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DURHAM CHRONICLE

W. IRWIN, Editor and Proprietor.

DURHAM, JANUARY 2, 1902.

THE HISTORICAL GROWTH

of Municipal Government in Ontario

A Paper read by H. H. Burgess, B. A., at South Grey Teachers' Institute.

The real settlement of Ontario began with the Declaration of American Independence, and the first settlers were largely emigrants from the New England States. Most of them came from New York State and brought with them ideas of local government that were put into practice as soon as the opportune time presented itself. But before Upper Canada was organized into a separate province by the Constitutional Act of 1791 Lord Dorchester's proclamation on July 24th, had divided the territory into four districts: 1) Lunenburg, extending from the present eastern boundary of Ontario to a line running north and south through the mouth of the Gananoque river; 2) Mecklenburg, from this line to a similar line running through the mouth of the Trent river; (3) Nassau, from his line to Long Point on Lake Erie; 4) Hesse, comprising all the rest of the Province thence to the western boundary, which was the middle of the Detroit and St. Clair rivers and of Lake Huron, and extending in a north-westerly direction to the undefined limits (if any) of the King's jurisdiction. For the purpose of parliamentary representation these four districts were, afterwards, by proclamation of Governor Simcoe, July 16th, 1792, divided into nineteen counties, forming the original counties of Upper Canada as follows:— (1) Glengary, Stormont, Dundas, Grenville, Leeds, Frontenac, Ontario 'Isle Tonti' or Amherst Island, 'Isle au Foret' or Gage (now Simcoe Island), Grand (or Wolf) Island, and Isle Cauchois or Howe Island, Addington, Lennox, Prince Edward, Hastings, Northumberland, Durham, York, Lincoln, Norfolk, Suffolk, Essex and Kent. It was not till the year 1849 that the county succeeded the district as a division for municipal judicial or purposes.

The four original districts were renamed during the first session of the first parliament of Upper Canada, Sept. 17th, 1792.—EASTERN, MIDLAND, HOME and WESTERN districts. In

consequence of additional territory and growth in population, the districts were increased to eight, Johnstown, Niagara, London and New Castle districts being formed January 1st, 1800. In 1849 there were twenty districts in Upper Canada. It was in this year that the County became the unit of division for parliamentary purposes.

The management of local affairs in each of the districts, including much of the work now done by the township and town councils, was, until the year 1842, managed by the crown-appointed Justices of the Peace for each district, assembled in their General Quarter Sessions. In 1793, and for several years afterwards, the Court of General Quarter Sessions for the Eastern District used to meet twice each year at New Johnstown, in Edwardsburg, and twice a year at Cornwall; for the Midland district alternately at Kingston and Adolphustown; at Newark quarterly, for the Home district, and for the Western district "in the town of Detroit" with a yearly special session at Michilimackinac, now "the British Landing."

The powers of the Justices of the Peace at the Quarter Sessions included, among other things, the erection and management of Court Houses, gaols and asylums, laying out and improving the roads, levying assessments for these purposes and also to pay the wages of members of Parliament (Legislative Assembly). It was within their jurisdiction to make regulations to prevent accidental fires, to appoint district and township constables, to fix the fees of gaolers, of town or parish clerks and of pound keepers; to appoint street and road surveyors, and Inspectors of weights and measures. It was also the duty of these Magistrates to regulate the management of ferries, and the establishment of markets in towns, also to grant licenses to sell liquor, and to ministers of dissenting congregations authorizing them to solemnize marriages.

As far back as 1793 may be found the germ of the democratic system of municipal government which has so completely superseded the oligarchic method through nominees of the Crown. In this year an Act was passed "to provide for the nomination and appointment of Parish and Town officers within the Province." This Act empowered any two of His Majesty's Justices of the Peace by their warrants to authorize the Constable of any parish, township, reputed township or place, to assemble on the first Monday in March (now the first Monday in January) in each year, the ratepayers of the parish, township, etc., to choose for the ensuing year a clerk, two assessors, a collector, a number of overseers of roads, and fenceviewers, a pound keeper and two wardens. If there was a parish church and a duly appointed minister thereof, he named one warden, and the "town meeting" chose the other. The two were styled Church-wardens. The meeting had no legislative power beyond electing these officers to enforce the laws made by Parliament except to determine the height of lawful fences and to ascertain and determine in what manner and for what period of time horned cattle, horses, sheep and swine shall be allowed to run at large or to decide that any of them shall be restrained from doing so.

