

THE EX-M.P. FOR NORTH YORK vs. THE RICHMOND HILL HIGH SCHOOL.

"A DANIEL COME TO JUDGMENT! YE A DANIEL!"

"Business resumed as a Council. Mr. J. P. Wells appeared before the Council, complaining of High School assessment last year, of the school at Richmond Hill. He contended that the law did not give the Board power to levy for erection of School Houses on other than the Municipality in which School House is erected. A lengthy discussion followed, in which the opinion prevailed that the Trustees of Richmond Hill had overstepped the law and made an illegal levy for school house erection last year and legal opinion should be taken upon the subject."—Extract from proceedings of King Township Council, copied from Aurora Banner of 23rd May.

The recent action of a majority of the County Council of York, in regard to the High Schools, has awakened a feeling of surprise—mingled with regret—throughout this section of the county. We have no doubt, after the course pursued, these men—egged on by that once brilliant star of North York, who figures in the above extract—would, if they could, deprive the rising generation of the advantages of even a public school education; but, thanks to a higher power, they are unable to carry their vandalism beyond a limited extent. What surprises us as to these men, when speaking to their fellows, admit the disadvantages they labor under, and profess to deplore their want of education—which is frequently manifested in their places in the council chamber; yet many of them seem determined that High Schools shall no longer be permitted to flourish in the county of York, if they are to cost the ratepayers anything.

The reason given by members of the council for their action towards the High Schools—as we have, on a former occasion, stated—was because the Board of Trustees of this school, in 1872, decided upon erecting a large and magnificent building at the expense of the High School District. Now, it became well known to many of the members of the county council—and should have been further promulgated by the friends of the school in that chamber—that Mr. Lawrence's estate was set aside by the present Board of Trustees, in deference to the opinions expressed by the gentlemen in the council who found fault with the action of the High School Board of last year. The present Board have, under the old by-law (No 204), passed on the 23rd June, 1871, purchased materials for building their High School building, and instead of creating an expenditure of \$10,000, have confined themselves to \$3,170 to complete the building—of which sum the board have already in hand, between material and cash, \$2,000—thus leaving the small sum of \$1,170 to be paid by the district. But nothing will conciliate the enemies of superior education; they feel their own deficiency, and are determined to prevent the rising generation from enjoying advantages which they had not.

Not satisfied with reducing the limits of the High School Districts of the county, as laid out by By-law No 204, and thereby throwing the expenses of maintaining the High Schools on the incorporated villages, such as Solons, Wells, Munsie, et hoc genus omnes, are inclined to the opinion that they will compel the Board of Trustees to refund the money already collected from the district. With this object in view, Mr. Munsie prevailed upon the county council, at its recent session, to ask the opinion of the county solicitors in regard to it. As it is a dry question of law, and believing that Messrs Blake, Kerr and Boyd are subject to the infirmities of human nature, we have no hesitation in saying that we do not believe that the "opinion" which they have given will bear the test to which it will be subjected before this High School difficulty is finally settled. In another article we quote the "legal opinion" of the county solicitors, and a correspondent has ventured to analyze it, and quote the law as well, that our readers may be the better enabled to form an opinion of their own.

LET THE DEAD REST.

The rancor of Gritism, in addition to venting itself in the disgraceful attacks on the railway in connection with the Pacific Railway Scandal, has gone even further and, contrary to all restraints of decency, has carried the warfare of Party politics even beyond the borders of the grave. The "Reform" organs have descended to the lowest depths when they seek to further party ends by poking fun at, and ridiculing the demonstration in the matter of the funeral of the late Sir George Cartier as the big organ at Toronto, and the smaller grit fry throughout the country have done. We hardly expected that considerations of taste would guide them in their course, except the taste of doing and saying that which is contrary to all decency and a taste that shows a want of all fine feelings and generous emotions. But they have in-

