The Municipal Miscellany.

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The Municipal Miscellany, devoted to the dissemination of useful information relating to Municipal and other local Institutions published monthly, at $1 per annum; six copies for $5. Address all communications to G. E. NEILSON, publisher Municipal Miscellany, Arnprior, Ont.

Calendar for January, '92.

4. Election of members of Municipal Councils not already elected by acclamaction.
10. Last day for return by clerk to Provincial Secretary of amount of debt incurred under the Municipal Loan Fund Act. (Section 5, Debenture Registration Act.)
15. Local Treasurer to transmit to Provincial Treasurer a return showing particulars respecting money due by municipality which had been raised on credit of the Municipal Loan Fund. (Secction 381, Municipal Act.)
18. First meeting of new local Councils at 11 a. m. (Section 223, Municipal Act.)
26. County Council to meet at 2 p. m. (Section 223 Municipal Act.)
31. Council to transmit to Minister of Agricultural a statement of debts and liabilities. (Section 382, Municipal Act 1887, and Section 10, 1890.

QUESTION DRAWER.

Two bridges span the Bonnechere River at places where the stream is considerably more than one hundred feet wide, one at the head of Golden Lake, and the other at the foot. The former lies wholly within the township of North Algona, and the latter connects the township of Wilberforce to the Indian Reserve in the township of South Algona. Both were built by Provincial grants, and are outlets of several back townships to the markets and other business of the county town—Pembroke. How far is the county council liable for the maintenance of these bridges?

G. S.

Where a bridge one hundred feet in length or over is wholly within a township the population of which does not exceed four thousand, and which is so situated in respect to rivers and streams as to require a greatly disproportionate expenditure on the part of the township, either owing to the number of its bridges or the cost of same as compared with the other municipalities in the county, then, and only then, such townships will have a claim on the county for assistance to build or maintain any bridges of one hundred feet in length. This provision was made in 1890, and would not affect any expenditure made on such bridges prior to that time. The course laid down appears to be for the township, if it proposes to build a bridge of the length spoken of, is to have proper plans and specifications made, showing the kind of material to be used and estimated cost of same, and this is to be laid before the county council for its approval. If this is not done it would likely make a difference in the amount to be awarded against the county provided the township and county councils did not mutually agree as to the relative proportion of cost to be paid by each. In making a claim on the county for a share or percentage of the cost of construction or maintenance, the local council must be able to satisfy the county council by facts and figures, which should accompany the application, that such township has a population not exceeding four thousand, and that owing to the number of its bridges to be kept up the expenditure for such purposes is above the average of other municipalities in the county. Where the township and county councils do not agree as to the relative proportions to be paid by each, the law makes provision for the appointment of arbitrators to make an award.

The bridge at the foot of Golden Lake stands in a different position in respect to a claim upon the county, as it crosses a "stream, pond or lake separating two townships in the county." In this case whether the stream be one hundred feet wide or not, so long as it forms a boundary at the place of crossing, would appear to place it under the exclusive jurisdiction of the county, and the county council would have to keep it in repair or build a new bridge when necessary. The county council would have the right to locate and to say what kind of a bridge was to be built. If matters stand as stated by our correspondent our opinion is that the county would have to pay a proportion of the cost of maintaining the bridge at the head of Golden Lake and would aiso have to pay the whole cost for maintenance of the bridge at the foot of Golden Lake.

Is it necessary for the clerk of the municipality, who is *ex officio* returning officer for the whole municipality, but who is not holding any of the polls as a deputy returning officer to make a declaration of office? If it is necessary for him to do so, can he make such declaration before the reeve instead of a regularly commissioned J. P? The year for which the reeve has been elected having expired before polling day, would the latter still be authorized to act as a J. P. *ex officio*? Can a poll clerk make his declaration before the deputy returning officer? If a poll clerk and a deputy returning officer make their declarations before the clerk of the municipality, in what capacity should the latter subscribe his name, *i. e.* should it be as municipal clerk or returning officer?

D. A.

In reply to above, we hold that the clerk of the municipality as returning officer must make a declaration of secrecy in all cases, and he may do so either before a J. P. or the head of the council. The reeve is *ex officio* a J. P. during his term of office, which does not expire until his successor is elected and sworn in. It is customary, we believe, for poll clerks to make their declarations of secrecy before the deputy returning officer on the morning of the poll, but the law does not authorize this. The statute requires deputy returning officers and poll clerks to make their declarations before a J. P. or the clerk of the municipality. Scrutineers are allowed to make their declarations before a J. P., the clerk of the municipality, or the deputy returning officer. We think it is immaterial whether the office of "clerk of the municipality" or "returning officer" are the official words to be added to the name of the clerk before whom the declarat on is made, but we would prefer to follow the directions laid down in section 170 of the Municipal Act which says such declaration may be made before the clerk of the municipality, and would therefore sign the name in that capacity.