The two wardens became a "Corporation" to represent all the ratepayers of the township or parish, with power to act on their behalf, but except as already mentioned they had no legislative power whatever. The Justices of the Peace in their Quarter Sessions retained all the power above mentioned. In case the ratepayers failed to elect the town officers, the Justices appointed them, and in every case filled all vacancies caused by death or removal.

With the growth of new towns and the establishment of markets therein, the Quarter Sessions were given power to make such "rules and regulations as they might deem expedient," for watching, paving, lighting, keeping in repair, cleansing and improving the streets of such towns, regulating the assize of bread, slaughter houses, etc., enforcing the laws in regard to horses, swine and cattle running at large upon the streets.

Gradually the power to manage these matters was transferred to representative bodies elected annually by resident male householders under the name of "Boards of Police." The powers of these "Boards" was enlarged by allowing them "to appoint the town clerk, treasurer, assessors, collectors, bailiffs, etc., to fix the salaries, to levy assessments to purchase real estate for the town, to procure fire engines, and the means of securing pure, wholesome water, lighting, paving the streets, to regulate and to license victualling houses, and public exhibitions; to regulate carts, wharves, weighing of hay, measuring of wood; to prevent riding or driving on sidewalks

and to make rules and regulations as they may deem expedient with power to enforce by inflicting a penalty of 12 1/2s. for violation of any by-law or ordinance of the Corporation." Yet more extensive powers were

granted by the incorporation Acts of Certain Cities (Toronto 1824), and the municipal government was vested in the Mayor and Common Council, the Mayor or being generally chosen by the Council. (The first Mayor of Owen Sound was chosen by the Council and not by vote of the electors as at present).

In 1847, Parliament passed a general Act, allowing the inhabitant householders of any town or village, not specially incorporated to elect "Police Trustees," who were empowered to enforce within the limits of the town or village the regulations of the present Municipal Act, regulations which have remained unchanged on the Statute books for more than fifty years.

Municipal affairs in rural districts still continue to be managed by the Quarter Sessions for the district, acting through the officers appointed by the Act of 1833, and the amendments from time to time.

The marked contrast between the measure of local self-government given to the town electors, and to the rural electors was one which did not fail to produce a profound feeling of dissatisfaction, which was certainly not without cause.

Mr. McEvoy, in his paper on "The Ontario Township" and quoted by C. R. W. Biggar in the Report of the Bureau of Industries says:—"A full and careful study of the 'Orders' of the different District Courts of Quarter Sessions would, I believe, do very much to explain and justify the irritation which was so prevalent during the time that these Courts exercised their taxing and regulating authority. The Court of Quarter Sessions was composed of the Magistrates of the District. The London District consisted of some thirty-two townships, which may be roughly described as those now constituting the counties of Middlesex, Oxford, Huron, Elgin, Brant and Norfolk. At some of the sessions of this Court I find that twenty three magistrates were present, but the usual number present was from six to eleven. All the public funds available for the building of roads and bridges in six counties were in the hands of these six or eleven magistrates appointed for life by the government. In the matter of roads and bridges they were both indifferent and incompetent. They neither knew the needs of the district nor were they sufficiently anxious to supply them to make them at all fitted to open up a new country. In the matter of goals and other public works the court was invested with large authority. They procured plans and estimates for the building of a goal and court-house, of what dimensions they deemed fit, erected these buildings and ordered the people to pay whatever expense had been incurred in the process. They ordered what fare the prisoners should get, and contracted for the supply of the provisions; they ordered what fees the district officers should receive; they had control of public charity and occasionally voted a pittance for the relief of an unfortunate pauper. They exercised the right of granting or withholding the authority to solemnize marriage, ministers of any but the English Church being allowed to perform this ceremony only after much trouble and annoyance. Besides this large Statutory authority they might venture on almost any stretch of power and no person was willing or able to make question of their actions. A body of public officers with such large and unrestricted powers would now be considered by the people somewhat dangerous, even were its members annually subject to popular election. The magistrates, however, who exercised these enormous powers in Quarter Sessions were life appointees of the Government, who often had very meagre qualifications to recommend them for public office. They were frequently old army officers with pensions, and almost always men of sufficient income from some source to render them indifferent to and independent of the hardships and wants of the average hard-working settler."