deed outdone Herod by their reckless unscrupulousness in violating the rules of common decency and propriety in the manner in which they have mocked the solemnities by which a people express their sorrow in consigning to the tomb the remains of one so justly mourned for by his friends. To criticise the details of a funeral procession, to comment with unbecoming satisfaction upon the absence of this or that element as though it in some manner detracted from the greatness of the soul that lately animated the cold clay on the way to its last resting place, is something superlatively mean, and in addition utterly devoid of any good result; even as estimated from the lowest standpoint of party advantage, that it is impossible to attribute it to any other motive than clear malignity. The shallow plea is advanced that the Government intended making party capital out of the funeral demonstration, the absurdity of which is too apparent to be entertained for one moment by any generous and large hearted man. But the question may be asked, what do the "Reform" party expect to gain by their action in this matter, or rather we should say what do the leaders of this party hope to profit by the emity they have shown to Sir George Cartier, and the respect paid to his remains? Would it not have been better to have taken a lesson in the action of the Local Government of Nova Scotia in the manner in which they acted to their late opponent on and at the time of his funeral? Has not the respect shown to the body of the late Lieut-Gov. Howe by the Annapolis military been more creditable to them, been more in consonance with scripture and christian charity, and, we think, will tend more to help them politically than the action of George Brown and his satellites. We think so, and we are sure the sense of the country is against them in this matter. No doubt of it! and it will be shown in the triumphant return of the Hon. Mr. Gibbs, for South Ontario, by a larger majority than ever. That the day of Grit rule for the Dominion is not yet come, we must be thankful;—and we trust that it may be many a long day before the Government of the country will be ruled by the friends of Horrocks Cocks and Wheelers, as are the editor of the Globe and his henchman, Dymond. They have proved themselves wanting in Ontario; they are unfit to rule the Dominion.

A LEGAL OPINION!

THE COUNTY SOLICITORS AND THE HIGH SCHOOLS.

Messrs Blake, Kerr & Boyd are Solicitors for the County of York, and have given a written opinion upon certain questions submitted to them on matters pointing directly to the Richmond Hill High School. The questions and answers have been published in the Globe newspaper over the signature of that firm, and have, no doubt, given infinite satisfaction to the quid nuncs of the Township of King. We have a great respect for gentlemen of the long robe, and particularly for the eminent Chancery firm of Blake, Kerr & Boyd; but we cannot help thinking that Mr. Blake was in a jocular humor when he answered these questions—if it was he who answered them. Many may suppose that we are trying to be facetious at Mr. Blake's expense; we really are not, for we have learned that he loves a joke, and avails himself of every opportunity to ease himself in that direction. But, laying jokes aside, we feel it to be our duty to examine these questions and answers, and compare them with the LAW. We shall take each question, and answer, and quote the statute applying to the point to which the question is directed, leaving our readers to draw conclusions.

First question: "Can Trustees of a Common School Board where Common and High Schools are united vote on a question as deciding upon erecting a High School in a High School district?"

Answer to first question: "When it is a question of erecting a separate High School house, the statute seems to enable only the trustees of the High School to vote thereon. The Joint Board may vote as to whether the Union should be dissolved, but the trustees of the Common School would have no right to vote on the propriety of erecting a High School. It may, however, be questioned whether the power to establish a second High School (if the building occupied by the Union School was originally a Grammar School) does not rest entirely with the County Council."

The Statute says: "It shall be the duty of the Grammar School Trustees to employ in concurrence with the Trustees of the School Section, or the Board of Common School Trustees in the Township, Village, Town or City in which such Grammar School may be situated, such means as they may judge expedient, for uniting one or more of the Common Schools of such Township, Village, Town or City, or departments of them, with such Grammar School; but no such union shall take place without ample provision being made for giving instruction to the pupils in the elementary English branches, by duly qualified English Teachers; and the Schools thus united shall be under the management of a Joint Board of Grammar and Common School Trustees, who shall consist of and have the powers of the Trustees of both Common and Grammar Schools, but when the Trustees of the Common School exceed six in number, six only of their number to be by them selected shall be the Common School portion of such Joint Board."—Consolidated Grammar School Act, sec. 25, sub-sec. 7.