A and B are in possession of the north and south half of a lot respectively. A lays his off in lots of ten acres with a street running all around his property. It has never been opened or given to the township, but some of the streets at the north west corner have been opened and used and statute labor expended thereon. Can A. compel B to put and keep up all the line fences, also a neighbor next east of him? What steps would B take to have the line fence erected? In the event of the street being offered and accepted by the township, would B have to keep up all fences?

Owners of property adjoining streets or roads have to make their own fences, there is no law requiring the council to do so, and therefore the owner of the land opposite A would have to build the fence on his side of the street, the same as would be required of A on his side. Neither of them need fence except for their own security against cattle, unless there is a by-law requiring all roads and streets to be fenced. We do not think A need open any portion of the street that is not required by purchasers of his land as a means of access until the council make a demand on him to do so and thus accept the street as public property. The part on which statute labor has been expended is of course already accepted by the council. The foregoing remarks are based on the supposition that the streets laid out by A have been surveyed by a Provincial Land Surveyor and the lots offered for sale according to the plan so made. In that case A. has to register the plan. If he is selling lots otherwise, the streets not already accepted by the council would still be in his possession as private property until they are accepted by the council, and he would have to keep up half the division line between himself and his neighbor the same as if no street had been laid out by him.

CORRESPONDENCE.

In the matter of where two or more candidates receive an equal number of votes I think the suggestion of J. B. F. in November MISCELLANY a good one, unless one of the candidates should be an old councillor holding the office the previous year, in which case I think he has the best right, not having been voted out by the electors.

W. V. H., Grimsby.

No doubt this is the way a majority of clerks would feel disposed to exercise the casting vote, but it does not altar the fact that unpleasantness arises through doing so, as the opposite party is not likely to give him credit for disinterestedness. The Public School Act has no less than three systems of deciding tie votes. In elections under the management of rural school trustees in case of a tie, the matter is decided by the casting vote of the chairman. In cities, towns and villages when the election is conducted by open vote, in case of a tie the matter is not decided until the first meeting of the board, and the member present who is highest assessed on the last revised assessment roll has the right to vote and thus decide the election. The same rule holds good in case of a tie vote in the election of a chairman of the school board, the highest assessed member has a second or casting vote. But where school trustees are elected by ballot under the municipal system the municipal clerk as returning officer has the casting vote the same as for reeves and councillors.

MUNICIPAL ELECTIONS.

Section 125 of the Municipal Act requires that every polling place shall be furnished with a separate compartment where the voter may retire to mark his ballot unobserved by any person. The duty of seeing that such a private compartment is provided is thrown upon the returning officer and deputies. They would be justified in incurring whatever expenses were necessary for such a purpose and the municipality would have to pay the bill. In country places it frequently happens that school houses are used for polling booths, and a cotton screen is thrown across one corner for the use of the voter when marking his ballot. Where this is done care should be taken to see that it answers the purpose of secrecy and thus complies with the law. We can well believe that such polling places where there may be no other convenient shelter, are frequently opened to the public if the weather is inclement and while we may admire the humanity of the returning officer in permitting it, we cannot uphold him from a legal standpoint. We think returning officers in such cases should have a space screened off for an anteroom near the entrance for the use of voters while waiting their turn to vote.

Sections 126 and 127 requires the returning officer to supply deputy returning officers with at least ten copies of printed directions according to the form given in Schedule B. These have to be put up outside the polling places as well as inside and one of them inside the compartment for the voter. These directions were no doubt necessary when voting by ballot was first inaugurated, but now that the ballot system is so well known it almost appears as a needless expense. The man who does not know how to mark his ballot would hardly be much the wiser by reading the directions given, and he generally has to get some person to post him.

Section 128 provides that the proper list of voters for municipal elections shall be the first and second parts of the last list of voters certified to by the judge. Sections 129, 130 and 131 provides for special cases such as where a new municipality has been set apart and having as yet no voters' list.

A change was made last session in section 132, which it is necessary that returning officers should take notice of. That section now reads:—

"In the municipalities which are divided into wards or polling subdivisions, the clerk of the municipality shall, before the poll is opened deliver to the deputy returning officer for every ward or polling sub-division a copy, either printed or written, or partly printed and partly written, certified to be a correct list of voters for the ward or sub-division under section 128 and following sections, together with a blank poll book according to the form of schedule C. to this Act, and also a copy of the proper defaulter's list for the polling sub-division certified by the treasurer or the collector pursuant to section 119 of this Act."

The clerk must also deliver to the deputy returning officers a certificate of the day when the assessment upon

which the voter's list to be used at the election is based was returned by the assessor, and also the date when that assessment roll was finally revised. The clerk is also obliged to furnish such certificate to any person requiring it on payment of twenty five cents for same. In case the municipality is not divided into wards or polling subdivisions, the clerk as returning officer is to act in the same capacity as a deputy returning officer and to provide all such things for his own use as such deputy.

HOW TO IMPROVE MUNICIPAL GOVERNMENT.