In spite of all this nearly half a century elapsed before the conception of law, fostered in the men of Ontario by the town meetings, came to its birth. The "District Councils Act" was passed in 1841. By this the inhabitants of each district were, from January 1st, 1842, made a municipal Corporation, and the male inhabitants qualified to vote for township officers were given power to elect representatives to a "District Council" in which was vested the powers to pass by-laws relative to roads, bridges, public buildings, schools, expenses of administration, etc., and to levy taxes for these purposes. All the powers vested in the Quarter Sessions were now transferred to these "District Councils." This important Act which established the Municipal System of Upper Canada was introduced during the first session after the Union in 1841 by the Hon. S. B. Harrison, the then provincial Secretary of Upper Canada. "Imperfect as was this Act, it marks the commencement of a new era in the municipal government of Canada. In the course of a few years it was amended and the people at last obtained full control of the election of their own municipal officers." In 1843, a general

municipal Act was introduced by Robert Baldwin to provide for the incorporation of the townships, towns, counties and cities of Upper Canada. This Bill was defeated, and the Baldwin-Lafontaine government was forced to resign. In 1849 the Bill with some alterations became law.

In the same session by an Act of Parliament (as the boundaries of the districts had in nearly all cases become identical with the boundaries of the counties) the territorial division of the province into districts was abolished and the name of county as a territorial division for judicial as well as for other purposes was retained, and the district goals, court houses, grammar schools and district officers should thenceforth belong to the counties and union of counties, and at the same session all previous local Acts of incorporation were repealed.

The Baldwin Act has been called the Magna Charta of the Municipal Institutions of Canada; still it has been amended nearly every session of Parliament from 1849 to the present time, and seven times consolidated. Yet the changes made have been chiefly in the way of amplification and detail; and, though the powers of municipal councils have since been extended to many subjects, not at that time foreseen, they have in some matters been curtailed. Since 1867 there has been a tendency to transfer to government officials and to bodies, such as Boards of Health, License Commissioners, and Police Commissioners, of a less directly representative and popular character than our municipal councils, certain of the powers which were formerly exercised by the Councils or their officers.

Again the Baldwin Act and its lineal descendants have in their turn become the progenitors and the models of the Municipal Acts in force to-day in nearly every other province of the Dominion. The municipal Act of Manitoba is almost identical with that of Ontario, British Columbia is very similar, and the North-West Territories is taken almost wholly from the Ontario Statute.

In conclusion I may add that something of interest might be said on the organization and government of municipalities, the legislative powers of municipal councils, the taxing powers, and the financial results of municipal government, but the limits of this paper will not permit any enlargement of these topics.

Tax Notice.

We have been requested to notify all who have not yet paid their taxes to do so on or before the 14th of January. Hugh MacKay, the collector, will be at the Middaugh House, Tuesdays and Saturdays to receive the same.—2

DANGER.

