voters' Lists Act, 1889, "shall mean a person entitled to be a voter or to be named in the voters' list as qualified to be a voter either at an election of a member of the Legislative Assembly within the meaning of *The Manhood Suffrage Act*, or at any municipal election as the case may be."

7. Section 50 of *The Assessment Act* is hereby amended by omitting therefrom the words and figures "on or before the 1st day of May," and inserting instead thereof the words "on or before the thirtieth day of April."

NOTE.—By this section the assessor must return the assessment roll to the clerk on the 30th day of April.

8—(1) In this Act, and in *The Assessment Act* as amended by this Act, the expression "List of Voters" shall mean the alphabetical list referred to in section 3 of *The Ontario Voters' Lists Act, 1889*.

(2) In this Act, the expression "assessment roll" and the word "roll" shall mean an assessment roll within the meaning of *The Assessment Act*.

9. This Act and *The Assessment Act* and *The Assessment Amendment Act, 1888*, as amended by this Act, shall be read and construed as one Act.

MISCELLANEOUS.

CLOSING REMARKS OF HON. T. D'ARCY MCGEE'S
ORATION ON CONFEDERATION.

I trust the House will permit me to add a few words as to the principle of Confederation considered in itself. In the application of this principle to former constitutions, there certainly always was one fatal defect, the weakness of the central authority. Of all the Federal constitutions I have ever heard or read of, this was the fatal malady: they were short-lived, they died of consumption. (Laughter.) But I am not prepared to say that because the Tuscan League elected its chief magistrates for two months and lasted a century, that therefore the Federal principle failed. On the contrary, there is something in the frequent, fond recurrence of mankind to this principle, among the freest people, in their best times and worst dangers, which leads me to believe, that it has a very deep hold in human nature itself—an excellent basis for a government to have. But indeed, sir, the main question is the due distribution of powers—a question I dare not touch to-night, but which I may be prepared to say something on before the vote is taken. The principle itself seems to me to be capable of being so adapted as to promote internal peace and external security, and to call into action a genuine, enduring and heroic patriotism. It is a fruit of this principle that makes the modern Italian look back with sorrow and pride over a dreary waste of seven centuries to the famous field of Legnano; it was this principle kindled the beacons which burn yet on the rocks of Uri; it was this principle that broke the dykes of Holland and overwhelmed the Spanish with the fate of the Egyptian oppressor. It is a principle capable of inspiring a noble ambition and a most salutary emulation. You have sent your young men to guard your frontier. You want a principle to guard your young men, and thus truly defend your frontier. For what do good

men (who make the best soldiers) fight? For a line of Scripture or chalk line—for a pretext or for a principle? What is a better boundary between nations than a parallel of latitude, or even a natural obstacle?—what really keeps nations intact and apart?—a principle. When I can hear our young men say as proudly, “Our Federation,” or “Our Country,” or “Our Kingdom,” as the young men of other countries do, speaking of their own, then I shall have less apprehension for the result of whatever trials the future may have in store for us. (Cheers.) It has been said that the Federal Constitution of the United States has failed. I, sir, have never said it. The Attorney-General West told you the other night that he did not consider it a failure; and I remember that in 1861, when in this House I remarked the same thing, the only man who then applauded the statement was the Attorney-General West—so that it is pretty plain he did not simply borrow the argument for use the other night, when he was advocating a Federal union among ourselves. (Hear, hear.) It may be a failure for us, paradoxical as this may seem, and yet not a failure for them. They have had eighty years’ use of it, and having discovered its defects, may apply a remedy and go on with it eighty years longer. But we also are lookers on, who saw its defects as the machine worked, and who have prepared contrivances by which it can be improved and kept in more perfect order when applied to ourselves. And one of the foremost statesmen in England, distinguished alike in politics and literature, has declared, as the President of the Council informed us, that we have combined the best parts of the British and the American systems of government, and this opinion was deliberately formed at a distance without prejudice, and expressed without interested motives of any description. (Hear, hear.) We have, in relation to the head of the Government, in relation to the judiciary, in relation to the second chamber of the Legislature, in relation to the financial responsibility of the General Government, and in relation to the public officials whose tenure of office is during good behaviour, instead of at the caprice of a party—in all these respects we have adopted the British system; in other respects we have learned something from the American system, and I trust and believe we have made a very tolerable combination of both. (Hear, hear.) The principle of Federation is a generous principle. It is a principle that gives men local duties to discharge, and invests them at the same time with general supervision,