In the November *North American Review* the subject of "How to Improve Municipal Government" is discussed by an ex-mayor and three mayors of Uuited States cities. These contributions, coming from men who have made a study of municipal law, and who in administrating the affairs of great cities have seen the weak points in the municipal machine, are of especial value and interest. Of course the subject is treated from a standpoint of American municipal procedure, which in many respects differs from ours. But there are general principles laid down which are equally applicable to Canadian city government. Each of the four writers, with singular unanimity, advocates the separation of the executive and legislative branches. It is urged that as city councils have the power to order taxes and to make appropriations, besides making ordinances and authorizing public works, their prerogatives are necessarily great and need balancing, and the best check to hasty or irregular legislation and foolish appropriations would be found in a legislature of two branches, each having a negative on the other. Mr. Hart, ex-Mayor of Boston, thinks that at least the power of removal of subordinates should be vested in the mayor. He would also give mayors the appointing power, subject to the confirmation or rejection by the council. In return they should be required to give reasonable information to the council on their own acts, as well as on those of the departments under them; and executive appointments might well undergo the ordeal of aldermanic acceptance or rejection in order to prevent mayors from ever thinking that, even for the time they are supreme. "All public servants," says Mr. Hart, "should reeeive salaries, and all perquisites should be abolished." This is a doctrine which in connection with municipal government will have many advocates, as it is manifestly unfair to exp ct busy business men to give brain, time and energy to public affairs without some compensation. We have always to a certain extent concurred in this view, and believe that the chairmen of the various committees of our city council should receive emolument, and each be responsible for the proper administration of the affairs of the committee over which he presides. But Mr. Hart thinks that the great *desideratum* in municipal government is the dividing of the council into two branches—the executive and legislative. He says on this point:—"The city council holds the purse strings, it orders the taxes and it incurs the debt for which all taxable property is in effect mortgaged. This power is so great that it should not be exercised by one body alone, nor until the matter is at least twice discussed in public by rival branches. Even under a public law limiting taxes and municipal indebtedness, some discretion will rest with the city council. This discretion is less likely to be abused by two rival houses than by one house, especially if the latter be so small as to resemble a board of directors." But while advocating this separation it is acknowledged that a clear division of the departments is extremely difficult, and has not been attained anywhere.

A point on which all four writers are also unanimous is the necessity for the better class of citizens interesting themselves more in municipal affairs. No city will ever be well governed that does not invite the highest inducement to men of light and leading. The problem of city government can never be solved except by the city itself and by its home citizens. Instead of relieving men of municipal duties, the latter should be increased, and a great duty well discharged should receive its reward. Mr. Davidson, the present Mayor of the city of Baltimore, says that one of the chief difficulties in municipal government arises from the apathy and indifference which the majority of the better class of citizens display with regard thereto. This disposition can have no other tendency than to gradually delegate the most important functions of a municipality to those whose training and qualifications poorly fit them for the discharge of duties involving large responsibility. There is no American city, he says, where this condition of things has not been a matter of more than ordinary solicitude among the earnest thinkers, who, while recognizing the dangerous tendencies involved in the avoidance of the duties and responsibilities of public office have discovered no remedy. Reference is made to the city of Berlin, where a refusal to serve in some of the highest municipal offices is punishable by fine or imprisonment, or both; where the obligation to do so is regarded in such a sacred light that neglect or indifference is at once a mark of dishonor and unworthy citizenship. Mr. Noonan, mayor of St. Louis, thinks that politics, properly understood, are, in municipal government, rather to be desired than otherwise. Politics he says, means only the science of government, the regulation and government of the state, the preservation of its safety, peace and prosperity, the protection of its citizens in their rights, with the preservation and improvement of their morals. Certainly if this were what was generally understood as "politics" no one could object to their being introduced into every municipality. But it is the other form of politics—Partyism—which is the curse of municipal rule where it obtains. And Mr. Davidson of Baltimore, feels so strongly on this point that he hesitates not to say that the whole question of more efficient city government will be solved when politics are permitted to have no more place in the management of the cities than an individual or corporate enterprise.

We are always pleased to recive letters complimentary of the MISCELLANY from such men as J. R. Ketchum, Esq., municipal clerk of Madoc, a gentleman who has grown grey in the service of his municipality, having been connected with municipal affairs over half a century. He was elected a councillor in 1848 under the regime of the old District Council, and afterwards as Deputy Reeve on the formation of township councils until twenty-one years ago, when he was appointed to the clerkship, which office he has held ever since. He is now 73 years old, and thinks he may have to retire very soon unless he wants to die in harness. We wish him the compliments of the season, and that he may for many years yet be able to give the benefits of his fatherly experience to the municipality.

IRA MORGAN, ESQ., of Russell County, whose death occurred on the 19th December, aged 63 years, so well known throughout Ontario as a leading agriculturalist, was equally well known in his own vicinity in connection with municipal matters, he having represented the township of Osnabruck for thirty-six years as a member of the council. He held the position of warden during eight years in succession. His was a most remarkable record, for popularity is so fickle that the worthiest of men seldom hold such positions as councillor for a dozen years in succession let alone three times that number. The late Mr. Morgan also held the office of Division Court Clerk for 35 years.

TO OUR READERS.