The cases are growing startlingly more numerous of railway engineers, of pilots and motormen, dying instantly at their posts. The lives and limbs of scores, hundreds, are thus imperilled. The pilot of a crowded New York City ferry was recently found at a critical moment, stiff in death. The engineer of a lightning express, running at full speed on a "slow" section, with his hand on the lever, dead. June 13th, 1900, a Chicago motorman did not stop as usual at a steam-road crossing, and an engine grazed the rear of his electric car loaded with passengers. He was found with staring eyes, stone dead. Two New Jersey engineers, brothers, have been stricken with paralysis. We have numerous records of these and other similar cases. What is the matter? Their work is exceptionally straining on their nerves, and if they did not have the rest of one day in seven these sudden deaths would be to be expected, if they did not actually happen. Right here, too, is the cause of railway accidents that often cost stockholders from hundreds of thousands to a million or more, in the crash of a second of time. Therefore, "pious" reasons aside, there is danger to life and property in Sunday steam and trolley travel. Danger every day in the week because of it. The dual tyranny of Sunday work, thus enforced on labouring men, has made white slaves of millions of our countrymen. It is no longer safe to ride on sleeper or day trains—on trolley or ferry; and capital and labor both have cause to cry out against Sunday work as an enemy. Do I help this enemy by filling one or by example in favor of Sunday work in any form?—(Niagara Times)

FOR BIG EATERS

Dr. Agnew's Liver Pills are a pleasant and safe Liver Purifier—They stimulate digestion, and cure heart and stomach troubles. Take one after dinner—No inconvenience—They act pleasantly—40 doses in a trial, 10 cents. Never have that tired feeling if you keep your liver active, and Dr. Agnew's Liver Pills are a liver specific. 25 cent vial contains 100 pills.

Sold by MacFarlane & Co., Durham

One Week More and XMAS

will be here. Have you bought your PRESENTS YET? Now is the time to select your Xmas Presents. In Fancy Goods we are offering Albums in Celluloid and Leather, Toilette Sets, Gentleman's Companions in Leather, Handkerchief and Glove Sets, Fancy Photo Frames in Celluloid, also a few Gold Lacquered Frames, Ladies' Work Boxes and Writing Sets.

MUSIC—Violins, Accordions, Mouth Organs and Flutes. PARLOR LAMPS from \$1.00 to \$4.00. GAMES—Crokinole, Fort, Parcheesi and a dozen others. PIPES—Case and Briar Tobacco Pouches and Cigar Holders. PERFUMES—10c to \$2 a bottle. All the best odors by best perfumers. BULK PERFUMES—Seely, Laretier, Roger and Gallet in stock.

Hair Brushes! What is more acceptable than a good HAIR BRUSH? We have one of the finest and best assorted stocks in town.

We wish you all a Very Merry Xmas and a Happy New Year.

Parker's Drug Store

People Wanting

To purchase Christmas and New Year's PRESENTS should call and see our

FANCY NEW SLIPPERS.

They have a look of smartness and novelty. A look that wins the admiration of any person. These goods are not only ornamental, but are useful and will give absolute satisfaction to the wearer. Any person can afford them as the prices are low.

WINTER GOODS: We have the best class of winter wear that has ever been offered in town. Our business in this line has wonderfully increased, showing that we have the goods wanted by the customer.

REPAIRING A SPECIALTY.

PEEL, The Shoe Man

THE CASH SYSTEM HERE

MASSEY -- HARRIS W. D. CONNOR

SHOWROOMS. Manufacturer of And Dealer in

Canada Carriage Co.

Over 28 Cutters on hand to make your choice from. Give us a call and see them on Saturdays, as we make this our special day.

Our Cooking Stoves.

A small line of Cooking Stoves and that famous Top Draft Heating Stove. A trial will cost you nothing, so try the Queen. It will please you.

FIRE INSURANCE promptly attended to. Farmers' Insurance in the Grey & Bruce Farmers' Mutual a specialty, at the Massey-Harris Showrooms on Lambton Street, west of the Middaugh House.

JOHN LIVINGSTON, AGENT, - - DURHAM.

Millinery.

Special Bargains in Millinery.

NOW IS THE TIME TO buy a very pretty trimmed HAT for half price, and for the next two weeks we will offer Special Bargains in the remainder of trimmed stock. We have over thirty-five very pretty Trimmed Hats in Black Velvet and Felt, trimmed in the latest style, to be sold at a very low figure. We will show you a very pretty Hat for \$1.25.