Second question: "Should Trustees of High Schools apply to County Councils, or the respective Local Municipal Councils, where a county is divided into High School districts for the collection of rates for said High School purposes?"

Answer to second question: "Where a County Council has set apart a High School District thereof, the funds required for the support and maintenance of such School within that district, one-half the amount paid by the Government shall be paid by the County Council upon the application of the High School Board, and such other additional sums as may be required for the like purpose, shall be provided and paid by the Township Council or Councils having jurisdiction over the part of the county which has been so set apart as a High School district, upon the application of the High School Board to the Local Municipal Council or Councils."

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The Statute says:

"The Grammar or High School grant shall be exclusively applied in aid of High Schools; and the sums set apart therefor to be raised from local sources for the support of a High School in a city or town withdrawn from the jurisdiction of the county, together with such other sum as may be required for the accommodation and support of such school, shall be provided by the Municipal Council of such city or town, upon the application of the High School Board. In the case of a High School in towns, incorporated villages or townships, one-half of the amount paid by the Government shall be paid by the Municipal Council of the county in which such High School is situated (the context presumes that this means County Municipality as the reader will see), upon the application of the High School Board; or, in the event of the county council forming the whole or parts of a county into one or more High School Districts, then such other sums as may be required for the maintenance of the said High School shall be provided by the High School District upon the application of the High School Board in the manner hereinafter provided: "The Council of any municipality or of the Councils of the respective municipalities, out of which the whole or part of such High School District is formed, shall, upon the application of the High School Board, raise the sum required to be paid by such municipality or part of the municipality, from the whole or part of the municipality, as the case may be."—Ontario Statute, 34th Vic, chap. 33, sec. 36.

Third question: "Did the passing of by-law No. 204 by this Council authorize the Trustees to levy rates over the entire district to build a school house, or should such expense be borne by the local municipality in which such High School is situated?"

Answer to third question: "The High School Board appear to have no power to levy rates for the purpose of erecting a school house. Their duties are confined to obtaining money for the support and management of existing High Schools, as explained in the answer to question No 2 above—and the stat. 34 Vic, chap. 33, sec. 36, only gives them such powers otherwise as Grammar School Trustees had under the Consolidated Statutes "The Grammar School Act"—under that Act the Trustees are to decide upon the propriety of erecting a school-house, and are to apply to the Municipal Council to raise the funds required, and the action to be taken by the Council in such case is defined by sections 16 and 17 of the Grammar School Act."

We claim that it is not necessary for the By-law to authorize the Board of Trustees to levy rates over the entire district to build a school house, and that District is as liable to be assessed under the statute for "erecting, repairing, warming, furnishing and keeping in order the buildings, &c." as is the Common School Section for Public School purposes. The Grammar School Act says: "It shall be the duty of Trustees to do whatever they deem expedient with regard to erecting, repairing, warming, furnishing and keeping in order, the buildings of such School and its appendages, lands and enclosures, belonging thereto and to apply (if necessary) for the requisite sums to be granted by Municipal authority for any such purposes."—Consol. Stat., U.C., chap. 63, sec. 25, sub-sec. 5.

And again, let us invite attention to that part of Section 36 of the Grammar School Act of 1870-71, which refers to "School accommodation."—It will be seen that: "In case of a High School in towns, incorporated villages or townships, one-half of the amount paid by the Government shall be paid by the County Council upon the application of the High School Board, and such other sums as may be required for the maintenance and support of such school, shall be provided and paid by the Township Council or Councils having jurisdiction over the part of the county which has been so set apart as a High School district, upon the application of the High School Board to the Local Municipal Council or Councils."