When the first number of the Miscellany was issued in January last, it was therein stated that the object of the publication was to provide a cheap and "convenient medium for the interchange of opinions on doubtful points and suggestions for simplifying existing municipal methods." In common with many other municipal clerks, the writer had often felt the need of an organ in which such matters might be discussed, and he only undertook the publication of this journal to fill this want, at least until some one having more time at his disposal and better facilities could be induced to fill the bill in a more satisfactory manner. Thus far he has endeavored to meet the requirements to the best of his ability, although it has not been up to his ideal of what such a paper should be. The short experience he has had has shown that a municipal journal would be welcomed by a majority of municipal clerks and councillors, but such a publication requires more time and attention than he could spare from his other occupations. Proposals were therefore made in the last issue to any municipal clerk who had time to devote to such work to take the future publication in hand. In response to that invitation correspondence has been since had with K. W. McKay, Esq., of the city of St. Thomas, the county clerk of the county of Elgin, which has resulted in that gentleman undertaking to continue the publication on an enlarged and improved scale. He has associated with himself in the editorial management two other experienced officials, one of whom is a solicitor and the other a civic engineer. Under no better auspices could such municipal paper be undertaken and we therefore bespeak for the publication the support of all those who have so cheerfully patronized the Miscellany, and all others engaged in municipal work, for the usefulness of such a paper depends largely on the patronage it receives. We know of no branch of the public service where there is more need of an organ to impart useful information and to improve our municipal system. We cannot close our connection with this publication without expressing our gratitude to the numerous patrons who have at all times encouraged us by their support and kind words. In order that we may close up our connection with the Miscellany as speedly as possible, those of our readers who have not yet sent in their subscriptions for the present year, would confer a favor by an early remittance. Address to George E. Neilson, Arnprior.

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We have on hand some extra copies of The Miscellany for all the months except May and June, and if any of our readers wish to complete their files, we will be happy to supply them as far as we are able.

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Remittances received since last issue of Miscellany: A. D., Baillieboro; E. D. M., Ridgetown; J. W. H., St. Ola; R. S. Y., Belleville; T. H., Dundalk; J. C., North Gower; W. P., Woodburn; G. S. per W. J. M., Eganville; W. V. H., Grimsby; S. N., Hillier; J. R. K., Madoc; L. S. B., St. Catherines, J. W., Kirkfield.

One of the first duties of new councils may be said to be the appointment of two auditors to examine all the accounts relating to the corporations during the previous year. The auditors stand as a safeguard to the people, and if the duties are properly performed as the law contemplates, no mere cursory glance over the books in the taken for granted style will suffice. Naturally enough, auditors may guage the work to be done by the pay received, which generally is so miserably small, that it is no wonder the work is slighted. Auditors should make themselves well acquainted with all the sources of income apart from the collector's roll, and see that none have been overlooked, for it may be that while the Treasurer does account satisfactorily for all monies that have come into his hands, there may be payments that should have been made to him from outside sources that have never reached him, and these should be reported on. There are various government grants, county grants, magistrates fines, liquor license monies, arrears of taxes, petty licenses, rents, and such like receipts besides the collector's roll, and efficient auditors would make themselves acquainted with the amounts properly due in these various ways to the municipality. As for the payments the authority for payments require to be looked into equally as much as to examine vouchers for for their payment. These having all been found correct, the auditors have to make out an abstract statement and a detailed statement, as well as a statement of the assets and liabilities of the corporation at that date, and this of itself, if gotten up in a proper manner, is no small task. The auditors need not necessarily be taxpayers or even residents, and as no one can be an auditor of his own account, so no person having any financial dealings of any kind with the corporation can be appointed. The head of the council has the right to name one of the auditors and the council selects the other, but the names of both are embodied in the by-law. The auditors are required to make their report within one month of their appointment, and one of the duplicate copies are to be forwarded to the Secretary of the Bureau of Industries Toronto, and the other filed with the clerk. Notwithstanding that a financial statement has so recently been published as the 24th of Dec. covering all the receipts and expenditures of the year excepting from the 15th to the end of December, the corporations have again to incur the expense of publishing the auditor's statements. The latter is necessary and right, but as to the former, it appears to be a needless work and expense. The Treasurer's books are always open for inspection to any ratepayer, so that any person requiring such information before an election could easily obtain it.

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City, town, township and village councils hold their first meetings on the third Monday in January at 11 a.m, or some day thereafter." The first business is to make their declarations before the clerk, for until the new members are sworn in they are not competent to transact any business. The old council holds office until then, for corporations are continuous and the management never ceases to exist. Members who are re-elected require to subscribe to the declarations of office just the same as

those who have been elected for the first time. A majority or those elected form a quorum for the transaction of business, and a majority of a quorum where a council is composed of more than five members is all that is necessary to carry any resolution or transact any business. A council, say of twelve members, would be properly competent to transact business at a meeting where seven were present, and the concurrent vote of four of these would be sufficient to carry any resolution. Not so with the councils having only five members, such as townships and villages, for while three is a majority of the whole council and would constitute a quorum for the transaction of business, if only that number were present it would require their unanimous vote to carry any resolution, as no less than three concurrent votes will do in any case. The mayor, reeve or chairman always has the same right to vote on all questions as the other members of council, and should the vote be a tie it is declared lost. This rule does not, however, apply in the case of the first meeting of county councils on the vote appointing a Warden, for the county clerk who is temporarily acting as chairman has no vote. In case of a tie for warden, the reeve or deputy reeve representing the largest assessed municipality has a second or casting vote whether the tie vote is by ballot or an open vote.