that excites a healthy sense of responsibility and comprehension. It is a principle that has produced a wise and true spirit of statesmanship in all countries in which it has ever been applied. It is a principle eminently favorable to liberty, because local affairs are left to be dealt with by local bodies and cannot be interfered with by those who have no local interest in them, while matters of a general character are left exclusively to a general government. It is a principle coincident with every government that ever gave extended and important services to a country, because all governments have been more or less confederations in their character. Spain was a federation, for although it had a king reigning over the whole country, it had its local governments for the administration of local affairs. The British Isles are a confederation, and the old French dukedoms were confederated in the States General. It is a principle that runs through all the history of civilization in one form or another, and exists alike in monarchies and democracies: and having adopted it as the principle of our future government, there were only the details to arrange and agree upon. Those details are before you. It is not in our power to alter any of them, even if the House desires it. If the House desires it can reject the treaty, but we cannot, nor can the other provinces which took part in its negotiation, consent that it shall be altered in the slightest particular. (Hear, hear.) Mr. Speaker, I am sorry to have detained the House so long, and was not aware till I had been some time on my legs that my physical force was so inadequate to the exposition of these few points which, not specially noticed by my predecessors in this debate, I undertook to speak upon. We stand at present in this position: we are bound in honor, we are bound in good faith, to four provinces occupied by our fellow-colonists, to carry out the measure agreed upon here in the last week of October. We are bound to carry it to the foot of the Throne, and ask there from Her Majesty, according to the first resolution of the address, that she will be graciously pleased to direct legislation to be had on this subject. We go to the Imperial Government, the common arbiter of us all, in our true Federal metropolis—we go there to ask for our fundamental Charter. We hope, by having that Charter that can only be amended by the authority that made it, that we will lay the basis of permanency for our future government. The two great things that all men aim at in any free government, are liberty and permanency. We have had liberty enough—too much, perhaps, in some

respects—but at all events, liberty to our heart's content. There is not on the face of the earth a freer people than the inhabitants of these colonies. But it is necessary there should be respect for the law, a high central authority, the virtue of civil obedience, obeying the law for the law's sake, even when a man's private conscience may convince him sufficiently that the law in some cases may be wrong, he is not to set up his individual will against the will of the country expressed through its recognized constitutional organs. We need in these provinces, we can bear a large infusion of authority. I am not at all afraid this Constitution errs on the side of too great conservatism. If it be found too conservative now, the downward tendency in political ideas which characterizes this democratic age, is a sufficient guarantee for amendment. That is the principle on which this instrument is strong and worthy of the support of every colonist, and through which it will secure the warm approbation of the Imperial authorities. We have here no traditions and ancient venerable institutions; here there are no aristocratic elements hallowed by time or bright deeds; here, every man is the first settler of the land, or removed from the first settler one or two generations at the furthest; here, we have no architectural monuments calling up old associations; here, we have none of those old popular legends and stories which in other countries have exercised a powerful share in the government; here, every man is the son of his own works. (Hear, hear.) We have none of those influences about us which, elsewhere, have their effect upon government just as much as the invisible atmosphere itself tends to influence life, and animal and vegetable existence. This is a new land—a land of pretension, because it is new, because classes and systems have not had that time to grow here naturally. We have no aristocracy but of virtue and talent, which is the only true aristocracy, and is the old and true meaning of the term. (Hear, hear.) There is a class of men rising in these colonies, superior in many respects to others with whom they might be compared. What I should like to see is—that fair representatives of the Canadian and Acadian aristocracy, should be sent to the foot of the Throne with that scheme, to obtain for it the royal sanction—a scheme not suggested by others, or imposed upon us, but one the work of ourselves, the creation of our own intellect and of our own free, unbiased and untrammelled will. I should like to see our best men go there, and endeavor to have this measure carried through the Imperial Parliament—going

into Her Majesty's presence, and by their manner, if not actually by their speech, saying—"During Your Majesty's reign we have had Responsible Government conceded to us; we have administered it for nearly a quarter of a century, during which we have under it doubled our population and more than quadrupled our trade. The small colonies which your ancestors could scarcely see on the map have grown into great communities. A great danger has arisen in our near neighborhood. Over our homes a cloud hangs, dark and heavy. We do not know when it may burst. With our own strength we are not able to combat against the storm, what we can do we will do cheerfully and loyally. But we want time to grow—we want more people to fill our country, more industrious families of men to develop our resources—we want to increase our prosperity—we want more extended trade and commerce—we want more land tilled—more men established through our wastes and wildernesses. We of the British North American Provinces want to be joined together, that if danger comes we can support each other in the day of trial. We come to Your Majesty, who has given us liberty, to give us unity, that we may preserve and perpetuate our freedom; and whatsoever Charter, in the wisdom of Your Majesty and of your Parliament, you give us, we shall loyally obey and fulfil it as long as it is the pleasure of your Majesty and your successors to maintain the connection between Great Britain and these Colonies." (The hon. gentleman then sat down amid prolonged cheers.)