A Good Assortment of Plain Shapes in Sailors and Walking Hats from 25c up.

MISS DICK.

W. D. CONNOR

Pumps of all Kinds.

Galvanized and Iron Piping; Brass, Brass Lined and Iron Cylinders.

Pumps from \$2 upward.

SHOP open every afternoon. All REPAIRING promptly and properly attended to.

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Bargains . .

For This Week:

Ladies' Jackets.

We have a nice assortment of Ladies' Jackets from \$4 00 up to \$10.50. These are Stylish, Tailor-made Jackets, made by Northway & Co. and are All Fitting Garments.

A Boy's Reeper.

We have them in all sizes. If you want a Suit of Clothes for your Boy, come and look at our stock. We have a nice assortment in all Sizes and at all Prices. See them.

C. L. GRANT.

DURHAM SCHOOL.

STAFF AND EQUIPMENT. The school is equipped for full Junior Leaving and Matriculation work, under the following staff of competent teachers for that department: Thos. Allan, Principal. A. Morrison, B. A., (Specialist), Asst. Prin. Miss Lick, B. A., Classics and Moderns. Intending students should enter at beginning of term, or as soon after as possible. Fees, \$1 00 per month. W.M. JOHNSTON, C. L. GRANT, Chairman. Secretary.

Have you tried the REE...

CORNER CONCERN

Mr. David Hillis periodic visits to the old week, but returned again Lake on Monday.

Mr. John Chapman and Markdale, and Mr. R. family, of Artemesia, ate ner with their mothers-in-

Mr. and Mrs. Joe Len Xmas with the former's McNally, of Traverston.

Wood cutting bows ar rage, Messrs. A. Allan, S and Joe Lennox each ha week, which left them supply.

Miss Jas. Tucker is in of late. Few in this pa experienced her kindness affliction and all will v speedily recovery with littl

The Rag Ball Social b night of the 19th proved a ing affair. Mr. Jas. All ed off the balls and all brought good prices he f his element when he took chairman of the meeting forth the talent which w and instruct those who awfully interested in the to forget all else. Miss sang in her usual pleasur Baird, of Winnipeg, sayi that she was forced to reencore and had to sing a closing time, as also had Miss Maud Chapman a Grierson each gave a Teacher McDonald, re wisdom and Miss M. All the affair with instrum Like all other good, loy we sang God Save the d dispersing.

Miss Esther Tucker t and two miles from yet she received the spee attending the full numb the last half of the year.

Miss Ethel Eden has re from Toronto looking mo than ever.

Mr. Jas. Scanston well a few weeks ago, b again and feels equal t showing Reeve McQuee seat on Jan. the 6th.

We wish to take ha have the type setter tal term "slow staff" whic conspicuously in our las not hold a grudge ag longer. We truthfull did use the term once v per was late, because o here worry so for a p Chronicle as soon as it is

Miss Maggie Allan w of Miss Dorothy Lawre friends in town for a week.

Miss Maud Chapman spending a few weeks in this part.

Many of our citizen suffering from the preenza. They claim the air and when you run a know it for sure.

School meeting pass Mr. Jas. Allan elected trustees read a report, good works and a detail the school's progress entire section felt satisf is being as speedily y as can be by the averag the residence in comm school was not sold as a til he has had further e

Messrs. S. Cooper, W nox and W. and J. M north Glenelg, were in Joe Lennox's bee on F got along nicely, too, up that way are not so

Now we must conde and go to the townshi and decide on the ne who can spend money there is quite a pile o

PRICEVIL

The annual conce Grey's Camp No. 57, 58 was held in Watson's h on December 27th, 189 re-union of the Secta families and friends f from the excellent t since its inception, a proportions that the has always been held equate to comfortably increasing audience. ing the efforts of th twelve and members ushlets on this occasi audience were forced the whole time of th and the general go Priceville audience w only for the fact tht gramme was of suc class character that t to find cause for com