County councils hold their first meetings in the county town on the fourth Tuesday of January at 2 p. m. "or at any later hour of the same day or on some day thereafter." There is quite a difference in the wording of the law as between the county councils and local councils in the matter of the time for the first meeting. If the county council does not meet at 2 p. m., then they meet at a later hour of the same day, whereas no provision is made for local councils to meet at a later hour than 11 a. m. on the same day provided there was not a quorum present at the hour named. We do not think this would be material, however, provided all the members of a local council attended at a later hour. But in case that a quorum only attended and proceeded to business, would the meeting be a legal one and the business transacted hold good if the absent members objected? In the case of a council composed of five members, where the concurrent vote of three is always necessary, we think the proceedings would hold good, but it might be otherwise in a city or town, if a quorum only attended, and a contract was given out or other businsss transacted on the vote of a mere majority of those present, which might have been against the wishes of a majority of the whole members had they been present. Absent members could properly plead a reasonable cause for absence on the ground that the clerk should have called the meeting on some other day and given them due notice.

A vote of a majority of reeves present provided there is a quorum is sufficient to elect a warden. There is frequently considerable delay in obtaining a majority vote where there are several candidates for the honor. There is no particular rule laid down as to the course to be pursued, whether by ballot or open vote, but many councils agree in advance to have all nominations made first, and then to ballot and should none have a majority of the whole members present on the first vote, that the lowest in number of ballots drop out on the second ballot, and so on until two candidates only remain, unless in the meantime one of the cadidates has obtained a majority vote. If at the last there should be a tie vote, the reeve, or in his absence the deputy reeve, of the municipality which had the greatest equalized assessment in the county the previous year has a second or casting vote. By adopting this manner of electing a warden but little time need be lost in getting to business, whereas by offering one amendment after another as is sometimes done, and voting upon them separately, leads to combinations of the friends of several candidates uniting against each motion or amendment, and it has happened that a majority vote could not be reached for a day or more. Members of county council may be paid $3 per day for attendance, and five cents per mile each way. The warden may be paid such annual remuneration as the council may determine.

The head of the council of any county, city, town or incorporated village may be paid such annual sum or other remuneration as the council of the municipality may determine. This, no doubt, is because the legislature have taken into consideration the fact that wardens, mayors and reeves must necessaeily devote much of their time to the public, and are entitled to more than a mere stated allowance such as might reasonably be paid to other members of council for attendance at meetings. The responsibillty is greater in case of the head of the council, and it might also be readily understood that the financial calls on him for subscriptions, charity and personal expenses are more than what is expected from ordinary members, so that the remuneration which is generally none too large, is left to the determination of the council. Members of county or township councils are limited to $3 per day for attendance at council meetings and 5 cents per mile each way for travelling expenses. No provision is made for the payment of aldermen or councillors in cities, towns or villages for their attendance at council or for mileage. Section 479 of the Municipal Act, however, provides that members of any council may be appointed commissioners, superintendants or overseers of any road work undertaken by the municipality, and makes it lawful to pay such members of the corporation as may be acting in the capacity of commissioner, superintendent or overseer. We never could see the propriety of the public expecting those they elect to attend to their concerns to do so for mere thanks, although even that satisfaction is more often denied than given counillors. The power to pay a limited sum to all the members for attendance at city, town and village councils should, we think, be given these councils, as is now done in townships. Let it rest with the members themselves to forego payment if they felt so disposed.

The head of every council is by statute declared to be the chief executive officer of the corporation, and certain highly important duties and responsibilities are placed upon him. The law says he shall be viligen and active

at all times in causing the law for the government of the municipality to be duly executed and put in force. He is to inspect the conduct of all subordinate officers, to see there is no carelessness or negligence on their part. He is to report to the council and recommend such measures as may tend to improve finances, health, security, cleanliness, comfort and ornament of the municipality. The head of the council is expected to represent the people in showing proper attention and respect to distinguished visitors, and in many other ways he devotes much time and is at considerable personal expense of which the average ratepayer has little knowledge. As head of the council the responsibility thrown upon him is both actual and presumptive, yet, individually, he has not the power that should accompany such responsibility. Those who have given the matter proper attention favor increasing the powers given the head executive officer, so that the citizens could justly look to him for redress of grievances that may exist in the proper conduct of the routine affairs of the municipality.