Fourth question: "In case it should be opinion of County Council that the local municipality in which High School is situated should furnish building accommodation for High School, and in the event of Trustees having levied over the entire district a rate to cover expense of erecting a High School, what steps, if any, can be taken to recover back from said Trustees said moneys so collected?"

Answer to fourth question: "The Trustees have acted ultra vires in levying rates for the purpose of building a new High School, and can be sued therefore by any person who has paid money under the compulsion of their laws, who, if in this way recover the amount so illegally collected."

The Grammar School Act, Consol. Stat. of U.C., Section 25, sub-section 5, gives full authority, as will be seen by our extract.

Fifth question: "The County Council having passed the by-law in June, 1871, No 204, dividing the county into four High School districts, and the trustees of some of the districts having acted under said by-law in connection with by-law No 223, the Trustees have purchased a school-house and premises, and have to make yearly payments for the same—can the council repeal those by-laws and refuse to levy on the district for the necessary funds required by the High School Board to make their yearly payments?"

Answer to fifth and last question:

"We do not see that the trustees of Grammar Schools had any authority to purchase school sites of their own motion. Such power is given to the trustees of Common Schools, but in the case of Grammar Schools the sites were to be purchased by the municipality, and the Act 34 Vic, cap. 33, made no change in this state of the law. "The High School Board had no jurisdiction to purchase the school site in question, and the County Council can refuse to recognize their action without in any way altering or repealing By-law No 204. (By-law No 223 is referred to in the question submitted, but this by-law has not been shown to us.)"

"BLAKE, KERR & BOYD, County Solicitors. Toronto, 18th June, 1873."

This last question refers to the Weston High School, and may have some weight, as we cannot find law to authorize High School Trustees to purchase a school site; but they most certainly have the power to build, and have all the authority and power over the High School District that Public School Trustees have over the school section, except for purchasing sites.

We respectfully submit—with due deference to our eminent equity friends before named—the law to be, that a Board of High School Trustees can unite with a Board of Public School Trustees; "and the schools thus united shall be under the management of a Joint Board of Grammar and Common School Trustees, who shall consist of and have the powers of the Trustees of "both the Common and Grammar Schools;" and that such Board shall have the power "to do whatever they deem expedient with regard to erecting, repairing, warming," &c. And we do further submit, that the Act of 1871, section 36, intends that the Council of the county should be authorized to recognize such other sums as may be required for the maintenance of the said High School; and that the words "Council of the county," in section 36, mean the County Council, and no other, as the context proves.

We cannot help thinking that the County Solicitors have not fully investigated the Grammar School question—they have been hurriedly required to reply to certain questions, the purport of which indicated what sort of answers would be most acceptable. It was not mains for the Board of Trustees to advise upon this very important matter, and while they are about it, we recommend that they seek Counsel of a front rank man in the profession.—Com.

COUNTY COUNCIL.

THAT REPORT OF THE COMMITTEE ON EDUCATION?—The Globe's report of the committee on Education of the York County Council contains a gross error, either by accident or design—to please the enemies of the High Schools—in representing that a petition was received "from the chairman and secretary of the school-house at Richmond Hill, requesting the council to levy and collect an assessment of \$6000 on the High School District to aid the Trustees in paying for school building and paying current expenses." Bosh! The petition asked for one thousand dollars—not six thousand dollars! Will Messrs Munsie, Wells and others please correct the report of the Globe.

Editor's Notes.

IMPROVEMENTS.—The contractor, Mr P. Minton is busy laying new side walks in the centre of the village. Mr Daniels is inspector and we may rely on having a good job.