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We have several times urged upon municipal clerks the advantage of forming an organization to benefit the community and also to benefit themselves. The office of municipal clerk is an important one, giving the occupant a practical knowledge of what changes would be desirable in our local laws that others have no such means of knowing, and therefore suggestions from such a source as an association of clerks would have great weight in determining legislation. An association of this kind could also do much to raise the status of the office to the position which its importance in the community entitles it to. The question of adequate remuneration would also in time prove the wisdom of united action. The public are entirely in the dark as to the actual burdens imposed on these municipal officers by our statutes, and we believe enlightenment would prove a perfect cure, for we do not think that ratepayers and councillors would be so unjust as to knowingly require services at a remuneration much less than allowed per day for a laborer on the streets, which we believe is now the case in many rural municipalities It would be well if municipal clerks would jot down each day the actual time necessarily given to the public in connection with their office. The time devoted to a study of the law, made necessary by constant changes, should be included, as also the time taken up by ratepayers seeking information and who look upon the clerk as their servant of all work. As a beginning has to be made by some one to form an association, perhaps the initiatory steps could best be taken in each county by the clerk most centrally and conveniently located to invite his brother clerks of the county to meet there at a day to be named by him during next February. A local organization could then be formed, local officers and a county delegate to the Provincial Association appointed. We have no doubt that steps will be taken to invite delegates to meet at Toronto during next summer, probably when the annual exhibition is held in that city.

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Our thanks are due to W. Ptolemy, Esq., clerk of the township of Binbrook, for copy of pamphlet containing the council proceedings, financial statement, etc,. for 1891.

We noticed a short paragraph in a local paper stating that a magistrate's conviction for carting without a license contrary to a by-law of the town of Smith's Falls, had been quashed by the Judge of the county of Lanark on appeal, on the ground that no power was given to towns by the Municipal Act to license carters, but to cities only has power been given to issue such licenses. As we are aware that most towns and village councils have always supposed they had authority to pass by-laws to license both livery stable keepers and carters, we quote the words of the section relating to cities, and also the words of the section relating to towns and villages in order that our readers may see the difference and form their own opinions. Section 436 of the Municipal Act empowers cities to "regulate and license the owners of livery stables, and of horses, cabs, carriages, carts, trucks, sleighs, ommibuses and other vehicles used for hire," and section 509 gives power to towns and villages to pass by-laws "for regulating and licensing the owners of livery stables, and of horses, cabs, carriages, omnibuses and other vehicles for hire." The only difference is in the additional words "carts, trucks, sleighs" before the word "ommibuses" in section 436, but as both sections give power to license the owners of "other vehicles used for hire," as well as the vehicles specially mentioned, it would naturally be inferred that carts, waggons, trucks or sleighs used for hire would come under the appellation of "other vehicles" whether they were mentioned specially or not, and it is not to be wondered at that town and village officials have thus interpreted the law.

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We have heard it said that the city of Glasgow, Scotland, derives an income from its street railways, electric lights, waterworks, telephones, licenses of various kinds, and all such sources, more than sufficient to meet the running expenses of the corporation without having to resort to direct taxation. If this is true and we see no reason to doubt it, that city sets a good example of business management that other municipalities might do well to follow. It is stated that all such public works as street railways are built and owned by the city of Glasgow, but afterwards the running of them are let out by tender to the highest bidder, under rules and regulations laid down, and that there is no difficulty experienced in the management by the city to the satisfaction of all parties. It is well known that private corporations make large gains out of the construction and working of street railways and the like through the transferance to them of the use of streets and other rights inherent to the people for which no adequate compensation is given. The notion that corporations cannot undertake public works of this nature on terms as favorable as private companies has generally been the cause of bartering away public rights to the loss of the people. In too many cases those elected to represent the people are in the ring with speculators, otherwise why should business principles not prevail at the council board as well as outside of it. Latterly more attention is being directed to improved methods of carrying on municipal business, and a better system may be inaugurated in the near future.

REPORT OF COMMISSION ON MUNICIPAL INSTITUTIONS.

(EXTRACTS CONTINUED.)

In 1837 an Act was passed authorizing the Government to borrow £100,000 and pay it over to the Toronto and Lake Huron R. R. Company in aid of their work, thirty-seven thousand five hundred to be paid when it was known that the company had paid in and expended twelve thousand five hundred, and afterwards three thousand seven hundred and fifty to be paid so often as the company proved that £1,250 had been paid in by the stockholders and expended until the whole loan was exhausted. An Act passed the same year authorized the London and Gore R. R. Company to increase its capital stock to five hundred thousand pounds, and provided that when the company had received from its stockholders and expended £1,250 it should receive Government debentures to the amount of £3,750, and as often afterwards as the company had expended £250 paid by the stockholders it should receive debentures to three times the amount until the whole amount of the debentures equalled £200,000. Another Act provided that if the railroad failed to pay the interest on the debentures in full, any amount necessary to make up the whole interest accruing should be raised by assessments in the districts of Gore and London and in the Western district. By an Act a loan of ten thousand pounds to the Cobourg R. R. Company in Provincial debentures was authorized. In this case no debentures were to issue until fifteen thousand pounds stock had been subscribed and five thousand had been paid in and expended. If default were made in payment of interest the Government were authorized to take possession of the road.

These roads were to be all tramways with a single or double track of wood or iron. The companies were authorized to erect toll houses and to collect tolls and dues from passengers and for merchandise.

Harbor Improvements.

The construction of harbors on the great lakes was found to be so necessary, that in 1827 the Government constructed a harbor at the mouth of the Kettle Creek in the London district. The estimated cost was £3,000, and authority was given to raise that amount by Debentures, expend it through commissioners, and levy tolls to cover interest on cost, repairs, and expenses. In 1828 authority was given to William Chisholm "to erect a harbor at Sixteen Mile Creek," on Lake Ontario, with piers, warves and other structures, and to charge tolls on all merchandise shipped or landed there. In 1829 a joint stock company was chartered to construct a harbor at Cobourg. As in the preceding case the maximum rate of toll were fixed by the Act. The same year a company was chartered to construct a harbor at Port Hope. In 1831 the Niagara Harbor and Dock Company was incorporated. In 1831 £2,500 was lent to W. Chisholm on security of the harbor works and tolls, to enable him to complete the construction and £3,500 was voted for the completion of the harbor at Kettle Creek, which was a government work. Port Dover Harbor Company and Port Burwell Harbor Company, were incorporated in 1835. £3,000 was lent to the Cobourg Harbor Company, and £2,000 to Port Hope Harbor Company in that year. Twenty Mile Creek Harbor Company was incorporated in 1833, and £2,000 was granted "for the construction of works to improve and preserve the harbor of York. In 1834 a company was incorporated to construct a harbor at the mouth of the River Credit. In 1837, £1,500 borrowed on Provincial credit was lent to this company. Acts were passed in 1835 to incorporate the Stoney Creek Harbor Company, and the Grimsby Breakwater, Pier, and Harbor Company; in 1837, to incorporate the Grafton Harbor Company, the Colborne Harbor Company, and the Port Darlington Harbor Company, and power was given to the Canada Company to erect a harbor at Goderich on Lake Huron. A company was incorporated to construct a railroad (tramway) from London to Davenport, and to construct a harbor at the mouth of Cat Fish Creek. A loan of £1,000 raised on Provincial debentures was given to the Louth or Twenty Mile Creek Harbor Company, and a loan of £3,500 to the Port Dover Harbor Company.

The construction and improvements of harbors have not always been regarded as works of a municipal character. The construction and maintenance of court houses and gaols have in most cases been so regarded. In Upper Canada, as we have seen, the duty of erecting such buildings and providing for their cost and maintenance was imposed upon the justices of each district in Quarter Sessions assembled. The amount which they were authorized to raise by the tax not exceeding a penny in the pound, according to the assessment law already described, was not in most cases sufficient to meet those and other necessary expenditures. In 1815 the Legislature voted £6,000 to provide for the rebuildf ing and repair of certain gaols and court houses. Of this £2,000 went to the Western district, £2,000 to the London District, £2,000 to the Niagara district, and £500 to the district of Newcastle. As the act does not appear in the statute book we cannct tell whether any conditions were attached to those grants. In 1816, an Act was passed to authorize and provide for the building of a gaol and court house in the town of York. Only the title appears in the statute book. An Act passed in the same year authorized the erection of a gaol and court house in the district of then cut off as a new district, but no special provision was made for the purpose so when the erection of a gaol and court house in the Bathurst district was authorized in 1823 only the ordinary assessments were authorized. In the same year the Justices of the London district in Quarter Sessions were authorized to borrow £1,000 in aid of the funds to finish the gaol and court house, and the Treasurer was required to set £150 apart each year for interest and sinking fund. The magistrates of the Home district were authorized to borrow £4,000 on the credit of the district for a like purpose. The Justices of the Midland district found the amount they had been empowered to borrow insufficient, and they were authorized to borrow £1,000 more on the like terms. In 1824 the Justices of the district of Johnstown wanted to erect a new gaol and court house or repair the old one, and to erect new bridges over Yonge and Fish Creeks, and they were authorized to levy for not more than five years an additional rate not exceeding one penny in the pound, to be applied for those purposes. The Justices of the Home district were authorized to borrow £2,500 in 1825, but no special assessment was authorized. The court house and gaol of the London district having been destroyed by fire, an Act was