DOMINION DAY.—The programme for the celebration of Dominion Day on Tuesday next, will commence at half-past ten o'clock, a.m., with a lacrosse match for the championship of the County of York; the Newmarket boys and the Rising Star Club, of this village, will try their muscles in this national game; the meeting will take place in the fair ground. At 2 p.m., the athletic games will be conducted, for which prizes will be awarded. The Parton Band will enliven the proceedings, and in their usual good style, and will commence at half-past seven, promptly. The proceeds are in aid of the brass band recently projected in our village. Admission: adults 25 cents, children 15 cents; tickets may be had at any of the stores, and from the members of the committee. The Masonic Hall in which the concert is to be held, will be beautifully illuminated; the two front windows in the upper story will show one a crown and the other a leaf, each encircled with mottoes in white and blue. Immediately after the concert there will be a magnificent torch light procession headed by the band. The various committees are pushing their work energetically, and we have no doubt the arrangements will be in advance of any heretofore made, for having a gala day in honor of the Birth of our fair Dominion.

Mr P. S. Gibson, P.L.S., is engaged in surveying on behalf of future our assessors will be in conformity with the lots on the confines of the corporation.

CONCERT AT THORNHILL.—The Choral Society of Thornhill will give a grand vocal and instrumental concert on Tuesday evening next, July 1st, or Dominion Day. The Society will be assisted on the occasion by some of the most accomplished amateurs from Toronto, and a choice selection of solos, duets, concertos, &c., will be performed. Tickets, 25 cents; to commence at 7.50.

We are pleased to hear by the Mail that at the annual meeting of the Anglican Synod of this Province, which took place in Toronto, Dr. Playfair of this village, who is lay representative of St. Paul's church, Newmarket, having been elected after his removal to Richmond Hill, introduced the following resolution:

"That this Synod be authorized to ever been thought necessary, the use of lotteries, raffia, and other amusements in order to raise money for the support of the Church and the education of its youth, as well as for other religious purposes, will take every opportunity to manifest their strong disapproval of such a proceeding, which, if it meets the time is not far distant when all efforts for religious purposes will be raised by the system of free-will offerings."

This is a step in the right direction, and it might be well if the governing bodies of other churches would adopt similar resolutions, or take some means to check the growing tendency to resort to such means for religious purposes. It is a matter which ought to be recognized properly.

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STRAW WORK Dress and Mantle Making! Done to order on the shortest notice. Shop one door north of Mr. Barnard's store, Richmond Hill. May 8, 1873. 772-1f

MAYOR'S LONG LIFE PILLS! FOR SALE BY R. E. LAW, Druggist, Richmond Hill. April 9, 1873.

DR. JAMES LANGSTAFF, RICHMOND HILL, WILL GENERALLY BE FOUND AT HOME FROM 3 o'clock, P.M. to 5 o'clock, P.M. authorized to collect accounts. February 4th, 1873. 759-1v

BLAKE & KINGSFORD, BARRISTERS, ATTORNEYS, SOLICITORS, Conveyancers, &c., &c., Office, No. 56, Church Street, Toronto, next door north of British American Insurance Buildings. J. N. BLAKE. R. E. KINGSFORD, M.A.

P. O. SAVINGS BANK. RICHMOND HILL POST OFFICE. DEPOSITS OF ONE DOLLAR, (OR any number not exceeding five hundred dollars by any one depositor,) will be received at the Richmond Hill Post Office, for which Government will allow Interest. For particulars apply to M. TEEFY, Postmaster.

MARRIAGE LICENSES. ALSO AGENT FOR THE MONTREAL TELEGRAPH COMPANY. Office hours: from 6.30 A.M. to 9.30 P.M. May 4, 1869 563-1f

List of Letters REMAINING IN THE RICHMOND HILL Post Office, 1st June 1873: Clay, Thomas; McMahon, Walter; Clark, Mr.; McLane, Dueson; Denton, Brown; McCrimmon, Donald; Evans, George (2); McElean, Mr.; Elliot, Miss; McMillan, Alex.; Edwards, John; McConnell, James; Fairchild, Jennie (2); McRae, John; Gardhouses, James; Oster, George; Gray, T.; Parkhill, William; Gibber, Otto; Prince, John; Hall, Thomas; Scott, Rev. J.; Hacking, John; Snider, John; Kevs, Thos.; Sexton of Church, Kyle, D.; Trant, Mr.; Lawrie, James; Teasdale, George; Lee, Reuben (2); Thomas, Richard F.; Marshall, T.; Wright, Mr.