passed providing that a town should be surveyed and laid out within the reservation theretofore made for the site of a town in the townships of London and Westminister in the county of Middlesex, and that in the said plan a place of not less than four acres should be designated so reserved for the purposes of a gaol and court house. Commissioners were appointed to erect a suitable building of brick or stone, and to raise the money necessary; justices in sessions were authorized and required to levy an additional rate of one-third of a penny in the pound, until the loan of £4,000 which the Commissioners were authorized to make was discharged, principal and interest. In 1827 the justices of the district of Gore were authorized to borrow 4,000 pounds on the credit of the district. In the same year commissioners were appointed to erect a goal and court house in the Eastern district, and to borrow 4,000 pounds on the credit of the district, and the magistrates were authorized to levy an additional rate of one half-penny in the pound until the debt was discharged. Authority to increase the rate of taxation was seldom granted, probably was seldom sought. When authority was given in 1830 to the justices of the Eastern district to borrow 3,500 pounds to be expended by commissioners in building a goal and court house at Cornwall, and in 1831 the magistrates of the Newcastle district were authorized to spend 6,000 pounds on a goal and court house, and to borrow 2,500 pounds of this amount on the credit of the district, and when in the same year the county of Prince Edward was erected into a separate district, and the building of a goal and court house at Picton was authorized, no addition to the rate of taxation was permitted; but in 1835, the justices were authorized to levy an additional one half-penny in the pound for three years. In 1837, the county of Oxford was erected into a district named Brock, and the justices were authorized to borrow 6,000 pounds to build a goal and court house at Woodstock, under supervision of a committee of their own body, but no increase in the rate of taxation was permitted. In the same year the county of Hastings, the county of Simcoe, and the county of Norfolk (by the name of the district of Talbot) were erected in separate districts under similar conditions. In all cases the rate of interest on the loans so authorized was not to succeed six per cent.

It was not until the work of organization had made considerable progress that any attempt was made to establish a school system, and the first attempts were very feeble. In 1807 an Act was passed, authorizing the payment out of any money raised by authority of Parliament of 800 pounds a year for the establishment of public schools. One public school was to be established in every district; the places at which the schools should be kept were named —Sandwich, Niagara, York, Kingston, such place in the township of Hamilton, such place in the township of Augusta, and such place in the township of Townsend as the trustees may think fit. The Lieut-Govenor was to name the trustees in each district, and they were to select the teacher. Who was to receive a salary of 100 pounds, by Lieut Govenor's warrant. The trustees of London district reported that they could find no pupils in Townsend, and in 1808 they were authorized to select a place for the school as they thought best. A society was formed in England "for providing the education for the poor in Upper and Lower Canada," and in 1815 an Act was passed authorizing the subscribers to meet in Kingston, organize by electing a president, secretary, treasurer and six trustees, who should be a body politic, under the name of the "Midland District School Society," with all the usual powers. It was provided that no person should be teacher or trustee who was not a British subject.

In 1806 an Act was passed to establish common schools. The preamble declared that it would be "conducive to the happiness of the inhabitants and general prosperity of the Province to encourage the education of youth in common schools." It was provided that 6,000 pounds should be paid annually out of the Provincial Treasury for this purpose. This amount was to be divided amongst the districts as the act prescribed. The Act provided that the inhabitants of any township, village, or place might meet and make arrangements for establishing a school, and when they had built or provided a school-house, engaged to furnish at least twenty scholars, and provided in part for the payment of a teacher they might after due notice elect three trustees, who should have power to employ a teacher and make rules for the government of the school. All engagements made by the parties getting up the school might be enforced by law. A Board of Education, consisting of not less than five members was to be appointed for each district by the Lieut-Governor. To these the trustees should report once in three months. The trustees had power to superintend the schools of the district, and were required to report annually to the Governor for the information of the Legislature. They were also to apportion amongst the schools the money granted for their district, provided that no allowance to any school should exceed 25 pound a year, and that no allowance should be made where the trustees did not report to the Board. This may fairly be considered the foundation of our common school system.

In 1819 a district school was established in Gore, and it was provided that an annual public examination should be held in all such schools; that the trustees of district schools should make an annual report to the Lieut-Governor; that the teacher should receive no more than 50 pound from the treasury if in any case he had not more than ten scholars; and that in order "to extend the benefit of a liberal education to promising children of the poorer inhabitants, the trustees of each school should have the power of sending scholars, not exceeding ten in number, to be taught gratis at the respective district schools." 6,000 pounds was found to be more than the Province could afford to pay for the support of the common schools, and 1820 the amount was reduced to 2,500, which was "to be equally portioned to the teachers of the several common schools," provided that no more than 12 pounds 10 shillings be paid to any teacher.

In 1823 a district school was established in the district of Ottawa, to be kept at Longueil, in the county of Prescott. It was found necessary in the same year to pass a special Act providing for the payment of arrears due for the support of the common schools in the Niagara district. some of the money apportioned to that district having been misappropriated.

In 1824, as the preamble to the Act declared, it would "greatly tend to advance the happiness of society to disseminate moral and religious instruction amongst the people," it was enacted that for the benefit of all classes of His Majesty's subjects, and for the encouragement of Sunday schools, and for affording the means of moral and religious instruction to the more indigent and remote settlements," there should be paid annually an additional sum of 150 pounds, which the Provincial Board should expend in purchasing books and tracts to be distributed amongst the district Boards, and by them to be distributed for the use and encouragement of Sunday schools and for the benefit of remote and indigent settlements. This act extended the benefits of the common school system to Indians and a share in the distribution of books. It is also provided that no teacher should receive any of the Provincial grant until he had undergone an examination before the District Board, and had obtained from it or at least one member of it, a certificate of competency. In 1830 subscriptions having been raised, an Act was passed "to incorporate the trustees of the Grantham Academy," in the district of Niagara.

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