MARRIAGE LICENSES, RICHMOND HILL. M. TEEFY, NOTARY PUBLIC AND Commissioner in B.R., is Government Agent for issuing Marriage Licenses in the County of York. Office hours—7 A.M. to 9.30 P.M. Richmond Hill, Ontario, Dec. 23, 1868.

POETICAL WORK, OF ALL THE different poets, at the HERALD Book Store.

Miscellaneous.

MISS HICKS, MILLINER & DRESS MAKER, PATTERSON, Announces to the ladies in this vicinity, that she is prepared to do all kinds of sewing either at home or her customers' residences, at Low Prices and on the Shortest Notice. Patterson, May 29, 1872. 775-5m

"OCEAN TO OCEAN." SANDFORD FLEMING'S EXPEDITION THROUGH CANADA IN 1872, Being a diary kept during journey From the Atlantic to the Pacific BY THE REV. GEORGE M. GRANT, Of Halifax, N. S., Secretary to the Expedition. WITH SIXTY ILLUSTRATIONS. JAMES CAMPBELL & SON, 775 Publishers, Toronto.

EXAMINATION OF TEACHERS. THE YORK COUNTY Half Yearly Examination Of Candidates for P. S. Teachers' Certificates will commence (T. V.) in the NORMAL SCHOOL, TORONTO, OF III. & I CLASS CERTIFICATES, ON Tuesday, July 15, at 9 a.m.

I CLASS CERTIFICATES. ON MONDAY, JULY 21, AT 2 P. M. SPECIAL CERTIFICATES, IN Optical Subjects, Natural History, Botany and Agricultural Chemistry (open to II. class), ON MONDAY, JULY 14th, AT 2 P. M.

Candidates should give notice of their intention and the class in which they wish to compete, accompanied, in all cases, with certificates of moral character, and, in the case of II. and I. class candidates, with certificates (from practical educators) of success in teaching, there to be in the hands of the Chairman of the Board of Examiners on or before the 14th of June.

D. FOTHERINGHAM, Presiding Inspector. Aurora, May 28, 1873. 775-2

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WINES AND LIQUORS ALL KINDS, Pure and Unadulterated, BLOOD'S DUBLIN PORTER, AND O'KEEFE'S ALE, &c. Crockery & Glassware, GARDEN TOOLS, &c. Farm Produce taken in exchange. CHEAP JAPAN TEA, ONLY 25 CENTS PER LB. Skiving's Improved Purple Top Swede, Mangrel Wurtzel and Carrot Seed, at the DOMINION TEA HOUSE. A. MOODIE.

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Just came to hand, suitable for the SPRING TRADE, At Prices that defy competition. Remember in Boots and Shoes, I cannot be undone. IN THE FLOUR AND FEED Department will be found the very best family Flour manufactured by Rumble & Calvert, Richmond Hill Mills, which has stood the test for a length of time, and is allowed by competent judges to be the best flour brought into the town. Peas, Oats, Bran, Shorts, Bacon, Hams and Potatoes always on hand. A choice lot of BLACK TARTAR OATS now on hand fit for seed. Also Clover, Timothy and Flax Seed. All kinds of field and garden seeds. All kinds of Farm Produce taken in exchange and the highest market price paid. Call and examine our stock before purchasing elsewhere, as we feel confident we can give perfect satisfaction. Remember the place, Corner of Yonge and Centre St., opposite Scaddington & Spadina, RICHMOND HILL. J. BROWN.

FRESH ARRIVALS AT THE PEOPLE'S STORE. The subscriber wishes to announce that he has JUST RECEIVED A Large and Varied Assortment of CROCKERY & GLASSWARE, CONSISTING OF BREAKFAST, DINNER, TEA AND TOILET SETS.

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